

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 6.1

CX/FICS 20/25/6 Add.1

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**  
**CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION**  
**AND CERTIFICATION SYSTEMS**  
**Twenty-Fifth Session**

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

Comments in reply to CL 2020/02/OCS-FICS

Comments of Canada, Colombia, Ecuador, Denmark, European Union, Honduras, Indonesia, India, Iraq, Japan, Mauritius, Mexico, Nicaragua, New Zealand, Norway, Paraguay, Switzerland, Thailand, United States of America, Zambia, FAO, and CCTA.

## **Background**

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2020/02/OCS-FICS issued in February 2020 with a deadline for submission of comments of 1 May 2020.

## **Explanatory notes**

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format.

3. As a result of the rescheduling of the CCFICS25 session from 27 April-1 May 2020 to 22-26 March 2021, the timelines for the EWG on recognition and maintenance of equivalence of NFCS were adjusted. The EWG is continuing its work including addressing the attached comments (Annex I).

**ANNEX I**

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
<b>GENERAL COMMENTS</b>	
<p>Canada would like to thank the Chairs and members of the electronic working group for their work on the further elaboration of the draft guidelines.</p> <ul style="list-style-type: none"> <li>• While the document has progressed, Canada would suggest that further elaboration would be useful to provide clarifications in some areas, enhance consistency with existing Codex guidelines, and minimize redundancies.</li> <li>• Objectives, outcomes and decision criteria: The intent of this document is to provide guidance for the objective comparison of the exporting country’s national food control system (NFCS) or parts thereof, to the importing country’s system to determine if they achieve the same outcomes / meet the same objectives, even if the systems are structured differently. The means for this objective comparison is described in the document using the terms “objectives”, “outcomes” and “decision criteria”. Canada is of the view that the document requires further work to support consistent use of the terms and interpretation of the concepts related to these terms as they are essential to resolving the challenge identified by the committee regarding the assessment of equivalency between two or more NFCS, or parts thereof, when an importing country and an exporting country take different approaches which achieve the same objectives / outcomes. Areas that require further work in the document include for example paragraph 17 of the document which lists different elements of the NFCS that should be associated with NFCS objectives by the importing country. Some or all of these elements are associated with outcomes that contribute the overall objectives of the NFCS. Further, inclusion of descriptions/examples of objectives for the elements would be useful to the users of the document.</li> </ul>	<p><b>Canada</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>
<p>Pursuant to the point above, Canada would suggest deleting the term “Overarching goals” from the document since it adds unnecessary new terminology. We note that the term only occurs twice in the text:</p> <ul style="list-style-type: none"> <li>o “Overarching goals” is used in Section 3, in the definition of “NFCS objectives”, to indicate that the “overarching goals” of the NFCS are to protect the health of consumers and ensure fair practices in the food trade. This is a definition within a definition and we would suggest that it not needed. We note that CAC/GL 82-2013 (Section 2) specifies that the objective of a national food control system is to protect the health of consumers and ensure fair practices in the food trade. In this context, the term “overarching goals of the NFCS” has the same meaning of “objective of a NFCS” as used in CAC/GL 82 2013.</li> <li>o Further, in section 5.5, paragraph 30, 3rd bullet: “objectives” and “overarching goals” are used interchangeably to refer to the objectives of the NFCS or parts thereof. We would also suggest deleting this occurrence of “overarching goals since the difference between “overarching goals” and “objectives” of a NFCS is not clear and could lead to confusion.</li> </ul> <ul style="list-style-type: none"> <li>• Canada would suggest that the development of practical/illustrative examples of some NFCS elements and</li> </ul>	<p><b>Canada</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>

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<p>their associated objectives, decision criteria, outcomes, and indicators would be useful to help with the understanding of the practical implementation of this document.</p>	
<p>Switzerland would like to thank New Zealand, the United States and Chile for leading the work on systems equivalence.</p> <p>Switzerland supports the proposed draft guidelines as presented with the following comments:</p>	<b>Switzerland</b>
<p>New Zealand thanks the members of the electronic working group and our co-chairs (USA and Chile) for their valuable contributions and support in preparing the draft guidelines attached as appendix I to CX/FICS 20/25/6.</p> <p>The development of these draft guidelines has occurred with significant input from a wide range of Codex members and observers over several years. Discussion and revision of the draft to reach its current point has occurred via electronic and physical working groups and at previous sessions of CCFICS. New Zealand believes that there is high level of consensus on the current draft.</p> <p>New Zealand is therefore strongly of the view that it is now appropriate for the proposed draft guidelines to be recommended for accelerated progress within the step process and that the next session of the CAC be asked to adopt the Proposed Draft Guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS) at steps 5 – 8.</p>	<b>New Zealand</b>
<p>Mixed Competence</p> <p>European Union Vote</p> <p>The European Union and its Member States (EUMS) would like to thank New Zealand, the United States and Chile for leading the work on systems equivalence.</p> <p>The EUMS support the proposed draft guidelines as presented in Appendix 1 of CX/FICS 20/25/6 with the following comments:</p>	<b>European Union</b>
<p>Indonesia would like to express appreciation to New Zealand as a Chair, US and Chili as Co-Chairs of EWG for their efforts to prepare the proposed draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS). Indonesia has studied the draft and has a view that:</p> <ol style="list-style-type: none"> <li>a. The guidelines are more facilitating the exporting country.</li> <li>b. To address the concern among Codex members on para 25 in the 24th CCFICS report, that “The guidelines should not put a heavy burden on the importing country, in particular to provide evidence on how its NFCS met the objectives”</li> </ol> <p>Indonesia suggests that the guidelines should describe more about the mutual benefit for both importing and exporting countries.</p>	<b>Indonesia</b>
<p>From our view, the document only provides guidance for the exporting countries when requesting for the assessment of equivalence of the whole or a related part of NFCS, we considered that this document could be useful for both exporting and importing countries. Therefore, the document should provide opportunities for both exporting and importing</p>	<b>Thailand</b>

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countries to request for the assessment of equivalence and consistent with flow chart in Figure 1.	
Paraguay considers that the document is well-written and we support its progress	<b>Paraguay</b>
<p>The United States would like to offer some recommended changes on the Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems. These comments will guide our consideration of whether the document is ready for advancement at the upcoming CCFICS 25 meeting.</p> <p>The U.S. will propose the changes at the physical working group in advance of CCFICS 25</p>	<b>USA</b>
<p>FAO would like to thanks the Chair and Co-chairs for their work on this document. We also note the recommendation of CCFICS 24 that requested the inclusion of examples to illustrate some concepts that were still difficult to capture, such as "decision criteria, and how variability and uncertainty estimates could influence the assessment process" . To our opinion, it remains a point that is not sufficiently addressed in the current draft and would deserve some attention from the Committee.</p>	<b>FAO-AGFF</b>
we agree with proposed draft and we have no comments.	<b>Iraq</b>
<b>TECHNICAL COMMENTS</b>	
<b>SECTION 1 – PREAMBLE / INTRODUCTION</b>	
<p>1 A large majority of trade in food occurs without exporting countries <del>being required to undergo a detailed assessment of their National Food Control System (NFCS) entering into equivalence or systems recognition arrangements with importing countries</del><sup>1</sup>. <del>However, where</del> <u>Where an importing country requires</u> <del>seeks</del> additional assurances from the exporting country as <del>a pre-condition part of trade then its legislative requirements or risk analysis process for imports, several mechanisms are outlined in existing Codex guidelines may facilitate this to undertake such activities</del>. For example, CXG 89-2016<sup>2</sup> provides guidance on the exchange of NFCS information between importing and exporting countries to support trade in food and CXG 26-1997<sup>3</sup> provides guidance on, among other elements, the assessment of a Food Inspection and Certification System. Countries may also use CXG 53-2003 for further evaluation of a single sanitary or group of sanitary measures.</p>	<p><b>Canada</b> Canada has proposed some revisions to this paragraph to clarify the text. It is recommended to delete “as a precondition of trade”. Countries may seek equivalence or systems recognition agreements, or further information while trade is ongoing, as a means to reduce duplication of oversight and in order to better prioritize resources for the oversight of imports, as indicated in the next paragraph.</p>
<p>1 A large majority of trade in food occurs without exporting countries being required to undergo a detailed assessment of their National Food Control System (NFCS)<sup>1</sup>. However, where an importing country requires additional assurances from the exporting country as a pre-condition of trade then several mechanisms outlined in existing Codex guidelines may facilitate this. For example, CXG 89-2016<sup>2</sup> provides guidance on the exchange of NFCS information between importing and exporting countries to support trade in food and CXG 26-1997<sup>3</sup> <b>provides guidance</b> on, among other elements, the assessment of a Food Inspection and Certification System. Countries may also use CXG 53-2003 for further evaluation of a single sanitary or group of sanitary measures.</p>	<p><b>Mauritius</b> repetitive</p>

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<p>1 A large majority of trade in food occurs without exporting countries being required to undergo a detailed assessment of their National Food Control System (NFCS)<sup>1</sup>. However, where an importing country requires additional assurances from the exporting country as a pre-condition of trade then several mechanisms outlined in existing Codex guidelines may facilitate this. For example, CXG 89-2016<sup>2</sup> provides guidance on the exchange of <del>NFCS</del> information <u>pertaining to NFCS</u> between importing and exporting countries to support trade in food and CXG 26-1997<sup>3</sup> provides guidance on, among other elements, the assessment of a Food Inspection and Certification System. Countries may also use CXG 53-2003 for further evaluation of a single sanitary or group of sanitary measures.</p>	<p><b>Mauritius</b></p>
<p>1 A large majority of trade in food occurs without exporting countries being required to undergo a detailed assessment of their National Food Control System (NFCS)<sup>1</sup>. However, where an importing country requires additional assurances from the exporting country as a pre-condition of trade then several mechanisms outlined in existing Codex guidelines may facilitate this. For example, CXG 89-2016<sup>2</sup> provides guidance on the exchange of NFCS information between importing and exporting countries to support trade in <del>food and food</del>; CXG 26-1997<sup>3</sup> provides guidance on, among other elements, the assessment of a Food Inspection and Certification System. <del>Countries may also use</del>; and CXG 53-2003 for further evaluation of a single sanitary or group of sanitary measures.</p>	<p><b>Indonesia</b> Rationale: To make it concise</p>
<p>1 A large majority of trade in food occurs without exporting countries being required to undergo a detailed assessment of their National Food Control System (NFCS).<sup>1</sup> However, when an importing country requires additional assurances from the exporting country as a pre-condition of trade then several mechanisms outlined in existing Codex guidelines may facilitate this. For example, CXG 89-2016<sup>2</sup> provides guidance on the exchange of NFCS information between importing and exporting countries to support trade in food and CXG 26-1997<sup>3</sup> provides guidance on, among other elements, the assessment of a Food Inspection and Certification System. Countries may also use CXG 53-2003 for further evaluation of a single sanitary or group of sanitary measures. <u>According to paragraph 1, equivalence may be established as a pre-condition of trade. However, paragraphs 11, 12 and 29 and bullet point 1 of para. 29 reference pre-existing trade conditions. It is therefore suggested to add the following text to para. 1: "...as a pre-condition of trade or to modify the existing conditions of trade, there are several mechanisms..."</u></p>	<p><b>Mexico</b> Given that NFCSs in exporting countries may evolve over time, consider the possibility that, as there is prior trade in the food/food group, the importing and exporting countries may wish to improve or modify the conditions and checks applied, through equivalence.</p>
<p><b>Footnote 1</b> <del>Refer to Principles and guidelines for National Food Control Systems (CXG 82-2013)</del></p>	<p><b>Canada</b> Canada has proposed some revisions to the paragraph to clarify the text. It is recommended to delete "as a pre-condition of trade".</p>
<p><b>Footnote 1</b> Refer to Principles and guidelines for National Food Control Systems (CXG 82-2013)</p>	<p><b>Mauritius</b> also useful as resource: <a href="http://www.fao.org/3/a-y8705e.pdf">http://www.fao.org/3/a-y8705e.pdf</a></p>
<p>2 <del>Recognition</del> Countries may wish to enter into arrangements for the recognition of the equivalence of the</p>	<p><b>Canada</b> Proposed revisions to enhance</p>

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<p>whole or a part of an exporting country's NFCS as relevant to the trade in foods <del>can to: provide an enhanced means of assuring that exported products conform to importing country requirements and minimize unnecessary duplication of controls while providing an effective means for protecting the health of consumers activities and ensuring fair practices in the food trade.</del> use resources more efficiently and effectively.</p>	<p>consistency with CAC/GL 34-1999, paragraphs 2 and 3.</p>
<p>2 Recognition of the equivalence of the whole or a part of an exporting country's NFCS <del>as relevant to in the trade in of</del> foods can minimize unnecessary duplication of controls while providing an effective means for protecting the health of consumers and ensuring fair practices in the food trade.</p>	<p><b>Mauritius</b></p>
<p>2 <del>Recognition</del> Taking into account countries have a right to set their own level of protection, recognition of the equivalence of the whole or a part of an exporting country's NFCS as relevant to the trade in foods can minimize unnecessary duplication of controls while providing provide an effective means for protecting the health of consumers and ensuring fair practices in the food trade <del>trade while minimizing unnecessary duplication of controls.</del></p>	<p><b>Indonesia</b>                  Indonesia would like to restate our previous comments.                  Rationale:  <ul style="list-style-type: none"> <li>We suggest to add a phrase: "Taking into account countries have a right to set their own level of protection" in the beginning of the sentence to emphasize that the level of protection between the importing country and the exporting country could be different in the assessment of NFCS, that is the reason why it needs to be recognized.</li> <li>Further, Indonesia proposes modifying this para by moving a phrase "while minimizing unnecessary duplication of controls" to the end of the sentence. Since the main objective of this guideline is to protect the health of consumers and to ensure fair practices in the food trade which can be carried out by minimizing duplication of controls.</li> </ul> </p>
<p>3 This guideline complements the existing Codex guidelines on NFCS<sup>1</sup> and food inspection and certification systems (including assessing equivalence<sup>3</sup>, and the development of equivalence agreements<sup>4</sup>); the exchange of information to support trade in food<sup>2</sup>; and the guidance on the judgement of equivalence of sanitary measures<sup>5</sup>.</p>	<p><b>CCTA</b>                  Footnotes number 3 comes before 2, this should be corrected</p>
<p>4 <del>The consideration, assessment, recognition, While the assessment and maintenance recognition of the equivalence of one country's NFCS in whole an exporting country NFCS, or the relevant part parts thereof, by an importing country is independent of any a one way process, the two countries may agree to undertake reciprocal process occurring assessments of each other's systems or part thereof. Reciprocal considerations, where requested, assessments may have different scopes and commodities and may arrive at different conclusions. conclusions based on the outcome of the assessment.</del></p>	<p><b>Canada</b>                  We understand that the intent of this paragraph is to clarify that the assessment of an exporting food control system by an importing country does not automatically mean agreement to conduct a reciprocal assessment of the importing country's food control system. We agree with its inclusion but would suggest that it would be better placed in section 5.1 rather than in the introduction. We have also provided a proposed revision to clarify the intent of the text.</p>
<p>4 The consideration, assessment, recognition, and maintenance of the equivalence of one country's NFCS in whole or the relevant part is independent of any reciprocal process occurring. Reciprocal considerations, where</p>	<p><b>Mauritius</b>                  Perhaps it would be relevant to add the definition for the term "reciprocal</p>

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requested, may have different scopes and may arrive at different conclusions.	considerations" to distinguish it from the process of equivalence recognition?
<b>SECTION 2 – SCOPE / PURPOSE</b>	
<p>The following text may be included in Section 2 - Scope/Purpose:</p> <p>“Wherever the countries enter into equivalence of NFCS in whole or in part, there would not be requirement of recertification of food products on international trade provided they are specifically mentioned in the equivalence arrangements, e.g. identified phytosanitary requirements.”</p>	<p><b>India</b></p> <p>Rationale: The objective of CCFICS Draft Guidelines on Recognition and Maintenance of Equivalence of NFCS is to facilitate smooth trade of food products ensuring food safety, protecting the health of consumers and ensuring fair practices in the food trade, hence there has to be a linkage between the Draft Guidelines on Recognition and Maintenance of Equivalence of whole NFCS or in part, accordingly one of the outcome would be avoiding recertification of food products in international trade.</p>
<b>SECTION 2 – SCOPE / PURPOSE</b>	
	<p><b>Indonesia</b></p> <p>Indonesia would like to restate our previous comment that on section 2 no need to add the word "PURPOSE"</p> <p>Rationale:</p> <ul style="list-style-type: none"> <li>• The term “SCOPE” is more appropriate than the term “PURPOSE” because the term “SCOPE” is the common term used in the existing Codex guidelines.</li> <li>• Refer to para 11, this guideline only use the term – Scope Considerations, not Purpose Consideration</li> </ul>
<p>6 <del>A request for a recognition Assessments of equivalence a national food control system</del> may relate to either the protection of the health of consumers or ensuring fair practices in the food trade and may be associated with an include the entire NFCS or the a part of a NFCS relevant to the trade in foods covered by the request.<sup>6</sup></p>	<p><b>Canada</b></p> <p>Suggested revision to clarify the text.</p>
<p>6 A request for a recognition of equivalence may relate to the protection of the health of the consumer, or ensuring fair practices in the food trade and may be associated with an entire NFCS or a part of a NFCS relevant to the trade in foods covered by the request.<sup>6</sup></p>	<p><b>Colombia</b></p> <p>Strike out the comma after the term consumer.</p> <p>A request for a recognition of equivalence may relate to the protection of the health of the consumer or ensuring fair practices in the food trade and may be associated with an entire or a part of a NFCS relevant to the trade in foods covered by the request.</p>
<b>SECTION 3 – DEFINITIONS</b>	
<p><del>Equivalence of systems: the capability of different NFCS or parts of a NFCS to meet the same objectives.</del></p>	<p><b>Canada</b></p> <p>Canada questions the need for a definition of “Equivalence of systems” and would suggest deleting it. The term “Equivalence” is already defined as “the capability of different inspection and certification systems to meet the same objectives”. This definition is broad</p>

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	enough to encompass the proposed definition. Further, we note that text comparable to the definition is included as a principle in section 4, para 7, a. Hence, the proposed definition is a duplication of the principle.
<u>Equivalence of systems:</u> the capability of different NFCS or parts of a NFCS to meet the same objectives.	<b>Mauritius</b> is the term "parts" referring to components of a FCS like Food law ? or to various subjects under consideration like inspection and certification
<u>Equivalence of systems:</u> the capability of different NFCS or parts of a NFCS to meet the same objectives.	<b>Thailand</b> The term "equivalence of NFCS" should be used instead of "equivalence of systems" in order to avoid confusion and be clear that the Guidelines are intended for a recognition of equivalence of the whole or a part of NFCS. The definition should then read: "Equivalence of NFCS: the capability of different NFCS or parts of a NFCS to meet the same objectives".
<del>NFCS Objectives: the intent or purpose of the core elements of the NFCS or the relevant part including how these contribute to the overarching goals of the NFCS to protect the health of consumers and ensure fair practice in the food trade.</del>	<b>Canada</b> Canada would suggest deleting this definition since it does not add clarity or substance to the document. We note that the definition refers to "core elements of the NFCS", a term that does not appear elsewhere in the document. Section 5.2, paragraph 17, refers to the elements of a NFCS. In CAC/GL 53-2003 sanitary measures are expressed as infrastructure, including legislative basis, program design and specific requirements, which are same as the "elements" in Section 5.2, paragraph 17. Given the broad definition of sanitary measure, there needs to be a clear differentiation so there aren't two terms (i.e., sanitary measures and elements) with the same overlapping meaning.  Further, the text "including how these contribute to the overarching goal..." is not a definition.
<del>NFCS Objectives: The intent or purpose of the core elements of the NFCS or the relevant part including how these contribute to the overarching goals of the NFCS to protect the health of consumers and ensure fair practice in the food trade.</del>	<b>Nicaragua</b> Codex texts, in particular those issued by the same subsidiary body, should, where possible, be consistent in their wording.  Nicaragua therefore suggests that the above text be deleted, given the wording set out in paragraph 6 of CAC/GL 82-2013.  In addition, the section that is crossed out does not follow the usual structure of a definition.

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<p>Criterios de decisión: los factores utilizados para determinar si el SNCA del país exportador o la parte pertinente <u>de dicho sistema</u> cumple con los objetivos del SNCA, o partes pertinentes, del país importador para los productos en consideración.</p>	<p><b>Colombia</b> La expresión de dicho sistema aclara que se refiere a una parte del SNCA.  Favor tener en cuenta esta propuesta en todo el documento.</p>
<p><b>SECTION 4 – PRINCIPLES</b></p>	
<p><b>SECTION 4 – PRINCIPLES</b></p>	<p><b>Nicaragua</b> Nicaragua believes that the equivalence processes are relevant in achieving the expected objectives of a NFCS, simultaneously enabling the costs associated with the process to be reduced and generating benefits to the food trade.  Therefore, it suggests incorporating a principle referring to trade facilitation, the proposed wording corresponds to:  Trade facilitation  Countries should establish the conditions that allow for their inspection, certification and/or authorization procedures to be simplified. System Equivalence can contribute to this; without this reducing the countries' rights and obligations to safeguard human and animal health or to protect plants and fair practices in food trade.  The proposed text is also consistent with the document "The relationship between the Trade Facilitation Agreement and the Agreement on the Application of Sanitary and Phytosanitary Measures", see <a href="https://www.wto.org/english/tratop_e/sps_e/etf_sps_e.pdf">https://www.wto.org/english/tratop_e/sps_e/etf_sps_e.pdf</a></p>
<p><b>Equivalence of systems</b></p>	<p><b>Ecuador</b> In order for National Food Control Systems (NFCS) to be considered equivalent, technical criteria should be used to determine whether or not the NFCSs of food exporting and importing countries are equivalent on consumer health protection and fair trade.</p>
<p><b>Equivalence of Systems</b></p> <p>a. Countries should recognize that NFCS's, or the relevant parts thereof, of importing and exporting countries, although designed and structured differently, may be capable of meeting the same NFCS objectives with respect to protecting the health of consumers and ensuring fair practices in the food trade and can therefore be found to be equivalent.</p>	<p><b>Norway</b> We support this principle and that there may be different "ways" to achieve the same same NFCS objectives. When reading through the document and especially the chapter on setting decision criteria, we would like to see this principle better reflected. See our comment to paragraph 22.</p>
<p><b>Experience, Knowledge and Confidence</b></p>	
<p>• b. Countries should consider relevant <u>experience, knowledge and confidence</u> and may consider <u>appropriate</u></p>	<p><b>Canada</b> The reference to "appropriate assessment" is unclear; It is suggested to further clarify</p>

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<p>assessments by other countries or international organizations.</p>	<p>the text by specifying which assessments or providing examples of appropriate assessments.</p>
<ul style="list-style-type: none"> <li>b. Countries should consider relevant experience, knowledge and confidence and may consider appropriate assessments by other countries or international organizations.</li> </ul>	<p><b>Canada</b> Canada would suggest including a footnote referring to Paragraphs 9-14 of the Appendix to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems (CAC/GL 53-2003), which provide guidance relating to what constitutes experience, knowledge and confidence.</p>
<ul style="list-style-type: none"> <li>b. Countries should consider relevant experience, knowledge and confidence and may consider appropriate assessments by other countries or international organizations.</li> </ul>	<p><b>FAO-AGFF</b> FAO would like to suggest making explicit reference to the use of the FAO/WHO Food control system assessment tool and encourage sharing of information generated during assessments as a way to facilitate dialogue and mutual understanding between trading partners.</p>
<p>b. Countries should consider relevant experience, knowledge and confidence and may consider appropriate assessments by other countries or international organizations.</p>	<p><b>Thailand</b> To be in accordance with the project document which state that "The new work will consider the application of systems equivalence to countries at different stages of development", we propose to add the sentence into paragraph 7, sub-section b as follows:  b. Countries should consider relevant experience, knowledge and confidence and may consider appropriate assessments by other countries or international organizations. The different level of development between the exporting and importing countries should be taken into account."</p>
<b>Alignment with International Standards</b>	
<ul style="list-style-type: none"> <li>c. The use of or reference to Codex standards, guidelines, and/or codes of practise by importing and exporting countries can facilitate the consideration, assessment and recognition of the equivalence of a NFCS, or the relevant part.</li> </ul>	<p><b>Mauritius</b> the word "facilitate" does not seem strong enough. More consideration could be given to those countries that use Codex standards</p>
<ul style="list-style-type: none"> <li>c. The use of or reference to Codex and/or other relevant international standards, guidelines, and/or codes of <del>practise</del> practice by importing and exporting countries can facilitate the consideration, assessment and recognition of the equivalence of a <del>an</del> NFCS, or the relevant part.</li> </ul>	<p><b>Indonesia</b> Rationale: Indonesia considers to include international standards other than Codex standards since those standards could complement each other.</p>
<ul style="list-style-type: none"> <li>c. The use of or reference to Codex standards, guidelines, and/or codes of <del>practise</del> practice by importing and exporting countries can facilitate the consideration, assessment and recognition of the equivalence of a NFCS, or the relevant part.</li> </ul>	<p><b>CCTA</b></p>

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<ul style="list-style-type: none"> <li>c. The use of references to Codex standards, guidelines, and/or codes of practise by importing and exporting countries can facilitate the consideration, assessment and recognition of the equivalence of a NFCS, or the relevant part.</li> </ul>	<p><b>Honduras</b> Honduras suggests that this should also include the reference to and use of international standards and guidelines that are not CODEX but that are internationally recognized and necessary to support the equivalence of an NFCS (e.g. the ISO International Organization for Standardization Conformity Assessment standards)</p>
<b>Assessment</b>	
<p><b>Assessment</b></p>	<p><b>Ecuador</b> To ensure consumer health is protected, it is important to consider the types of tests that will be conducted on products placed on the market, according to the type of food.</p>
<p><del>d. The assessment process should evaluate whether the relevant NFCS objectives are met and should be transparent; evidence-based; outcome-focused and be conducted in a cooperative and timely manner.</del></p>	<p><b>Honduras</b> “The assessment process should evaluate whether the relevant NFCS objectives are met and should be transparent; documented or recorded; evidence-based; outcome-focused and be conducted in a cooperative and timely manner.</p>
<p>d. The assessment process should evaluate whether the relevant NFCS objectives are met and should be transparent; evidence-based; outcome-focused and be conducted in a cooperative and timely manner.</p>	<p><b>Ecuador</b> d. The assessment process should evaluate whether the relevant NFCS objectives are met and should be transparent; evidence-based; outcome-focused and be conducted in a cooperative and timely manner.</p>
<b>SECTION 5 – PROCESS STEPS</b>	
<p><del>Step 3: The decision criteria for comparison</del> <u>Description of exporting country’s NFCS or relevant part</u></p>	<p><b>Indonesia</b> Indonesia proposes to switch the order of the step 3 and step 4, as stated in our previous comments.  Rationale:  In order to share the benefit between importing and exporting countries and doing the equivalence step in a cooperative manner as stated on para 22 of the 24th CCFICS report, we suggest that both countries have equal regarding NFCS information of its trading partner. Then they can decide the criteria for comparison, together. Therefore, Indonesia suggests to switch step 3 and step 4 to make the process more effective and transparent.</p>
<p><del>Step 4: Description of exporting country’s NFCS or relevant part</del> <u>The decision criteria for comparison</u></p>	<p><b>Indonesia</b> Indonesia proposes to switch the order of the step 3 and step 4, as stated in our previous comments.  Rationale:  In order to share the benefit between importing and exporting countries and</p>

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	doing the equivalence step in a cooperative manner as stated on para 22 of the 24th CCFICS report, we suggest that both countries have equal regarding NFCS information of its trading partner. Then they can decide the criteria for comparison, together. Therefore, Indonesia suggests to switch step 3 and step 4 to make the process more effective and transparent.
<b>5.1 STEP 1: INITIAL DISCUSSIONS, SCOPE AND DECISION TO COMMENCE</b>	
<p>9 Prior to an exporting country formally requesting an importing country to enter into consultations on the recognition of the equivalence of systems, initial discussions should take place between the relevant competent authorities of both countries to identify if commencing an assessment of the equivalence of systems is the most appropriate approach or whether some other mechanism<sup>9</sup> would be better.</p>	<p><b>USA</b> As agreed at the 24th session of CCFICS, this document will not replace/subsume traditional (measure-by-measure) equivalence. While there is reference to use CXG 53-2003 for further evaluation of a single sanitary [measure] or group of sanitary measures in the Preamble, the United States requests that the examples listed in Footnote 9, associated with paragraph 9, are amended to add, "equivalence of a sanitary measure or group of measures,".</p>
<p>9 Prior to an exporting country requesting <u>to enter into the formal process with</u> an importing country <del>to enter into formal consultations</del> on the recognition of the equivalence of systems, initial discussions should take place between the relevant competent authorities of both countries to identify if commencing an assessment of the equivalence of systems is the most appropriate approach or whether some other mechanism<sup>9</sup> would be better.</p>	<p><b>Mexico</b> The consultations are considered part of the initial discussion, prior to the formal process of equivalence.</p>
<p><b>Footnote 9</b> Examples of other mechanisms include, but are not limited to: <u>equivalence of a sanitary measure or group of measures</u>; compliance with importing county requirements; harmonisation of requirements; mutual recognition; memoranda of understanding; or assurances based on some other means acceptable to both countries.</p>	<p><b>USA</b> Suggested the following additional text: "equivalence of a sanitary measure or group of measures;"</p>
<p>10 Relevant matters for the initial discussions and which can also relate to the likelihood of success<sup>10</sup> may include:</p>	<p><b>Mexico</b> Consider two approaches:  Harmonising the NFCS of the exporting country with international standards, and ensuring there are similarities between the NFCS of the importing and exporting countries.  Both approaches may determine the possibility of success in negotiations on equivalence</p>
<p><b>Para 10, Bullet 1</b></p> <ul style="list-style-type: none"> <li>• experience, knowledge and confidence derived from, for example: the history and level of trade between the countries; the history of compliance with the importing country's requirements; the level of familiarization and/or</li> </ul>	<p><b>Mauritius</b> can we also consider the history of compliance with other major partners? guidelines or standards in other importing countries</p>

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<p>cooperation between the competent authorities; and the exporting country's general trading history<sup>11</sup>;</p>	
<p><b><u>Para 10, Bullet 1</u></b></p> <ul style="list-style-type: none"> <li>experience, knowledge and confidence derived from, for example: the history and level of trade between the countries; the history of compliance with the importing country's requirements; the level of familiarization and/or cooperation between the competent authorities; and the exporting country's general trading history, <b><u>particularly the food products involved in the equivalence determination.</u></b><sup>[11]</sup>;</li> </ul>	<p><b>Thailand</b></p> <p>To be clear and in accordance with CXG 53-2003, we propose to add the phrase "particularly the food products involved in the equivalence determination" at the end of this bullet.</p>
<p><b><u>Para 10, Bullet II</u></b></p> <ul style="list-style-type: none"> <li>similarity of design and/or consistency of each country's NFCS in whole or the relevant part [<del>with international standards</del>] including the legislative foundations and NFCS objectives;</li> </ul>	<p><b>Switzerland</b></p> <p>the paragraph refers to similarities between the NFCS of exporting and importing countries, not to similarities with international standards</p>
<p><b><u>Para 10, Bullet II</u></b></p> <ul style="list-style-type: none"> <li>similarity of design and/or consistency of each country's NFCS in whole or the relevant part [<del>with</del> <u>with</u> international standards] standards, including the legislative foundations and NFCS objectives;</li> </ul>	<p><b>Mauritius</b></p> <p>why are there brackets?</p>
<p><b><u>Para 10, Bullet II</u></b></p> <ul style="list-style-type: none"> <li>similarity of design and/or consistency of each country's NFCS in whole or the relevant part [with international standards] including the legislative foundations and NFCS objectives;</li> </ul>	<p><b>FAO-AGFF</b></p> <p>1) while similarity of "design of NFCS" may at first sight make the process of determining equivalence easier, it is not necessarily an indication of likelihood of success, as the process should focus on outcomes achieved by the system. FAO considers that highlighting this factor is actually contrary to the spirit of equivalence which is discussed in this document, and would propose to delete this specific reference to similarity of system design. Alternatively as "system design" may refer to different concepts for member states (such as how the system is actually organized, i.e. its institutional framework and related arrangements; or such as the content of programmes actually implemented by the competent authorities), we would suggest to use a different wording such as "design of programmes implemented".</p> <p>2) with regard to the content of the square brackets, FAO supports its inclusion in the text</p>
<p><b><u>Para 10, Bullet II</u></b></p> <ul style="list-style-type: none"> <li>similarity of design and/or consistency of each country's NFCS in whole or the relevant part [<del>with international</del> <u>Codex</u> standards] including the legislative foundations and NFCS objectives;</li> </ul>	<p><b>India</b></p> <p>To be in consistent with the Principle (c) regarding alignment with International Standards which only talks about Codex Standards. Moreover, International Standards becomes quite generic term. The other option could be to specify International Standards (i.e. Codex, OIE, IPPC) as indicated in paragraph 20</p>

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<p><b>Para 10, Bullet II</b></p> <ul style="list-style-type: none"> <li>similarity of design and/or consistency of each country's NFCS in whole or the relevant part <del>[with part, and where relevant with international standards]</del> standards including the legislative foundations and NFCS objectives;</li> </ul>	<p><b>Japan</b></p> <p>Similarity of design and/or consistency of each country's NFCS are the main part, and comparison with international standards would be optional.</p>
<p><b>Para 10, Bullet II</b></p> <ul style="list-style-type: none"> <li>similarity of design and/or consistency of each country's NFCS in whole or the relevant part <del>[with international standards]</del> including the legislative foundations and NFCS objectives;</li> </ul>	<p><b>European Union</b></p> <p>Paragraph 10, 2nd bullet:</p> <p>The text in square brackets should be deleted <del>[with international standards]</del>.</p> <p>Rationale: the bullet refers to similarities between the NFCS of exporting and importing countries and not to similarities with international standards.</p>
<p>similarity of design and/or consistency of each country's NFCS in whole or the relevant part <b>[with international standards]</b> including the legislative foundations and NFCS objectives;</p>	<p><b>Denmark</b></p> <p>Not necessarily relevant for the evaluation of equivalence.</p>
<p><b>Para 10, Bullet II</b></p> <p>similarity of design and/or consistency of each country's NFCS in whole or the relevant part <del>[with international standards]</del> <b>e.g. Codex, OIE, IPPC</b> including the legislative foundations and NFCS objectives;</p>	<p><b>Thailand</b></p> <p>To be clear and consistent with paragraph 20, a square bracket should be removed from "with international standards"; additionally examples of international standards should be provided including Codex, OIE and IPPC.</p>
<p><b>Para 10, Bullet II</b></p> <p>similarity of design and/or consistency of each country's NFCS in whole or the relevant part <del>[with international]</del> <b>international</b> standards], including the legislative foundations and NFCS objectives;</p>	<p><b>Nicaragua</b></p> <p>Nicaragua proposes maintaining it, as harmonisation with international standards is a principle of this document.</p>
<p><b>Para 10, Bullet II</b></p> <p>similarity of design and/or consistency of each country's NFCS, in whole or the relevant part, <del>[with international standards]</del>, including the legislative foundations and NFCS objectives;</p>	<p><b>Colombia</b></p> <p>Colombia suggests deleting the information in the square brackets.</p> <p>Colombia is happy to delete it.</p>
<p><b>Para 10, Bullet III</b></p> <p>whether recognition of the equivalence of the NFCS, or the relevant part, will likely result in cost and resource savings, reduced duplication of control activities and/or removal of <u>unnecessary</u> impediments to trade, while protecting the health of consumers and ensuring fair practices in the food trade; and</p>	<p><b>Nicaragua</b></p> <p>Nicaragua proposes including the word "unnecessary", ensuring consistency with regulatory objectives and the fact that any measure creates an impediment to trade.</p> <p><i>Category: TECHNICAL</i></p>
<p><b>Scope Considerations</b></p>	
<p><b>Scope Considerations</b></p>	<p><b>Zambia</b></p> <p>Zambia is in agreement with this guideline as we have been facing compliance issues due to lack of mutual recognition with exporting country. We feel that for the process of mutual recognition to be effective, scope should first be restricted to foods being traded between countries especially those whose regulatory requirements maybe similar between the importing and exporting countries.</p>

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	Infrastructure assessment especially laboratory capacity is vital in ensuring mutual recognition. Otherwise the guideline is well structured and shall be supported.
11 During the initial discussions exporting and importing countries should determine the appropriate scope for the assessment. The scope may relate to an entire NFCS or only to that part parts of a NFCS relevant to the trade in foods to be covered by the request (which may include currently traded foods and/or foods proposed for future trade). <sup>12</sup>	<b>Indonesia</b> Editorial
<b>Para 12, Bullet I</b> the range of products that are currently being traded between the countries and/or that are subject to similar controls or may be traded in the exporting country future;	<b>Switzerland</b> The intention is to recognise the equivalence of control systems, not similar controls.
<b>Para 12, Bullet I</b> the range of products currently being traded between the countries and/or that are subject to similar controls in the exporting country products proposed for future trade”;	<b>European Union</b> Paragraph 12, 1st bullet: The bullet should be redrafted as indicated:  Rationale: there should be no reference to similar controls as the intention is to recognise the equivalence of control systems.
<b>Para 12, Bullet I</b> the range of products currently being traded between the countries and/or that are subject to <u>similar controls</u> <b>"equivalent controls", or "controls with equal effect"</b> in the exporting country;	<b>Denmark</b> "similar controls" is suggested to be amended to "equivalent controls", or "controls with equal effect"
<b>Para 12, Bullet II</b> the <u>range of assurances</u> to be addressed;	<b>Canada</b> We would suggest that this point should be further elaborated to better explain what is meant by the “range of assurances”. We note for example that paragraph 12.d) of CAC/GL 34-1999, is more descriptive: “ the scope of requirements to be addressed by the agreement (e.g., health and safety, quality assurance systems, labelling, consumer fraud).”
<b>Para 12, Bullet II</b> the range of assurances to be <del>addressed</del> addressed (e.g. food safety, qualitative claims, labelling, or other matters relating to NFCS objectives);	<b>Indonesia</b> Rationale: Providing examples of assurances to make it easier to understand
<b>Para 12, Bullet III</b> the level of trust and confidence in the performance of the exporting country's NFCS in whole or the relevant part relating to those products already being traded; and	<b>Canada</b> This point is duplicative of paragraph 10, bullet 1, and duplicative of paragraph 13, regarding experience, knowledge, confidence. We would suggest deleting it.
13 Discussions on scope should <del>identify</del> take into <u>consideration</u> those areas where there <del>may already be sufficient</del> is existing experience, knowledge and confidence versus those areas where <del>additional</del> significant information exchanges are likely to be required <sup>13</sup> .	<b>Canada</b> This text seems to imply that if there is experience, knowledge, and confidence (EKC), then no information exchange is needed. We note that para 12 of CAC/GL

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	53-2003 indicates that “EKC may assist in facilitating familiarity with the information provided by the exporting country and therefore reduce the resources required to form a judgement of equivalence of the measures proposed”. It may be better to replace “additional information exchanges” with “in depth [or significant] information exchanges...”.
<b>Decision whether to commence</b>	
14 At the conclusion of the initial discussions between the exporting and importing <del>countries and where it countries, provided that the importing country</del> has <del>been</del> determined that:	<b>USA</b> The document does not adequately address the rights retained by importing countries when requests for equivalence are made. Specifically, we recommend that language is added to the document that makes clear that it is up to the importing country to choose the appropriate pathway for equivalence.
<b>Para 14, Bullet III</b> the potential benefits and resource savings that can be achieved <del>justifies-justify</del> the cost and resource implications of the process;	<b>Mauritius</b>
<b>Para 14, Bullet III</b> the potential benefits and resource savings that can be achieved <del>justifies-justify</del> the cost and resource implications of the process;	<b>CCTA</b>
16 Where the initial discussions between the exporting and importing country determine that they are not yet ready to commence a recognition of systems equivalence assessment the countries may wish to consider working jointly <del>toward</del> <b>towards</b> a future arrangement to <del>reduced—reduce</del> impediments to trade and duplication of control activities. CXG 34/1999 (paragraph 11) identifies that amongst other things, information exchange, joint training, technical cooperation, and the development of infrastructure and food control systems can serve as building blocks for a future request for recognition of the equivalence of systems.	<b>Mauritius</b>
16 Where the initial discussions between the exporting and importing country determine that they are not yet ready to commence a recognition of systems equivalence assessment the countries may wish to consider working jointly toward a future arrangement to <del>reduced—reduce</del> impediments to trade and duplication of control activities. CXG 34/1999 (paragraph 11) identifies that amongst other things, information exchange, joint training, technical cooperation, and the development of infrastructure and food control systems can serve as building blocks for a future request for recognition of the equivalence of systems.	<b>Canada</b> typo correction
16 Where the initial discussions between the exporting and importing country determine that they are not yet ready to commence a recognition of systems equivalence assessment the countries may wish to consider working jointly toward a future arrangement to reduced impediments to trade and duplication of control activities. <del>CXG 34/1999 (paragraph 11)</del>	<b>India</b> Reference of the document CXG 34/1999 may not be required when are mentioning the specific options.

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<p><del>identifies that amongst</del> Amongst other things, information exchange, joint training, technical cooperation, and the development of infrastructure and food control systems can serve as building blocks for a future request for recognition of the equivalence of systems.</p>	
<p>16 Where <del>the based on</del> initial discussions <del>between both the exporting and importing country</del> determine <del>countries have mutually come out with the opinion</del> that they are not yet ready to commence a recognition of systems equivalence assessment the countries may wish to consider working jointly toward a future arrangement to reduced impediments to trade and duplication of control activities. CXG 34/1999 (paragraph 11) identifies that amongst other things, information exchange, joint training, technical cooperation, and the development of infrastructure and food control systems can serve as building blocks for a future request for recognition of the equivalence of systems.</p>	<p><b>India</b> The determination that stage of system equivalence has not arrived yet, need to come based on mutual consent between two countries involved in initial discuss rather than one sided.</p>
<p>16 Where the initial discussions between the <del>exporting and importing country</del> <u>two countries</u> determine that they are not yet ready to commence a recognition of systems equivalence assessment the countries may wish to consider working jointly toward a future arrangement to reduced impediments to trade and duplication of control activities. CXG 34/1999 (paragraph 11) identifies that amongst other things, information exchange, joint training, technical cooperation, and the development of infrastructure and food control systems can serve as building blocks for a future request for recognition of the equivalence of systems.</p>	<p><b>Japan</b></p>
<p><b>5.2 STEP 2: DESCRIPTION OF IMPORTING COUNTRY'S NFCS OBJECTIVES</b></p>	
<p><b>5.2 STEP 2: DESCRIPTION OF THE IMPORTING COUNTRY'S NFCS <u>AND ASSOCIATED OBJECTIVES</u></b></p>	<p><b>Canada</b> The title of the section does not match its contents. The title refers to the description of the importing country's NCFS objectives; however, the contents of the paragraph are about the elements of the NCFS. No objective is described in this section.</p>
<p>17 The importing country should identify those <b>elements</b> of its NFCS and their associated objectives required for the assessment, which may include for example: <sup>15</sup></p>	<p><b>Canada</b> Canada notes that in CAC/GL 53-2003, "sanitary measures" are expressed as infrastructure, including legislative basis, program design and specific requirements. The current document uses the term "elements" to refer to the same thing. Given the broad definition of sanitary measure, there needs to be a clear differentiation so there aren't two terms with the same overlapping definition.</p>
<p>17 The importing country should identify those elements of its NFCS and their associated objectives required for the assessment, <del>which may include</del> for example: <sup>15</sup></p>	<p><b>Indonesia</b> Rationale: The word "which may include" should be deleted to avoid redundancy with the last bullet which already mentions "any other elements .....". Besides, since the assessment may be required to some elements of NFCS, we</p>

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	propose to change the word “and” into “or” in the 7th bullet.
<p><b>Para 17, Bullet II</b></p> <ul style="list-style-type: none"> <li>control and <u>approval programs</u>;</li> </ul>	<p><b>Canada</b></p> <p>We are not clear on the term “approval programs” and whether these are in reference to products, establishments, pre-marketing assessments. In existing CCFICS tests, the term is used in the context of approval of establishments, registrants, equipment design, etc., i.e., the context is clearer. Clarification would be useful.</p>
<p><b>Para 17, Bullet III</b></p> <ul style="list-style-type: none"> <li>verification and audit programmes;</li> </ul>	<p><b>Honduras</b></p> <p>add “inspection”</p> <p>Note: in the language of Conformity Assessment, Verification is different from inspection and competent authorities may use both elements or instruments.</p>
<p><b>Para 17, Bullet IV</b></p> <ul style="list-style-type: none"> <li>monitoring, surveillance, investigation and response programmes;</li> </ul>	<p><b>Honduras</b></p> <p>A new bullet point should be added: “test and sampling methods”</p>
<p><b>Para 17, Bullet IV</b></p> <ul style="list-style-type: none"> <li>monitoring, surveillance, investigation and response programmes;</li> </ul>	<p><b>Colombia</b></p> <p>Colombia questions what the paragraph means, especially what the investigation and response refers to as it is unclear in this paragraph.</p>
<p>18 Other factors relevant to the assessment may include: the transparency of decision making; freedom from conflict of interest; and the adequacy of resourcing.</p>	<p><b>Canada</b></p> <p>The wording of this bullet implies that these elements are optional in an assessment, while in paragraph 25, it is indicated that they should be provided. We would recommend consistency in the text.</p>
<p>18 Other factors relevant to the assessment may include: the transparency of decision making; freedom from conflict of interest; and the adequacy of resourcing.</p>	<p><b>Indonesia</b></p> <p>Due to consistency, Indonesia proposes to move paragraph 18 to step 5.5 assessment process. Since this para outlines several factors relevant to the assessment.</p> <p>At the moment this para is under 5.2. step 2 DESCRIPTION OF IMPORTING COUNTRY’S NFCS OBJECTIVES</p>
<b>Description and evidence on how the importing country’s NFCS meets the objectives</b>	
<p><b>Description and evidence on how the importing country’s NFCS meets the objectives</b></p>	<p><b>Mauritius</b></p> <p>Both the importing and exporting countries should describe their systems using templates that they agree upon. The templates can be based on for example, CXG 82-2013, document available at <a href="http://www.fao.org/3/a-y8705e.pdf">http://www.fao.org/3/a-y8705e.pdf</a>, among others</p>
<p><b>Description and evidence on how the importing/exporting country’s NFCS meets the objectives</b></p>	<p><b>Colombia</b></p> <p>To facilitate the exporting country in describing its own system, the importing country should provide details, with</p>

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	appropriate references, of how the relevant parts of its own system, achieve each one of the identified objectives.
19 To facilitate the exporting country in describing its own systems, the importing country should describe, with appropriate references, how the relevant <b>parts</b> of its own system achieve each of the identified objectives.	<b>Canada</b> The first sentence of paragraph 17 refers to the “elements” of the NCFS and associated objectives. Paragraph 19 and 20 refer to “parts” of the system (NCFS) achieving the objectives. If they are one and the same, it would be important to ensure consistency of terminology in the text. If they are different, then further clarification would be useful.
19 To facilitate the exporting country in describing its own systems, the importing country should describe, with appropriate references, how its NFCS or the relevant parts of its own system achieve each of the identified objectives.	<b>Indonesia</b> Rationale: To be consistent with the scope of the guidelines because it mentions an entire NFCS or the part of a NFCS.
19 To facilitate the exporting country in describing its own system, the importing country should provide details, with appropriate references, of the way in which each relevant part of its system reaches each one of the identified objectives.	<b>Ecuador</b> 19 To facilitate the exporting country in describing its own system, the importing country should provide details, with appropriate references, of the way in which each relevant part of its system <u>contributes to reaching</u> the identified objectives.
19 To facilitate the exporting country in describing its own system, the importing country should provide details, with appropriate references, of the way in which each relevant part of its system reaches each one <del>contributes to</del> <u>of</u> the identified objectives.	<b>Mexico</b> Better wording
19 To facilitate the exporting country in describing its own system, the importing country should provide details, with appropriate references, of <u>how the relevant parts</u> <del>of the way in which each relevant part of its own system reach</del> , each achieve <del>contributes to</del> the identified objectives.	<b>Colombia</b> To facilitate the exporting country in describing its own systems, the importing country should describe, with appropriate references, how the relevant parts of its own system achieve each of the identified objectives. It appears to be a translation issue.
20 In describing its own NFCS or the relevant part, the importing country may include reference to <u>Codex or other</u> relevant international standards (e.g. <del>Codex, OIE, OIE and</del> IPPC).	<b>Indonesia</b> Rationale: To be consistent with Alignment with International Standards in SECTION 4 – PRINCIPLES.
20 In describing its own NFCS, or relevant parts, the <del>imported</del> importing country may include references to relevant international standards (e.g. Codex. OIE, IPPC).	<b>Mexico</b>
20 In describing its own NFCS, or relevant parts, the <del>imported</del> exporting country may include references to relevant international standards (e.g. Codex. OIE, IPPC).	<b>Colombia</b> Because the assessment of equivalence is carried out by the importing country, step 2, the description of the NFCS, is the responsibility of the exporting country.
<b>5.3 STEP 3: THE DECISION CRITERIA FOR COMPARISON</b>	
22 The decision criteria should <del>facilitate an assessment</del> <u>be selected with a view to clearly enable the determination of whether the exporting country's system design and</u>	<b>Canada</b> Canada would suggest that decision criteria do not facilitate the assessment. As

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implementation meets the importing country's NFCS objectives and any related outcomes associated with the scope of the request. <sup>16</sup>	per the definition, they are used to determine whether the exporting country's NFCS meets the importing country's objectives. Revisions are proposed for coherence.
22 The decision criteria should facilitate an assessment whether the exporting country's system design and implementation <del>meets the importing</del> <b>may be capable of meeting the importing</b> country's NFCS objectives and any related outcomes associated with the scope of the request. <sup>16</sup>	<b>Norway</b> In this chapter, we find information regarding the setting up of «decision criteria». We would consider it important in this section to reflect the intent of principle 7a (Equivalence of systems), and would therefore like to amend the text slightly to achieve this: ....may be capable of meeting the importing ....
<b>Footnote 16</b> One example of a possible decision criteria could be: Regulatory decisions are <del>made based on the basis of science sound scientific analysis and risk based measures/requirements</del> <b>evidence, evidenced by involving a thorough review of all relevant historical regulatory decisions, published risk assessments, or compliance actions.</b> information.	<b>Norway</b> If examples are to be included in this Codex document they should be in line with what Codex is saying on regulatory decisions. Our proposed amendment to the text is in line with the Procedural manual text concerning science and decision making.
<b>Footnote 16</b> One example of a possible decision criteria could be: Regulatory decisions are made on the basis of <del>science and transparent risk based measures/requirements</del> <b>analysis</b> , evidenced by relevant historical regulatory decisions, published risk assessments, or compliance actions.	<b>European Union</b> Footnote 16 Rationale: The footnote 16 should refer to the entire risk analysis process and not purely to science and risk based measures/requirements.
23 The decision criteria should describe:	<b>Mexico</b> The decision criteria should consider performance indicators at the level required to facilitate comparisons and determine equivalence, and not just high-level indicators.  Indicators at lower levels can provide guidance to the importing country on the degree to which the higher level indicators have been met. Where appropriate, they will allow the exporting country to focus on specific areas that require improvement.
<b>Para 23, bullet 1</b> <ul style="list-style-type: none"><li>how <b>experience, knowledge and confidence</b> is to be used;</li></ul>	<b>Canada</b> We would suggest including a reference to the Appendix of CAC/GL 53-2003, paragraphs 9-14.
<b>Para 23, bullet II</b> the level of qualitative or quantitative evidence that is expected; and	<b>Mauritius</b> this should be linked to a time-frame
<b>Para 23, bullet III</b> the indicators <sup>17</sup> of high level outcomes if these are to be used to facilitate comparisons.	<b>FAO-AGFF</b> In keeping with the spirit of equivalence, FAO would recommend to make mention of some flexibility in how indicators should be worded, even at high level outcomes, to allow taking into account the necessary

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	variability in how NFCS construct and frame their indicators.
<p><b>Para 23, bullet III</b></p> <p>the indicators<sup>[17]</sup> of high level outcomes if these are to be used to facilitate comparisons.</p>	<p><b>Thailand</b></p> <p>We propose to remove footnote 17 and the word “high level” from this bullet for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Footnote 17 refers to CXG 91-2017, used for monitoring the performance of the whole of NFCS, so it would be inflexible and unsuitable for this document that allows a recognition of equivalence of the whole or a part of the NFCS.</li> </ol> <p>We propose that CXG 53-2003 would be more appropriate to be used as guidance for the consideration for this section.</p> <ol style="list-style-type: none"> <li>2. Levels of outcomes are categorized in several levels; the high level outcomes should not be the only one which is specified. Importantly, if only the high level outcomes are specified in this section, it would be difficult for the application of this document in practice.</li> </ol> <p>So, this section should be read:</p> <p>“• the indicators of outcomes if these are to be used to facilitate comparisons.</p>
<p>24 The decision criteria should not apply a <b>standard of performance</b> in excess of that which the importing country can objectively show its NFCS or relevant part achieves as it relates to the protection of the health of consumers and ensuring fair practices in the food trade.</p>	<p><b>Canada</b></p> <p>It is unclear whether the term “standard of performance” refers to the ALOP or results of indicators. Clarification would be helpful.</p>
<p>24 The decision criteria should not apply a standard of performance in excess of that which the importing country can objectively show its NFCS or relevant part achieves the objectives of consumer protection and fair practices in the food trade</p>	<p><b>Colombia</b></p> <p>We suggest defining the standard of performance, since it is in the Committee documents.</p>
<p><b>5.4 STEP 4: DESCRIPTION OF EXPORTING COUNTRY'S NFCS OR RELEVANT PART</b></p>	
<p>25 The exporting country should make available appropriate information, including relevant references and evidence that describes the exporting country's NFCS or the relevant part and demonstrates how it meets the objectives of the importing country's NFCS or relevant part for the trade in foods covered by the request. <b>The information made available should also address the adequacy of resources, and how the exporting country ensures the transparency of decision making and freedom from conflicts of interest.</b></p>	<p><b>Canada</b></p> <p>Adequacy of resources, transparency and freedom from conflict of interest are addressed in para 18, although expressed as optional, i.e., “may include transparency of decision making, ,,,” while in para 25, the information “should address, etc...”. There is a need for consistency and removal of duplication.</p>
<p>25 The exporting country should make available appropriate information, including relevant references and evidence that describes the exporting country's NFCS or the relevant part and demonstrates how it meets the objectives of the importing country's NFCS or relevant part for the trade in foods covered by the request. The information made available should also address the adequacy of resources, and how the exporting country ensures the transparency of decision making and freedom from conflicts of interest.</p>	<p><b>Mauritius</b></p> <p>Use of templates could be considered here as was suggested in previous comment.</p>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
26 As far as is practical, and especially where consistent with the relevant Codex guidance, importing countries should allow flexibility in the format of the information <del>they submit</del> <del>submitted by</del> the exporting countries. <sup>18</sup>	<b>Mexico</b> The information is submitted by the exporting countries.
<b>5.5 STEP 5: ASSESSMENT PROCESS</b>	
27 <del>Information</del> <u>Further information</u> exchanges should only be required for those areas which need to be subjected to a more detailed assessment, taking into consideration existing experiences, knowledge and confidence and those areas not within scope of the request.	<b>Canada</b> The sentence is unclear as to the limitation on “information exchange”; it seems to imply that for areas that require a less detailed assessment, no information exchange should be required. Canada would suggest adding a qualifier at the beginning of the sentence.
27 Information exchanges should only be required for those areas which need to be subjected to a more detailed assessment, taking into consideration existing experiences, knowledge and confidence and <b><u>those areas not within scope of the request.</u></b>	<b>Mauritius</b> not clear
27 Information exchanges should only be required for those areas which need to be subjected to a more detailed assessment, taking into consideration existing experiences, knowledge and confidence and those areas not within scope of the request.	<b>Thailand</b> We would like to ask for clarification for the objective of the phrase “and those areas not within scope of the request” at the end of this paragraph.
28 Once the scope of the request is clear and the relevant information or documents are available the assessment process can proceed. The methodology used in the assessment process by the importing country should be transparent, evidence-based and focus on assessing whether the exporting country’s NFCS in whole or the relevant part as described meets the decision criteria. <del>Where significant differences are identified the assessment should evaluate whether the objectives and any related outcomes of the importing country’s NFCS can be achieved using the exporting country’s alternative approach.</del> There should be an effective communication mechanism between both countries, for providing feedback.	<b>Canada</b> The text in the third sentence seems to place a significant burden on the importing country. It is for the exporting country to demonstrate that it meets the importing country’s objectives. We would suggest deleting the sentence.
28 Once the scope of the request is clear and the relevant information or documents are available the assessment process can proceed. The methodology used in the assessment process by the importing country should be transparent, evidence-based and focus on assessing whether the exporting country’s NFCS in whole or the relevant part as described meets the <del>decision criteria</del> <u>objectives</u> . Where significant differences are identified the assessment should evaluate whether the objectives and any related outcomes of the importing country’s NFCS can be achieved using the exporting country’s alternative approach. There should be an effective communication mechanism between both countries, for providing feedback.	<b>Canada</b> Editorial correction, to replace “decision criteria” by “objectives”. We believe the assessment focusses on evaluating whether the exporting country meets the objectives and not the decision criteria.
28 Once the scope of the request is clear and the relevant information or documents are available the assessment process can proceed. The methodology used in the assessment process by the importing country should be transparent, evidence-based and focus on assessing whether the exporting country’s NFCS in whole or the relevant part as described meets the decision criteria. Where significant	<b>Mauritius</b>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
<p>differences are <del>identified</del> identified, the assessment should evaluate whether the objectives and any related outcomes of the importing country's NFCS can be achieved using the exporting country's alternative approach. There should be an effective communication mechanism between both countries, for providing feedback.</p>	
<p>28 Once the scope of the request is clear and the relevant information or documents are available, the assessment process can proceed. The methodology used in the assessment process by the importing country should be transparent, evidence-based and focus on assessing whether the exporting country's NFCS, in whole or the relevant part, as described, meets the decision criteria. Where significant differences are identified, the assessment should evaluate whether the objectives and any related outcomes of the importing country's NFCS can be achieved using the exporting country's alternative approach. There should be an effective communication mechanism between both countries, for providing comments and observations.</p>	<p><b>Ecuador</b> 28 Once the scope of the request is clear and the relevant information or documents are available, the assessment process can proceed. The methodology used in the assessment process by the importing country should be transparent, evidence-based and focus on assessing whether the exporting country's NFCS, in whole or the relevant part, as is described, meets the decision criteria. Where significant differences are identified, the assessment should evaluate whether the objectives and any related outcomes of the importing country's NFCS can be achieved using the exporting country's alternative approach. There should be an effective communication mechanism between both countries, for providing comments and observations.</p>
<p><b>Para 29, bullet I</b></p> <ul style="list-style-type: none"> <li>determine which elements of the exporting country's <del>NFSC</del> NFCS need to be assessed for the type of foods and the modification to existing trade conditions being sought and, when relevant, identify which aspects of existing trade are excluded from the assessment;</li> </ul>	<p><b>Canada</b> Canada would suggest that this bullet be moved to Section 5.1, as part of the scope of the assessment.</p>
<p><b>Para 29, bullet I</b></p> <ul style="list-style-type: none"> <li>determine which elements of the exporting country's <del>NFSC</del> NFCS need to be assessed for the type of foods and the modification to existing trade conditions being sought and, when relevant, identify which aspects of existing trade are excluded from the assessment;</li> </ul>	<p><b>Mauritius</b></p>
<p><b>Para 29, bullet II</b></p> <ul style="list-style-type: none"> <li><del>clearly set out the importing country's own NFCS objectives for each of the elements being assessed along with how they relate to the decision criteria;</del></li> </ul>	<p><b>Canada</b> It is suggested to deleted this bullet point since it is duplicative of text in para 21.</p>
<p><b>Para 29, bullet V</b></p> <ul style="list-style-type: none"> <li>consider any additional information submitted where it has been required, <del>or clarify where it is jointly decided that additional controls are required in order to</del> facilitate a positive determination.</li> </ul>	<p><b>Canada</b> Canada would proposed that this text, with revisions, be in a separate bullet.</p>
<p><b>Para 29, bullet V</b></p> <ul style="list-style-type: none"> <li>consider any additional information submitted <del>where it has been required, at the request of the importing country or</del> where it is jointly decided that additional controls are required to facilitate a positive determination.</li> </ul>	<p><b>Canada</b> Editorial revisions for clarification.</p>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
<p><b><u>Para 30, bullet I</u></b></p> <ul style="list-style-type: none"> <li>focus on whether the exporting country's NFCS <u>or the relevant part</u>, meets the objectives of the importing country's NFCS or the relevant <del>part-part</del>, in accordance with the decision criteria as opposed to whether specific procedures or functions, undertaken by certain parties in the importing country, are replicated;</li> </ul>	<p><b>Mauritius</b></p>
<p><b><u>Para 30, bullet II</u></b></p> <ul style="list-style-type: none"> <li>allow for indicators of outcomes different to the importing country's to be used by the exporting country to demonstrate the performance of its NFCS, or the relevant parts, to achieve the importing country's objective;</li> </ul>	<p><b>Ecuador</b></p> <ul style="list-style-type: none"> <li>allow for indicators of outcomes different from the importing country's to be used by the exporting country to demonstrate the performance of its NFCS, or the relevant parts, to achieve the importing country's objective;</li> </ul>
<p><b><u>Para 30, bullet III</u></b></p> <ul style="list-style-type: none"> <li><del>weigh the outcome of the various elements relative to their impact on achieving the objectives and or overarching goals of the importing country's NFCS or relevant part;</del></li> </ul>	<p><b>Canada</b></p> <p>This text seems to place a significant burden on the importing country. We would suggest deleting it.</p>
<p><b><u>Para 30, bullet IV</u></b></p> <ul style="list-style-type: none"> <li><del>may be conducted in a cooperative and timely manner and include the use of on-site assessments</del><u>assessments/country audits</u><sup>19</sup> as necessary;</li> </ul>	<p><b>Canada</b></p> <p>The first part of this sentence ("be conducted in a cooperative and timely manner") is duplicative of principle 7.d. We would suggest deleting it.</p>
<p><b><u>Para 31, bullet I</u></b></p> <ul style="list-style-type: none"> <li><del>freedom from conflicts of interest;</del></li> </ul>	<p><b>Canada</b></p> <p>We would suggest deleting these bullets as they are duplicative of paras 18 and 25.</p>
<p><b><u>Para 31, bullet II</u></b></p> <ul style="list-style-type: none"> <li><del>transparency of decisions and actions;</del></li> </ul>	<p><b>Canada</b></p> <p>We would suggest deleting these bullets as they are duplicative of paras 18 and 25.</p>
<p><b><u>Para 31, bullet III</u></b></p> <ul style="list-style-type: none"> <li>how the exporting country NFCS maintains the three characteristics of <del>;</del> situational awareness proactivity and continuous improvement<sup>20</sup>; and</li> </ul>	<p><b>Mauritius</b></p>
<p><b><u>Para 31, bullet IV</u></b></p> <ul style="list-style-type: none"> <li>the ability of infrastructure and resources to maintain an appropriate NFCS or the relevant part as represented in documentation and implemented by the exporting country;</li> </ul>	<p><b>Canada</b></p> <p>We suggest that this should be part of the assessment process and would suggest moving the text to para 17.</p>
<p>32 The assessment process may include teleconferences or meetings and where necessary country visits to conduct onsite audits<sup>21</sup>. The use of such approaches should be included in the planning for the equivalence of systems assessment, as appropriate. Countries are encouraged to communicate and conduct meetings electronically, where practicable. <del>Where relevant, the provision of technical assistance may support the assessment process.</del><sup>22</sup></p>	<p><b>Canada</b></p> <p>This paragraph focusses on the means of communications between countries. A sentence on technical assistance seems misplaced in this context. Further, we note that considerations of technical assistance are included in CAC/GL 34-1999 and CAC/GL 53-2003, hence we would suggest deleting the last sentence.</p>
<p>32 The assessment process may include teleconferences or meetings <del>and where necessary country visits to conduct onsite audits</del><sup>[24]21</sup>. The use of such approaches should be included in the planning for the equivalence of systems assessment, as appropriate. Countries are encouraged to communicate and conduct</p>	<p><b>Canada</b></p> <p>We would suggest deleting the text in strike out since it is duplicative of para 30, bullet 4.</p>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
meetings electronically, where practicable. Where relevant, the provision of technical assistance may support the assessment process. <sup>22</sup>	
32 The assessment process may include teleconferences or meetings <del>and</del> <del>and</del> , where <del>necessary</del> <u>necessary</u> , country visits to conduct onsite audits <sup>21</sup> . The use of such approaches should be included in the planning for the equivalence of systems assessment, as appropriate. Countries are encouraged to communicate and conduct meetings electronically, where practicable. Where relevant, the provision of technical assistance may support the assessment process. <sup>22</sup>	<b>Mauritius</b>
32 The assessment process may include teleconferences or meetings and, where necessary, country visits to conduct onsite audits. <sup>21</sup> The use of such approaches should be included in the planning for the equivalence of systems assessment, as appropriate. Countries are encouraged to communicate and conduct meetings electronically, where practicable. The provision of technical assistance, where appropriate, can also support the assessment process. <sup>22</sup>	<b>Honduras</b> Please include "Review of documents or records"
<b>Footnote 21</b> See the Annex to CXG53-2003 paragraph 34 (Use of on-site visits) for examples of when on-site visits may be justified.	<b>Thailand</b> According to CXG 53-2003, the word "Appendix" should replace "Annex" for consistent. The footnote should then read: "21See the Appendix to CXG 53-2003 paragraph 34 (Use of on-site visits) for examples of when on-site visits may be justified."
<b>5.6 STEP 6: DECISION PROCESS</b>	
<b>5.6 STEP 6: DECISION PROCESS</b>	<b>India</b> Although, this step in the document prescribes that the importing country should document the assessment conclusion and the rationale, and the exporting country should be given the opportunity to comment on the draft conclusions. But this does not provide any explicit opportunity available to the exporting country to align its NFCS with the Importing Country's NFCS within a reasonable, time bound manner, as one of the option available to both importing and exporting countries if mutually agreed.  This step in this document thus does not provide clarity in case of finding and conclusion that if the importing country's NFCS assessment or relevant part is not equivalent to the exporting country's NFCS, then does it mean that the whole process as described in Step 5 would require to be repeated again, and if so, then will not be in the interest of facilitating trade.
33 The decision process should be transparent. The importing country should document the assessment	<b>USA</b> The document does not provide

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
<p>conclusion and the rationale. The exporting country should be given the opportunity to comment on the draft conclusions. In the case of a finding that the exporting country's NFCS or the relevant part is not equivalent, the exporting country should have the opportunity to provide additional information for consideration by the importing country prior to the finalization of the decision.</p>	<p>opportunities to consult with the public and interested stakeholders when equivalence determinations are being made. Additional transparency and public input steps are needed. Therefore, we request that the document should include specific language on the notification of the public. We note that CAC/GL 34-1999 provides language on the need to give the public notice and comment of Equivalence agreements and also on public notice on the text of the agreement, once finalized. We recommend the following paragraph be added to the document at Step 6.</p>
<p>34 <del>The decision process should:</del></p>	<p><b>Canada</b> These points are repetitive of existing text in the document, in the principles section and para 25. Canada would suggest deleting them.</p>
<p><b><u>Para 34, Bullet I</u></b> <del>be conducted in a timely manner; and</del></p>	<p><b>Canada</b> These points are repetitive of existing text in the document, in the principles section and para 25. Canada would suggest deleting them.</p>
<p><b><u>Para 34, Bullet II</u></b> <del>focus on whether the exporting country's NFCS meets the decision criteria; and</del></p>	<p><b>Canada</b> These points are repetitive of existing text in the document, in the principles section and para 25. Canada would suggest deleting them.</p>
<p><b><u>Para 34, Bullet III</u></b> <del>not introduce an objective, outcome, standard or process in excess of what is being applied within the importing country without justification.</del></p>	<p><b>Canada</b> These points are repetitive of existing text in the document, in the principles section and para 25. Canada would suggest deleting them.</p>
<p><b><u>Para 34, Bullet III</u></b> not introduce an objective, outcome, standard or process in excess of what is being applied within the importing country without justification.<sup>34 bis</sup> <u>To enhance public confidence in the [agreement] [decision to recognize equivalence of NFCS] while respecting legitimate concerns to retain confidentiality, the relevant competent authorities of the countries should provide the public – including consumers, industry and other interested parties — an opportunity to comment at an appropriate time on the proposed content of the [agreement][decision to recognize equivalence of NFCS].</u></p>	<p><b>USA</b> Added in a new paragraph after paragraph 34</p>
<p><b><u>Para 34, Bullet III</u></b> not introduce an objective, outcome, standard or process in excess of what is being applied within the importing country without justification<del>country</del>.</p>	<p><b>India</b> Bullet 3 of Paragraph 34 and Paragraph 24 are contradictory to each other. Paragraph 24 clearly says that decision criteria should not be in excess to what is being implemented in the importing country. However, bullet 3 of paragraph 34 provides leverage to the exporting country that any new objective, outcome, standard or process with justification can influence the decision process.</p>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
<b>5.7. STEP 7: FORMALIZATION AND MAINTENANCE OF THE RECOGNITION</b>	
<b>5.7. STEP 7: FORMALIZATION AND MAINTENANCE OF THE RECOGNITION</b>	<p><b>India</b>                      Step 7 is silent about the benefits achieved through this recognition process and how these benefits would be realized. It does not specifically mention that once system equivalence is recognized it would be avoid reverification at border points of importing country and random checks based on risk would be carried out. The intent of paragraph 2 of Preamble/ Introduction need to be captured and adequately reflected in Step 7.</p>
<p><b>Para 38, bullet 2</b>                      advice of and potential review of any proposed significant changes to the laws, regulations or performance measures underpinning the components of NFCS covered by the recognition of equivalence arrangement;</p>	<p><b>Mauritius</b>                      advice on?</p>
<b>Figure 1: Equivalence of National Food Control Systems Process</b>	
<b>Figure 1: Equivalence of National Food Control Systems Process</b>	<p><b>Thailand</b>                      The flow chart should be improved to be clear and consistent with the process steps previously described in the document. In particular, “step 3: Document decision criteria for comparison” should be amended to reflect that the exporting country and importing country work together in a cooperative manner.</p>
<b>Figure 1: Equivalence of National Food Control Systems Process</b>	<p><b>India</b>                      Flow chart at Figure 1 need to be amended after step 6 to cover the provisions of paragraph 33.                      Rationale: Figure 1 of flow chart does not appropriately cover the process given in paragraph 33. After Step 6 when the decision is NO, the paragraph 33 give exporting country opportunity to provide additional information and such additional information may have the potential to change the decision to yes. However this is not captured in the figure.</p>
<b>Figure 1: Equivalence of National Food Control Systems Process</b>	<p><b>Colombia</b>                      We believe that in figure 1 and in the exporting country column, step 5/6 corresponds to the exporting country, which is the one that has the opportunity to respond or clarify, as stated in paragraph 33: The exporting country should be given the opportunity to comment on the draft conclusions. In the case of a finding that the exporting country's NFCS, or the relevant part, is not equivalent, the exporting country should have the opportunity to provide additional information for consideration by the</p>

<b>TEXT AND PROPOSED CHANGE</b>	<b>NAME OF MEMBER/OBSERVER AND COMMENT</b>
	importing country prior to deciding to finalize the process.