

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 4

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Seventh Session

Cairns, Australia

16 – 20 September 2024

PROPOSED DRAFT CONSOLIDATED CODEX GUIDELINES RELATED TO EQUIVALENCE

Comments in reply to CL 2024/70-FICS

Comments by Australia, Brazil, Canada, Chile, Colombia, Costa Rica, European Union, Guatemala, Iraq, New Zealand, Peru, Republic of Korea, United Kingdom, Uruguay, USA and ICUMSA

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2024/70-FICS issued in July 2024. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

Explanatory notes on the Annex

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

GENERAL COMMENTS

COMMENT	MEMBER / OBSERVER
Proposal: Purpose/Scope: The purpose is to provide guidance to competent authorities and FBOs on the prevention, detection, mitigation and control of food fraud that falls within the scope of the Codex Alimentarius, in order to help protect the health of consumers and ensure fair practices in the food trade. Aspects related to food fraud or misleading information already addressed through other Codex texts are not intended to be addressed in this guideline; this guidance is intended to support or supplement existing Codex texts by providing additional guidance specific to food fraud and could be considered within the NFCS. Rational: The matter "food fraud" is broader than CODEX's mandate, in this sense, some actions to prevent, detect, mitigate and control food fraud could not fit into the document, so the scope of the guideline has to make it clear, all actions addressed in this text must be within the Codex's mandate. There is no need to address labeling information and other issues present in other Codex texts. If necessary, it is enough to mention the reference document, without addressing the subject directly. Given the new proposed scope text, there is no need for the language that includes animal feed or the footnote 2 that excludes geographical indicators, since the scope is clear enough to only address issues within the Codex mandate. In this case we suggest removing both subjects from the text. If an issue relates to a subject outside the Codex's mandate but is considered to have an impact on human food safety, it may be addressed specifically in terms of the above-mentioned impact, thus respecting the mandate of the Organization.	Brazil
- Canada thanks the Chairs for their work on the consolidation of Codex guidance on equivalence. We support this work and recognize the significant efforts required to consolidate several texts into one. Canada also recognizes that there may be opportunities to update text on equivalence, but views that most of the existing Codex texts remain relevant and provide valuable information that should be maintained in the consolidated new guidance. - Some parts of the draft consolidation document include language that does not reflect the consensus text of the Guidelines on Recognition and Maintenance of National Food Control Systems (CXG 101-2023) but appears to be similar to language in the early draft versions of CXG 101-2023. Conversely, important elements of CXG 101-2023 have not been included in the draft consolidation. It is recommended to update, as appropriate, the draft consolidation document with language/information from CXG 101-2023 (in addition to complementary information from older texts on equivalence) to minimize discussions and re-elaboration of text. Canada also notes that the process steps in the draft consolidation differ from those in CXG 101-2023, which will require an update of the chart in Appendix 1 of the document. If appropriate, the Committee may wish to consider using the process steps of CXG 101-2023 in the draft consolidation in order to minimize discussions and facilitate consensus. - The following terms are used in the text when referring to measures: measures; conditions of trade; requirements; requirements for trade; specified measures; specified requirements for trade; requirements for trade and/or measures. Canada recommends using the term "measures" throughout the text and if/where necessary, "requirements", for consistency of terminology and to prevent confusion. We also recommend deleting the qualifier "specified" where it occurs, as it is superfluous and doesn't add clarity to the draft document. Canada has proposed edits throughout the document to reflect these comments. - CCFICS will need to take a decision on the status of existing CCFICS equivalence documents referenced in paragraph 4 of the current draft. In order to assist the Committee in reaching an informed decision, it would be of great value to have a paragraph-by-paragraph analysis of existing texts (e.g., in a table format) to identify where the concepts in these paragraphs are reflected in the draft consolidation draft, or if it has been omitted, and the rationale for the omission. It would also be helpful to identify the source of text in the draft consolidation. Such an analysis would facilitate the progress of the consolidation exercise and decision making by CCFICS regarding the status of existing equivalence texts.	Canada
Comentario: Se debería preferir hablar de "SNCA o una parte" y no hacer referencia a medidas específicas en muchos párrafos genéricos. Quizás en una nota se puede señalar que se refiere a una medida, a un grupo de medidas, al SNCA o una parte del SNCA. Fundamento: Para simplificar el texto.	Chile

The European Union and its Member States (EUMS) would like to thank New Zealand, the United States and Kenya for leading this work on equivalence.	European Union
As Chair of the EWG New Zealand has welcomed and appreciated the comments and contributions from our co-chairs the USA and Kenya, and from other members of the EWG. It is our view that the draft of the Consolidated text has made good progress and that following consideration by CCFICS27 of the comments received a recommendation for progression in the Codex Step process may be appropriate.	New Zealand
Republic of Korea thanks the chairs and co-chairs for their dedications and contributions to the development of this guidance document. Meanwhile, Republic of Korea wonders what will be the fate of the guidelines listed in paragraph 4 once the consolidated guidelines are completed. Are they absorbed into the consolidated guideline and then disappear? It is necessary to make sure how we would treat those existing guidelines. Otherwise, this consolidated guideline is just 'another one more' guideline we need to read over and reference which makes our job more complicated than simple.	Republic of Korea
Uruguay agradece la oportunidad de brindar comentarios a la Carta Circular.	Uruguay

SPECIFIC COMMENTS

COMMENT	MEMBER / OBSERVER
PROPOSED DRAFT CONSOLIDATED TEXT ON THE PRINCIPLES AND GUIDELINES FOR THE RECOGNITION OF THE EQUIVALENCE OF SPECIFIED MEASURES OR THE WHOLE OR A PART OF NATIONAL FOOD CONTROL SYSTEMS	
PRINCIPLES AND GUIDELINES FOR THE RECOGNITION OF THE EQUIVALENCE OF SPECIFIED-SPECIFIC SANITARY MEASURES OR THE WHOLE OR A PART OF NATIONAL FOOD CONTROL SYSTEMS The United States thanks the EWG Chair for the work completed on these Guidelines. Within the document, the US has responded to the questions and provides edits throughout the document. Although the US notes that some sections of the document were at different Steps, due to the interconnections of the various sections comments are provided on all sections. As a general comments, the US still struggles with the source of various text, particularly where the text does not closely align to the language in CXG 101-2023, and has continued concerns about the potential for SPS and TBT to be conflated in this document. The US looks forward to further discussion of these points at the Physical Working Group The US believes that the title of this guideline might need to be refined, depending on the discussions at the PWG and whether and how TBT aspects are included.	USA
PRINCIPLES AND GUIDELINES FOR THE RECOGNITION OF THE EQUIVALENCE OF SPECIFIED MEASURES OR THE WHOLE OR A PART OF NATIONAL FOOD CONTROL SYSTEMS The UK would like to thank New Zealand and its Co-Chairs, USA and Kenya, for their diligent work and excellent stewardship of this work.	United Kingdom
PRINCIPLES AND GUIDELINES FOR THE RECOGNITION OF THE EQUIVALENCE OF SPECIFIED MEASURES OR THE WHOLE OR A PART OF NATIONAL FOOD CONTROL SYSTEMS Canada recommends deleting the qualifier "specified" from the title and from the rest of the document, as noted in our general comments.	Canada
Section 1: Preamble	
Paragraph 1 The recognition of equivalence is not generally required for most trade. However, where applied it can provide an effective means for further ensuring the requirements for trade between two countries are the least trade restrictive to ensure the importing country's relevant objectives, and related outcomes or level of protection are achieved. The recognition of equivalence, when it occurs, should <u>can</u> result in positive changes to the conditions of trade, and facilitate the more efficient and effective use of resources in the importing and exporting countries.	USA
Paragraph 1 The recognition of equivalence is not generally required for most trade <u>trade in food</u>. However, where applied <u>used</u>, it can provide an effective means for further ensuring the requirements for trade between two countries are the least trade restrictive to ensure the importing country's relevant objectives <u>minimizing unnecessary duplication of controls, and related outcomes or level</u>	Canada

COMMENT	MEMBER / OBSERVER
while protecting the health of protection are achieved consumers and ensuring fair practices in the food trade. The recognition of equivalence, when it occurs, should result in positive changes to the conditions of trade, and facilitate <u>trade and</u> the more efficient and effective use of resources in the importing and exporting countries. Substantive and Editorial: Add “in food” at the end of the first sentence for completeness. Canada recommends replacing the second sentence with text from the preamble of CXG 101-2023 (Guidelines on Recognition and Maintenance of Equivalence of National Control Systems (NCFS)) which more accurately reflects the purpose of equivalence agreements and is consistent with CXG 34-1999. We also proposed edits to the last sentence for clarity and readability, without changing its substance.	
Paragraph 1 The recognition of equivalence is not generally required for most trade. However, where applied it can provide an effective means for further ensuring the requirements for trade between two countries are the least trade restrictive to ensure the importing country’s relevant objectives, and related outcomes or level of protection are achieved. The recognition of equivalence, when it occurs, should result in positive changes to the conditions of <u>requirements for</u> trade, and facilitate the more efficient and effective use of resources in the importing and exporting countries. Rationale: For consistency and to correct an omission in the drafting.	New Zealand
Paragraph 2	
2. Requests for the recognition of equivalence can cover those requirements for trade that may relate to both the protection any aspect of the health of consumers and food safety or fair practices in the food trade and can cover apply to a specified measure, or the whole or a part of an exporting country’s National Food Control System (NFCS). Requests for the recognition of equivalence normally relate to changes that would improve the requirements for trade or proposed trade. First sentence: Canada proposes some edits to the first sentence of paragraph 2 to simplify the text and improve clarity Second sentence: Canada recommends deleting the second sentence of paragraph 2 since it duplicates the information in the last sentence of paragraph 1.	Canada
Paragraph 3 3. The recognition of equivalence may facilitate trade through reducing the need for exporting countries to implement additional controls over and above those already effectively being delivered by its <u>their</u> NFCS and may also result in resource savings for importing countries. The recognition of equivalence may lead to efficiencies in approval, audit, inspection, and certification processes especially as these may relate to food control systems, establishments, products, and processes. Replace “its” with “their”, since the pronoun refers to “exporting countries” which is plural.	Canada
Paragraph 4 4. These guidelines consolidate and update [and replace] the <i>Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems</i> (CXG 34-1999), <i>Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems</i> (CXG 53-2003) and <i>Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems</i> (CXG 101-2023). Paragraph 4 indicates that these guidelines “update [and replace]” existing guidance on equivalence. Canada recalls that the scope of the project document is to consolidate all guidelines related to equivalence. While we recognize that some updates or rationalisation may be necessary as discussed by CCFICS25, these should be identified to enable the Committee to ensure that these updates/rationalisation do not go beyond the mandate of the project document.	Canada
SECTION 2: PURPOSE	
Paragraph 6 6. This consolidated text provides practical guidance for importing and exporting countries on the process that may be applied for the assessment, recognition and maintenance of equivalence of a specified specific sanitary measure, or the whole or part of a NFCS, as well as what should could be covered in any resulting agreement/arrangement and associated documentation¹.	USA

COMMENT	MEMBER / OBSERVER
Paragraph 6 6. This consolidated text provides practical guidance—guidance, information and recommendations for importing and exporting countries on—to use when considering the appropriateness and/or scope of as well as the process that may be applied for the assessment—assessing, recognition—recognizing, and maintenance of—maintaining the equivalence of a specified measure, or the whole or part of a NFCS, as well as what should be covered in any resulting agreement/arrangement and associated documentation¹—. A request for a recognition of equivalence may relate to either the protection of the health or ensuring fair practices in the food trade, or both, as relevant to the trade in food and the scope of the request. First sentence: proposed edits for consistency with the language of the recently adopted Guidelines on Recognition and Maintenance of Equivalence of National Control Systems (CXG 101-2023). The edited text more accurately reflect the content of the document, which includes initial discussions and considerations before entering into a process for the recognition of equivalence. It is also recommended to merge Section 2 (Purpose) and Section 3 (Scope) for brevity, as was done for CXG 101-2023.	Canada
SECTION 3: SCOPE	
It is recommended to delete this section and merge it with Section 2, Purpose.	Canada
Paragraph 7 7. The guidance covers the assessment, recognition and maintenance of equivalence that relate to either the protection of the health of consumers or ensuring fair practices in the food trade, or both, as relevant to the trade in foods and the requirements for trade covered by the request. It is recommended to delete this section and merge it with Section 2, Purpose.	Canada
SECTION 4: DEFINITIONS	
There is no definition of 'assessment' in the related existing documents listed under section 1:preamble for this consolidated guideline. There is an explanation what the assessment process is in the CXG 101-2023 but is not a definition either. ROK proposes to adapt the definition of 'assessment' from CXG 91-2017 or CXG 93-2021. Thank you.	Republic of Korea
Question 1	
Note: There was a mix of WG views on including the full phrase “objectives, and related outcomes or level of protection” as used in CXG 101-2023 in some but not all definitions. Yes	Iraq
Pregunta 1: ¿Hay respaldo para el enfoque en curso y la terminología? Colombia responde con un Sí a la pregunta 1. Colombia respalda el enfoque en curso y la terminología abordada en el documento.	Colombia
Pregunta 1: ¿Hay respaldo para el enfoque en curso y la terminología? El Comité respalda el enfoque en curso y la terminología.	Peru
Pregunta 1: ¿Hay respaldo para el enfoque en curso y la terminología? Si, hay respaldo.	Guatemala
Pregunta 1: ¿Hay respaldo para el enfoque en curso y la terminología? Costa Rica respalda el enfoque en curso y la terminología propuesta	Costa Rica
Pregunta 1: ¿Hay respaldo para el enfoque en curso y la terminología? Uruguay considera que en la definición de equivalencia se debería utilizar la frase completa “los objetivos y los resultados correspondientes o el nivel de protección”, tal como se menciona en el acuerdo MSF y en el punto 12 (idoneidad) del propio documento.	Uruguay
Question 1: Is the current approach and wording supported? The U.S. preference is to use the full phrase, that is, “objectives, and related outcomes or level of protection” throughout the document. In addition, if both SPS and TBT are included in this document, then better aligning this language with those two aspects is needed.	USA
Question 1: Is the current approach and wording supported? The UK supports this work and approach. However we are mindful that the purpose of the work (REP19/FICS Appendix II) is to provide clear, consistent and useful guidance to countries considering the use of any form of equivalence. It is our understanding that consolidation is used	United Kingdom

COMMENT	MEMBER / OBSERVER
to create a single cohesive document, and as a concept should avoid, where possible, making substantive changes to agreed text.	
Question 1: Is the current approach and wording supported? We consider the current approach and wording satisfactory.	Brazil
Question 1: Is the current approach and wording supported? Australia considers this an equivalent statement and does not oppose the use of the phrase.	Australia
Question 1: Is the current approach and wording supported? It is of the opinion that the text 'objectives' alone can deliver sufficient interpretation. Therefore, including full phrase of 'objective, and related outcomes or level of protection' in the document is unnecessary.	Republic of Korea
Question 1: Is the current approach and wording supported? New Zealand Response to Q 1 New Zealand supports the current approach and the wording of the Definitions as proposed. In particular, for Equivalence (which does not include the full phrase) as this definition for the consolidation needs to be applicable for all types of equivalence and removes the suggestion that multiple definitions are needed as these can lead to confusion and misunderstanding; for Decision Criteria (which does include the full phrase) as this provides clarity that Decision Criteria may be applied at a general or overarching level that could apply to a whole or part of a NFCS or at the level of a specific measure or requirement that is relevant to the scope of the matters under consideration; and for Measure (which includes the full phrase) and is used in reference to both importing and exporting countries. The inclusion in the Consolidation of separate definitions for 'sanitary measure' and for 'technical measure' provide the necessary clarity for those unfamiliar with how the concepts differ both in their objectives and which WTO disciplines apply.	New Zealand
Question 1: Is the current approach and wording supported? For consistency reasons and to avoid difficulties and confusion in interpretation, the full phrase "objectives, and related outcomes or level of protection" should always be used. It has to borne in mind that later reciting will occur and may lead to different interpretations or questions if the full phrase is not always repeated.	European Union
Question 1: Is the current approach and wording supported? No. Please see Canada's comments on the individual definitions.	Canada
Question 1: Is the current approach and wording supported? Current approach is appropriate but improvement to align for all definitions should be an aim.	ICUMSA
Question 2: Is the current proposed wording supported?	
Note: There was a mix of WG views on the wording for 'Measure' and for 'Requirements'. The current proposed wording draws a distinction between 'measure' which can refer to either the importing or exporting country and 'requirements' which are the importing country's conditions for trade. The Chairs of the EWG have replaced "conditions for trade" with "requirements for trade" as a solution to address EWG comments about the use of the term "conditions of trade". We note that "conditions" and "requirements" are synonyms. We suggest that terms can be further streamlined to improve consistency and readability of the text as proposed in our general comments.	Canada
Pregunta 2: ¿Hay respaldo para la terminología propuesta? Colombia responde con un Sí a la pregunta 2 Sin embargo, en la definición de resultados se propone suprimir la expresión o resultados, de tal forma que la definición quedaría de la siguiente forma: Resultados: Efectos o resultados previstos que contribuyen a lograr los objetivos pertinentes del SNCA [Del CCFICS26 orientación sobre la equivalencia de los SNCA y CXG 91-2017] Colombia respalda la terminología propuesta en el documento.	Colombia
Pregunta 2: ¿Hay respaldo para la terminología propuesta? El Comité respalda el enfoque en curso y la terminología. Adicionalmente en la definición de "medida" y "requisito", se propone la siguiente redacción; "Medida: tipo de control diseñado para alcanzar los objetivos del SNCA y resultados correspondientes o nivel de protección, siempre y cuando estén relacionados con la protección de la salud del consumidor o la garantía de prácticas justas en el comercio de alimentos".	Peru

COMMENT	MEMBER / OBSERVER
Reemplazando. “en la medida en que”, “por siempre y cuando” “Requisitos: criterios y condiciones establecidas por la autoridad competente del país importador en relación con el comercio de alimentos, que cubre la protección de la salud del consumidor y garantiza prácticas justas en el comercio de alimentos”. Adicionar la palabra “criterios”, a fin de estar alineados con el CAC/GL 34-1999.	
Pregunta 2: ¿Hay respaldo para la terminología propuesta? Si, hay respaldo.	Guatemala
Pregunta 2: ¿Hay respaldo para la terminología propuesta? Uruguay está de acuerdo con la definición de “medida” y “requisitos”. Por otra parte, respecto a la definición de resultados, sugerimos se incorpore la frase completa “los objetivos y los resultados correspondientes o el nivel de protección” a la definición. A la vez sugerimos evaluar si no se debería considerar agregar que los resultados deberían no sólo contribuir al logro de los objetivos, sino que también sirvan como indicadores del éxito en alcanzar esos objetivos. Además, en la versión en español, Uruguay entiende que en la definición de Objetivo del SNCA no queda claro el significado de la palabra “político” en la frase “significa un objetivo político legítimo de la totalidad...”. Uruguay observa que, en la versión en español, se menciona a la sección 4 en dos partes del documento haciendo referencia a distintos puntos: Sección 4: Definiciones; Sección 4: Principios.	Uruguay
Question 2: Is the current proposed wording supported? The US notes that the term ‘requirements’ is not used in any of the texts that are being consolidated. However, if it is used to clearly differentiate between SPS and TBT it could be helpful. IF the term “requirements” is meant to encompass TBT aspects, it would be better to be explicit and use the terminology from the WTO TBT agreement and that was used in CXG 101-2023 (i.e., ‘technical regulations, standards or conformity assessment procedures,’) This would provide clarity to the discussion of this document during the PWG and CCFICS27 plenary, and to future readers.	USA
Question 2: Is the current proposed wording supported? As a general comment we note that many of the included definitions are already defined in both Annex A of the WTO agreement or in CAC/GL 53-2003, CAC/GL 26-1997 or the more recently agreed CXG 101-2023. It may be more appropriate to reference these rather than adapt them to ensure consistency.	United Kingdom
Question 2: Is the current proposed wording supported? Yes	Iraq
Question 2: Is the current proposed wording supported? We understand that the current definitions are adequate. However, we believe it is important that the definition of requirements aligns with the WHO Global Strategy for Food Safety. Therefore, we suggest including in the definition of requirements that they aim to ensure food safety and, consequently, protect consumer health.	Brazil
Question 2: Is the current proposed wording supported? Canada could support a simplified wording, i.e., using the word “Requirements” (not “requirements for trade”) where appropriate in the text.	Canada
Question 2: Is the current proposed wording supported? Aus: does not object to the definitions provided below for these two terms.	Australia
Question 2: Is the current proposed wording supported? ROK supports proposed version of definition of 'Measure'. However, as far as 'Requirements' goes, It is of the opinion that the definition of 'requirement' needs more clarification because the word 'condition' is being used with 'requirements' interchangeably in the text which leads some confusion.	Republic of Korea
Question 2: Is the current proposed wording supported? New Zealand Response to Q 2	New Zealand

COMMENT	MEMBER / OBSERVER
New Zealand supports the current approach and the wording of the Definitions for Measure and for Requirements as proposed – it being important to draw a distinction between the two definitions. The definition of Measure also includes ‘NFCS objectives’ and New Zealand supports the inclusion of a separate definition of this term that clearly describe the cascade from the highest level objectives – protection of the health of consumers and ensuring fair practices in the food trade’ (as stated in CXG 82-2013) – to objectives that relate to the parts or specific measures within the NFCS relevant to the products or matters to be covered by an equivalence recognition. While it was not finally agreed as necessary to include this definition in CXG 101-2023 it is important to ensure that the guidance provided in this consolidation is clear on the concept that objectives (why the part or measure is relevant) is applicable at all levels of a NFCS down to individual measures. Also that in undertaking the process for a recognition of equivalence it is important to be able to articulate the connection to the relevant level.	
Question 2: Is the current proposed wording supported? It is supported to use ‘measure’ referring to either the importing or exporting country and ‘requirements’ which are the importing country’s conditions. The term ‘measure’ should however not be limited to controls of an NFCS but to any measures including treatment, processing, and testing as the scope of the document is intended to cover the full scope of equivalences in the food and feed sector.	European Union
Question 2: Is the current proposed wording supported? Yes, the current proposed wording is supported.	ICUMSA
EQUIVALENCE:	
<u>Equivalence:</u> The capability of different NFCS, in whole or in part, or different specified-specific sanitary measures, to achieve the same objectives, and related outcomes or level of protection. [New Definition adapted from CXG 26-1997 and CXG 101-2023 to capture the range of equivalence approaches].	USA
<u>Equivalence:</u> The capability of different NFCSmeasures, in whole or in partNFCS, or different specified measuresparts of NFCS, to achieve the same objectives. [New Definition adapted from CXG 26-1997 and CXG 101-2023 to capture the range of equivalence approaches]. Canada would recommend using the definition of “Equivalence of NFCS” from CXG 101-2023 (Equivalence of NFCS: The capability of different NFCSs or parts of NFCSs to achieve the same objectives). It is broad enough to accommodate equivalence of measures or NFCS or relevant part. However, should the Committee see value in adapting the definition of “Equivalence” as found in CXG 26-1994 and CXG 34-1999 (Equivalence is the capability of different inspection and certification systems to meet the same objectives), we would recommend to keep the edits to the minimum necessary, as proposed.	Canada
<u>Equivalence:</u> The capability of different NFCS, in whole or in part, or different specified measures, to achieve the same objectives, and related outcomes or levels of protection. [New Definition adapted from CXG 26-1997 and CXG 101-2023 to capture the range of equivalence approaches]. For consistency reasons throughout the text, it should always read: objectives, and related outcomes or levels of protection.	European Union
Decision Criteria:	
<u>Criterios de decisión:</u> Los factores utilizados para determinar objetivamente si el SNCA del país exportador o la parte pertinente logra los objetivos, y los resultados correspondientes o nivel de protección del SNCA del país importador o la parte pertinente para los productos en consideración [Adaptado de CXG 101-2023]. Esta definición no es similar a la de CXG101. Se sugiere sea similar a la señalada en CXG101. Fundamento:Mantener coherencia en la consolidación.,	Chile
<u>Decision Criteria:</u> Those factors used <u>by the importing country</u> to objectively determine whether the exporting country’s NFCS or the relevant part achieve the objectives, and related outcomes or level of protection, of the importing country’s NFCS or the relevant part for the products under consideration [Adapted from CXG 101-2023].	USA
<u>Decision Criteria:</u> Those factors used to objectively determine whether the exporting country’s NFCS or the relevant part achieve the objectives, and related outcomes or level of protection<u>objectives</u> –of the importing country’s NFCS or the relevant part for the products under consideration [Adapted from CXG 101-2023].	Canada

COMMENT	MEMBER / OBSERVER
Canada recommends maintaining the definition criteria as endorsed by CCFICS26 and adopted in CXG 101-2023.	
Measure:	
<u>Medida:</u> tipo de control diseñado para alcanzar los objetivos del SNCA y resultados correspondientes o nivel de protección, en la medida en que estén relacionados con la protección de la salud del consumidor o la garantía de prácticas justas en el comercio de alimentos. <i>[Nueva definición extraída de los textos existentes del Codex y de la OMC].</i> Justificar por qué se necesita esta definición. Fundamento: No parece razonable realizar una adaptación de los conceptos o definiciones del Acuerdo MSF de la OMC, ya que estas son vinculantes para los miembros de esta organización, y han sido adoptadas mediante consenso.	Chile
Measure: a type of control designed to achieve NFCS objectives, and related outcomes or level of protection as they relate to the protection of the health of consumers or ensuring fair practices in the food trade. <i>[New definition drawn from existing Codex and WTO texts]</i>	USA
Measure: a type of control or treatment/processing or testing designed to achieve NFCS objectives, and related outcomes or level of protection as they relate to the protection of the health of consumers or ensuring fair practices in the food trade. <i>[New definition drawn from existing Codex and WTO texts]</i> As the intention is to cover all types of equivalences in the food and feed area, it should not be limited to controls.	European Union
Measure: a type of control designed to achieve NFCS objectives, and related outcomes or level of protection as they relate to the protection of the health of consumers or ensuring fair practices in the food trade. <i>[New definition drawn from existing Codex and WTO texts]</i> Canada recommends deleting the definition of “measure”. This term is well understood, and used extensively in CCFICS texts and other Codex texts. We do not see a need or rationale for including this new definition during the consolidation of texts on equivalence.	Canada
NFCS Objective	
<u>Objetivo del SNCA</u> significa un objetivo político legítimo de la totalidad o de la parte pertinente del SNCA relativo a la protección de la salud del consumidor o a la garantía de prácticas justas de comercio de alimentos, incluido el modo en que la parte pertinente o la medida específica contribuyen al objetivo político. <i>[Nueva definición extraída del documento CXG 82-2013].</i>	Chile
NFCS Objective means a legitimate policy goal for is the NFCS or the relevant part with respect to the protection of the health of consumers or ensuring fair practices in the food trade including how the relevant part or specific measure contributes to the policy goal. <i>[New Definition derived from CXG 82-2013]</i> Esta definición no existe en CXG82-2013, ¿por qué se considera que esta definición es útil? Fundamento: Esta definición no existe en CXG82-2013.	USA
NFCS Objective means a legitimate policy goal for the NFCS or the relevant part with respect to the protection of the health of consumers or ensuring fair practices in the food trade including how the relevant part or specific measure contributes to the policy goal. <i>[New Definition derived from CXG 82-2013]</i> Canada recommends deleting the proposed definition of “NCFS Objective”. It is not found in existing texts on equivalence, including CXG 101-2023, and was added to the draft consolidated text following CCFICS26. We don’t see a rationale or need for this new definition.	Canada
<u>NFCS Objective</u> means a legitimate policy goal for the NFCS or the relevant part with respect to the protection of the health of consumers or ensuring fair practices in the food trade including how the relevant part or specific measure contributes to the policy goal. <i>[New Definition derived from CXG 82-2013]</i> Aus: suggest deletion of this term as it would be necessary to identify who would be the decision maker on what is legitimate and the criteria to determine legitimacy.	Australia
Outcomes	
<u>Outcomes:</u> Intended <u>Demonstrated</u> effects or results that contribute to achieving the relevant NFCS objectives <i>[From CCFICS26 NFCS Equivalence guidance and CXG 91-2017].</i>	USA
Requirements	

COMMENT	MEMBER / OBSERVER
<u>Requisitos:</u> condiciones establecidas por la autoridad competente del país importador en relación con el comercio de alimentos, que cubre la protección de la salud del consumidor y garantiza prácticas justas en el comercio de alimentos. <i>[Adaptado de CAC/GL 34-1999]</i> Esta definición se encuentra en CXG 34-1999, pero modificada. Se debería justificar por qué se agrega "...del país importador...". De ser útil esta definición, debe tener el mismo significado, independiente de si es un país importador o exportado. Se sugiere eliminar "...del país importador...". Fundamento: La definición debería tener el mismo significado de qué país los implementa.	Chile
<u>Requirements:</u> are the conditions criteria set down by the importing country country's competent authority authority(ies) relating to trade in food covering the protection of the health of consumers and ensuring fair practices in the food trade. <i>[Adapted from CAC/GL 34-1999]</i> The US notes that the term 'requirements' is not used in any of the texts that are being consolidated. However, if it is used to clearly differentiate between SPS and TBT it could be helpful. IF the term "requirements" is meant to encompass TBT aspects, it would be better to be explicit and use the terminology from the WTO TBT agreement and that was used in CXG 101-2023 (i.e., 'technical regulations, standards or conformity assessment procedures,') This would provide clarity to the discussion of this document during the PWG and CCFICS27 plenary, and to future readers.	USA
<u>Requirements:</u> are the The conditions set down by the importing country competent authority relating to trade in food covering the protection of the health consumers and ensuring fair practices in the food trade. <i>[Adapted from CAC/GL 34-1999]</i>	Australia
<u>Requirements:</u> are the conditions criteria set down by the importing country competent authority authorities relating to trade in food foodstuffs covering the protection of the public health consumers and ensuring conditions of fair practices in the food trade trading. <i>[Adapted from CAC/GL [CAC/GL 34-1999]</i> Canada is of the view that the definition of "requirements" is not needed. However, should the Committee see value in retaining it in the text, Canada would recommend maintaining the original definition. We have proposed edits to reflect the original text, which is not restricted to importing countries. . . ., "Requirements: are the criteria set down by competent authorities....".	Canada
<u>Sanitary measure:</u>	
<u>Medida sanitaria:</u> significa cualquier medida aplicada para proteger la vida y la salud de las personas de los riesgos planteados por la presencia de aditivos, contaminantes, toxinas u organismos patógenos en los productos alimenticios. <i>[Adaptado de CXG 53-2003 y del anexo A del Acuerdo MSF sin las referencias a la salud y la vida de los animales y las plantas].</i> No parece razonable realizar una adaptación de los conceptos o definiciones del Acuerdo MSF de la OMC, ya que estas son vinculantes para los miembros de esta organización, y han sido adoptadas mediante consenso. Se debería justificar por qué no se tomó la definición tal como está en CXG 53-2003. Fundamento: Se debería justifica muy bien los cambios de definiciones ya realizado en las directrices a consolidar.	Chile
<u>Sanitary measure:</u> means any measure applied to protect human life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in food. <i>[Adapted From CXG 53-2003 and Annex A of the WTO SPS Agreement removing references to the health of live animals and plants 53-2003]</i>	USA
<u>Sanitary measure:</u> means any measure applied to protect human life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in food. <i>[Adapted From CXG 53-2003 and Annex A of the WTO SPS Agreement removing references to the health of live animals and plants]</i> It is sufficient to reference the SPS agreement.	United Kingdom
<u>Sanitary measure:</u> means any Any measure applied to protect human life or health within the territory of the country from risks arising from additives, contaminants, toxins or disease-causing organisms in food food or feedstuffs, or from risks arising from diseases carried by foods which are animals, plants or products thereof or from risks arising from any other hazards in foods. <u>Note:</u> Sanitary measures include all relevant laws, decrees, regulations, requirements and procedures including, inter alia, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly	Canada

COMMENT	MEMBER / OBSERVER
related to food safety. [Adapted From CXG 53-2003 and Annex A of the WTO SPS Agreement removing references to the health of live animals and plants] Canada recommends using the definition of “Sanitary Measure” as found in CXG 53-2003, including the associated note.	
Medida técnica: significa cualquier medida que no sea una medida sanitaria o fitosanitaria para garantizar la protección de la salud del consumidor o las prácticas justas en el comercio² de alimentos [Adaptado del Acuerdo MSF de la OMC] No parece razonable realizar una adaptación de los conceptos o definiciones del Acuerdo MSF de la OMC, ya que estas son vinculantes para los miembros de esta organización, y han sido adoptadas mediante consenso. Además, esta definición no es utilizada en el texto, se podría eliminar. Las medidas que no sean sanitarias no son de responsabilidad de la autoridad sanitaria. Se sugiere eliminar. Fundamento: Las nuevas definiciones deben estar muy justificadas.	Chile
Technical measure:	
Technical measure: means any measure requirement other than a sanitary or phytosanitary measure to ensure the protection of the health of consumers or fair practices in the food trade². [Derived from the WTO TBT Agreement] As discussed above, the definitions will need to be refined going forward. The US questions whether the footnote is necessary. The US notes that the WTO TBT does not mention fair practices in food trade.	USA
Technical measure: means any measure other than a sanitary or phytosanitary measure to ensure the protection of the health of consumers or fair practices in the food trade². [Derived from the WTO TBT Agreement] It is sufficient to reference the TBT agreement.	United Kingdom
Technical measure: means any measure other than a sanitary or phytosanitary measure to ensure the protection of the health of consumers or fair practices in the food trade². [Derived from the WTO TBT Agreement] Footnote 2 (associated with Definition of Technical Measure) Proposed amendment: A comma is needed between each term ‘technical regulations’ and ‘standards’ and ‘conformity assessment procedures’. Rationale: For clarity of the English noting that each has a separate and distinct meaning	New Zealand
Technical measure: means any measure other than a sanitary or phytosanitary measure to ensure the protection of the health of consumers or fair practices in the food trade². [Derived from the WTO TBT Agreement] Canada recommends deleting the definition of technical measure. It is a new definition, not found in the texts on equivalence, and occurs only once in the consolidated text. Where this term occurs, it should be replaced with text from CXG 101-2023.	Canada
Footnote No.2	
Includes those technical regulations standards and conformity assessment procedures that are applied to the trade in food between an importing and exporting country. Canada recommends deleting the sentence from Section 4: Definitions.	Canada
SECTION 4: PRINCIPLES	
SECTION 45: PRINCIPLES	USA
A: Equivalencia Podría eliminarse “medidas”, que estaría incluido en “partes del SNCA” Fundamento: Se debería preferir hablar simplemente de “SNCA o una parte”, ahí se incluye todo.	Chile
Equivalence Countries should recognize that different sanitary measures, NFCS, or relevant parts of NFCS although designed and structured differently, may achieve the same objectives, and <u>related outcomes or level of protection, and can therefore be recognized as equivalent.</u>	USA

COMMENT	MEMBER / OBSERVER
Equivalence Countries should recognize that different measures, NFCS, or relevant parts of NFCS although designed and structured differently, may achieve the same objectives, and can therefore be recognized as equivalent. This is no longer consistent with the adapted definition for equivalence which now incorporates "or different specified measures".	United Kingdom
Equivalence Countries should recognize that different measures, NFCS, or relevant parts of NFCS although designed and structured differently, may achieve the same objectives, and can therefore be recognized-acknowledged as equivalent.	Australia
Equivalence Countries should recognize that different measures, NFCS, or relevant parts of NFCS although designed and structured differently, may achieve the same objectives, and <u>related outcomes or levels of protection, and</u> can therefore be recognized as equivalent. For consistency reasons throughout the text, it should always read: objectives, and related outcomes or levels of protection.	European Union
B: Experience, Knowledge and Confidence	
B: Experiencia, conocimiento y confianza Costa Rica considera que el término en la versión en inglés refiere a "Confidence", lo que se traduce mejor en la versión español como "Confidencialidad". es decir, la capacidad para el resguardo de la información.	Costa Rica
Importing countries should consider relevant experience, knowledge and confidence in the exporting country's NFCS, or relevant part, <u>including and may consider</u> appropriate assessments by other countries or <u>relevant</u> international organizations. The United States prefers language from NFSC document: Countries should consider relevant experience, knowledge and confidence and may consider appropriate assessments by other countries or relevant international organizations	USA
Importing countries should consider relevant experience, knowledge and confidence in the exporting country's NFCS, or relevant part, <u>including and may include</u> appropriate assessments by other countries or international organizations-₂	Australia
C: Scope of the request and assessment	
C. Ámbito de la solicitud y evaluación Podría eliminarse la expresión "la medida específica". Fundamento: Se debería preferir hablar simplemente de "SNCA o una parte", ahí se incluye todo.	Chile
C: Scope of the request and assessment Canada recommends deleting Principle C. It is up to the importing and exporting countries to agree on the scope of any request or any subsequent assessment, and not be directed by a Codex principle on what should be the focus of the assessment.	Canada
C: Scope of the request and assessment	
The scope of any request or any subsequent assessment should focus on those products and conditions affecting trade where the exporting country considers the specific <u>sanitary</u> measure, its NFCS, or relevant part of NFCS already achieves the same objectives, objectives and related outcomes-outcomes, or level of protection as achieved by the importing country.	USA
The scope of any request or any subsequent assessment should focus on those products and conditions affecting trade where the exporting country considers the specific measure, its NFCS, or relevant part of NFCS already achieves the same objectives, and related outcomes or level of protection as achieved by the importing country. Canada recommends deleting Principle C. See above #29 comment.	Canada
D: Armonización con normas internacionales Podría eliminarse "una medida específica,". Fundamento: Se debería preferir hablar simplemente de "SNCA o una parte", ahí se incluye todo.	Chile
D: Alignment with International Standards	
The use of or reference to Codex standards, guidelines and/or codes of practice, or other relevant international standards by importing and exporting countries can facilitate the consideration,	USA

COMMENT	MEMBER / OBSERVER
assessment and recognition of the equivalence of a specific <u>sanitary</u> measure, NFCS, or the relevant part.	
E: Transparency and co-operation	
Importing and exporting countries should work through the process in good faith, in a reasonable timeframe and in a transparent, evidence-based and outcome-focused manner. CXG 101-2023 - The assessment process should evaluate whether the relevant objectives, and related outcomes or level of protection, of the importing country's NFCS are achieved and the process should be documented, transparent, evidence-based, outcome-focused, efficient, and be conducted in a cooperative and timely manner.	Australia
F: Demonstration of Equivalence	
F. Demostración de la equivalencia El lenguaje usado por la OMC es "Determinación de equivalencia". Esta es una obligación/derecho establecido en la OMC. El texto es razonable, es positivo que se incluya para establecer el adecuado equilibrio en la aplicación de la norma. Pero debería mejorarse el texto, por lo que se hace la siguiente propuesta: "Los países importadores deberían aceptar la equivalencia del SNCA, en su totalidad o en parte, del país exportador cuando el país exportador demuestra objetivamente que su SNCA, en su totalidad o en parte, alcanzan los mismos objetivos que los alcanzados por el país importador."	Chile
Importing countries should accept <u>recognize</u> the equivalence of the exporting country's specified <u>specific sanitary measures or NFCS or relevant part thereof where the exporting country objectively demonstrates their measures achieve the NFCS or the relevant part thereof achieves the same objectives</u> , and related outcomes or level of protection as achieved by the importing country's measures.	USA
Importing countries should <u>may</u> accept the equivalence of the exporting country's specified measures where <u>both countries agree that the exporting country has objectively demonstrated</u> their measures achieve the same objectives <u>and related outcomes or level of protection as achieved by the importing country's measures</u> .	Australia
Importing countries should accept the equivalence of the exporting country's specified measures where the exporting country objectively demonstrates their measures achieve the same objectives as achieved by the importing country's measures. The exporting country should objectively demonstrate that its measures, NFCS or relevant part achieve the importing country's objectives. Canada recommends deletion of the text in Principle F. The proposed principle is not about "Demonstration of equivalence", but about the acceptance of equivalence, and its intent is covered by Principle A. Instead, Canada proposes to include text adapted from CXG 53-2003, Section 7, paragraph 7, point g, regarding the responsibility of importing countries to demonstrate equivalence of their measures.	Canada
Importing countries should accept the equivalence of the exporting country's specified measures where the exporting country objectively demonstrates their measures achieve the same objectives <u>and related outcomes or levels of protection as achieved by the importing country's measures</u> .	European Union
Question 3: Is the now revised proposed wording supported?	
Pregunta 3: ¿Hay respaldo para la terminología revisada propuesta? Colombia respalda la inclusión del nuevo principio denominado Demostración de la equivalencia	Colombia
Pregunta 3: ¿Hay respaldo para la terminología revisada propuesta? El Comité respalda la terminología revisada propuesta. "F. Demostración de la equivalencia. Los países importadores deberían aceptar la equivalencia de las medidas específicas del país exportador cuando el país exportador demuestra objetivamente que sus medidas alcanzan los mismos objetivos que los alcanzados por las medidas del país importador".	Peru
Pregunta 3: ¿Hay respaldo para la terminología revisada propuesta? Si, hay respaldo	Guatemala
Pregunta 3: ¿Hay respaldo para la terminología revisada propuesta? Si, Uruguay considera hay respaldo para la terminología revisada propuesta.	Uruguay
Question 3: Is the now revised proposed wording supported?	USA

COMMENT	MEMBER / OBSERVER
The US has made edits to better differentiate/clarify terminology and to avoid mixing Codex terminology with that found in the WTO agreements. The US is avoiding summarizing, revising, reframing or otherwise altering the WTO agreements language.	
Question 3: Is the now revised proposed wording supported? No as the drafting is inconsistent with Article 4.1 of the SPS agreement which states that demonstration of equivalence will be if “the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary protection.” which is more than achieving the same objectives.	United Kingdom
Question 3: Is the now revised proposed wording supported? Yes	Iraq
Question 3: Is the now revised proposed wording supported? We support the revised proposal.	Brazil
Question 3: Is the now revised proposed wording supported? ROK supports the revised version.	Republic of Korea
Question 3: Is the now revised proposed wording supported? New Zealand Response to Q 3 New Zealand supports the inclusion of a Principle on Demonstration of Equivalence and the wording as proposed. This provides an appropriate balance to the principles. Noting Principle A is effectively about being technically and legally open to undertaking an equivalence process – whereas Principle F relates to when actual acceptance of equivalence should occur.	New Zealand
Question 3: Is the now revised proposed wording supported? Canada does not support the revised wording. The revised proposed wording is not about “Demonstration of equivalence”. It is about “Acceptance” of equivalence, and Canada is of the view that its intent is covered by Principle A. We recommends its deletion and propose alternate text from the existing Codex texts on equivalence, specifically, CAC/GL 53-2003.	Canada
Question 3: Is the now revised proposed wording supported? It can be accepted if ‘and the related outcomes or level of protection’ is added.	European Union
G: Documentation and maintenance	
G: Documentation and maintenanceFinal Documentation This principle is about documentation. It is not specific to maintenance, thus, “maintenance” should be deleted from the title.	Canada
Importing and exporting countries should document any recognition reached, including specifying the food products and measures covered or excluded, and how the recognition of equivalence will be implemented and maintained for the trade in products-food between the countries. Principles should be brief and to the point. Canada proposes edits to streamline the text of the principle to mirror the text of this principle as found in CXG 101-2023.	Canada
H: Technical assistance / Regulatory co-operation	
Importing countries should consider, upon request and where feasible, consider providing technical assistance to an exporting developing and in particular least developed countries, to facilitate the assessment and recognition of equivalence.	USA
SECTION 5: INITIAL DISCUSSIONS	
Paragraph 9 It is recommended that the competent authorities of importing and exporting countries have initial discussions prior to formalizing a request for a recognition of equivalence, such . Such a request may be made at any point during these discussions.	USA
Paragraph 9 It is recommended that the competent authorities of importing and exporting countries have initial discussions prior to formalizing a request for a country requesting formal consultations on the recognition of equivalence of its NFCS, such a request may or the relevant part. These discussions can help identify if commencing an assessment of the equivalence of the exporting country's NFCS, or part thereof, is the most appropriate approach or if another mechanism would be made at any point during these discussions. — better to address the matters under discussion.	Canada

COMMENT	MEMBER / OBSERVER
Canada recommends editing the text of paragraph 9 to reflect the text of paragraph 5.1.1 of CXG 101-2023.	
Paragraph 10 The initial discussions should review the nature and relevance of the requirements importing country's sanitary measures for trade that which the exporting country considers seeks to be unnecessarily restricting. demonstrate equivalence. The requirements for trade may relate to one or more additional controls that the exporting country may be required to implement but may also include any additional processes (e.g. audits, approvals or border inspections) applied by the importing country. — The sentence ("The requirements for trade . . . applied by the importing country.") is not relevant to the initial discussions about equivalence and US requests deletion.	USA
Paragraph 10 The initial discussions should review the nature and relevance of the requirements for trade that the exporting country considers restricting identifies as <u>a duplication of regulation and for which the removal might result in improvements to be unnecessarily restricting</u> the fair trade in food. The requirements for trade may relate to one or more additional controls that the exporting country may be required to implement but may also include any additional processes (e.g. audits, approvals or border inspections) applied by the importing country.	Australia
Paragraph 10 The initial discussions should review the nature and relevance of the requirements for trade that the exporting country considers to be unnecessarily restricting. The requirements for trade may relate to one or more additional controls that the exporting country may be required to implement but may also include any additional processes (e.g. audits, approvals or border inspections) applied by the importing country. New Zealand recalls that some member countries have previously expressed concern with the inclusion of 'unnecessarily restricting'. We note that equivalence is a partial expansion of the fundamental principle of the WTO that 'measures should not be more restrictive than necessary to achieve the objective' as can be seen by reference to the following extracts: • WTO/SPS Article 5 (6). Without prejudice to paragraph 2 of Article 3, when establishing or maintaining sanitary or phytosanitary measures to achieve the appropriate level of sanitary or phytosanitary protection, Members shall ensure that such measures are not more trade-restrictive than required to achieve their appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility. • Footnote 3: For purposes of paragraph 6 of Article 5, a measure is not more trade-restrictive than required unless there is another measure, reasonably available taking into account technical and economic feasibility, that achieves the appropriate level of sanitary or phytosanitary protection and is significantly less restrictive to trade. • WTO/TBT Article 2.2: 2.2 Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create.	New Zealand
Paragraph 10 The initial discussions should review the nature and relevance of the requirements for trade that the exporting country considers to be unnecessarily restricting. The requirements for trade may relate to one or more additional controls that the exporting country may be required to implement but may also include any additional processes (e.g. audits, approvals or border inspections) applied by the importing country. Canada recommends deleting the text in paragraph 10. This text implies that impediments to trade are the principal reason for entering into equivalence agreements. We are not clear on the source of the text, but it seems to reflect text in early drafts of the "Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (CXG 101-2023) instead of the consensus text that was adopted at Step 8.	Canada
Paragraph 10 The initial discussions should review the nature and relevance of the requirements for trade that the exporting country considers to be unnecessarily restricting. The requirements for trade may relate to one or more additional controls <u>or treatments/processing or testing</u> that the exporting	European Union

COMMENT	MEMBER / OBSERVER
country may be required to implement but may also include any additional processes (e.g. audits, approvals or border inspections) applied by the importing country. As the intention is to cover all types of equivalences in the food and feed area, it should not be limited to controls.	
Paragraph 11 Both countries should consider whether there may be potential solutions or processes other than an assessment of equivalence to facilitate trade. The U.S. recommends moving this paragraph to before the previous bullet (so it would be para 10)	USA
Paragraph 11 <u>Both countries should consider if there may be potential solutions or processes other than an assessment of equivalence to facilitate trade.</u> Both countries should consider whether there may be potential solutions or processes other than an assessment of equivalence to facilitate trade. Minor edit to replace "whether" by "if".	Canada
Appropriateness of an equivalence process	
Paragraph 12 The following can<u>could</u> be included in the discussions as to whether an equivalence process may be the most appropriate for the matters under review.<u>initial discussions:</u> Editorial: Proposed edits for brevity: Substantive: Canada notes that footnote 16 of the recently adopted "Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems" refers to paragraphs 9 and 11 of CAC/GL 34-1999 and to paragraph 3 of the Appendix of CAC/GL 53-2003 for additional guidance on considerations prior to a decision to commence equivalence discussions. However, this draft consolidated guideline does not bring some considerations from CXG 34-1999, CXG 53-2003 and CXG 101-2023 into this consolidation.	Canada
Paragraph 12 The following can be included in the discussions as to whether an equivalence process may be the most appropriate for the matters under review: New Zealand recalls that some member countries have previously expressed concern with the inclusion of 'unnecessarily restrictive' and 'unnecessary impediments'. We note that equivalence is a partial expansion of the fundamental principle of the WTO that 'measures should not be more restrictive than necessary to achieve the objective' as can be seen by reference to the relevant extracts provided in the New Zealand comment on Paragraph 10 above.	New Zealand
Bullet 1 the nature and impact of the requirements for trade which applicable to the food the exporting country considers are unnecessarily restrictive<u>seeks to export;</u>	USA
the nature and impact of the requirements for trade which the exporting country considers are unnecessarily restrictive; Bullet 1 Canada recommends deleting this bullet point. It unnecessarily limits and prejudices why countries may wish to enter into equivalence discussions. It reflects text from early drafts of the "Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (CXG 101-2023) instead of the consensus text adopted at Step 8.	Canada
Bullet 1 <u>regulatory and/or legislative frameworks, should they exist, establishing the procedures and/or steps to be followed when evaluating the recognition of equivalence of a NFCS [from CXG101:2023]</u> the nature and impact of the requirements for trade which the exporting country considers are unnecessarily restrictive;	Australia
Bullet 3 what flexibility the importing country currently has within the existing requirements for trade and what other <u>trade-facilitating</u> mechanisms may be available;	USA
Bullet 3	Canada

COMMENT	MEMBER / OBSERVER
<u>which of the importing country's measures would be met by compliance and for which measures would the exporting country seek equivalence; what flexibility the importing country currently has within the existing requirements for trade and what other mechanisms may be available;</u> Canada recommends deleting this bullet point. We find it confusing and are not clear on its source. We propose alternative text found in paragraph 6 of the Appendix to CXG 53-2003.	
Bullet 4 <u>what evidence the exporting country may have that intends to use to objectively demonstrate the equivalence of its specific sanitary measures, NFCS or specified measures achieve the importing country's NFCS objectives, and the related outcomes or level of protection relevant parts thereof;</u> and	USA
Bullet 4 what evidence the exporting country may have that its <u>measure, NFCS or specified measures relevant part</u> achieve the importing country's NFCS objectives, and the related outcomes or level of protection; and Proposed edits for consistency in referring to "measure, NFCS or relevant part" throughout the text.	Canada
Bullet 5 <u>whether a recognition of equivalence will likely further facilitate trade, for example by resulting in cost and resource savings, reduced duplication of control activities and/or removal of unnecessary impediments, while still ensuring the importing country's relevant NFCS objectives, objectives and the related outcomes-outcomes, or level of protection are met.</u> The United States suggests removing examples.	USA
Bullet 5 <u>whether a recognition of equivalence will likely further facilitate trade, for example by resulting result in cost and resource savings, reduced duplication of control activities and/or removal of unnecessary impedimentsimpediments to trade, while still ensuring the importing country's relevant NFCS objectives, and the related outcomes or level of protection are met.</u> Proposed edits to better reflect the text of CXG 101-2023, Section 5.1.1, 4th bullet.	Canada
Bullet 5 <u>whether a recognition of equivalence will likely further facilitate trade, for example by resulting in cost and resource savings, reduced duplication-avoidance of redundancy in control activities and/or removal of unnecessary impediments, while still ensuring the importing country's relevant NFCS objectives, and the related outcomes or level of protection are met.</u>	European Union
Initial scope discussions	
Las conversaciones iniciales deberían contribuir tanto a precisar el alcance de cualquier consideración como a identificar y aclarar qué tipo de información adicional y/o pruebas objetivas pueden ser necesarias para el proceso de evaluación. Dichas conversaciones deberían: N°13, segunda viñeta, cuarta viñeta y quinta viñeta: Se sugiere agregar: "o una parte" después de SNCA. Fundamento: Para simplificar texto	Chile
Paragraph 13 The initial discussions should be used to refine both the scope of any <u>consideration-request</u> as well as to identify and clarify what additional information and / or evidence may be required <u>for the importing country to conduct an assessment processassessment.</u> These discussions should:	USA
Paragraph 13 The initial discussions should be used to <u>refine both-determine the potential scope of any consideration as well as to identify and clarify what additional information and / or evidence may be required for an assessment process.</u> <u>The scope may relate to a measure, the NFCS or relevant part.</u> These discussions should: Proposed edits to simplify and clarify the text and remove duplication with the subsequent bullet points.	Canada
Paragraph 13, Bullet 1 identify the range of products for which the exporting country is seeking a recognition of the <u>equivalence of its control measuresequivalence,</u>	USA

COMMENT	MEMBER / OBSERVER
Paragraph 13, Bullet 2 identify those requirements <u>sanitary measures</u> where recognition of the equivalence of the NFCS or the relevant part thereof will allow better use of resources, including resolution of issues affecting <u>facilitate</u> trade;	USA
Paragraph 13, Bullet 2 identificar si los requisitos pertinentes son medidas sanitarias o técnicas, o una combinación de ambas; Se sugiere eliminar “o técnicas”. Fundamento. Para la autoridad sanitaria, solo tiene relevancia las medidas sanitarias, el resto no son de su competencia.	Chile
Paragraph 13, Bullet 3 identify whether the relevant requirements are <u>sanitary or measures versus technical measures</u> regulations, conformity assessment procedures or a combination of both <u>standards</u>;	USA
Paragraph 13, Bullet 3 identify whether the relevant requirements are <u>sanitary measures or technical measures</u> regulations, standards and conformity assessment procedures or a combination of both <u>combination</u>; Canada recommends replacing the term “technical measure” with “technical regulations, standards and conformity assessment procedures”. This reflects the text of CXG 101-2023, and removes the need to include a definition of “technical measure”, since this term only occurs once in the whole document.	Canada
Experience Knowledge and Confidence	
Experiencia, conocimiento y confianza Idem	Costa Rica
Experience Knowledge and Confidence The Committee may wish to consider moving this section to an Appendix. This would allow for better flow and sequence of the text. Also, it is recommended to review the text in CXG 53-2003 to verify that all relevant EKC considerations have been included in the consolidation text.	Canada
Paragraph 15, Bullet 2 previous assessments, audits, study tours, <u>and</u> technical visits or other related interactions;	European Union
Paragraph 15, Bullet 3 the prior history in food trade between the importing and exporting countries <u>country</u>;	European Union
Paragraph 15, Bullet 5 the level of cooperation that exists between the NFCS competent authorities of the importing and exporting countries <u>country</u>;	European Union
Paragraph 15, Bullet 6 the similarity in design, laws, regulations and operational principles and practices <u>practices, and the relevant and related outcomes or level of protection</u> between the importing and exporting country's NFCS; Proposed edits to reflect the text in CXG 101-2023, Section 5.1.1, 6h bullet	Canada
Paragraph 15, Bullet 7 the similarity in design and operational principles and practices of the exporting country's measures <u>sanitary measures</u>, or <u>the</u> NFCS or relevant part <u>parts thereof</u> with the relevant Codex standard, guidelines or codes of practice;	USA
Paragraph 15, Bullet 7 the similarity <u>similarity to, or harmonization of, –the exporting country's measures or NFCS or relevant part with the relevant Codex standard, guidelines or codes of practice, or those of other relevant international standards setting bodies; in design and operational principles and practices of the exporting country's measures or NFCS or relevant part with the relevant Codex standard, guidelines or codes of practice;</u> Proposed edits to reflect the text in section the text in CXG 101-2023, Section 5.1.1, 7th bullet	Canada

COMMENT	MEMBER / OBSERVER
Paragraph 15, Bullet 8 the alignment of both countries with relevant international standards, guidelines, recommendations, and conformity assessment practices; and	USA
Paragraph 15, Bullet 8 the alignment with relevant international standards, guidelines, recommendations, and conformity assessment practices; _ and Canada recommends deleting this bullet. It is missing some text, as it doesn't specify what is aligned, and its intent is covered in the previous bullet.	Canada
Paragraph 16 Importing and exporting countries should develop a clear understanding of what the role and to what the extent to which existing experience, knowledge and confidence will be used in any consideration or assessment of equivalence. This understanding needs to cover how existing experience, knowledge and confidence and will affect: Proposed edits to simplify the sentence and reduce duplication.	Canada
Outcome of initial discussions	
Paragraph 17 Where the conclusion of the initial discussions between the exporting and importing countries is that an equivalence process assessment is the appropriate mechanism for facilitating trade, the exporting country should submit a written request for consultations with the aim of achieving agreement on the recognition of equivalence.	USA
Paragraph 17 Where the conclusion of the initial discussions between the exporting and importing countries is that an equivalence process is the appropriate mechanism for facilitating trade, the exporting country should submit a written request for consultations with the aim consultations, including a description of achieving agreement on the recognition range of equivalence products and control measures to be covered. Proposed edits to reflect the text of CXG 101-2023, Section 5.1.3, first paragraph.	Canada
Paragraph 18 Where the initial discussions identify that an equivalence process may not be the most appropriate mechanism, the countries may wish to consider working jointly towards some other mechanisms to help facilitate the trade. Alternative mechanisms may, for For example, include: - If the countries are not yet ready to enter into equivalence agreements, Information exchange, joint training, technical cooperation and support, and the development of infrastructure and strengthening of the food control systems can serve as building blocks for a future request for the recognition of equivalence. Proposed new bullet to reflect the text of CXG 34-1999 (paragraph 11) and the text of CXG 101-2023 (Section 5.1.3)	Canada
Paragraph 18 bullet 1 the importing country may decide to provide some further identify flexibility or options within its specified requirements for trade on how its objectives, and related outcomes or level of protection, may be met NFCS that would facilitate trade;	USA
the importing country may decide to provide some further flexibility or options within its specified requirements for trade on how its objectives, and related outcomes or level of protection, may be met; To strike out the whole sentence.	Canada
Paragraph 18 bullet 1 the importing country may decide to provide some further flexibility or options within its specified requirements for trade on how its objectives, and related outcomes or level of protection, may be met; Canada recommends deleting this bullet. Canada has proposed addition of a bullet in paragraph 12 (which of the importing country's measures would be met by compliance and for which measures would the exporting country seek equivalence)	Canada
Paragraph 18 bullet 2	USA

COMMENT	MEMBER / OBSERVER
the exporting country may decide to adopt additional controls which more closely align with or sanitary measures that better achieve the importing country's objectives, and related outcomes or level of protection; or	
Paragraph 18 bullet 2 the exporting country may decide to adopt additional controls which more closely align with or better the importing country's measures, in order to achieve the importing country's objectives, and related outcomes or level of protection; or Proposed revision to complete the sentence and for clarity and accuracy.	Canada
Paragraph 18 bullet 2 the exporting country may decide to adopt additional controls <u>or specific measures (treatments/processing or testing)</u> which more closely align with or better achieve the importing country's objectives, and related outcomes or level of protection; or To have a broader scope of possible actions.	European Union
Paragraph 18 bullet 3 the two countries may decide to engage in further cooperation and/or capacity building between them so as to better understand and address the relevant challenges negatively impacting trade between them. Canada recommends deleting this last bullet. By including the paragraph from Section 5.1.3 of CXG 101-2023, as proposed earlier, this bullet becomes redundant.	Canada
SECTION 6: PROCESS STEPS	
SECCIÓN 6: PASOS DEL PROCESO Estamos de acuerdo que no es necesario tener secciones separadas para equivalencia de los SNCA y sus partes.	Chile
Paragraph 19 Where Once the initial discussions identify that an formal request for consultation on a recognition of equivalence process is an appropriate mechanism has been made, – the two countries should agree on a plan for the exporting country to provide the appropriate submission and for the importing country to work through its assessment and decision-making process. This plan may also include anticipated timeframes and if necessary, priorities. A simplified flow diagram of the process steps is included at for facilitating trade, the two countries should then agree on a plan for the exporting country to provide the appropriate submission and for the importing country to work through its assessment and decision-making process. This plan may also include anticipated timeframes and if necessary, priorities. A simplified flow diagram of the process steps is included at – Proposed edits to the first line as it is duplicative of the first sentence of paragraph 17.	Canada
The process steps are: For steps 1-6 inclusive, The titles of the process steps should follow the same format for consistency and clarit It should either be the process (similar to steps 1, 5, 6, 7) or the countries undertaking action (similar to septs 2-4)	Canada
Step 2: Importing country describes the basis of its requirements for trade <u>measures</u>	Canada
Step 1: Scope of request discussed and documented	
Paragraph 20 The exporting country requesting consultations with the aim of achieving agreement on the recognition of equivalence should discuss and document the scope of the request. The description of the scope of the request should include for example:	USA
Paragraph 20 The exporting country requesting consultations with the aim of achieving agreement on the recognition of equivalence should discuss and document the scope of the request <u>request and request consultation with the importing country.</u> — The description of the scope of the request should include for example: Proposed edits for clarity and consistency with the first paragraph of 5.1.3 of CXG 101-2023.	Canada
Paragraph 20 bullet 2	Canada

COMMENT	MEMBER / OBSERVER
the <u>importing country's</u> requirements for trade for which the exporting country is seeking wishes to <u>apply a recognition of equivalence</u>; and <u>different measure (s)</u>; Recommended edit to the bullet point for clarity and to reduce similarity with the subsequent bullet, The proposed edits reflect the text of Section 7, paragraph 18, a) of CAC/GL 53-2003.	
Paragraph 20 bullet 3 a brief description of the exporting country's specified alternative <u>specific sanitary</u> measures, NFCS or relevant part for which the exporting country is seeking an equivalence determination.	USA
Paragraph 21 The request for consultations should also ask the importing country to describe in writing the basis for its requirements for trade and / or <u>sanitary</u> measures as relevant to the scope of the request.	USA
Paragraph 21 The request for consultations should also ask the importing country to describe in writing the basis for its requirements for trade and / or measures as relevant to the scope of the request.	Australia
Paragraph 21 The request for consultations should also ask the importing country to describe in writing the basis for its requirements for trade and / or measures as relevant to the scope of the request. Delete paragraph 21. It is redundant. Step 2 clearly indicates that the exporting country should document the basis for its measures.	Canada
Paragraph 21 The request for consultations should also ask the importing country to describe in writing <u>writing</u>, if <u>appropriate</u>, the basis for its requirements for trade and / or measures as relevant to the scope of the request. There should be flexibility for providing this information.	European Union
Step 2: Importing country describes the basis of its requirements for trade	
Step 2: Importing country describes the basis of its requirements for trade The source of the language in this section needs to be identified for discussion. The language from the NFCS document that has been adopted is strongly preferred. It does not talk about the basis/justification of the requirements but rather the elements that are needed. This also puts too much onus on the importing country – they should first share their requirements and only discuss their basis if needed.	USA
Step 2: Importing country describes the basis of its <u>measures</u> requirements for trade Refer to “measure” for consistency of terminology. The same comment applies to the bullet points in this section.	Canada
Step 2: Importing country describes the basis of its requirements for trade Canada notes that Step 2 in this draft consolidation text is completely different from Step 2 of CXG 101-2023. The bullet points included in Step 2 of this document have been adapted from CXG 53-2003, Section 6 (Objective Basis of Comparison) and focus on equivalence of measures. Meanwhile, the text in Step 2 of CXG 101-2023, about the importing country's NFCS and relevant objectives for the equivalence of systems has been left out. We are not sure if this is an oversight, but this discrepancy further highlights the importance of a detailed review/comparison of the existing texts on equivalence with this draft consolidation to ensure that key elements have been included.	Canada
Paragraph 22 The importing country should discuss and document the its measures requirements, for trade <u>the food products covered by the request</u>. This should include as appropriate; for the scope of products covered by the request. This should include as appropriate:	Canada
Paragraph 22 bullet 1 the scientific or policy basis justifying the necessity for the requirements for trade under consideration, including risk assessment where appropriate;	USA
Paragraph 22 bullet 1 the scientific or policy basis justifying the necessity for the requirements for trade <u>measures</u> under consideration, including risk assessment where appropriate;	Canada
Paragraph 22 bullet 2	USA

COMMENT	MEMBER / OBSERVER
how the specified requirements for trade <u>sanitary measures</u> contribute to achieving the NFCS objectives, related outcomes or level of protection ³ ;	
<u>Paragraph 22 bullet 2</u> how the specified requirements for trade <u>contribute to achieving</u> measures achieve the <u>importing country's</u> NFCS objectives, related outcomes or level of protection ³ ;	Canada
<u>Paragraph 22 bullet 3</u> where appropriate, an expression of the level of control of the hazard in a specific food or group of foods that is achieved by the sanitary measure;	USA
<u>Paragraph 22 bullet 4</u> the identification of the specific risks and the level of control required as it relates to the protection of the health of consumers or ensuring fair practices in the food trade that the specified requirements are intended to address;	USA
<u>Paragraph 22 bullet 4</u> the identification of the specific risks and level of control required as it relates to the protection of the health of consumers or ensuring fair practices in the food trade that the specified requirements <u>measures</u> are intended to address;	Canada
<u>Paragraph 22 bullet 5</u> the justification for the requirements for trade and / or measures as relevant to the bilateral circumstances existing between the two countries; _ and	USA
<u>Paragraph 22 bullet 5</u> the justification for the requirements for trade and / or measures as relevant to the bilateral circumstances existing between the two countries; and This bullet is duplicative of the first bullet of this section and should be deleted.	Canada
<u>Paragraph 23</u> For further context and to help the exporting country better tailor its case for recognition <u>objective evidence demonstrating f-equivalence</u> , the importing country should also describe ⁴ , with appropriate references, how its own <u>sanitary measures</u> , NFCS or relevant part, achieves its specified NFCS objectives, and related outcomes or levels or protection.	USA
<u>Paragraph 23</u> As relevant to the scope of the request and For further context and _to help the exporting country better tailor in describing its case for recognition <u>own measures</u> , NFCS or relevant part equivalence, the importing country should describe, the importing country should also describe ⁴ , with appropriate references, how its own measures, NFCS or relevant part, achieves its specified <u>achieve the relevant</u> NFCS objectives, and related outcomes or levels or of protection. Proposed edits to more accurately reflect the corresponding text in CAC/GL 101-2023 (Section 5.2, Step 2, first paragraph), which specifies that this recommendation is relevant to the scope of the request for equivalence. As written, it appears broader than the scope of the equivalence request.	Canada
<u>Paragraph 23</u> For further context and to help the exporting country better tailor its case for recognition of equivalence, the importing country should also <u>also</u> , where appropriate, describe ⁴ , with appropriate references, how its own measures, NFCS or relevant part, achieves its specified NFCS objectives, and related outcomes or levels or protection. There should be flexibility for providing this information.	European Union
<u>Footnote No 4.</u> ref: CXG 34-1999, Section 7; CXG 82-2013, paragraph 43 and CXG 89-2016 Section 7 <u>ref: CXG 34-1999, Section 7; CXG 82-2013, paragraph 43 and CXG 89-2016 Section 7</u> Delete in error. please keep text.	Canada
Step 3: Discussing and documenting the decision criteria	
<u>Paragraph 24</u> Los criterios de decisión proporcionan la base objetiva para la comparación. Los criterios de decisión también deben precisar el tipo de pruebas que la parte exportadora debe aportar para demostrar que sus medidas especificadas o la totalidad o la parte pertinente de su SNCA, logran los objetivos pertinentes del SNCA del país importador, así como los resultados o el nivel de protección correspondientes.	Chile

COMMENT	MEMBER / OBSERVER
Se sugiere eliminar “sus medidas específicas”. para simplificar el texto	
Paragraph 24 The decision criteria provide the objective basis for comparisonassessment. Decision criteria should also further explain how the type of importing country will apply the criteria to the objective evidence the exporting party should provideprovided to demonstrate that its specifiedspecific sanitary measures, NFCS or relevant part, achieves the importing country's relevant NFCS objectives, and related outcomes or level of protection.	USA
Paragraph 24 The decision criteria provide the objective basis for comparison. Decision criteria should also further explain the type of evidence the exporting party should provide to demonstrate that its specified measures, NFCS or relevant part, achieves the importing country's relevant NFCS objectives, and related outcomes or level of protection.	Australia
Paragraph 24 The decision criteria provide the objective basis for comparison. Decision criteria should also further explain the type of evidence the exporting party should provide to demonstrate that its specifiedmeasures, NFCS or relevant part, achieves the importing country's relevant NFCS objectives, and related outcomes or level of protection.	Canada
Paragraph 25 Once the formal request for consultations on a recognition of equivalence of a NFCS or the relevant part has been made, discussions should occur between the exporting and importing country to assist the development of, and better understanding of, the decision criteria to be applied, which where possible should be agreed between both countries.	USA
Paragraph 25 The importing country should document the decision criteria to be used to evaluate the exporting country's measure, NFCS or relevant part of NFCS associated with the scope of the request. The decision criteria document should be provided to and discussed with the exporting country in a cooperative manner. Once the formal request for consultations on a recognition of equivalence of a NFCS or the relevant part has been made, discussions should occur between the exporting and importing country to assist the development of, and better understanding of, the decision criteria to be applied, which where possible should be agreed between both countries. This paragraph is not consistent with the text of CXG 101-2023. Decision criteria are established by the importing country. Canada proposes edits to be consistent with Section 5.3 of CAC/GL 101-2023, with minor adjustments to recognize that this document applies to measures, NFCS or the relevant part.	Canada
Paragraph 26 The decision criteria should facilitate the determination by the importing countrycountry's assessment process and determination whether or not the exporting country's systemmeasures, NFCS or relevant part's design and implementation achieves the importing country's relevant objectives, and related outcomes or level of protection, associated with the scope of the request.⁵ Recommended edits for completeness (add “assessment”) and for consistency of text (i.e, replace “system design” with “measures, NFCS or relevant part).	Canada
Footnote No.5 One example of a possible decision criteria could be: Regulatory decisions are based on sound scientific analysis and evidence, involving a thorough review of allavailable relevant information (e.g. historical regulatory decisions, published risk assessments, or compliance actions).	USA
Paragraph 27 Bullet 3 an indication of the amount or level of qualitative or quantitative evidence that is expected;	USA
Paragraph 27 Bullet 4 any indicators⁶ of outcomes required if these are tothat may be used to facilitate comparisonsdemonstrate equivalence; and The US prefers language discussing ‘demonstrating equivalence’ rather than talking about ‘comparisons’, particularly because Annex B of CXG 91-2017 is not about comparisons.	USA
Paragraph 27 Bullet 5 how existing experience, knowledge and confidence are tomay be used.	European Union

COMMENT	MEMBER / OBSERVER
There should be flexibility as depending on the scope of the exercise, this parameter may not be relevant (e.g. testing methods).	
Paragraph 28 The decision criteria should not apply a standard or level of performance that exceeds the achieved by the importing country's specified <u>specific sanitary</u> measures, NFCS or relevant part.	USA
Paragraph 28 The decision criteria should not apply a standard or level of performance that exceeds the <u>one</u> achieved by the importing country's specified measures, NFCS or relevant part. Recommend deleting reference to a "standard" as it could be construed/misunderstood as referring to a "measure". Delete "specified" as per Canada's general comments.	Canada
Step 4: Exporting country documents its case for equivalence	
Paragraph 29 El país exportador debe presentar o poner a disposición la información y las pruebas apropiadas, incluidas las referencias pertinentes que demuestren cómo sus medidas especificadas, el SNCA o la parte pertinente, alcanzan los objetivos pertinentes del SNCA del país importador, y los resultados o el nivel de protección correspondientes, para los alimentos y requisitos para el comercio dentro del ámbito de la solicitud de equivalencia. Se sugiere eliminar "...las medidas especificadas por el país importador o por...". Para simplificar el texto	Chile
Paragraph 29 The exporting country should submit or make available appropriate information and evidence, including relevant references that demonstrates how its specified <u>specific sanitary</u> measures, NFCS or relevant part, achieves the importing country's relevant NFCS objectives, <u>objectives</u> and related outcomes <u>outcomes</u>, or level of protection, for the foods and requirements for trade within the scope of the equivalence request.	USA
Paragraph 29 The exporting country should submit or make available appropriate information and evidence, including relevant references that demonstrates how its specified measures, NFCS or relevant part, achieves <u>achieve</u> the importing country's relevant NFCS objectives, and related outcomes or level of protection, for the foods and requirements for trade within the scope of the equivalence request. Delete "specified" and "for trade" as per Canada's general comments.	Canada
Paragraph 30 En la medida de lo posible, la solicitud debe adaptarse para abordar adecuadamente todos los aspectos de los criterios de decisión y demostrar objetivamente que las medidas especificadas del país exportador o la totalidad o la parte pertinente de su SNCA, cumplen dichos criterios. Se sugiere eliminar "...sus medidas especificadas,...".. para simplificar el texto	Chile
Paragraph 30 The submission should as far as possible be tailored to appropriately cover all aspects of the decision criteria and objectively demonstrate that the exporting country's specified <u>specific sanitary</u> measures, NFCS or relevant part, meets those criteria.	USA
Paragraph 30 The submission should as far as possible be tailored to appropriately to cover all aspects of the decision criteria and objectively demonstrate that the exporting country's specified measures, NFCS or relevant part, meets those criteria.	Australia
Paragraph 30 The submission should as far as possible be tailored to appropriately cover all aspects of the decision criteria and objectively demonstrate that the exporting country's specified measures, NFCS or relevant part, meets those criteria.	Canada
Paragraph 31 La solicitud debe incluir únicamente la información adicional pertinente y las pruebas que los países importadores y exportadores hayan acordado que no están ya abordadas por el conocimiento, la experiencia y la confianza existentes. Se sugiere eliminar "...las medidas especificadas del país exportador o...": Para simplificar texto.	Chile

COMMENT	MEMBER / OBSERVER
Paragraph 31 The submission should only cover that include additional relevant information and evidence that the importing and exporting countries have agreed is not already covered by existing knowledge, experience, and confidence.	USA
Paragraph 32 As far as practical, and especially where consistent with the relevant Codex guidance, importing countries should allow flexibility in the format of the information submitted by the exporting country; and where appropriate allow reference to relevant international standards, guidelines, or codes of practice. Proposed edits to reflect the wording in CAC/GL 101-2023, Section 5.4, second paragraph.	Canada
Paragraph 33 Subject to the scope of any request for recognition, additional information exchanges may be required where a more detailed assessment is considered necessary to clarify or supplement information that the exporting country provides in its initial submission.	USA
Paragraph 33 Subject to the scope of any request for recognition, additional information exchanges may be required where a more detailed assessment is considered necessary. This bullet point may be more appropriately placed in Step 5, Assessment Process.	Canada
Step 5: Assessment process	
Step 5: Assessment process CXG101:2023 text might be suitable for this section	Australia
Step 5: Assessment process The text in Step 5, Assessment process, seems to be missing several elements of Step 5 in CAC/GL 101-2023. Canada recommends a comparison of these steps to ensure that relevant points from CXG 101-2023 are included in this section.	Canada
Paragraph 34 The aim of the assessment process is for the importing country to evaluate the information and evidence submitted by the exporting country so that the summary findings can be considered against the decision criteria. The importing country and its assessment process should appropriately protect any commercially sensitive or confidential information as supplied by the exporting country.	USA
Paragraph 34 The aim of the assessment process is for the importing country to evaluate the information and evidence submitted by the exporting country so that the summary findings can be considered against the decision criteria. The importing country and its assessment process should appropriately protect any commercially sensitive or confidential information as supplied by the exporting country. it is recommended to review the text of Step 5 of CXG 101-2023, to determine which part should be included after this section, for example: In general, the importing country should: • consider whether the information submitted by the exporting country, or otherwise available, is sufficient to enable an appropriate assessment; • proceed with an assessment applying the decision criteria and requesting additional information if deemed necessary; • consider any additional information submitted by the exporting country at the request of the importing country that could facilitate the assessment process; and, • consider any additional controls proposed by the exporting country to facilitate a positive determination. The importing country's assessment process should: • focus on whether the exporting country's measure(s), NFCS in whole or the relevant part achieves the objectives, and related outcomes or level of protection, of the importing country's measures, NFCS or the relevant part in accordance with the decision criteria; • consider the use of indicators of outcomes – different to the importing country's – to be used by the exporting country to demonstrate the performance of its NFCS in full or the relevant part to achieve the importing country's objectives and related outcomes or level of protection;	Canada

COMMENT	MEMBER / OBSERVER
- weigh the outcome of the various elements of the exporting country's NFCS relative to their impact on achieving the objectives and related outcomes or level of protection of the importing country's measure, NFCS or relevant part; - allow for regular discussion/consultations between the countries and the provision of clarifications and/or supplementary information as required.	
Paragraph 34 The aim of the assessment process is for the importing country to evaluate the information and evidence submitted by the exporting country so that the summary findings can be considered against the decision criteria. The importing country and its assessment process should appropriately protect any commercially sensitive or confidential information as supplied by the exporting country.	Australia
Paragraph 34 The aim of the assessment process is for the importing country to evaluate the information and evidence submitted by the exporting country so that the summary findings can be considered against the decision criteria. The importing country <u>should use a transparent and its evidence-based assessment process methodology and</u> should appropriately protect any commercially sensitive or confidential information as supplied <u>provided</u> by the exporting country. Delete "so that the summary of findings" from the second line. This is more appropriately addressed in paragraph 43.	Canada
Paragraph 35 Prior to initiating the full assessment process the importing country should assess whether the information submitted or otherwise available is likely to be sufficient to address <u>begin the matters specified in the decision criteria</u> assessment. The US believes that it is unrealistic to expect the importing country to know a priori whether the information will be sufficient to complete the assessment.	USA
Paragraph 35 Prior to initiating the full assessment process the importing country should assess whether the information submitted or otherwise available is likely to be sufficient to address the matters specified in the decision criteria. Canada recommends deleting this paragraph, and replacing it with text from Step 5 of CAC/GL 101-2023, i.e., "consider whether the information submitted by the exporting country, or otherwise available, is sufficient to enable an appropriate assessment".	Canada
Paragraph 36 Existing experience, knowledge, and confidence can reduce both the potential scope and intensity of the assessment process. Accordingly, appropriate use and reference to existing experience, knowledge, and confidence can reduce the resources required and facilitate a timelier assessment. The US suggests deleting this paragraph. This is not a process step and is stated many other places in the document.	USA
Paragraph 36 Existing experience, knowledge, and confidence can reduce both the potential scope and intensity of the assessment process. Accordingly, appropriate use and reference to existing experience, knowledge, and confidence can reduce the resources required and facilitate a timelier assessment. It is recommended to delete this paragraph. The two sentences are duplicative, and also duplicative of paragraph 14 and other paragraphs throughout the document which repeatedly emphasize the value of experience, knowledge and confidence.	Canada
Paragraph 36 Existing experience, knowledge, and confidence can <u>may</u> reduce both the potential scope and intensity of the assessment process. Accordingly, appropriate use and reference to existing experience, knowledge, and confidence can reduce the resources required and facilitate a timelier assessment. There should be flexibility as depending on the scope of the exercise, this parameter may not be relevant.	European Union
Paragraph 37	USA

COMMENT	MEMBER / OBSERVER
If the importing country has identifies any concerns deficiencies with the submission as presented, it should notify the exporting country at the earliest opportunity and should detail the reasons for concern deficiencies. If possible, the importing country should suggest how the concerns deficiencies might be addressed.	
<u>Paragraph 38</u> The assessment process should then proceed in a timely and cooperative manner, including where any further clarifications or supplementary information is required. The assessment process will normally comprise a number of steps which may vary depending on: Delete to remove duplication.	Canada
<u>Paragraph 38 Bullet 1</u> the scope of the request including the range of foods and the requirements for trade for which equivalence is sought;	USA
<u>Paragraph 38 Bullet 1</u> the scope of the request including the range of foods and the requirements <u>measures</u> for trade for which equivalence is sought;	Canada
<u>Paragraph 38 Bullet 2</u> the scope of assessment, e.g., whether it is restricted to certain specified measures or potentially requires a wider assessment of the NFCS or relevant part;	Canada
<u>Paragraph 38 Bullet 5</u> whether an in-country visit will likely be necessary <u>necessary to verify operation of relevant sanitary measures or the NFCS in whole or part in the exporting country.</u> The United States would like to include this language to be clear that only specific types of visits are justified through this process.	USA
<u>Paragraph 39</u> The assessment process should normally start with a desktop review of the documents <u>information</u> submitted, taking into account any existing knowledge, experience and confidence. The importing country should contact the exporting country where it requires any clarifications or further supplementary information during this phase.	USA
<u>Paragraph 40</u> An in-country visit may be justified and required <u>necessary to verify operation of relevant sanitary measures or the NFCS in whole or part in the exporting country</u> as part of an assessment, for example in situations where:	USA
<u>Paragraph 40</u> An in-country visit may be justified and required as part of an assessment, for example in situations where: Australia does not disagree with the potential for an audit or assessment of the exporting country NFCS or part thereof or verification of the equivalent measure, however this text is limiting (in identifying the need for an audit) with no options for remote audit in the place of in country audit, it is also not allowing for other technological verification including information/data sharing, remote monitoring etc. consider removal or rewording. Similarly if audit is to be retained it should be defined as a systems audit for the NFCS, not individual establishment audits.	Australia
<u>Paragraph 40 bullet 2</u> the complexity <u>importing country needs to verify operation and implementation of relevant sanitary measures or the consideration justifies additional verification as NFCS in whole or part of in the assessment</u> exporting country; or The US is providing edits for clarity.	USA
<u>Paragraph 40 bullet 3</u> sufficient confidence may not be able to be ascertained through the analytical data itself, or through conformity assessment processes undertaken in accordance with international accreditation arrangements, or through cross reference to other relevant assessments. The US reads this language as a nod to the role of third parties in the assessment process, and it doesn't seem appropriate to include reference of private standards in an international SPS standard. Furthermore, it is introducing a new concept not discussed in NFCS or, as far as we are aware, the other documents being consolidated.	USA

COMMENT	MEMBER / OBSERVER
Paragraph 41 Where an initial assessment identifies the lack does not conclude in recognition of a specific control considered necessary to achieve the relevant importing country objectives equivalence , the importing country should, where appropriate, provide the exporting country an opportunity to remedy the deficiency.	USA
Paragraph 41 Where an initial assessment identifies the lack of a specific control considered necessary to achieve the relevant importing country objectives, the importing country should, where appropriate, provide the exporting country an opportunity to remedy the deficiency. Should this be located under para 39 where initial assessment is mentioned?	Republic of Korea
Paragraph 42 bullet 2 transparency of decisions and actions; decisions are considered in the next section, if these are decisions during the assessment maybe choose another word “findings, determinations, interpretations etc”]	Australia
Paragraph 42 bullet 4 the availability of resources and infrastructure to continue to implement the <u>measures</u> , the NFCS or the relevant part. Added text to reflect that this guidance also refers to “measures”.	Canada
Question 4: Do you agree with this assessment that separate sections are not needed?	
Pregunta 4: ¿Está de acuerdo que no es necesario tener secciones separadas? Colombia considera que no es necesario tener secciones separadas en el documento y por tanto respalda al GTE, quienes indican que las secciones separadas son innecesarias.	Colombia
Pregunta 4: ¿Está de acuerdo que no es necesario tener secciones separadas? El Comité está de acuerdo en que no es necesario tener secciones separadas.	Peru
Pregunta 4: ¿Está de acuerdo que no es necesario tener secciones separadas? Si, estamos de acuerdo no es necesario hacer una separación	Guatemala
Question 4: Do you agree with this assessment that separate sections are not needed? In response to Question 4, the United States thinks that as long as it is clear that there can be systems equivalence and measure-by-measure equivalence separate sections are not needed and having has the potential for redundancy.	USA
Question 4: Do you agree with this assessment that separate sections are not needed? Yes as in our experience most equivalence assessments will be done measure by measure. Even for a systems equivalence assessment, it is likely the assessment will be split to enable relevant teams to input. The process is broadly the same and separate section would be duplicative and serve to lengthen the guidance unnecessarily.	United Kingdom
Question 4: Do you agree with this assessment that separate sections are not needed? Yes	Iraq
Question 4: Do you agree with this assessment that separate sections are not needed? We believe there is no need to separate the sections.	Brazil
Question 4: Do you agree with this assessment that separate sections are not needed? Australia agrees that separate instruction for measures vs systems is not required as the process considers NFCS or parts thereof which includes specific measures. The writing however should reflect this generic position.	Australia
Question 4: Do you agree with this assessment that separate sections are not needed? New Zealand agrees that separate sections are not necessary.	New Zealand
Question 4: Do you agree with this assessment that separate sections are not needed? Yes, Canada agrees with the Chair and Co-Chairs' view.	Canada
Question 4: Do you agree with this assessment that separate sections are not needed? No, it would be better if separate chapters were provided and that the differences between the two exercises were shown. The current text fits better for the systems equivalence exercises -but not for the measure equivalence exercises.	European Union
Question 4: Do you agree with this assessment that separate sections are not needed? Yes, I agree with Q4.	ICUMSA
Question 4a: If not, what additional text do you proposed needs to be included?	

COMMENT	MEMBER / OBSERVER
Question 4a: If not, what additional text do you proposed needs to be included? Not applicable.	Brazil
Question 4a: If not, what additional text do you proposed needs to be included? New Zealand does not have any suggestions for additional text at this time. We are happy to consider any suggestions other members may offer.	New Zealand
Question 4a: If not, what additional text do you proposed needs to be included? The current terminology is more focussed on controls of NFCS. This needs to be broadened to cover all possible equivalence exercises in the food and feed area such as treatment methods, processing, and testing, etc. For the systems equivalence exercises the decision criteria of knowledge, experience and confidence is more relevant whereas it is less or not for measure equivalences.	European Union
Question 5: In which paragraph or sub-section should additional text be provided?	
Pregunta 5: ¿En qué párrafo o sub sección debería colocarse el texto adicional? Uruguay está de acuerdo en que NO es necesario contar con secciones separadas para el proceso de evaluación para la equivalencia de los sistemas y para la equivalencia de medidas, por tanto no sugiere la incorporación de ningún texto adicional.	Uruguay
Question 5: In which paragraph or sub-section should additional text be provided? in section 4: PRINCIPLES	Iraq
Question 5: In which paragraph or sub-section should additional text be provided? Not applicable.	Brazil
Question 5: In which paragraph or sub-section should additional text be provided? Step 7 is missing. ROK proposes to replace Section 7 to step 7 because Section 7 deals with what step 7 supposed to do.	Republic of Korea
Question 5: In which paragraph or sub-section should additional text be provided? New Zealand does not have any suggestions for additional text at this time. We are happy to consider any suggestions other members may offer.	New Zealand
Paragraph 44 focus on whether the exporting country's <u>sanitary measures</u> , NFCS or the relevant part meets the decision criteria; and	USA
Paragraph 44 focus on whether the exporting country's <u>measure(s)</u> , NFCS or the relevant part meets the decision criteria; and Added text to reflect that this guidance also refers to "measures".	Canada
Paragraph 45 This decision document should highlight whether and, where relevant, the degree to which, each of the decision criteria have been met along with the relative weighting each has had on the draft final decision met. Where the importing country considers one or more of the decision criteria have not been met the importing country should clearly document why it has reached this conclusion.	USA
Paragraph 45 This decision document should highlight whether and, where relevant, the degree to which, each of the decision criteria have been met along with the relative weighting each has had on the draft final decision. Where the importing country considers one or more of the decision criteria have not been met the importing country should clearly document why it has reached this conclusion. Canada would appreciate information as to the source of this sentence/recommendation. It does not appear in CXG 101-2023.	Canada
Paragraph 46 The draft decision document should be consulted with the exporting country. The importing country should allow the exporting country to correct any error of fact. In the case where the exporting country's NFCS or the relevant part is initially assessed as not equivalent the two countries may, if they wish, agree to a plan and timeframe for the exporting country to provide any additional information or controls <u>implement additional sanitary measures</u> for the identified parts of the NFCS that were determined not to be equivalent.	USA

COMMENT	MEMBER / OBSERVER
Paragraph 46 The draft decision document should be consulted with the exporting country. The importing country should allow the exporting country to correct any error of fact. In the case where the exporting country's <u>measure(s)</u>, NFCS or the relevant part is initially assessed as not equivalent the two countries may, if they wish, agree to a plan and timeframe for the exporting country to provide any additional information or controls for the identified <u>measures or parts</u> of the NFCS that were determined not to be equivalent. Added text to reflect that this guidance also refers to “measures”.	Canada
Paragraph 47 The importing country should review the exporting country's additional information without requiring all aspects of the assessment process <u>not affected by the change</u> to be repeated, so long as the exporting country provides the additional information in a timely manner.	USA
Paragraph 49 Where the importing country recognises the equivalence of the specified <u>sanitary</u> measures, NFCS or relevant part, both countries should then discuss how this recognition will affect the requirements for trade between the countries.	USA
Paragraph 49 Where the importing country recognises the equivalence of the specified measures, NFCS or relevant part, both countries should then discuss how this recognition will affect the requirements for trade between the countries. It may be helpful to add a paragraph addressing the approach to take if not all controls within a measure are deemed equivalent	United Kingdom
Paragraph 49 Where the importing country recognises the equivalence of the specified measures <u>measures</u> under consideration, NFCS or relevant part, both countries should then discuss how this recognition will affect the requirements for trade <u>in food</u> between the countries. Edits for clarity	Canada
SECTION 7: DOCUMENTING THE AGREEMENT AND IMPLEMENTING THE DECISION	
SECCIÓN 7: DOCUMENTACIÓN DEL ACUERDO Y EJECUCIÓN DE LA DECISIÓN Se sugiere eliminar “...las medidas especificadas...”.	Chile
SECTION 7: DOCUMENTING THE AGREEMENT AND IMPLEMENTING THE DECISION Proposes to edit section 7 into Step 7. According to the first part listed under section 6, next to para 19, there are total of 7 process steps. But the detailed explanation on step 7 is missing in the draft. Therefore, Republic of Korea recommends to add step 7 to be consistent with previous part of the document. Also re-arrange the number sequence of the sections in the document because there are 2 section 4s (section4.Definition & Section4.Principles), then followed numbering is off.	Republic of Korea
Paragraph 50 The importing and exporting countries should document any recognition reached including how the recognition of equivalence will be implemented for the trade in food between the countries (e.g. recognition of lists of establishments; or modification to point of entry, or additional in-country process prescriptive requirements). entry. Such documentation may be completed, for example, through an exchange of letters or through the negotiation of a more comprehensive <u>formal</u> equivalence agreement or arrangement.	USA
Paragraph 50 The importing and exporting countries should document any recognition reached including how the recognition of equivalence will be implemented for the trade in food between the countries (e.g. recognition of lists of establishments; or modification to point of entry, or additional in-country process prescriptive requirements). Such documentation may be completed, for example, through an exchange of letters or through the negotiation of a more comprehensive equivalence agreement or arrangement. <u>The documentation of the recognition of the equivalence of systems should also include provisions on maintenance and review of the recognition. Maintenance of recognition arrangements should allow regulatory frameworks, programmes and oversight to evolve over time. The documentation should include what level of change to the exporting or importing country's NFCS or other changes in circumstance requires notification to the other country and when a review of the recognition of equivalence may be required. The countries should also document their expectations with respect to ongoing communication and cooperation.</u>	Canada

COMMENT	MEMBER / OBSERVER
Canada recommends including this text from CAC/GL 101-2023 to recognize the importance of documenting how equivalence will be reviewed and maintained, and the expectations of communications.	
Paragraph 51 En el Anexo 2 se sugieren títulos para el contenido de un acuerdo de reconocimiento/documento de acuerdo. Se sugiere eliminar el ejemplo “el reconocimiento de la lista de establecimientos”, no corresponde a equivalencia.: Fundamento:El ejemplo no corresponde a equivalencia.	Chile
Paragraph 52 Where both parties agree the scope of an equivalence recognition may be amended at a later time to cover additional products or processes. In such a case, the level and extent of the assessment required would be agreed between established by the parties <u>importing party</u>, should an extension of scope be proposed.	USA
Paragraph 52 Where both parties agree the <u>he</u> scope of an equivalence recognition may be amended at a later time <u>by mutual agreement</u>, to cover additional products or processes. In such a case, the level and extent of the assessment required would be agreed between the parties <u>importing and exporting countries</u>, should an extension of scope be proposed. Proposed edits to refer to “importing and exporting countries” rather than “parties”, for consistency with the rest of the document.	Canada
SECTION 8: MAINTENANCE OF EQUIVALENCE RECOGNITIONS	
SECTION 8: MAINTENANCE OF EQUIVALENCE RECOGNITIONS <u>Maintenance and review of recognitions of the equivalence of NFCS may include activities such as:</u> <u>regular provision of summary information on the performance of the measure(s), the NFCS or the relevant part;</u> <u>advice of and potential review of any proposed significant changes to the laws, regulations or performance measures underpinning the components of either country's NFCS covered by the recognition of equivalence arrangement;</u> <u>regular technical discussions between relevant experts; and</u> <u>intermittent country visits or technical exchanges so as to maintain the currency of experience, knowledge and confidence.</u> Proposed addition of text from CAC/GL 101-2023	Canada
SECTION 8: MAINTENANCE OF EQUIVALENCE RECOGNITIONS Paragraphs that refer to documentation of the agreement, including how it will be maintained, may perhaps be better placed in Section 7, Documenting the agreement?	Canada
Paragraph 54 The importing and exporting country should also agree on what level of substantive change will necessitate a reassessment in whole or in part of the recognition. Generally, recognition agreements / arrangements continue to apply while any such reassessments are progressed. Such changes may for example include: It may be helpful to expand on what constitutes a substantive change and provide additional guidance for members, including at what point the changes need to be considered as part of the equivalence assessment.	United Kingdom
Paragraph 54 The importing and exporting country should also agree on what level <u>notify the importing country of substantive change will necessitate a reassessment in whole</u> <u>any proposed significant changes to the laws, regulations or in part</u> <u>performance measures underpinning the components of its NFCS covered by the recognition.</u> <u>recognition of equivalence arrangement. The importing country will then determine whether a new assessment is required.</u> Generally, recognition agreements / arrangements continue to apply while any such reassessments are progressed. Such changes may for example include: The United States has modified the language to be clear here that it is the sole discretion of the importing country to determine what sort of changes would require a new assessment.	USA
The agreement / arrangement should also address situations where more urgent actions may be justified <u>taken</u>.	USA
Paragraph 55 Where appropriate, the agreement / arrangement may also cover expectations with respect to the type and frequency of any ongoing audits. Generally, such audits should be mutually agreed and	USA

COMMENT	MEMBER / OBSERVER
jointly undertaken reflect the principles and guidelines developed by CCFICS and reflect the principles and guidelines developed by CCFICS⁸.	
Paragraph 55 Where appropriate, the agreement / arrangement may also cover expectations with respect to the type and frequency of any ongoing audits. Generally, such audits should be mutually agreed and jointly undertaken and reflect the principles and guidelines developed by CCFICS⁸. Delete the text 'mutually agreed and jointly undertaken'. ROK supports the mutual discussions between the two parties. However, joint audit is something that can be agreed upon between the importing and exporting countries who actually engaged in performing equivalence recognition. It is of the opinion that it should not be specified in the guidelines and should be left as an autonomous matter between countries.	Republic of Korea
Paragraph 55 Where appropriate, the agreement / arrangement may also cover expectations with respect to the type and frequency of any ongoing audits. Generally, such Such audits should be mutually agreed and jointly undertaken reflect the principles and guidelines developed by CCFICS and reflect the principles and guidelines developed by CCFICS⁸. There should not be any other rules than for audits which are carried out on compliance basis to the importing country's requirements. The only difference between equivalence and compliance audits is that the auditing is done against the exporting country's rules which have been recognised equivalent, as clarified in paragraph 57. To require mutual agreement and joint undertaking of audits would restrain the right of the importing country to carry out audits in the exporting country.	European Union
Paragraph 57 These audits should focus on how the whether exporting country's NFCS is continuing to assure the specified measures, NFCS or relevant part, as recognized as equivalent are continuing to be effectively applied.	USA
ANNEX 2: <u>EXAMPLE</u> CONTENT OF AN EQUIVALENCE RECOGNITION DOCUMENT	Australia