



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Sixth Session

Comments of Panama

Agenda Item 4

PROPOSED DRAFT GUIDELINES ON THE RECOGNITION AND MAINTENANCE OF THE EQUIVALENCE OF NATIONAL FOOD CONTROL SYSTEMS (SNCA) -(Prepared by the Electronic Working Group¹led by New Zealand, Kenya and the United States of America) (In step 3)

General comments:

Panama thanks the working group (GTE) and Codex members for reviewing and improving the draft. It recognizes that the work must not only consider the guarantees with respect to food safety (Food Safety), but also that "the double mandate of Codex" must be considered, which includes the protection of the health of consumers and ensuring fair and/or equitable practices in the food trade. It appreciates the exhaustive work carried out by the previous CCFICS working groups and meetings, where the mandated work has been accomplished and therefore supports the finalization of these guidelines by fast-tracking the Step process to Step 5/8.

APPENDIX 1

Proposed Draft Guidelines on the Recognition and Maintenance of Equivalence of National Food Control Systems (NCFS)

(In step 3)

"The recognition of the equivalence of all or part of the National Food Control System (SNCA) of an exporting country can definitely provide an effective mechanism to protect consumer health and ensure fair practices in the food trade; reduce unnecessary duplication of controls; and will favor positive changes in the conditions of trade, facilitating a more effective and efficient use of resources, both in importing and exporting countries (for example: the recognition of lists of export establishments, alternative processing and inspection procedures, or a decrease in the intensity and frequency of routine inspections at ports of entry)".

Specific Comments:

Answer: Panama considers that the text is consistent with the double mandate of Codex. At this time, we are not afraid of further specific comments. We generally endorse the content of the entire document (SECTION 1: PREAMBLE; SECTION 2: PURPOSE; SECTION 3: DEFINITIONS; SECTION 4: PRINCIPLES; and SECTION 5: PROCESSING STEPS).

Agenda Item 5 CX/FICS 23/26/5

PROPOSED DRAFT STANDARDIZED CODEX GUIDELINES RELATING TO THE EQUIVALENCE -Prepared by an Electronic Working Group¹ chaired by New Zealand, with the United States of America and Kenya - (At Step 3)

General comments:

Panama thanks the working group (GTE) and Codex members for reviewing and improving the draft. Supports the progress and recommendations to consider consolidating the Codex guidelines on equivalence as proposed in Appendix 1 and awaiting the results of the face-to-face meeting of the working group on April 30, 2023 and the conclusions of deliberations through a room document.

Panama considers that "the recognition of equivalence can generate efficiencies in the approval, audit, inspection and certification processes, particularly with regard to food control systems, establishments, products and processes".

Appendix I PROPOSED DRAFT UNIFIED TEXT ON: PRINCIPLES AND GUIDELINES FOR THE RECOGNITION OF THE EQUIVALENCE OF SPECIFIC MEASURES OR OF ALL OR PART OF NATIONAL FOOD CONTROL SYSTEMS

(STEP 3)

Specific Comments:**SECTION 2: OBJECTIVE/SCOPE OF APPLICATION (of the guidelines)**

Question for CCFICS at its 26th session: *Would it be convenient to divide this section in two, these, a section on the objective and another on the scope of application?*

Answer: Panama considers that it is convenient.

Question for CCFICS at its 26th session: *The Committee is requested to indicate if there are additional definitions that should be included OR if any of the following are not necessary*

Answer: Panama considers that for now they are sufficient; however, the following definition extracted and copied from the WTO must be absolutely reviewed and evaluated:

Sanitary measure: Any measure applied to protect the life and health of people from the risks resulting from the presence of additives, contaminants, toxins or pathogenic organisms in food products. [From Annex A of the SPS Agreement without references to animal and plant life and health].

Together and in accordance with the following:

Technical measure: Any measure other than a sanitary or phytosanitary measure required by the importing country for trade in food in order to ensure the protection of the health of consumers or fair trade practices in food⁷. [Derived from the WTO TBT Agreement].

Justification: What is or what would be the definition or concept of "sanitary measure" of the WHO?, taking into account the definition of Health of the WHO; and What would be the specific difference with the definition of "sanitary measure" of the WTO? which focuses more on biological and chemical hazards from contamination and animal-borne diseases.

The WHO defines a "sanitary measure" as any measure taken to prevent, treat or control disease and injury, as well as to promote health. This definition is based on his definition of health, which is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

On the other hand, the WTO defines a "sanitary and phytosanitary measure" (SPS) as any measure taken to protect human, animal or plant life or health from risks resulting from the introduction, establishment or spread of diseases, pests or other biological or chemical hazards. The WTO focuses more on biological and chemical hazards from contamination and animal-borne diseases, while the WHO covers a broader spectrum of health measures including the prevention, treatment and control of disease and injury in humans.

In summary, both definitions focus on health protection, but the WHO definition is broader and includes health promotion, while the WTO definition focuses more on biological and chemical hazards.

proof of equivalence

f (bis) The obligation to objectively demonstrate equivalence falls on the exporting country.

Ask CCFICS at its 26th session: *The Committee is requested to rule on:*

i) the suitability of keeping paragraph f(bis) as a stand-alone principle or whether it would be preferable to include it in the main text as part of the assessment process, and

ii) Is a countervailing statement/principle on the obligation of the importing party to ensure that its measure is applied only to the extent necessary to achieve the necessary level of protection with respect to bilateral risks also necessary?

Answer: Panama considers that it is correct or appropriate to maintain section f(bis) as an independent principle. But it also considers necessary a countervailing statement/principle on the obligation of the importing party to ensure that its measure is applied only within the limits necessary to achieve the necessary level of protection with respect to bilateral risks. This would be fair.

Step 5a. Evaluation process: System equivalence

Question for CCFICS at its 26th session:

Is there something to change in this case?

Answer: Panama considers that it is not necessary.

Step 5b. Evaluation process: Equivalence of measures

Question for CCFICS at its 26th session:

Is there something to change in this case?

Answer: Panama considers that it is not necessary.

SECTION 7: DOCUMENTATION OF THE AGREEMENT AND EXECUTION OF THE DECISION

Question for CCFICS at its 26th session:

Does the information regarding the maintenance of recognitions of equivalence currently contained in Section 7 provide sufficient guidance or would it be preferable if it were contained in a separate section, as initially suggested?

Answer: Panama considers that currently listed in Section 7 provides sufficient guidance.

APPENDIX 1:

Determined:

Question for CCFICS at its 26th session:

Would it be helpful to include a flowchart?

If so, would specific flowcharts be needed for the different types of equivalence assessment?

Answer: Panama considers that it can always be useful to include a general flowchart; and unnecessary specific flowcharts for the different types of equivalence assessment.

Agenda Item 6 CX/FICS 23/26/6

PROPOSED DRAFT GUIDELINES ON THE PREVENTION AND CONTROL OF FRAUD

FOOD -(Report prepared by the Electronic Working Group¹ chaired by the United States of America and co-chaired by China, the United Kingdom, the Islamic Republic of Iran and the European Union) – At Step 3

General comments:

Panama thanks the working group (GTE) and Codex members for reviewing and improving the draft. Supports the advancement of the Draft guidelines on the prevention and control of food fraud, contained in Appendix 1 and the finalization of these guidelines.

Panama agrees with the transversal importance of issues related to the integrity and authenticity of food as a fundamental part of the double mandate of Codex, which includes the protection of the health of consumers and the assurance of fair and/or equitable practices in food trade.

Panama fully agrees with "the importance of preventing or minimizing incidents of food fraud that can present risks to public health and result in economic losses for the consumer and other interested parties, trade disruption, damage to reputation and unfair economic advantages"; and considers absolutely necessary "Government oversight and good manufacturing practices by food business operators (OEA) to protect public health, and to maintain consumer confidence in the safety, authenticity, integrity, suitability² and quality of food".

APPENDIX I

PROPOSED DRAFT GUIDELINES ON THE PREVENTION AND CONTROL OF FRAUD

FOOD - (At step 3)

Specific Comments:

Answer: Panama considers that it is necessary to improve Section 2: Purpose/Scope of application, as follows:

9. The purpose is to provide guidance to competent authorities[Not only]in terms of food safety, [but also in matters relating to the integrity and authenticity of food as a fundamental part of the double mandate of Codex]to other relevant agencies and AEOs on the detection, prevention, mitigation and control of food fraud in order to protect consumer health and ensure fair practices in the trade of food, including feed for food-producing animals. Many existing Codex texts address issues related to food fraud. This guidance is intended to support or complement existing Codex texts by providing additional guidance specific to food fraud and which may be considered in NFCS³.

Section 3: Definitions

For the purposes of this document, the following definitions apply:

food fraud: Any deliberate action to deceive others with respect to the prescribed specifications or expected characteristics of a food for undue profit.

food integrity: Condition of a food product whose intended characteristics, including safety, quality, and nutrition, have not been altered or modified.

food authenticity: Conformity between the characteristics of a food product and the corresponding information provided on the product labeling or other information related to the food trade.

Vulnerability to food fraud: Susceptibility or exposure due to a gap or deficiency that could pose a risk to consumer health or fair trade or have a negative effect on an AEO if not addressed.

Food Fraud Vulnerability Assessment: A documented process of collecting and evaluating information about the risk factors of potential food fraud and the possibility of its occurrence, as well as the control and mitigation measures that, when combined, determine the actual vulnerability to food fraud.

Answer: Panama supports in general terms the incorporation of the definitions as it considers it extremely important to have guidance that provides sufficient clarity to all interested parties. On the other hand, we consider the importance of evaluating the possible incorporation of other definitions, such as: suitability (defined in document CXC 1-1969) and food genuineness, which could contribute to a better understanding and comprehensive understanding of the issues related to the integrity and authenticity of food as a fundamental part of the double mandate of Codex, which includes: the protection of the health of consumers and the assurance of fair and/or equitable practices in the food trade.

Section 4: Types of Food Fraud

Examples of types of food fraud carried out intentionally for profit are provided in the following section. Please note that this list is not exhaustive.

Adulteration: Addition of an undeclared substance to food products not normally present, or present in that amount, in the food.

Substitution: Replacement of a high value ingredient or part of a food product with an ingredient or part of a product of a lower value.

Dilution: Addition of material, such as water, to cause another ingredient to be present at a lower concentration than it represents.

Falsification: Process of producing an imitation food product.

Misrepresentation: Commercialization or labeling of food products with characteristics that are not present.

Simulation: concealment or failure to provide information on the safety, suitability or low quality of food ingredients or products.

Answer: Panama supports in general terms the incorporation of the examples of types of fraud as it considers it extremely important to have guidance that provides sufficient clarity to all interested parties.

Agenda Item 7 - CX/FICS 23/26/7

DRAFT PRINCIPLES AND GUIDELINES ON THE USE OF REMOTE AUDITS AND INSPECTIONS IN REGULATORY FRAMEWORKS -(Report prepared by the

Electronic Working Group chaired by Australia and co-chaired by Canada, Singapore and China)¹ **-(In step 3)**

General comments:

Panama thanks the working group (GTE) and Codex members for reviewing and improving the draft. Supports moving the Proposed Draft Principles and Guidelines on the Use of Remote Audits and Inspections in Regulatory Frameworks, Appendix 1 to Step 5 or fast moving to Step 5/8, and consider the next steps for the EWG to continue the work, in necessary case.

Panama considers that "activities related to remote audits and inspections, including verification and evaluation activities, although they present some challenges, can also offer significant benefits to the competent authorities and the food industry and, in addition, provide an adequate degree of supervision for the national competent authority. In addition, such tools can ensure continuity in regulatory audit and inspection activities when on-site visits are not practical.

APPENDIX I

DRAFT PRINCIPLES AND GUIDELINES ON THE USE OF REMOTE AUDITS AND INSPECTIONS IN REGULATORY FRAMEWORKS

(In step 3)

Specific Comments:

Answer: Panama supports in general terms the text contained in this document. At this time, we do not have any further specific comments.