



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Sixth Session

Comments of Morocco

(English version of comments of Morocco in CRD6)

General comments :

Morocco would like to thank New Zealand, Kenya and the United States of America for their chairmanship and co-chairmanship of the EWG and for their great effort in managing the EWG and for moving the project forward. **Morocco supports the progress of the preparation of the draft text and its presentation in the Codex stages procedure. However, Morocco makes the following** comments :

Specific comments :

Question: Section 2 (Purpose/Scope) - Should this section be split into a section on Purpose and a separate section on Scope?

Morocco believes, with a view to clarification and structuring, to reserve two separate sections for the proposal and the Scope.

Issue: Section 3 - Definition - The Committee is invited to indicate whether other definitions should be included OR whether any of the definitions below are necessary.

1. Morocco proposes the following changes in the definitions of “equivalence” and “Equivalence of specified sanitary measures” :

Equivalence: *The capability of an alternative sanitary measure or measures as applied by the exporting country to achieve ~~the same level of protection, as achieved by the specified importing country's measure or measures~~ the importing country's **appropriate level of protection***

Equivalence of specified sanitary measures: *The capability of an alternative sanitary measure or measures as applied by the exporting country to ~~achieve the same level of protection, as achieved by the specified importing country's measure or measures~~ the importing country's **appropriate level of sanitary protection***

2. Also, **Morocco proposes to maintain the definition of “Appropriate level of protection (ALOP)” included in CAC/GL 53-2003 with some modifications:** *“The level of protection deemed appropriate by the country establishing a sanitary measure to protect human life or health within its territory. ALOP can be regarded as an acceptable level of risk or tolerable risk. It could be a public health goal or an aim to reduce illness by a particular amount.”*

Rationale: Morocco understands the adoption of a general definition of equivalence and two other definitions of Equivalence of specified sanitary measures to cover the SPS agreement and Equivalence of specified technical measures to cover the TBT agreement.

However, Morocco notes, with questioning, the elimination of the concept of the appropriate level of protection from this draft level. This important concept is recognized by international organizations of interest (OMSA, IPPC) as an essential element in the process of recognition of equivalence.

Morocco strongly wishes not to discard this principle by the Codex.

3. Morocco proposes to add a definition of "objective evidence".

"Objective evidence: data demonstrating the existence or veracity of something. Objective evidence shall be obtained by observation, measurement, testing or other means and may consist of records, statements of fact or other information relevant to the evaluation criteria and verifiable. [Source: ISO 9000:2015, 3.8.3 & ISO 19011:2018]"

Morocco also proposes to standardize the use of the term "**evidence**" in the preliminary draft by adopting the term "**objective evidence**" throughout the document (10 times).

Rational: Morocco considers that the addition of the definition of "**objective evidence**" will bring more clarity and transparency to trade between importing and exporting countries in the draft, as well as the adoption of the term "objective evidence" instead of the term only "evidence" without qualifying as objective.

Section 4: Principles

Comment on the "Timeliness " Principle : Morocco proposes a revision to the principle of due Timeliness as follows (see Morocco's comments regarding Item 4– CRD22-CCFICS26):

"d. Requests for recognition of equivalence should be made in writing by the exporting country and should be addressed *in a timely manner within a reasonable timeframe*"

Rationale: Morocco considers that the **processing time of the** equivalence process is a crucial element in the success of applications from exporting countries. The addition of a reference to this period as reasonable may provide a balance between exporting and importing countries.

Commentary on the principle of "Transparency and Cooperation"

f. Importing and exporting countries should *cooperate to* complete the process in a transparent evidence-based, good faith, and outcome-focused manner.

Justification: Morocco proposes to abolish cooperation from this principle on the grounds of incompatibility with the concept of transparency. Morocco considers that the concept of cooperation can be dealt with in principle (h - Technical assistance/regulatory cooperation) with some modifications (see below).

Also, Morocco added the legal concept of good faith, which is a general presumption that the parties will deal with each other honestly, fairly. This concept is recognized legal principle in terms of trade between countries.

Issue: Section 4: Principles

f. bis - Demonstration of equivalence

The Committee is invited to give its opinion on:

(i) the relevance of subparagraph f(bis) as a separate principle or whether it would be preferable to state it in the main text as a component of the evaluation process; and

(ii) the need for a declaration or principle regarding the importing Party's obligation to ensure that its measure is applied only to the extent necessary to achieve its level of protection against bilateral risks.

Comment: Morocco proposes to retain the demonstration of equivalence as a separate principle.

Rationale: The requirement to demonstrate is an essential element in the transparency of the equivalency process.

Comment on the " Technical assistance / Regulatory cooperation" programme

Morocco proposes to revise the title of the principle to "**Cooperation**" with some modifications in item (h) as follows:

"h. *Importing and exporting countries should cooperate effectively to achieve the equivalence process.* Importing countries should, upon request, consider providing technical assistance to a *developing or less developed exporting country* to facilitate the assessment and recognition of equivalence.

Justification: Morocco considers that technical assistance and regulatory cooperation are forms of cooperation and therefore it would be consistent to integrate it into an overall principle of "cooperation". Moreover, this proposal

opens the door to all other types of cooperation (administrative, technical, scientific, etc.) which would be effective and could make rapid progress in the cooperation process.

Issue: Section 6: Process Steps - Step 5a and 5b

Morocco considers that step 5 (Evaluation process) is sufficiently developed and valid both for the equivalence of the system and for the equivalence of measures (no need for step 5a and 5b).

Question - Section 7: Addition of information on maintaining a recognition of equivalence

Comment: Morocco supports the proposal to add an additional and separate section on the maintenance of recognition of equivalence by providing guidelines and guidance on the reassessment process for maintaining recognition of equivalence.

Rationale: Morocco considers that this new section should focus on this issue and should guide importing countries in establishing accelerated re-evaluation processes (see our proposal for document CX/FICS 23/26/4). Also, this new section could provide guidance for exporting countries to maintain established recognition, but also guidelines for the establishment of effective trade during the validity of recognition.

Question: Appendix 1 - Is an organizational chart useful? If so, are additional flowcharts needed for the different types of equivalence assessments?

Comment: Morocco supports the establishment of organizational charts for the stages of the equivalence recognition process and the different types (initial assessment, maintenance assessment)

Rationale: Flow charts facilitate assimilation and understanding of the different steps of the equivalency recognition process and the difference between different types of equivalence.