



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Fifth Session

PROPOSED DRAFT CONSOLIDATED CODEX GUIDELINES RELATED TO EQUIVALENCE

Comments at Step 3 (in reply to CL 2020/03)

Comments of Brazil, Canada, Colombia, Ecuador, European Union, Honduras, Iraq, Mexico, Morocco, Nicaragua, New Zealand, Paraguay, Thailand, United States of America, FAO, and CCTA.

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL/FICS 2020/03 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, while Annex II contains comments submitted by email.

3. As a result of the rescheduling of the CCFICS25 session from 27 April-May 1, 2020 to 22-26 March 2021, the timelines for the EWG on consolidated Codex guidelines related to equivalence were adjusted. The EWG is continuing its work including addressing the attached comments.

ANNEX

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
Brazil would like to thank the co-chairs for the work done. And we would like to provide the following comments.	Brazil
Canada supports the proposed approach for progressing the consolidation of Codex guidance relating to equivalence. Canada agrees that the Codex step process related to the draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems needs to be completed before drafting of a specific consolidation text is initiated	Canada .
<p>1. List of Codex text relevant to Equivalence</p> <p>All 8 CCFICS texts relevant to equivalence in the list of Appendix I cover and consider all dimensions of equivalence, we, therefore, agree in principle to use the list of CCFICS text proposed in Appendix I as guidance for the development of the Consolidated Codex Guidelines Related to Equivalence</p> <p>2. Approach for the development of Consolidated Codex Guidelines Related to Equivalence</p> <p>We agree, in principle that the third option is appropriate for the development of Codex Consolidated Guidance on Equivalence considering and including all Codex relevant texts that aims to decrease duplication and could be applied in consideration of development of equivalence in various approaches with greater efficiency.</p> <p>3. Content/outline proposed for Consolidated Guidance on Equivalence (Appendix II)</p> <p>Our comments on the outline proposal for the single Consolidated Guidance on Equivalence are as follows:</p> <p>1) We would like to request for clarification that whether the single Consolidated Guidance on Equivalence will include only the content from CXG 34-1999, CXG 53-2003 and draft guideline on the use of equivalence as mentioned in the project document (section 3: The main aspect to be covered).</p> <p>2) CXG 34-1999, CXG 53-2003 and draft guideline on the use of equivalence have different scopes covering various approaches of equivalence development (including equivalence of specific measure and equivalence of systems), so the Consolidated Guidance on Equivalence should identify the clear scope that the equivalence development could apply preferred or appropriate approaches, e.g. 1) equivalence of Sanitary and Phytosanitary (SPS) measures , 2) equivalence of food inspection and certification systems or 3) equivalence of the whole or a related part of National Food Control System (NFCS).</p> <p>3) We would like to request for clarification that whether every approach of development of equivalence needs to conduct and apply all 10 sections proposed in Appendix II. E.g., if the consideration of equivalence of specific measures stated in Section 8 needs to conduct section 7 which is process for consideration of equivalence of systems.</p> <p>4) We would like to request for clarification that whether “Section 8 – Process for consideration of equivalence of specific measures (including, if necessary, any differences specific to the protection of the health of consumers versus those aimed more at ensuring fair practices in the food trade)” includes only the content from CXG 34-1999 and CXG 53-2003, but does not</p>	Thailand

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
<p>include measures other than food inspection and certification system and SPS measures (as specified in scopes of the mentioned texts)</p> <p>5) We would like to request for clarification that whether the single Consolidated Guidance on Equivalence may require the importing and exporting countries to conduct pilot studies before entering into equivalent agreements as recommended in CXG 34-1999.</p>	
<p>The United States continues to support a new single text related to equivalence that would help to avoid confusion and clarify the similarities and distinctions between undertaking equivalence for a measure, a group of measures, or a system.</p>	USA
<p>FAO would like to thank the chair and co chairs for the work done and supports the result of this work, with regard to Appendix 1 and 2.</p> <p>However, we would like to obtain clarity on how the process of the development of this proposed guideline is coordinated with the ongoing work of the Committee on the proposed guidelines on recognition and maintenance of equivalence of NFCS (at step 3). Will it be paused until this other guideline is completed?</p>	FAO-AGFF
<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 proposals set out in CX/FICS 20/25/7.</p> <p>New Zealand supports the methodology proposed for progressing the consolidation of Codex guidance relating to equivalence.</p> <p>New Zealand agrees with and supports:</p> <p>i. The list of CCFICS text and proposed actions as set out in Appendix I.</p> <p>ii. The approach for the development of consolidated guidance set out in paragraphs 8 – 11 above and the proposal to progress with the third option set out in paragraph 11.</p> <p>iii. The framework proposed for the content of a single consolidated guidance text as set out in Appendix II.</p> <p>New Zealand supports the next steps proposal outlined in paragraph 16 to progress the work on consolidation. New Zealand further supports the continuation of the current electronic working group with the possibility of a physical working group meeting at a time and place to be agreed in consultation with the Chair of CCFICS. New Zealand is prepared to continue as Chair of the working group and welcomes any further Codex members or observers that wish to also participate.</p> <p>Given the work on consolidation is at the early stage of development New Zealand supports the retention of the work at step three.</p>	New Zealand
<p>The European Union and its Member States (EUMS) would like to thank New Zealand, the United States and Chile for leading the electronic working group developing the proposal on consolidation of Codex guidelines on equivalence.</p>	<p>European Union</p> <p>Mixed Competence</p> <p>European Union Vote</p>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
The EUMS support the recommendations in paragraphs 17 and 18 and the proposals in Appendices 1 and 2 on the consolidation of the guidance on equivalence.	
Paraguay appreciates the work done by the EWG, we agree with the document and therefore support its progress.	Paraguay
<p>With regard to the approaches envisaged for the work, it should be noted that the agreements can focus on two objectives:</p> <ul style="list-style-type: none"> - Equivalence of specific health measures, and - Systems equivalence. <p>One single text could be used for both approaches, which would include the process for establishing agreements on equivalence.</p> <ul style="list-style-type: none"> - In addition, the single text should consider the scope of the equivalence, as the current texts refer to: - Food import and export inspection and certification systems and - National Food Control Systems. 	Mexico
we agree with proposed draft without any comments. our regards.	Iraq
METHODOLOGY AND APPROACH	
The country agrees with the methodology or approach specified for the two stages and agrees that it should, in the first instance, complete the work of the Codex step process referring to the draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems.	Ecuador
Para 8. Commencement of the consolidation work has been broken into stages as it is the view of the EWG Chair (and Co-Chairs) that the Codex step process related to the draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (currently before CCFICS as Appendix I of) needs to be completed before drafting of a specific consolidation text is initiated.	USA The United States supports commencing the work on Consolidated Codex Guidance on Equivalence, regardless of the outcome of the draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems in the step process.
Para 9 The first stage has been to confirm which Codex text and what sections or paragraphs of each text need to be included and to provide an initial indication of what type of work needs to be undertaken, for example editorial amendment, review, deletion, or consideration within the consolidation. The results of this first stage, undertaken by the EWG, are presented in Appendix 1.	USA The United States cautions against deleting operative or significant requirements without substantive discussion by Member Countries. Sufficient time should be provided for this review in the EWG or PWG in the next stage of developing the consolidated Codex Guidelines document.
Para 10: This initial assessment identifies there are three complete texts (CXG 34-1999, CXG 53-2003 and, when completed, Appendix I to CX/FICS 20/25/6) and specific parts of CXG 26-1997 (Section 5 and paragraph 55) that need to be considered in the consolidation work. In respect of the other CCFICS text these contain either a general statement relating to recognition of an exporting country food control system and are not specific to equivalence or have specific references to one or more of the CCFICS text that are to be considered in the	CCTA

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<p>consolidation work. A review relating to these text-texts is therefore appropriately undertaken once the consolidation work is completed and the need for any change to the references can be determined, this being dependent on what the consolidation work produces.</p>	
<p>Para 11: When considering the approach for the development of the consolidated text related to equivalence, there are a range of possible options. The following, identified by the EWG, are the options that seem most appropriate for initial consideration:</p>	<p>Ecuador We agree to continue the work with this option, as it will enable an accurate consolidated text on equivalence to be developed.</p>
<ul style="list-style-type: none"> • Para 11 Bullet three: Establish a framework or outline of the sections that need to be provided in a new single text and once agreed then insert the relevant content from the four identified text-texts into those sections. 	<p>CCTA</p>
<p>Para 12 It is the view of the EWG that the third option is an appropriate starting point for development of a consolidated text related to equivalence. Recognising there are two key outcomes that need to be achieved from this consolidation work – rationalisation and updating – this approach also recognises that the various text relating to equivalence have been developed over a period of more than 20 years. Over this time ideas about the form and content of Codex guidance have changed and the importance of ensuring that the guidance is up to date and does not include conflicting advice is recognised.</p>	<p>Brazil Considering the remarks on paragraphs 12 and 16, Brazil believes it would be timely to revise those documents that have been developed over a period of more than 20 years. We understand there is a need of a more accurate revision of principles, concepts and definitions willing to avoid conflicts between CCFICS texts, guaranteeing their alignment and coherence.</p>
<p>Para 12: It is the view of the EWG that the third option is an appropriate starting point for development of a consolidated text related to equivalence. Recognising there are two key outcomes that need to be achieved from this consolidation work – rationalisation and updating – this approach also recognises that the various text relating to equivalence have been developed over a period of more than 20 years. Over this time ideas about the form and content of Codex guidance have changed and the importance of ensuring that the guidance is up to date and does not include conflicting advice is recognised.</p>	<p>USA The U.S. supports a single text covering equivalence of a measure, a group of measures or a system.</p>
RECOMMENDATIONS	
<p>Para 17 (ii) & (iii)</p>	<p>Brazil</p> <p>In regard to recommendation “ii” on paragraph 17, Brazil would like to support the third option of paragraph 11. Meaning that we agree to establish a framework to be fulfilled with the relevant content of the identified Codex texts.</p> <p>In relation to paragraph 17, recommendation “iii”, Brazil agrees with the framework proposed on Appendix II.</p> <p>We remain with a concern in regard to the title of the document being discussed. <u>When exactly the title will be defined? In the end of the consolidation process?</u></p>

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	Brazil agrees with continuation of the current eWG with the task described on paragraph 18.
<p>Para 17 (i)</p> <p>The list of CCFICS text texts and proposed actions as set out in Appendix I.</p>	CCTA
<p>Para 17 (i)</p> <p>The proposed framework for the content of a single consolidated text of guidelines, set out in Appendix II.</p>	<p>Colombia</p> <p>Colombia agrees with the proposal in subparagraph III, because it considers that a new document that consolidates and modernizes the guidelines on equivalence will be easily accessible to the Codex Alimentarius member countries.</p> <p>It therefore supports the electronic working group, which considers this third option to be an appropriate starting point for developing a consolidated text on equivalence.</p>
APPENDIX I - IDENTIFICATION AND INITIAL ASSESSMENT OF CODEX TEXT RELEVANT TO EQUIVALENCE	
Principles for Food Import and Export Inspection and Certification (CXG 20-1995)	
<p>“Principles for Food Import and Export Inspection and Certification (CXG 20-1995)”</p>	<p>Brazil</p> <p>We also have few comments on Appendix I:</p> <p>On document “Principles for Food Import and Export Inspection and Certification (CXG 20-1995)” we have identified that the document in the Spanish version does not need the proposed amendment.</p>
<p><i>Principles for Food Import and Export Inspection and Certification (CXG 20-1995)</i> PRINCIPLES AND GUIDELINES FOR MONITORING THE PERFORMANCE OF NATIONAL FOOD CONTROL SYSTEMS (CXG 91-2017)</p>	<p>Nicaragua</p> <p>Nicaragua proposes to include in the relevant Codex texts on equivalence, document CXG 91-2017 "PRINCIPLES AND GUIDELINES FOR MONITORING THE PERFORMANCE OF NATIONAL FOOD CONTROL SYSTEMS", as this is considered to be the basis for developing CCFICS texts and there is a need for consistency in the Codex texts that define or reference the objectives of the NFCS</p>
<ul style="list-style-type: none"> Section 3: Principles, paragraph 12, Equivalence1-Section 1 Paragraph 1 2- Section 4, paragraph 16 	<p>Nicaragua</p> <p>The text for numbers 1 and 2 applies to the text CXG 91:2017</p>
<ul style="list-style-type: none"> Formal amendment to the first sentence: replace “inspection/certification systems” with “inspection and certification systems” [<i>Translator’s note: Does not apply to the Spanish version.</i>]1-An effective national food control system (NFCS) is essential [for protecting the safety of food for consumers and ensuring fair practices in the food trade ensuring the safety and suitability of food for consumers and fair practices in the food trade].2 	<p>Nicaragua</p> <p>In paragraph 1, Nicaragua suggests deleting the underlined text in bold</p>

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<p>Principle 4 Responsiveness It is adaptive to changes to the NFCS and the environment in which it operates and accommodates revisions to both the outcomes sought, associated activities and the indicators applied. (applicable to document CXG 91:2017)</p>	
<ul style="list-style-type: none"> This wording does not appear in any other CCFICS text and should be amended in the interests of consistency. 1- The editorial change is proposed to be consistent with the objective of a NFCS, according to CAC/GL 82-2013, section 2, paragraph 6.2-It is recommended to consider this principle in consolidating texts on equivalence, for example in working document CX/FICS 20/25/6, the capacity to maintain an adequate NFCS and the conditions for maintaining recognition, including the evolution of the system over time (Applicable to document CXG 91:2017) 	<p>Nicaragua</p>
<p>Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CXG 26-1997)”</p>	
<p>“Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CXG 26-1997)”</p>	<p>Brazil</p> <p>We also have few comments on Appendix I:</p> <p>On document “Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CXG 26-1997)” Brazil agrees that there is a mix of principles – equivalence statement/control process. We understand that it should be more detailed for a better rearrangement providing a logical sequence, avoiding the mentioned mix of principles. In regard to paragraph 55, we have the opinion that it is essentially a statement of a principle or process specific to equivalence.</p> <p>We believe that it is a basic principle for equivalence, since the exporting country will only know what level it should reach if the health authority of the importing country provides legal information and the functioning of its inspection system. Based on this information, you will know if you will be able to claim immediately, or if you will have to wait and proceed with internal adjustments of legal or operational nature, for a later equivalence request</p>
<p>Paragraph 55 is essentially a statement of principle or process and refers specifically to equivalence.</p>	<p>Honduras</p> <p>Honduras considers that the paragraph in the consolidated document should be maintained</p>
<p>“Guidelines for Food Import Control Systems (CXG 47-2003)”</p>	
<p>“Guidelines for Food Import Control Systems (CXG 47-2003)”</p>	<p>Brazil</p> <p>In the document “Guidelines for Food Import Control Systems (CXG 47-</p>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
	2003)” we believe that the consolidation of the information is appropriate, since the document CXG 47-2003 already refers to older documents throughout paragraphs 32 and 33 (CXG 26-1997 and CXG 34 - 1999). These paragraphs deal with equivalence; therefore, the revision of related documents will imply adjustments and consolidation of the guidelines contained in CXG 47-2003.
The paragraphs identified are general and do not refer specifically to equivalence, so they can be examined once the consolidation work has been completed.	Honduras Honduras suggests a subsequent review
“Guidelines for National Food Control Systems (CXG 82-2013)”	
“Guidelines for Food Import Control Systems (CXG 47-2003)”	Brazil On document “Guidelines for Food Import Control Systems (CXG 47-2003)” we believe that the consolidation of the information is appropriate, since the document CXG 47-2003 already refers to older documents throughout paragraphs 32 and 33 (CXG 26-1997 and CXG 34 - 1999). These paragraphs deal with equivalence; therefore, the revision of related documents will imply adjustments and consolidation of the guidelines contained in CXG 47-2003.
<i>Principles and Guidelines for National Food Control Systems (CXG 82-2013) Nicaragua</i>	Nicaragua Nicaragua has suggestions for the document, see numbers 1, 2 and 3 in each column.
<ul style="list-style-type: none"> Point 3, paragraph 43 contains a footnote referring to CXG 53-2003. 1-Section 3, paragraph 72- Section 3, paragraph 213- Section 3, paragraph 23 	Nicaragua
<ul style="list-style-type: none"> Make consequential amendments upon completing the consolidation, if necessary by amending references in the footnotes. 1-Principle 7 Cooperation and coordination between multiple competent authorities The competent authority within a national food control system should operate in a cooperative and coordinated manner, within clearly assigned roles and responsibilities, for the most effective use of resources in order to minimise duplication and/or gaps, and to facilitate information exchange. 2 Principle 10 Recognition of other systems (including equivalence) Competent authorities should recognise that food control systems or their components although designed and structured differently may be capable of meeting the same objectives. This recognition can apply at the national and international level. The concept of recognition of systems, including equivalence, should be provided for in the national food control system. 3. Agree on the wording of the Principle of Harmonisation, which is used in the Committee’s texts with different wording and for the purposes of “equivalence” is a relevant element in determining it. 	Nicaragua

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<ul style="list-style-type: none"> Having completed the consolidation work, it is advisable to examine the references.<u>1-It is recommended that this principle be considered in consolidating the texts on equivalence. For example, document CAC/GL 53-2003, states in paragraph 3 that “the application of the principle of equivalence has mutual benefits for both exporting and importing countries. While protecting the health of consumers, it serves to facilitate trade, and minimize the costs of regulation to governments, industry, producers, and consumers”2-It is recommended to agree on the wording for the principle of recognition. This principle can be considered to form the basis of the work conducted by the committee on equivalence and should be referenced in all associated texts.3. Example that justifies the need to authorise the wording:Principle 12Harmonisation: When designing and applying a food control system, the competent authority should consider Codex standards, recommendations and guidelines whenever appropriate as elements of their national food control system to protect the health of consumers and ensure fair practices in the food trade. Standards, recommendations or guidelines from other international intergovernmental organisations whose membership is open to all countries may also be useful. CAC/GL 82-2013).Harmonization: Member countries should use Codex standards, recommendations and guidelines (or those of other international organizations whose membership is open to all countries) whenever appropriate as elements of their inspection and certification systems. Countries should participate actively in the work of the Codex Alimentarius Commission and other relevant international bodies to promote and facilitate the development, adoption and review of Codex norms. (Source: CAC/GL 20-1995).</u> 	<p>Nicaragua</p>
<ul style="list-style-type: none"> The references should be examined once the consolidation work has been completed. 	<p>Honduras According to the suggested amendments</p>
<p>Exchange of Information between Importing and Exporting Countries to Support the Trade in Food (CXG 89-2016)</p>	
<p>Exchange of Information between Importing and Exporting Countries to Support the Trade in Food (CXG 89-2016)</p>	<p>Brazil</p> <p>Finally for the document “Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food (CXG 89-2016)” we also understand that if the documents mentioned in the footnotes undergo with adjustments and rearrangements in their concepts (form and content), such changes will imply that all documents where the footnotes are quoted, be revised, as a way of keeping the coherence and clarity of the CCFICS guidelines.</p>

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
The references should be examined once the consolidation work has been completed.	Honduras According to the suggested amendments
Identification and initial assessment of relevant Codex texts on equivalence	Nicaragua Nicaragua proposes adding a row to the table for all the documents identified. The contents of the proposal are: Document: All Section or paragraph: Definitions Proposed action: Combine terms or definitions used in the Committee's texts to establish a common language and facilitate interpretation, avoiding errors for the users of the texts. Rationale: The following are examples of definitions with different types of wording. Audit: a systematic and functionally independent examination to determine whether activities and its effects comply with the planned objectives (source CAC/GL 34-1999). Audit: a systematic and functionally independent examination to determine whether activities and related results comply with the planned objectives (source CAC/GL 20-1995). Equivalence: the possibility for different inspection and certification systems to meet the same objectives (source: CAC/GL 26-1997) Equivalence: is the capability of different inspection and certification systems to meet the same objectives (source: CAC/GL 34-1999)
Identification and initial assessment of relevant Codex texts on equivalence	Ecuador The country considers that the analysis carried out in drawing up the CCFICS list is quite rigorous, and suggests that appropriate amendments be made, or consolidated and urges that the following steps be taken.
<i>Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (currently</i>	
This whole document is about equivalence.	Honduras Honduras suggests that this be considered throughout the consolidated document.
Proposed addition- SPS committee's guidelines (G/SPS/19/Rev.2)- Code of ethics for international trade in food (CAC/RCP 20-1979)	Morocco
Appendix II - Initial outline proposal for a single Consolidated Guidance on Equivalence	

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
Appendix II	Ecuador We agree with developing the proposed framework and its content as it will allow consolidated practical guidelines to be drawn up and, as such, will contribute to the objective of streamlining documents on equivalence, identifying duplications and discrepancies.
Appendix II	Brazil We would like to reinforce our concern in regard to the title of the document being discussed. When exactly the title will be defined? In the end of the consolidation process?
<p><u>New proposal from the U.S.</u></p> <p>Section 1: Introduction/Preamble</p> <p>Section 2: Purpose/Scope/Objective</p> <p>Section 3: Definitions</p> <p>Section 4: Principles</p> <p>Section 5: Steps in the Equivalence Process</p> <p>Step 1: Initial Discussions and Decision to Commence</p> <p>Step 2: Determine Scope of Equivalence Determination (measure by measure or systems)</p> <p>Step 3: Description of Importing Country National Food Control System (NFCS) or relevant part (specific measure(s))</p> <p>Step 4: Decision Criteria to Assess Equivalence</p> <p>Step 5: Description of Exporting Country NFCS or relevant part (specific measures(s))</p> <p>Step 6: Assessment Process</p> <p>Step 7: Decision Process</p> <p>Step 8: Formalization and Maintenance of the Decision</p>	USA
<p>Appendix II</p> <p>Section 8+ Specific process for consideration of equivalence for developing countries *</p> <p>*Equivalence is when governments recognize other countries' measures as acceptable even if they are different from their own, so long as an equivalent level of protection is provided. The idea is simple and is a requirement in the SPS Agreement. Much more difficult is how to do it. Years of discussion have led to codex and SPS Agreement guidelines, which then required more clarifications. Some recognition of equivalence is in place, but members will always feel that their trading partners can do more. Developing countries in particular say the actions they are taking on their exports provide levels of protection that are not recognized as equivalent to importing developed countries' requirements.</p>	Morocco
Section 11 Other considerations *	Morocco

TEXT AND PROPOSED CHANGE	NAME OF MEMBER/OBSERVER AND COMMENT
*This is a section which will deal with other forms of equivalence arrangements which are not covered by the directive (flexibilities)	
Section 11 Link to other texts	<p>Nicaragua Nicaragua suggests that section 11 “Link to other texts” be included, with the aim of having a general paragraph linked to provisions in other Committee texts enabling the equivalence provisions to be expanded/substantiated, for example:</p> <p>CXG 60-2006 Principles for Traceability/Product Tracing as a Tool within a Food Inspection and Certification System</p> <p>CXG 89-2016 Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food</p> <p>Both texts provide information that can support the establishment of equivalence agreements.</p>
	<p>Honduras In section 8, Honduras asks for clarification on whether these specific measures include SPS and TBT measures</p>

Comments of Malaysia

Malaysia thanks New Zealand, United States of America and Chile and the rest of the EWG members for the effort and in preparing the revised text. Malaysia would like to share our views and offer some comments for consideration.

General comments

Malaysia generally supports the methodology proposed for progressing the consolidation of Codex guidance relating to equivalence specifically the third option. We supports continuing the development of the draft consolidated guidance related to equivalence according to Appendix II.

Appendix I

We agree with the list of CCFICS text and proposed actions set out in Appendix I. In addition, Malaysia would like to propose addition of Codex text/ sections that is relevant to Equivalence as follows, for consideration:

1. *Section 9, Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CXG 26-1997)*

Section 9, in particular its annex on *Principles and Guidelines for the Conduct of Assessments of Foreign Official Inspection and Certification Systems* elaborates assessment activities for evaluating the effectiveness of inspection and certification systems in determining the exporting country's ability against the required assurances of the importing country and reference is made to CAC/GL 53-2003.

Accordingly, the proposed draft *Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems* takes into consideration gaps in CXG 26-1997 and reference is made to the Annex of the CXG 26-1997. Therefore apart from Section 5, Malaysia proposes that Section 9 and its Annex of CXG 26-1997 also be included as section relevant to Equivalence. Both sections should be considered in development of consolidation and consequential amendment as necessary.

CXG 60-2006, Principles for Traceability/Product Tracing as a Tool Within a Food Inspection and Certification System

Malaysia notes that CXG 60-2006 provide for the recognition of an food inspection and certification system traceability/product tracing tool and there is a footnote referring to CAC/GL 34-1999 and CAC/GL 53-2003 in Section 3. As such CXG 60-2006 should be included in Appendix I to cater any consequential amendment following completion of consolidation work if footnote references need amendment.

Context

SECTION 3 – PRINCIPLES

Context

5. An importing country should consider that a food inspection and certification system without a traceability/product tracing tool may meet the same objective and produce the same outcomes (e.g. regarding food safety, provide the same level of protection) as a food inspection and certification system with traceability/product tracing⁵.

⁵ Codex Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999); Codex Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems (CAC/GL 53-2003).