

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 4.9

CX/CAC 23/46/11 Add. 1
October 2023
Original Language Only

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Forty-sixth Session

**COMMENTS ON DRAFT STANDARDS AND RELATED TEXTS SUBMITTED
BY THE 26TH CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND
CERTIFICATION SYSTEMS¹**

BACKGROUND

1. This document compiles the comments on the draft standards submitted at Step 5/8 of the Procedure. The comments are as shown in Appendices I and II.
2. OCS is an online tool that enables Codex Contact Points to submit comments on draft texts in a standardised way, thus providing more transparency and better management of comments on different Codex texts as requested through Circular Letters. Since its launching at CAC39 (2016), the OCS has been used for different Codex Committees.

EXPLANATORY NOTES ON APPENDICES I AND II

3. The comments received are presented in a table format, with two columns as follows:
 - **First column** – Presents the comments with the rationale.
 - **Second column** – Presents the provider of the comments (name of member or observer)

¹ This document compiles comments submitted through OCS, or via email by the time this document was issued, in reply to CL 2023/49/OCS-FICS and CL 2023/50/OCS-FICS

Appendix I

COMMENTS IN REPLY TO CL 2023/49/OCS-FICS - REQUEST FOR COMMENTS AT STEP 5/8 ON THE PROPOSED DRAFT GUIDELINES ON RECOGNITION AND MAINTENANCE OF EQUIVALENCE OF NATIONAL FOOD CONTROL SYSTEMS

Comments of Australia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Egypt, Guatemala, Indonesia, Iraq, Kenya, Mexico, New Zealand, Paraguay, Republic of Korea, United Republic of Tanzania and FIVS.

| COMMENT | MEMBER / OBSERVER |
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| Australia supports the adoption of the Draft Guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS). These guidelines provide a useful resource for countries as they negotiate and maintain equivalence agreements in food trade. | Australia |
| Brazil supports final adoption of the proposed Draft Guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS) at step 5/8. | Brazil |
| Chile agradece la invitación para realizar comentarios de este documento. Chile no tiene observaciones y apoya el avance de este Anteproyecto como Directriz del Codex. | Chile |
| <p>Consideramos que el documento está listo para ser aprobado por la CAC. Sin embargo, sugerimos unos cambios de forma, tal como se detallan a continuación.</p> <p>SECCIÓN 5 – PASOS PARA EL PROCESO – 5.2. PASO 2: DESCRIPCIÓN DEL SNCA DEL PAÍS IMPORTADOR Y DE LOS OBJETIVOS PERTINENTES:</p> <p>16. Cuando sea pertinente al ámbito de la solicitud, y a fin de facilitar la tarea del país exportador para describir su SNCA, el país importador debería proporcionar información para describir, con referencias adecuadas, los elementos pertinentes, con los objetivos y resultados o nivel de protección correspondientes, de su propio SNCA que formarán parte de la evaluación, entre éstos: ..</p> <p>Con una modificación en el párrafo 16 se considera que el texto se entenderá de mejor manera.</p> <p>Dicha modificación hace referencia a cambiar la expresión “por ejemplo:” por “entre éstos:</p> <p>Esta información se complementa con los detalles del párrafo 22 y sus referencias en pie de página</p> | Colombia |
| Costa Rica supports its adoption at Step 8. | Costa Rica |
| Tras revisar el documento “Anteproyecto de directrices sobre el reconocimiento y el mantenimiento de la equivalencia de los sistemas nacionales de control de los alimentos (SNCA)” que se encuentra en trámite 5/8, Ecuador no presenta observaciones. Sin embargo, apoyamos a que se siga con el avance del Anteproyecto ya que vemos con buenos ojos que se pueda hacer las equivalencias entre los SNCA todo esto siempre y cuando las dos partes busquen los mismos objetivos, con lo cual una vez que sea oficializado el documento como tal aportará en un ahorro tanto en tiempo como en presupuesto, para los países que logren comercializar bajo estas directrices de equivalencia. | Ecuador |
| <p>Egypt seeks to extend its gratitude to the EWG for the great efforts exerted in the proposed draft Guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS).</p> <p>Egypt provides some comments on the proposed draft Guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS) as follows:</p> | Egypt |

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| <p>1. Decision Criteria</p> <p>Section 3 – Definitions stated that the “Decision Criteria: Those factors used to objectively determine whether the exporting country’s NFCS or the relevant part achieve the objectives of the importing country’s NFCS or the relevant part for the products under consideration.”</p> <p>When examining the relevant Codex texts to recognition(Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CXG 26-1997); Guidelines for Food Import Control Systems CXG 47-2003)) with regard to the decision criteria,it was recognized that there is a necessity to have more evolving rules on the decision criteria to be considered by the importing and exporting countries.</p> <p>Egypt asserts that the proposed draft is very important and a very good opportunity to have more elaborations on some important issues within the context of recognition which caused some ambiguity in understanding the recognition relevant texts.</p> <p>Egypt proposes that the process of the decision criteria in different sections needs to be considered in line with the term” factors” stated in the decision criteria definition. In other words, indicate the factors in the substance of the document as it is not clear the interlink between the factors mentioned in the definition of the decision criteria in the different steps in the document, for the sake of facilitating the understanding of the proposed draft and for the benefit of the importing and the exporting countries, and to use the decision criteria process without any ambiguity or misunderstanding for the future.</p> <p>2. Maintenance and review of the recognition</p> <p>The document heading is the Guidelines on recognition and maintenance of equivalence of national food control systems (NFCS). The proposed draft organizes both the rules of the recognition and maintenance of equivalence, but the draft does not include a separate heading for the maintenance review of the recognition.</p> <p>Therefore, Egypt proposes in the Step 7: Final Documentation to have a new sub-heading called “<i>maintenance and review of the recognition</i>” starting from paragraph 37 to 39.</p> <p>3. Conditions of trade:</p> <p>Egypt recognizes that the “conditions of trade” phrase was reiterated in several instances in the proposed draft. Egypt proposes that the “conditions of trade” phrase needs to have a clear definition. In addition, it is not a regular phrase used in the WTO texts, as it was used only once in the GATT Agreement. And there is no reference to the conditions of trade or more elaborations in the WTO texts.</p> <p>Also , we suggest that the “conditions of trade” can be accommodated in the Glossary of Terms for CODEX, this is to provide adding the term to the glossary so it can be clearly identified and understandable with no confusions</p> <p>Therefore, Egypt is of the view that the proposed draft Guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS) is not ready for adoption.</p> | |
| <p>Para Guatemala el documento esta listo para su aprobación.</p> | <p>Guatemala</p> |
| <p>Indonesia would like to express her appreciation to New Zealand as a Chair, US and Chili as Co-Chairs of EWG for their efforts to prepare the proposed draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS). Indonesia supports this document; however, Indonesia would like to ask CCFICS for an explanation regarding the use of Level of Protection (LOP) for equivalence assessment purposes. How far the LOP should be detailed for used as a measure of equivalence. Indonesia is of the view that it would be very useful if there were examples of the use of LOP as a reference.</p> | <p>Indonesia</p> |
| <p>Agree to adoption</p> | <p>Iraq</p> |

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| <p>Kenya supports the adoption of the proposed draft Guidelines on the recognition and maintenance of equivalence of National Food Control Systems (NFCS) at step 5/8.</p> <p>Justification: Kenya actively took part in the development, revisions, and amendment of the proposed draft guidelines and her concerns were addressed in the EWG. This will also allow the progression of work on the consolidation of equivalence text that has been held at step 4.</p> | <p>Kenya</p> |
| <p>México agradece a Nueva Zelanda, como Presidente del Grupo de trabajo por medios electrónicos (GTE), y las copresidencias, de Estados Unidos de América y Kenya, por su liderazgo en estos trabajos. Al respecto y en atención a la carta circular CL 2023/49/OCS-FICS se informa que el “Anteproyecto de directrices para el reconocimiento y el mantenimiento de la equivalencia de los sistemas nacionales de control de los alimentos (SNCA)” se considera listo para su aprobación en el trámite 5/8. Únicamente se tienen comentarios menores, los cuales se muestran a continuación:</p> <p>Párr. 26 “...los países importadores deberían ser flexibles con respecto al formato de la información que presentan a presentada por los países exportadores.”</p> <p>El texto original en español modifica sustancialmente el significado del párrafo.</p> <p>Es necesario alinear con el texto en inglés:</p> <p>“...importing countries should allow flexibility in the format of the information submitted by the exporting country.”</p> <p>Párr. 24 “Los criterios de decisión no deberían aplicarse a una norma o nivel de rendimiento más allá...”</p> <p>El texto original en español modifica sustancialmente el significado del párrafo.</p> <p>Es necesario alinear con el texto en inglés:</p> <p>“The decision criteria should not apply a standard or level of performance in excess...”</p> <p>párrafo 5 “... con la garantía de prácticas equitativas en el comercio de alimentos o con ambas, como pertinente según corresponda al comercio de alimentos...”</p> <p>Mejor redacción</p> <p>párrafo 1“... entre otros, el reconocimiento de listas de establecimientos de exportación, procedimientos alternativos de [operación] [control] e inspección, o una disminución en la intensidad y frecuencia de las inspecciones de rutina en los puertos de entrada).”</p> <p>No queda claro el término “elaboración” en el contexto del párrafo. ¿Elaboración de qué? Quizá deba decir “inspección y despacho”, aunque implica cambio en la versión en inglés.</p> <p>Originalmente se había sugerido “operación” o “control” en lugar de “elaboración”.</p> | <p>Mexico</p> |
| <p>New Zealand supports adoption at steps 5 & 8</p> | <p>New Zealand</p> |
| <p>Paraguay agradece a la Secretaria del Codex y a la Presidencia del Comité del Codex sobre Inspección y Certificación de Importaciones y Exportaciones de Alimentos por el trabajo realizado y la preparación del presente documento, Paraguay considera que el texto esta listo para su aprobación en el trámite 5/8.</p> | <p>Paraguay</p> |
| <p>Republic of Korea would like to express its gratitude for the work well done. Congratulations to the eWG chair NZ, co-chair USA and Kenya for successful execution.</p> <p>After conducting the relevant analysis of the " Guidelines on recognition and maintenance of equivalence of National Food Control Systems(NFCS)", Republic of Korea considers that the text of the entire document is well structured and ready for adoption at CAC.</p> | <p>Republic of Korea</p> |

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| Tanzania accepted to be adopted by CAC 46 | United Republic of Tanzania |
| FIVS welcomes the opportunity to comment on the Draft Guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS). FIVS believes the text is ready for adoption and thanks Codex for its work on this important subject. | FIVS |

Appendix II

COMMENTS IN REPLY TO CL 2023/50/OCS-FICS - REQUEST FOR COMMENTS AT STEP 5/8 ON THE PROPOSED DRAFT *PRINCIPLES AND GUIDELINES ON THE USE OF REMOTE AUDIT AND INSPECTION IN REGULATORY FRAMEWORKS*

Comments of Australia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Egypt, Guatemala, Indonesia, Iraq, Kenya, Mexico, New Zealand, Norway, Paraguay, Republic of Korea, Sierra Leone, United Republic of Tanzania, FIVS and Food Industry Asia.

| COMMENT | MEMBER / OBSERVER |
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| Australia supports the adoption of the Draft Principles and Guidelines on the Use of Remote Audit and Inspection in Regulatory Frameworks. These principles and guidelines will be of great benefit to regulators and food businesses worldwide, highlighting important factors to consider with respect to remote audits and inspections. | Australia |
| Brazil supports final adoption of the proposed Draft Principles and guidelines on the use of remote audit and inspection in regulatory frameworks at step 5/8. | Brazil |
| Chile agradece la invitación para realizar comentarios de este documento. Chile no tiene observaciones y apoya el avance de este Anteproyecto como Directriz del Codex. | Chile |
| <p>Consideramos que el texto está listo para su aprobación por parte de la CAC. Sin embargo, sugerimos realizar un cambio de forma en el documento, tal como se sugiere a continuación.</p> <p>Sección 4 – Ejemplos de actividades de auditorías e inspecciones a distancia:</p> <p>8. – literal c</p> <p>c. Examen de la documentación ex situ: Cuando se presentan datos o pruebas documentadas para que sean evaluados por un equipo de auditoría/inspección de la autoridad competente, a fin de confirmar que se han efectuado las actividades requeridas y se han alcanzado los resultados previstos de acuerdo con la documentación logrado los resultados. Estos datos pueden incluir fotografías y/o grabaciones de video</p> <p>1. Consideramos que falta adicionar la expresión y para que la frase quede completa.</p> <p>2. En la versión del documento en inglés se usa la expresión y/o y no solamente o como se observa en el texto en español. Es necesario utilizar la expresión y/o.</p> <p>3. La tercera sugerencia es para mejor comprensión del texto (se suprime un texto y se reemplaza por otro)</p> <p>Se sugiere revisar todo el documento en su versión en español frente a la de inglés</p> <p>Debido a que se encontraron diferencias en textos de la versión en español frente a lo consignado en la versión en inglés, se sugiere revisar todo el documento para ajustar lo que se requiera en términos de traducción</p> | Colombia |
| Costa Rica supports its adoption at Step 5/8 | Costa Rica |
| Ecuador agradece el trabajo realizado en la revisión del documento y apoyamos a que se siga con el avance del Anteproyecto puesto a que consideramos importante se pueda dar continuidad de las actividades de auditoría e inspección cuando las visitas in situ no sean prácticas o posibles por cuestión de personal, logística o presupuesto. | Ecuador |
| Egypt appreciates the work which done in the proposed draft and agrees on adoption of the draft at step 5/8 | Egypt |

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| <p>Agradeceríamos que se considere los plazos de cumplimiento en cuanto a programaciones de inspección, envié de comentarios y respuestas por parte de los gobiernos.</p> <p>Guatemala esta de acuerdo con los avances actuales con respecto a las inspecciones virtuales, nos gustaría agregar tiempos ya que muchos países exageran en programar y ejecutar una inspección</p> | Guatemala |
| <p>Indonesia would like to express her appreciation to Australia as a Chair; Canada, China, and Singapore as Co-Chairs of EWG for their efforts to prepare draft principles and guidelines on the use of remote audit and inspection in regulatory frameworks.</p> <p>Indonesia supports this document to be endorsed.</p> | Indonesia |
| <p>agree to adoption.</p> | Iraq |
| <p>Kenya supports the adoption of the proposed draft principles and guidelines on the use of remote audit and inspection in regulatory frameworks at step 5/8 with the proposed amendments highlighted below.</p> <p>Justification: The use of ICT tools for alternative verification as part of a modern regulatory framework will go a long way to responding to the challenges posed by the COVID-19 Pandemic.</p> <p>Kenya proposes adding the level of technology available and accessible to the FBO in Para 13 Availability of technology is a prerequisite even before considering access to the available technology. Kenya suggests this be picked up where accessibility is occurring across the document e.g., 19Ci. Indeed clause 17 has taken cognisance of that.</p> <p>16.a: Review legislation to ensure it supports remote audit and inspection activities as appropriate.</p> <p>Comment: Kenya Proposes the inclusion of policies and deletion of review to the statement to read "Ensure legislation/policies support remote audit and inspection activities as appropriate".</p> <p>Justification: The process of reviewing legislation can be lengthy and the inclusion of a review of policies in Kenya is easier. Review is more of a directive, not a guideline. Therefore, Member Countries should be allowed to determine the legal framework for remote audits and inspections.</p> <p>17 b: Clearly indicate their ability and commitment to engage in remote auditing or inspection, or whether a physical audit or inspection would be their preferred option.</p> <p>Comment: Delete the last sentence after the comma</p> <p>Justification: It contradicts the first part of the statement.</p> <p>19 a. Second sentence should be time and date not time or date (Both time and date are critical for planning an audit or inspection)</p> | Kenya |
| <p>México agradece a Australia, como presidente del GTE, con el apoyo de las copresidencias del Canadá, China y Singapur, por su liderazgo en estos trabajos. Al respecto y en atención a la carta circular CL 2023/50/OCS-FICS se informa que no se tienen comentarios adicionales al "Anteproyecto de principios y directrices sobre el uso de auditorías e inspecciones a distancia en marcos reglamentarios" y se considera listo para su aprobación en el trámite 5/8.</p> | Mexico |
| <p>New Zealand supports adoption at steps 5 & 8</p> | New Zealand |
| <p>We support the adoption, however an important message in paragraph 17 is lost if not amended before adoption.</p> <p>We would like to ask for an amendment before adoption of the text. According to our notes this amendment was made during CCFICS26, however not captured in the report. This relates to paragraph 17, it is our understanding that this paragraph should read: "Ensure the availability of and access to necessary</p> | Norway |

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| <p>technologies to facilitate remote audit and inspection activities when there is a stipulated reasonable requirement from a competent authority. They should clearly indicate their ability to engage in remote auditing or inspection, otherwise physical audit or inspection would be the preferred option.</p> <p>Reason: The original text "Ensure they understand the availability" does in our view not make any sence and therefore "they understand" should be deleted.</p> | |
| <p>Paraguay agradece a la Secretaria del Codex y a la Presidencia del Comité del Codex sobre Inspección y Certificación de Importaciones y Exportaciones de Alimentos por el trabajo realizado y la preparación del presente documento, Paraguay cree que el texto esta listo para su aprobación en el trámite 5/8.</p> | Paraguay |
| <p>Republic of Korea would like to express its gratitude for the work accomplished.</p> <p>ROK conducted the relevant analysis of the "Principles and Guidelines on the use of Remote audit and inspection in regulatory frameworks", and considers the text of the entire document is well structured and aligned with the country's regulatory framework.</p> <p>We support the document to be sent to CAC for adoption at Step 5/8.</p> | Republic of Korea |
| <p>There will be a need for capacity building for the competent authorities in most African countries to be able to conduct remote audition especially in the area of</p> <ol style="list-style-type: none"> a. Reviewing legislation to ensure it supports remote audit and inspection activities as appropriate; b. Establishing audit and inspection programs, policies and procedures which outline the conditions and scenarios for the use of remote versus physical audit and inspection activities as appropriate; and c. Provide clear direction to the entities to be audited or inspected (e.g. FBO, and other competent authorities) on the information and communication technology requirements necessary for successful execution of the remote audit/inspection and determine whether such requirements are feasible. <p>To ascertain that the system works, physical auditing should be done once in while in those had to reach area from time to time when resources are available.</p> <p>The capacity of the FBO to be able to participate in the remote auditing may be increased by further organizing the FBO to form cooperatives along specific value chains</p> | Sierra Leone |
| <p>Tanzania accepted to be adopted by CAC 46</p> | United Republic of Tanzania |
| <p>FIVS weclomes the opportunity to comment on the Draft Principles and guidelines on the use of remote audit and inspection in regulatory frameworks. FIVS believes the text is ready for adoption and thanks Codex for its work on this important subject.</p> | FIVS |
| <p>Food Industry Asia (FIA) would like to express the view that this text is ready for adoption.</p> | Food Industry Asia |