

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 4

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Sixth Session

PROPOSED DRAFT GUIDELINES ON RECOGNITION AND MAINTENANCE OF EQUIVALENCE OF NATIONAL FOOD CONTROL SYSTEMS (NFCS)

(Comments of Burundi, Ghana, Morocco, Republic of Korea, Thailand and Uganda)

Burundi

Comment: Burundi supports the accelerated advancement of the guideline to steps 5/8 within the step process, taking into consideration the issues raised below .

Appendix 1

Comment: Burundi proposes the addition of "Decision to commence" as another activity at step 1.

Justification: To align the flow chart to the process steps elaborated in Section 5 of the draft guideline.

Section 1 para 1

Comment: Align with recognition criteria set in

Justification: Add 'In adherence to the regulatory and legislative framework' and addressed with identified competent authority.

Section 2

Comment: Rephrase para 4 as the 'scope (applicability of the guideline)' and para 5 as the 'purpose (objective of the GL)' for clarity.

Section 3

Comment: Include the definition of Equivalence

Justification: The capability of different NFCS, in whole or in part, or different specified measures, to achieve the same objectives, and related outcomes or level of protection. [New Definition adapted from CXG 26-1997).

Section 4a

Comment: This paragraph has not captured assessment criteria

Justification: Addition of the proposed statement at the end to read as 'The equivalence to be determined according to the decision criteria for comparison.

Section 4 b

Comment: Rephrase principal b for clarity.

Justification: To read as 'Importing countries should take into account relevant experience, knowledge and confidence in the exporting country's NFCS, or relevant part, including appropriate assessments by other countries or international organizations.'

Section 5 Para 15

Comment: Delete the 2nd statement 'Alternative mechanisms to address the matters discussed could be considered.' As it's a repetition of the 1st statement.

Ghana

Position: Ghana appreciates the work of the EWG. We propose addition of "Decision to commence" as another activity at step 1.

Rationale: This is to align the flow diagram with Process Step 1 in section 5 of the main text.

Morocco

Le Maroc tient à remercier la Nouvelle-Zélande, les États-Unis d'Amérique et le Kenya pour leur présidence et coprésidence du GTE et pour leur travail excellent en matière de gestion des travaux de discussion et de modération concernant ce groupe. **Le Maroc soutient la progression accélérée aux étapes 5/8 de l'avant-projet.**

Toutefois, le Maroc émet les commentaires suivants :

1. **SECTION 1 – PRÉAMBULE- Point 2** : Le Maroc propose, pour plus de clarification à l'occasion de ce travail de mise à jour et de consolidation des documents Codex relatif à l'équivalence, de clarifier les frontières/ concordances entre **le processus d'homologation** des systèmes d'inspection et de certification des importations et des exportations alimentaires (CAC/GL 26-1997) et le **processus de reconnaissance de l'équivalence**.
2. **SECTION 1 – PRÉAMBULE- Point 3** : « ~~L'étude, l'évaluation, Le processus de reconnaissance et de maintien~~ de l'équivalence de l'ensemble ou d'une partie pertinente du SNCA d'un pays est indépendante de tout processus réciproque susceptible de se produire. Des études réciproques peuvent, si elles sont demandées, porter sur des champs d'application différents, avoir des durées différentes et parvenir à des conclusions différentes ».

Justification : Le Maroc désire rester conforme du titre de l'avant-projet qui traite avec le processus de reconnaissance et de maintien. D'ailleurs, le mot « étude » par exemple n'est pas cité dans l'avant-projet. En outre, le mot « évaluation » est le mécanisme principal du processus de reconnaissance et de maintien de l'équivalence.

3. **SECTION 3 – Définitions : le Maroc** propose la référence ou l'inclusion des définitions proposées dans le document l'avant-projet de consolidation des directives du codex relatives à l'équivalence (CX/FICS 23/26/5)

Justification : Assurer une stabilité d'interprétation

4. **SECTION 4 – PRINCIPES – Evaluation point d. / SECTION 5 – étapes du processus - étape 5 : processus d'évaluation, point 30 - sous point 4 / SECTION 5 – étapes du processus - étape 6 : processus décisionnel, point 33 – sous point 1 :**

Le Maroc constate que le long de l'avant-projet proposé mentionne la question cruciale de la **durée du processus d'évaluation et de décision** par le qualificatif « meilleur délais » 'timely manner ». Or, il est pratiquement d'usage que le processus d'évaluation, de décision et en générale le processus d'équivalence peut durer des années (quelquefois jusqu'à plus de 10ans). A ce titre et afin d'inciter les membres à être plus transparent à ce sujet, le Maroc propose ce qui suit :

- *Changer le terme « meilleur délais » par « délais raisonnable »*
- L'ajout d'un point indépendant au niveau de l'étape 5 : « *Point 33. Les pays importateurs sont encouragés à fournir aux pays exportateurs la durée moyenne normal du processus d'évaluation avant sa conduite. Cette durée doit être raisonnable* ».

5. **Générale** : le Maroc propose de prévoir des mécanismes de flexibilité en instaurant **un processus accéléré** de l'équivalence du processus des systèmes nationaux de contrôle des aliments et pour la réévaluation pour le maintien de l'équivalence. Certes, ce processus sera la volonté actée par les deux parties, mais cet avant-projet doit le prévoir dans ce texte afin d'identifier les étapes (ou parties d'étapes) qui sont susceptible d'être accélérées d'une part. D'autre part, l'intégration d'un processus accéléré dans l'avant- projet permettra aux membres de prendre connaissance de l'existence de tel accords (ententes) conformément aux exigences de l'étape 7 de l'avant-projet mais aussi aux engagement des membres aux termes de l'Accord SPS de l'OMC.

Republic of Korea

Republic of Korea would like to thank each and every working group for all the dedication put into the work on CCFICS. It was a massive job to coordinate various voices of member countries and I send my applause to the job well done.

The purpose of the principles and guidelines should be to help the competent authorities operate their NFCSs, and should not act as a burden on potential trade barriers or trading partners. The examples used throughout the guidelines are generally in favor of maintaining them as they help understand the document, such as clarifying its intentions and the level of recognition of equivalence, but some amendments are submitted as follows.

Para 1 & para 36, text reads ‘recognition of lists of eligible export establishments’ to be deleted because the export establishments are already recognized through assessment process between the countries.

Supports retaining Footnote 5 of para 8 retained.

Para 9. The objective measurement of ‘level of familiarization’ is ambiguous, so ‘reliability’ or ‘confidence’ is preferred.

Para 13. Replaced to ‘scope of request/requirement’ in harmony with other equivalence guidelines instead of ‘condition of trade’.

Para 14. [deletion of ‘timeframe’]

Rational: Since the equivalence evaluation period is variable, it is practically difficult for the importing country to uniformly set and present it to the exporting country, so we suggest the word ‘timetable’ to be deleted.

Para 16. Preferred to combine two examples (verification and monitoring) into one as they are considered similar

Para 18. The criteria for determining the importing country are made in consideration of qualitative and quantitative factors, and it is practically difficult to provide specific criteria uniformly. It is suggested to delete it with the opinion that it may be an excessive burden on the importing country.

Para 30. (Addition) Exporting Countries may verify the items on above list.

Para 30. Suggest to delete a part of paragraph ‘Where justified’. It could be considered unnecessary or variable since it depends on the trade situation between the two countries. Also provided the criterion for judgment is different for each situation, it seems an arbitrary judgment

Para 33. In stead of should, suggest to use another verb ‘may’. Because it leads to importing countries as an undue burden in case of receiving various equivalence recognition from exporting countries.

Para 34. Suggest to delete the entire paragraph. Because additional data is provided during the evaluation process as for supplemental information, thus it seems redundant.

Para 37. Suggest to add phrase such as ‘additional time’ in case there is difficulties in maintaining equivalence.

Thailand

General comments:

The scope of this document covers the entire NFCS or the relevant part. To be clear and consistent, when mentioning NFCS, the term “NFCS or relevant part” should be used throughout the document

Specific comments:

SECTION 5 – PROCESS STEPS

5.1 STEP 1: INITIAL DISCUSSIONS, SCOPE AND DECISION TO COMMENCE

Initial discussions

paragraph 8

To be aligned with Figure 1: Equivalence of National Food Control Systems Process (Exporting country – Scope identified and formal request made – Step 1), in the first sentence, we propose to insert the word “formally” before “requesting”. So, the sentence should read:

“8. Prior to a country ***formally requesting*** consultations on the recognition of the equivalence of its NFCS or the relevant part, it is recommended that initial discussions take place between the relevant competent authorities of both countries. These discussions can help identify if commencing an assessment of the equivalence of the exporting country’s NFCS is the most appropriate approach or whether some other mechanism would be better to address the matters under discussion.”

Scope Considerations

paragraph 11, bullet 3

We would like to seek for clarification for the term “qualitative claims” mentioned in this section.

5.5 STEP 5: ASSESSMENT PROCESS

paragraph 30, bullet 3

From our view “overarching goals” should be removed for these reasons: 1) the term “achieving the objectives” is sufficiently clear 2) the definition of “overarching goals” is not defined and 3) in the consideration of relevant parts of NFCS, “overarching goals” could not be referred. Therefore, this bullet should read:

“• weigh the outcome of the various elements of the exporting country’s NFCS relative to their impact on achieving the objectives ~~and or overarching goals~~ of the importing country’s NFCS or relevant part;”

Uganda

Comment: Uganda supports the accelerated advancement of the guideline to steps 5/8 within the step process, taking into consideration the issues raised below .

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