



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-fifth Session

Hobart, Australia, 27 April – 1 May 2020

PROPOSED DRAFT CONSOLIDATED CODEX GUIDELINES RELATED TO EQUIVALENCE

Prepared by an electronic working group¹ led by New Zealand with the United States of America and Chile

(At Step 3)

Codex members and Observers wishing to submit comments at Step 3 on this draft should do so as instructed in [CL 2020/03/OCS-FICS](#) available on the Codex webpage/Circular Letters 2020:
<http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/?y=2020>

INTRODUCTION

1. At its 24th session CCFICS discussed the consolidation of Codex guidelines related to equivalence².
2. This discussion arose during consideration of the draft proposed *Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems* (CX/FICS 18/24/4). New Zealand, as Chair of the electronic working group (EWG) responsible for this work, explained that the three Co-Chairs (New Zealand, the United States of America and Chile) were in agreement on working towards merging the current draft standard once finalized with the other two existing Codex guidelines related to equivalence (i.e. *Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems* (CXG 34-1999) and the *Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems* (CXG 53-2003)) and making any relevant consequential amendments.
3. There was an exchange of views among CCFICS24 delegates regarding the process and the next steps of the complex work related to consolidating Codex guidelines on equivalence. It was the view of the Codex Secretariat and some delegations that this consolidation work was captured under the project document for the system equivalence work already underway (job number N25-2917). However, several delegations emphasized the need for clarity and transparency, including for those countries not present at CCFICS24, and requested a new project document to address the consolidation part of the work that would take place following the adoption of the current draft guidelines on system equivalence.
4. A new work project document was developed by an in-session working group and following review by CCFICS24 was recommended for approval by CAC42 (REP19/FICS Appendix II). The committee also agreed that the re-established EWG, led by New Zealand with the United States of America and Chile acting as co-chairs, be tasked with commencing the consolidation work in parallel with completing the draft proposed *Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems*.³
5. The new work proposal underwent Critical review by CCEXEC77 and their report (CX/EXEC 19/77/2 Rev 1 Appendix 1) noted the consolidation of all Codex guidance on equivalence (existing guidance and the draft guidelines on recognition and maintenance of equivalence of NFCs) will be helpful for national authorities, including developing countries, and will also help ensuring fair practices in food trade. CCEXEC77 recommended approval of the new work by CAC42 which was received in July 2019⁴.

¹ The electronic working group comprised representatives of Argentina, Australia, Brazil, Canada, Chile, Costa Rica, Dominican Republic, Ecuador, Egypt, El Salvador, European Commission, India, Indonesia, Jamaica, Japan, Kazakhstan, Republic of Korea, Mexico, Morocco, New Zealand, Nigeria, Norway, Peru, Singapore, Switzerland, Thailand, United States of America, United Kingdom, Uruguay, GFSI, SSAFE.

² Paras. 26 - 31, REP19/FICS

³ REP19/FICS paras 16 – 32

⁴ REP 19/CAC – paragraph 96 & Appendix V

TERMS OF REFERENCE

6. The terms of reference for the EWG were to 'commence the consolidation work of all Codex guidance related to equivalence and prepare a proposal for circulation for comments at Step 3 and for consideration to CCFICS25'⁵.
7. Of particular relevance is also the project document item '6 *Information on the relation between the proposal and other existing Codex documents*' as it specifically identified the relevant text and how it might be impacted:

The proposed work will take into consideration the results of the ongoing work being progressed by the Committee on the use of system equivalence; *the Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems* (CXG 34-1999); *the Guidelines on the judgement of equivalence of sanitary measures associated with food inspection and certification systems* (CXG 53-2003); and *the relevant parts of Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CXG 26-1997). The proposed work will also take into account aspects of the recently promulgated *Guidelines for National Food Control Systems* (CXG 82-2013); *the Guidelines for Food Import Control Systems* (CXG 47-2003); and *the Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food* (CXG 89-2016). Minor amendments to other Codex guidelines that mention equivalence may also be considered, if appropriate.

METHODOLOGY / APPROACH

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 [CX/FICS 20/25/6](#)) needs to be completed before drafting of a specific consolidation text is initiated.
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.
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 consolidation work. A review relating to these text 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.
11. When considering the approach for the development of consolidated text related to equivalence, there are a range of potential options. The following, identified by the EWG, are the options that seem most appropriate for initial consideration:
 - Review and amend each text to remove all duplication but maintain each as a separate text with a single focus.
 - Take one text dealing with the dual mandate of Codex as the base and insert the content of the others either within the main text or as annexes.
 - 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 into those sections.
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.
13. An initial proposal for a framework for a single consolidated text is presented at Appendix II.
14. The proposed approach with its initial focus on structure and concepts rather than specific wording supports the development of consolidated practical guidance for Codex members along with facilitating the

⁵ Para 32 (iii) (b), REP 19/FICS

rationalisation objective that will be worked on at the next stage of the consolidation work. It can also ensure that the duplication and at times conflicting guidance that can be found in the current texts can be addressed.

APPROACH FOR PHYSICAL WORKING GROUP DISCUSSION

15. A physical working group (PWG) will be held on Sunday 26 April 2020 8:30am to 15:30pm. The PWG will consider the formal member comments received on this paper and in particular focus on the responses to the proposals set out in Appendix I and Appendix II of this paper for report back to CCFICS25.

NEXT STEPS

16. Once the Committee has agreed to the approach the next step will be to commence the review, rationalisation and updating of the Codex guidelines relating to equivalence. This will include a more detailed side by side analysis of all the text identified for consideration to identify the specific areas of duplication or conflict, followed by a rationalisation process and then development of the consolidated guidance. It is suggested that this work be undertaken by an electronic working group with the possibility of a physical working group to prepare draft text for consideration by CCFICS26.

RECOMMENDATIONS

17. The Committee is invited to consider the proposals set out in this paper relating to the methodology proposed for progressing the consolidation of Codex guidance relating to equivalence and indicate their views regarding:

- i. The list of CCFICS text and proposed actions as set out in Appendix I.
- 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.
- iii. The framework proposed for the content of a single consolidated guidance text as set out in Appendix II.

18. The Committee is requested to confirm the continuation of the current EWG to:

- i. progress the development of draft consolidated guidance relating to equivalence in line with the conclusions of the consideration by CCFICS25 and
- ii. prepare draft text for consideration by CCFICS26.

Identification and initial assessment of Codex text relevant to Equivalence

Document	Section or paragraph	Proposed Action	Rationale
<i>Principles for Food Import and Export Inspection and Certification</i> (CXG 20-1995)	Section 3 – Principles paragraph 12 Equivalence	Editorial amendment 1 st sentence – <i>inspection/certification systems</i> to ‘inspection and certification systems’	This formulation is not used in any other CCFICS text and should be amended to ensure consistency
<i>Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems</i> (CXG 26-1997)	Section 5 Equivalence (paragraphs 9 to 16) Paragraph 55 is specific to demonstration of equivalence	Whole of Section 5 to be considered in development of consolidation and then consequential amendment to ensure text appropriate to a revised CXG 26-1997 Retention or deletion of Paragraph 55 to be considered following completion of consolidation work	Section 5 contains a mix of principle like statements, statements on the purpose of or reason for undertaking equivalence, some process statements and statements on the content of agreements. Paragraph 55 is essentially a statement of a principle or process specific to equivalence
<i>Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems</i> (CXG 34-1999)	Whole document	Consideration in development of consolidation	This entire document deals with equivalence
<i>Guidelines on the judgement of equivalence of sanitary measures associated with food inspection and certification systems</i> (CXG 53-2003)	Whole document	Consideration in development of consolidation	This entire document deals with equivalence
<i>Guidelines for Food Import Control Systems</i> (CXG 47-2003)	Paragraphs 13 and 32 provide generally for the recognition of an exporting country food control system. Paragraph 32 contains a cross reference to Section 5 of CXG 26-1997 Paragraph 33 has a footnote reference to CXG 34-1999	Consequential amendment following completion of consolidation work, particularly in respect of the cross reference in paragraph 32 and footnote in paragraph 33	The identified paragraphs are general in nature and not specific to equivalence therefore a review at the conclusion of the consolidation work is appropriate. The cross references should also be reviewed at that time to determine if any amendment is necessary.
<i>Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems</i>	Whole document	Consideration in development of consolidation	This entire document deals with equivalence

(currently before CCFICS as Appendix I of CX/FICS 20/25/6)			
<i>Guidelines for National Food Control Systems</i> (CXG 82-2013)	Section 3, Principle 10 (Paragraph 21) contains a footnote reference to CXG 34-1999 and CXG 53-2003 Paragraph 43 bullet 3 contains a footnote reference to CXG 53-2003	Consequential amendment following completion of consolidation work if footnote references need amendment.	Cross references are appropriate to review at conclusion of the consolidation work
<i>Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food</i> (CXG 89-2016)	1. Introduction includes specific reference to CXG 53-2003 and to paragraph 55 of CXG 26-1997 5. Principles e) has a footnote that includes reference to the annex to CXG 53-2003	Consequential amendment following completion of consolidation work to references and footnote if needed.	Cross references are appropriate to review at conclusion of the consolidation work

Initial outline proposal for a single Consolidated Guidance on Equivalence

Section 1	Introduction / Preamble
Section 2	Purpose / Scope / Objectives (of guideline)
Section 3	Definitions
Section 4	Principles
Section 5	Considerations before entering discussions
Section 6	Overarching process steps
Section 7	Process for consideration of equivalence of systems
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).
Section 9	Agreement content
Section 10	Maintenance of recognition