

CONSOLIDATION OF EQUIVALENCE GUIDANCE – CCFICS EWG: ALL COMMENTS RECEIVED & DISCUSSION

Guidance on Equivalence of NFCS		ACTION / Comment from Co-chairs
GENERAL COMMENTS		
Mexico	Mexico appreciates the opportunity to collaborate. In this regard, we have no comments and support the advancement of the document to the next stage.	
Rep of Korea	ROK appreciates your effort and perseverance on the revision. We support the revised version presented with no further comments.	
Japan	No general comment	
USA	- The United States appreciates the opportunity to provide comments on this draft and thanks the Chair and Co-Chair for their work. - The United States, consistent with what was agreed upon during CCFICS27, prefers the use of the full phrase 'sanitary measure, technical regulations, or the whole or part of NFCS'. This ensures transparency and avoids misinterpretation in the future. The full phrase has been omitted from the text and has been replaced with a footnote. - The United States' comments throughout the text reflect our general concern that these guidelines place considerable emphasis and the onus of responsibility on the importing country. Specifically, as drafted, the importing country is expected to justify their food safety requirements and decision criteria to the exporting country, where the responsibility should lie on the exporting country to ensure their NFCS or part of their NFCS, achieves the appropriate level of protection that the importing country has determined is required for products being exported to that country. Similarly, there appears to be an expectation that the importing country should be discussing and coming to an agreement with the exporting country on what criteria will be used and how the information provided to the importing country will be evaluated to make an equivalence determination. The importing country had determined what criteria and requirements are necessary to achieve their appropriate level of protection. The equivalence assessment process is not a negotiation process. - The United States recommends that the Chair and Co-Chairs review the document for consistency with the language used. As currently drafted, it is noticeable that paragraphs were pulled from different documents where some of the language is outdated (example: controls vs. measures/requirements). Additionally, a thorough review should be performed of the formatting utilized in the paragraphs that contain bullets to ensure consistency and ensure that the bullets are We suggest conducting an editorial review of the entire document (sequence of paragraphs not considered requirements (example: use of 'or' at the end of bullets).	Using the expanded phrase <i>sanitary measure, technical regulations, or the whole or part of NFCS</i> will be discussed at the Oslo PWG. The need for a clear linkage to the full scope as well as the WTO legal differentiations are well understood. However, quite apart from it being very long, as formulated the expanded phrase could also confuse. The terms sanitary measure, technical regulations, standards and conformity assessment procedures normally have definitions that go well beyond the Codex mandate, so would need to be defined. Furthermore, the current formulation suggests that sanitary measures and technical regulations, standards and conformity assessment procedures may not be part of a NFCS, which is clearly not the intent. The Chairs have proposed an explicit paragraph to be placed in the text for further discussion in Oslo to try and address these issues while, making it very clear the document explicitly includes all requirements that are food safety related sanitary measures or technical regulations, standards or conformity assessment procedures that are part of the NFCS of either country. The concept / principle of the importing and exporting countries having 'consultations / discussions' is explicitly stated in all the existing CCFICS text that are being consolidated. The Chairs have reviewed the source documents to check there has been no undue extension. They further note that Article 4 of the WTO/SPS explicitly states "members shall ... enter into consultations". Similarly, the concept / principle that there is an exchange of information including that the importing country identifies the objectives of its requirements and why these are needed is clear in the existing text The terms requirements and controls is central to all of

		CCFICS foundational texts and is extensively used in other Codex guidance. The expanded term National Food Control Systems' was developed in CXG 82-2013 so as to be able to describe the whole and all contributing parts without trying to use and sub-define multiple potentially legally contentious terms. Accordingly, it is unclear why 'controls' is claimed to be "outdated".
Costa Rica	We suggest conducting an editorial review of the entire document (sequence of paragraphs). We recommend standardizing references to "sanitary measure" and "technical regulation" in order to align the terminology with the title and focus of NFCS.	
Canada	- We thank the EWG Chairs for the revised draft and are pleased to provide comments. - Canada wishes to reiterate its previous comments that the document should closely reflect Codex guidelines being consolidated (CXG 101-2023, CXG 53-2003, and CXG 34-1999). CCFICS27 indicated - that the Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS) (CXG 101-2023) should be used as the basis for the continued drafting of the process steps in the draft consolidation, however, certain sections continue to reflect text from early drafts of 101-2023, reintroduce points deleted by consensus during the development of CXG 101-2023, reword the text in ways that reduce clarity, and/or include concepts that extend beyond existing guidance. Addressing these differences should streamline discussions and advance the consolidation process. - CCFICS27 also recommended to ensure that all the key concepts of the existing documents were appropriately captured, and any newly introduced concepts were identified. In reviewing the document, and CRD2 of CCFICS27 (Report of Physical Working Group on Consolidation of Codex Guidance Related to Equivalence), there are some concepts which seem to be missing from the consolidation or are not clearly reflected, for example: - That the concept of equivalence could incorporate comparisons of different numbers/combinations of measures, e.g., one-to-one, one-to-many, or many-to-one (footnote 8 of CXG 53-2003). - The concept of prioritization, as found in paragraphs 8 and 9 of CXG 34-1999. Some of the elements are found in the current text (e.g., resources required vs benefits), but the need for prioritization does not appear. - the concept of different hazard profiles between countries (CXG 34-1999, para 16). - Differentiation in the decision process for sanitary measures vs other measures for food. - Some explanatory footnotes of CXG 101-2023 are missing from the draft consolidation, and their substance has not been included in the text. These include footnotes i (NFCS), ii (part of NFCS), v (other mechanism), xii (examples of information provided by importing country to describe their NFCS). It would also be important to ensure that where footnotes	Acknowledging that CCFICS27 did ask the CXG 101-2023 be the basis for redrafting as far as possible the chairs have tried to revert to these formulations, excepting where there is a need for an expanded scope or there is a potential conflict with the other guidance. The chairs however continue to note there are multiple situations where commenters have suggested strict adherence in certain paragraphs then in the very next comment suggested significant changes to others, which has been challenging. The chairs have looked first and foremost to try and include all of the core concepts. Some refinement and modernisation of language has also been suggested to help streamline the consolidation of the existing texts, noting they were written over a 30-year period with different structures, scopes and contexts. Inclusion of specific text from footnotes should be further discussed in Oslo where it has been missed, however where the footnote refers to whole sections of one of the other guidance text this has been more challenging for consolidation. However, attempts have been made to add some additional text in several places – again let's discuss in Oslo to see whether we have got closer. Trade is a central theme to all of the texts as is the role of equivalence in minimising trade impediments. CXG-34-1999 states: <i>3. Equivalence agreements are not generally intended as a condition for trade but rather as a means for ensuring that importing country requirements are met with minimal trade impediments.</i> The chairs appreciate Canada's suggestion, that if it is the will of the committee, for the possibility of a fulsome explanation to be elaborated and proposed to the

	in CXG 101-2023 referred the reader to specific sections of CXG 34-1999 and 53-2003, that these parts of CXG 34-1999 and 53-2003 be reflected in the consolidation. • We take note of the Chairs’ proposal to altogether remove references to “sanitary measures, technical regulations, standards and conformity assessment procedures” from the title and from the text and, instead, to interpret “parts of a NFCS” in a footnote (<i>“includes those parts of a NFCS with a food safety objective or those parts with other legitimate objectives”</i>). However, this would be a significant departure from the current approach to the consolidation work. If there is support to interpret equivalence of “parts of a NFCS” in a very broad manner, i.e., that it could refer to equivalence of a sanitary measure(s), technical regulation(s), standard(s) or conformity assessment procedure(s), or a combination thereof, that applies to a product, a group of products, a sector or subsector or a processing type (see footnote i of CXG 101-2023, on equivalence of “part of a system”), a fulsome explanation should be elaborated and proposed to the membership to ensure common understanding and interpretation of the text, and that it would clearly continue to reflect the documents that it is intended to replace. • The older texts on equivalence, i.e., CXG 34-1999 and 53-2003, include extensive preamble and explanatory material which provide a good foundation for the understanding of the principles of equivalence and elements to be considered. Inclusion of some of these paragraphs, albeit adapted to the current text, would facilitate understanding of the document and concepts. For example, we suggested • inclusion of two paragraphs from the Preamble of CXG 53-2023 into the Preamble of this draft text. Also, paragraphs 11 and 12 of CXG 53-2003 provide an excellent explanation when EKC can simplify an equivalence assessment, or how a deeper assessment of the elements making up a NFCS may be needed where no trade exists. An updated version of these paragraphs could be included, for example in the initial scope consideration, or in the assessment step, in the second bullet of para 42. • Specific comments are provided within the text below.	membership to interpret equivalence of “parts of a NFCS” in a very broad manner, rather than replicate the longer phase of sanitary measures, technical regulations, standards, conformity assessment procedures, NFCS or parts of NFCS - so as to ensure a common understanding and interpretation of the text. The chairs have attempted to do this – for discussion in Oslo. CHAIRS COMMENT: 2 bis: Requirements or parts of a NFCS that have the objective of protecting the health of consumers include food safety related sanitary measures, as defined by the WTO/SPS Agreement, whereas those requirements or parts of a NFCS that have the objective of ensuring fair practices in the food trade include the non-food safety food control technical regulations, standards, and conformity assessment procedures as covered by the WTO/TBT Agreement. With regard to the reference to para 11 & 12 of CXG 53-2003 an additional para has been included in the EKC sub-section of the initial discussion.
Thailand	Thailand would like to express our appreciation to the Electronic Working Group (chaired by New Zealand and co-chaired by Kenya) for the continuous and diligent effort in preparing a document for “Proposed Draft Consolidated Text on the: Principles and Guidelines for the Recognition of Equivalence of National Food Control Systems (NFCS) or a Part of a NFCS” for consideration. <u>General Comment</u> The term “level of protection” appears in several parts of the document, thus an additional explanatory texts should be provided to clarify that it refers to the “level of protection of the health of consumers and/or fair practices in the food trade”	Good suggestion could provide clarity to some newer members of WG and to future readers of final text
Indonesia	Indonesia would like to express appreciation to New Zealand as a Chair of the Electronic	

	Working Group and to Kenya as Co-Chair, for their work in leading this working group and preparing the Proposed Draft Consolidated Text on the Principles and Guidelines for the Recognition of Equivalence of National Food Control Systems (NFCS) or a Part of a NFCS for second round of comments. In principle, Indonesia supports the continued progress of this document.	
Australia	Australia supports progressing this important work and thanks New Zealand and Kenya for making progress on this text. Australia agrees in general with the text with some comments and suggestions outlined in tracked changes in the text. Australia appreciates that this guidance is closely modelled on CXG 101-2023. However, the committee may be reluctant to replace the additional texts (CXG 34-1999, CXG 53-2003) without some assurance that any additional provisions they contain are captured here. Australia also recommends sharing future draft documents with tracked changes to help members easily identify changes from previous versions.	An analysis of the draft against the source Codex text references will be shared. Agree should share a Tracked Change version as well as clean
Norway	- Norway appreciates the opportunity to provide comments on this draft and would like to thank the Chair and Co-Chair for their work. - We recognize the comment made by the chair and co-chairs that using the combined term agreement / arrangement throughout – should allow countries to make their own choices based on their own policies and interpretations. However, this understanding or interpretation should be reflected in the guideline, otherwise it will be lost for future readers of this document. We would like to suggest including some language to recognise that there are different levels of agreements where this guidance on recognition of equivalence would be relevant. This is clearly outlined in the scope section of CXG 34-1999 and should not be lost in this consolidated document. - Like the US, Norway recommends that the Chair and Co-Chairs review the document for consistency with the language used. As currently drafted, it is noticeable that paragraphs were pulled from different documents. - Like Canada we would have preferred that 101-2023 formed the basis and that the needed extra guidance would have been drawn from the other documents with updated language and clearly indicating the source.	

SPECIFIC COMMENTS		
Text	COMMENT	
Title: Principles and Guidelines for the Recognition of the Equivalence of National Food Control Systems (NFCS) or a part of a NFCS	USA: Edit ... Equivalence of <u>Sanitary Measures, Technical Regulations, or the Whole or part of</u> National Food Control Systems (NFCS) or a part of a NFCS <i>Comment / Rationale: The United States prefers the use of the full phrase as agreed during CCFICS27 in the document title and throughout the document to ensure transparency in what components are being covered in the document. An abbreviation to only one component may lead to misinterpretation in the future.</i>	Discuss at Oslo

	Paragraph 25 of the CCFICS27 meeting report states that it was agreed to amend the title to “Principles and guidelines for the recognition of equivalence of sanitary measures, technical regulations or the whole or a part of national food control systems.”	
	Canada: Edit ... Equivalence of Sanitary Measures, Technical Regulations, Standards and Conformity Assessment Procedures, National Food <i>Comment / Rationale: Until there is consensus on the approach, the title and the rest of the text should reflect the full complement or measures and systems or parts of systems.</i>	Discuss at Oslo
Section 1 – PREAMBLE	CHAIRS COMMENT:	The opening paragraph in the current document is by design very broad and then the concepts included are then expanded upon in the subsequent paras. For example: “minimise unnecessary duplication of controls and facilitate trade” – which is then expanded upon in paragraph 3 where an alternative from CXG53-2003 is suggested: “by minimizing the costs of regulation to governments, industry, producers, and consumers by allowing the exporting country to employ the most convenient means in its circumstances.”
	Canada: Edit It is often the case that importing and exporting countries operate different national food control systems (NFCS). The reasons for such differences include differences in prevalence of particular food safety hazards, national choice about management of food safety risks and differences in the historical development of NFCS. In such circumstances, an exporting country and an importing country may wish to work together towards a recognition of equivalence by considering the effectiveness of sanitary measures, technical regulations, standards or conformity assessment procedures, the NFCS or part of the NFCS of the exporting country in achieving the appropriate level of sanitary protection or legitimate objectives of the importing country . <i>Comment / Rationale: It is suggested to add these two paragraphs, adapted from the preamble of CX 53-2003, to provide context for the pursuit of equivalence.</i>	These paras as suggested by Canada are largely from the 1 st and 2 nd paras of the preamble of 53-2003 as amended by Canada. The opening paragraph does not seem to be appropriate anymore as arguably most NFCS are designed differently for a whole raft of reasons and are supported by different laws and organisational structures. This is something we discussed at length in the development of the NFCS Guidelines CXG 82-2013. The second para is also very much a SPS specific statement whereas this guidance covers the full mandate of codex and so the opening paras need to reflect this balance.

		The broader concepts in these paragraphs are however picked up by the other paras in the Dec draft with the exception of: <i>differences in prevalence of particular food safety hazards, national choice about management of food safety risks.</i> <i>A suggestion has been incorporated into paragraph 12 last bullet. For discussion in Oslo.</i> Of note is that the first sentence of the Canadian suggested second paragraph does not include '<i>and in order to facilitate trade while protecting the health of consumers</i>' which is in the original. Further the end of this second para is from para 3 of CXG53-2003 - the opening 2 sentences of which are - <i>Application of the principle of equivalence has mutual benefits for both exporting and importing countries. While protecting the health of consumers, it serves to facilitate trade, and minimize the costs of regulation to governments, industry, producers, and consumers by allowing the exporting country to employ the most convenient means in its circumstances to achieve the ALOP of the importing country.</i> Much of this second sentence is covered by the current para 1, the underlined text could be a useful addition. Lastly, there has also been extensive previous discussion on the use of the term 'Appropriate level of (sanitary) protection' and a reasonable level of agreement that this should not be included in the Consolidation.
1. The recognition of equivalence is not generally required for most trade in food. However, where used it can minimise unnecessary duplication of controls and facilitate trade, while protecting the health	USA: Edit ... The recognition of equivalence is not required for most ... The recognition of equivalence, when it occurs, may result in positive overall outcomes for trade.	Previous comments from EWG and at CCFICS have repeatedly requested a clear statement of the benefits and examples for clarification.

of consumers and ensuring fair practices in the food trade. The recognition of equivalence, when it occurs, should result in positive changes to the requirements for trade.	<i>Comment / Rationale: The United States suggests deleting this sentence. This sentence seems repetitive and therefore unnecessary. The first paragraph is very trade heavy when in reality equivalence is first and foremost about food safety/public health.</i> Canada: Edit – Delete last sentence <i>Comment / Rationale: Duplicative of paragraph 3.</i>	This is directly from 101-2023 and also from para 3 of 34-1999 (both use the term generally).
	Thailand: Edit – The recognition of equivalence is not generally required for most trade in food. However, where used it can <u>protect the health of consumers and ensure fair practices in the food trade, while minimize unnecessary duplication of controls and facilitate trade, while protecting the health of consumers and ensuring fair practices in the food trade.</u> The recognition of equivalence, when it occurs, should result in positive changes to the requirements for trade. <i>Comment / Rationale: As protecting the health of consumers and ensuring fair practices in the food trade are the dual objectives of Codex, we propose to revise the text to emphasize these objectives.</i>	The chairs believe that while elegantly drafted this suggestion may be putting things slightly back to front – the principle driver is to “allow alternative requirements” to those that may be otherwise prescribed by an importing country – while still protecting consumer health and fair practices in the food trade.
	Indonesia: Edit The recognition of equivalence serves as a means to facilitate food trade while protecting the health of consumers and ensuring fair practices in the food trade. While the recognition of equivalence is not generally required for most trade in food, when it occurs, it can minimise unnecessary duplication of controls and should result in positive changes to the requirements for trade. Such recognition should be applied in a fair, non-discriminatory and proportionate manner, taking into account different levels of development and capacities of trading partners. <i>Comment / Rational: The reordering of the first two sentences in the revised paragraph better reflects the positive role of equivalence recognition in facilitating food trade. Meanwhile, the addition of the final sentence aims to emphasize the principles of fairness and inclusiveness in the implementation of equivalence recognition.</i>	The chairs appreciate the attempt to emphasise the potential positive role of equivalence but note that we could substitute multiple other WTO obligations in the same sentence. The last proposed sentence perhaps reads more like a principle than a preamble paragraph and may be pushing too much of the substance up into the preamble.
2. Requests for the recognition of equivalence can cover those requirements for trade that relate to both the protection of the health of consumers or ensuring fair practices in the food trade and can cover the whole of an exporting country's National Food Control System (NFCS) or part of its NFCS ¹ as appropriate.	USA: Edit ... and can cover a sanitary measure, technical regulation, or the whole or part of an exporting country's National Food Control System (NFCS) ¹as appropriate <i>Comment / Rationale: Paragraph 26 of the CCFICS27 Meeting report states that the paragraph was amended with the term “sanitary measures and technical regulations, as appropriate” There is also mention that there would be an Explanatory note regarding technical regulations.</i>	To be further discussed in Oslo as there are several variations of the proposed extended phrase along with both definitional issues and potential conflicts. The Footnote was intended to provide the explanatory note that explained that food safety / suitability sanitary measures, technical regulations, standards and conformity assessment procedures were all parts of the NFCS and so wherever this term

		appeared should be interpreted as including all of the above as relevant to objective of the requirement. Several delegations have suggested this important concept be moved up into a prominent part of the text rather than being a footnote. See the suggestion provided as 2bis. This would allow for the more concise formulation to be used throughout the text.
	Canada: Edit ... recognition of equivalence can cover those requirements for trade that relate to ... <i>Comment / Rationale: Delete. It is indicated in the sentence that the request can cover the whole or part of a NFCS. If further clarity is needed to address individual measures or a group of measures, then the following should be added “sanitary measures, technical regulations, standards or conformity assessment procedures, or ” before “National Food Control System”.</i> .	See earlier comments
Footnote 1: Includes those parts of a NFCS with a food safety objective (otherwise referred to as sanitary measures) and or those parts with other legitimate objectives (otherwise referred to as technical regulations, standards and conformity assessment procedures).	USA: Delete Footnote <i>Comment / Rationale: In order to ensure transparency, the United States prefers the use of the full phrase as noted in the title of the document</i>	Suggest that either retaining Footnote or including in the concepts in a prominent place in the body of the text will provide more clarity.
	Canada: Comment: <i>Footnotes i and ii of CXG 101-2023 are missing</i>	Footnote i: Reference to CXG 82-2013. This document is specifically referred in para 6. It can be reintroduced if necessary. Footnote ii: provides an expanded explanation of what ‘a part of a NFCS might related to. The suggestion by the chairs is that it may be more appropriate for it to be moved into the main text.
3. The recognition of equivalence may facilitate trade by reducing the need for an exporting country to implement additional controls over and above those already effectively being delivered by its NFCS in order to meet importing country requirements. It may also result in more efficient and effective use of resources in the importing and exporting countries. The recognition of equivalence may lead to efficiencies in approval, audit, inspection,	USA: Edit ... to implement additional controls to meet importing country’s level of public health protection for food safety or legitimate objectives for technical regulations.. It may also ... <i>Comment / Rationale: The metric for SPS equivalence is meeting the importing country’s ALOP.</i>	The chairs wondered whether the use of the term “additional controls” without referencing what they were additional to was sufficiently clear. The original intention of this paragraph was to focus on how equivalence can facilitate trade by providing some examples. However, inclusion of a short statement regarding meeting the “NFCS objectives” of the importing country’s requirements would be an improvement and would link in nicely with the newly suggested 2bis.

and certification processes..		The chairs also noted the statement from 53-2003 could / should also be included in some way (or not)? [by minimizing the costs of regulation to governments, industry, producers, and consumers by allowing the exporting country to employ the most convenient means in its circumstances]
4. The consideration, assessment, recognition, and maintenance of the equivalence of one country's NFCS or part of a NFCS is independent of any reciprocal process occurring. Reciprocal considerations, where requested, may have different scopes and durations, and may also arrive at different conclusions.	USA: Edit ... one country's sanitary measures, technical regulations, NFCS or ... <i>Comment / Rationale: Whole document edit</i>	See previous comments. To be discussed at Oslo
5. These guidelines consolidate 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). { Drafting note: this paragraph may be retained as a footnote – decision to be made once draft has progressed in step process.}		
6. These guidelines are intended to be read in conjunction with other existing Codex text including Principles and Guidelines for National Food Control Systems (CXG 82-2013) the Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CXG 26-1997), the Guidelines for Food Import Control Systems (CXG 47-2003), and the Principles and Guidelines		

for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food (CXG 89-2016).		
SECTION 2 – PURPOSE	USA: Comment: Paragraph 27 of the CCFICS27 meeting report states that paragraph 1 from CXG 34-1999 was included in Section 2. We do not see that paragraph included here	Specific comment on this para was requested from the WG when the revised draft was circulated in June 2025. All responses were provided in the table of comments circulated in December 2025. It is noted that 101-2023 only has a purpose statement but this was developed originally as a combined purpose / scope section and still reads as such. 34-1999 has a scope statement that focuses on the “agreement” angle of equivalence processes. Similarly, 53-2003 has a one paragraph scope section that is heavily just food safety related. The chairs suggest that the opening paragraph of the purpose [/ scope] section of 101-2023 is still appropriately descriptive of the purpose / scope of the consolidated guidelines (noting our instructions to default to 101-2023 text unless there is a compelling reason not to) and the best place to include the relevant part of the 34-1999 scope that more specifically focuses on agreements may be in paragraph 8. These options are included in square brackets for further discussion in Oslo
	Canada: Edit This document provides practical guidance for governments desiring to enter into bilateral or multilateral equivalence arrangements/agreements concerning a sanitary measure(s) or technical regulation(s), standard(s) and conformity assessment procedure(s), or a NFCS or a part of a NFCS. <i>Comment / Rationale: This paragraph should be re-included. It provides a clear introduction to this section.</i>	See above. For discussion at the PWG. Including part of this suggestion is provided as alternative text – <i>‘guidance for governments desiring to enter into bilateral or multilateral equivalence arrangements/ agreements. It includes</i> information ...
7. This document provides practical guidance, information and	USA: Edit	Prefer to retain ‘practical’ – Also see above suggestion

recommendations for importing and exporting countries to use when considering the appropriateness and/or scope of, as well as the process for assessing, recognising and maintaining the equivalence of a NFCS or a part of a NFCS.	... This document provides guidance, information and ... and maintaining equivalence of a sanitary measure, technical regulation, NFCS or a part ... <i>Comment / Rationale: none provide for removal of 'practical'. Other edits are proposed for whole of the document.</i>	
	Canada: Edit This document provides practical guidance. It includes ... for assessing, recognising and maintaining the equivalence of a NFCSs or a parts of a NFCSs. <i>Comment / Rationale: This sentence could be simplified as follows: This document provides practical guidance and recommendations for importing and exporting countries on determining the appropriateness, scope, and process for assessing, recognizing, and maintaining the equivalence of NFCSs or their components.</i>	Alternative text combining elements from all suggestions is included in the revised draft.
	Thailand: Edit – retain the original text (version: June 2025) with amendment This document provides practical guidance <u>for governments desiring to enter into bilateral or multilateral equivalence agreements concerning</u> a NFCS or a part of a NFCS. <i>Comment / Rationale: as redrafted by CCFICS27 using language from CXG 34-1999, as it enhances understanding, is concise, and provides practical clarity. .</i>	See above suggested new combination of current draft text and this from previous draft.
	Norway: Comment <i>We recognize the comment made by the chair and co-chairs that using the combined term agreement / arrangement throughout – should allow countries to make their own choices based on their own policies and interpretations. However, this understanding or interpretation should be reflected in the guideline otherwise it will be lost for the future reader of this document. We would like to suggest including some language to recognise that there are different levels of agreements where this guidance would be relevant.</i>	
<u>Add section title</u>	USA: Comment <i>Paragraph 28 of the CCFICS27 meeting report included a Section 3: Scope with an edited paragraph. We do not see the Scope section in this draft.</i>	Suggestion from previous WG comments was to combine sections as in CXG 101-2023 Suggestion is to combine the section title Purpose / Scope and discuss at Oslo
	Thailand: Comment <i>The title of this section should be retained as "SECTION 3: SCOPE". .</i>	As above
8. A request for a recognition of equivalence may relate to either the protection consumer health or ensuring	USA: Edit – grammar ... relate to either the protection of consumer health or ensuring ...	Added
	Canada: Edit	It is the view of the Chairs that including a

fair practices in the food trade, or both, as relevant to the trade in foods and the conditions of trade covered by the request.	... either the protection of consumer health or ensuring fair practices in the food trade, or both, as relevant to the trade in foods and the conditions of trade covered by the between the importing and exporting countries. <i>Comment / Rationale: Although the original para mirrors CXG 101-2023, Canada recommends a small edit in recognition that equivalence may be broader in scope than simply requirements for trade. Also, we recall that “conditions of trade” is no longer used, for consistency of terminology. Alternatively, the sentence could stop at “fair practices in the food trade”.</i> Thailand: Edit – retain the text as contained in the proposed draft consolidated text (version: June 2025), with an amendment. This guideline covers the assessment, recognition, documentation and maintenance of equivalence agreements / arrangements that <u>should</u> may 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. <i>Comment / Rationale: .</i>	reference to ‘conditions for trade’ is not limiting the scope as both protection of the health of consumer and fair practice in the food trade are also mentioned in this sentence. However for consistency across the draft – ‘conditions’ is replaced with ‘requirements’ Suggest is better to retain ‘may’ as ‘should’ implies that both aspects will always be included which is not the case
SECTION 3: DEFINITIONS		
<u>Equivalence:</u> The capability of a different NFCS or a part of a NFCS to achieve the same objectives. <i>[New Definition adapted from CXG 101-2023]</i>	USA: Edit ... The capability of a different sanitary measure, technical regulation, NFCS or a part of a NFCS to achieve the same objectives and related outcomes or level of protection. <i>Comment / Rationale: Including the additional terms for consistency throughout the document.</i> Canada: Edit ... of a different NFCS or a parts of a NFCS -to achieve the same ... <i>Comment / Rationale: The plural form should be used, as written in CXG 101-2023, since this is in reference to the capability of two (or more) different systems to meet the same objectives). If the singular form is used, the sentence would be incomplete (i.e., capability of a system to meet the same objective as what?).</i> Thailand: Comment <i>To be clear, we would like to seek for clarification for the term “achieve the same objectives” which appears in this section.</i> <i>We also would like to seek for clarification on the term “same objectives, and related outcomes or level of protection” used in other parts of the document, such as the principles and process steps sections, which may cause inconsistent interpretation and confusions in implementation.</i>	<i>To be discussed at Oslo</i> If use plural then should be used for ‘NFCS’ as well as ‘part’ – to exactly replicate CXG101-2023 The longer phrase is used in CXG 101-2023 CCFICS foundation texts defined equivalence as “meeting the same objectives”. This formulation can be applied to those parts of a NFCS that have a food safety or an ensuring fair practices in the food trade objective. However, as part of the compromise decided during the finalisation of 101-2023 to reflect some countries desire to also have “level of

		protection” included as the quantitative representation of a food safety objective, and “outcome” as the quantitative representation of the non-food safety requirements, the term “objectives, outcomes or level of protection, was coined. Accordingly, meeting or achieving the same objectives is used when the statement is used in a more generic sense and the longer phrase is used when there is a reasonable expectation some level quantification is being discussed.
<u>Decision Criteria:</u> Those factors used to objectively determine whether the exporting country’s NFCS or the relevant part its NFCS achieve the objectives, of the importing country’s NFCS or the relevant part for the products under consideration. <i>[From CXG 101-2023]</i>.	USA: Edit ... Those factors used by the importing country to objectively determine ... <i>Comment / Rationale: not provided</i>	Prefer to retain as drafted. It is unclear why this change is necessary as the meaning and intent are clear as written and used in CXG 101-2023. Instruction from CCFICS27 was to try and use 101-2023 as the basis unless there was a compelling reason not to.
<u>Outcomes:</u> Intended effects or results that contribute to achieving the relevant NFCS objectives. <i>[From CXG 101-2023 and CXG 91-2017]</i>	USA: Edit ... Demonstrated effects or results <i>Comment / Rationale: not provided</i>	Prefer to retain as drafted and used in other recent CCFICS guidance. Is the change necessary?

Requirements: are the criteria set down by the competent authorities relating to trade in food covering the protection of the health of consumers and ensuring fair practices in the food trade. [From CXG] 34-1999 with minor changes discussed at CCFICS27].	USA: Edit ... set down by the importing country's competent authorities ... <i>Rationale: not provided</i>	The definition is enshrined in CCFICS foundation documents 20-1995, 26-1997 and 34-1999 and the term requirement is used extensively in other CCFICS and Codex documents. There would need to be a compelling reason to change it here as it could create confusion as to how it is applied in these documents. The definition is intended to apply to the 'requirements' of either the importing or the exporting and if a distinction is required this is provided in the text of this guidance. Otherwise, it would be necessary to use a different word or words when the context of the guidance is referring to the exporting country – For example 'that the exporting country requirements applicable to the food can be shown to meet the importing country requirements. A definition that restricts 'requirements' to only an importing country means that such a statement could not be made.
	Australia: Edit are the Criteria set down by the competent authorities ... <i>Comment / Rationale: Editorial</i>	Is this change necessary given requirements is defined as originally written in three other foundational documents.
SECTION 4: PRINCIPLES		
9. The consideration, assessment, recognition, and maintenance of equivalence should be based on the following principles.		
A: Equivalence		
Countries should recognize that different NFCS or a part of a NFCS although designed and structured differently, may achieve the same objectives, and can therefore be recognized as equivalent.	USA: Edit ... recognize that different sanitary measures, technical regulations, NFCS or a part of ... achieve the same objectives, and related outcomes or level of protection, and can therefore be ... <i>Comment / Rationale: whole of document edit</i>	To be discussed at Oslo
	Canada: Edit Countries should recognize that different NFCS or a parts of a NFCS of importing and exporting countries, although designed and structured differently, may be capable of achieving the same objectives, and can ... <i>Comment / Rationale: Proposed edits for clarity, to mirror the text of CXG</i>	The proposed current draft was a shortened version of the same principle in 101-2023. The chairs have inserted the original wording from 101-2023 in as an alternative to the current draft for consideration in Oslo.

	101-2023, which clearly indicates that it is reference to the systems of importing and exporting countries. Thailand: Edit – ... achieve the same objectives, <u>and related outcomes or level of protection</u>, and can therefore ... <i>Comment</i> From our view, further clarification is needed on the phrase “same objectives” and “same objectives, and related outcomes or level of protection”. Considering that Principle A: Equivalence refers solely to “same objectives”, while Principle C: Scope of the request and assessment, as well as other parts of the document (e.g., paragraph 12, bullet 2), refer more broadly to “same objectives, and related outcomes or level of protection”, the use of such different phrases in these parts may result in confusion in interpretation and implementation. .	The proposed current draft was a shortened version of the same principle in 101-2023. The chairs have inserted the original wording from 101-2023 in as an alternative to the current draft for consideration in Oslo. The extended phrase “and related outcomes or level of protection” has been added in square brackets to the proposed current draft (noting it is also in the proposed alternative draft) for discussion at Oslo
B: Experience, Knowledge and Confidence		
Importing countries should consider relevant experience, knowledge and confidence in the exporting country's NFCS, or relevant part, and may consider appropriate assessments by other countries or relevant international organizations.	USA: Edit ... or relevant part, or measure within NFCS and may consider ... <i>Rationale: not provided</i>	Suggest this is not needed here – a measure is a part of a NFCS and is not a term otherwise commonly used in Codex guidance (with the exception of sanitary measures in 53-2003). Inclusion of just measure could also imply that CCFICS is limiting the application of experience, knowledge and confidence which is not the intent.
C: Scope of the request and assessment		
The scope of any request or any subsequent assessment should focus on those products and requirements affecting trade where the exporting country considers its NFCS, or relevant part of its NFCS already achieves the same objectives, and related outcomes or level of protection, as achieved by the importing country and the scope of the assessment should be agreed between the importing and exporting countries.	USA: Edit ... country considers its sanitary measure, technical regulations, NFCS, or relevant ... <i>Comment / Rationale: Whole of document edit</i> Costa Rica: Edit ... and the scope of the assessment should be <u>discussed in good faith with the aim of reaching agreement</u> between the importing and exporting countries. <i>Comment / Rationale: While mutual agreement is the desired outcome, the current wording could be misinterpreted as granting a unilateral veto power to either party, potentially stalling the process before it begins. The proposed language reinforces the cooperative spirit of the Codex and Principle E (Transparency and co-operation) by emphasizing good faith discussions as the pathway to agreement, without diminishing the necessity for mutual consent.</i>	As above is only suggesting a part of the long phrase is included which in turn could imply a limitation on what the exporting country could include in their request. Positive suggestion. Has been included in square brackets for discussion at Oslo

	Canada: Edit The scope of any of an equivalence request or any subsequent assessment should focus on those products and requirements affecting trade where the exporting country considers its NFCS, or relevant part of its NFCS already achieves the same objectives, and related outcomes or level of protection, as achieved by the importing country and the scope of the assessment should be agreed between the importing and exporting countries. <i>Comment / Rationale: Canada recommends deleting this principle or revising it so that it reads as a principle. The original text seems to predetermine the focus of the equivalence requests and presumes that there are trade issues. It is also not consistent with existing texts. For example, para 28 of the Annex of CXG 53-2003 “28. In the process of judging equivalence the importing country should focus on those measures or groups of measures which the exporting country and importing country have mutually agreed will be the subject of the equivalence determination.”; or CXG 101-2023, section 5.1.2 : “During the initial discussions, exporting and importing countries should determine the appropriate scope for the assessment.” Such as statement seems to preclude requests for equivalence for other objectives, e.g., resource optimization. Alternatively, it could be replaced with the following “An equivalence determination can be sought for any sanitary measure, technical regulation, standard and conformity assessment procedure, NFCS or part of NFCS.”</i>	The chairs appreciate the desire to shorten this overly long principle. However, the Canadian proposal may not adequately differentiate the request, which is ultimately solely at the discretion of the exporting country from what is subject to a detailed assessment, which is associated with consultations involving both countries. This was discussed at length previously. Similarly, all previous codex texts make a clear linkage between requests for equivalence and a desire to remove impediments / facilitate trade. The chairs consider the example provided by Canada: “optimisation of resources” to be consistent with the wider concepts of removal of impediments to trade / trade facilitation. The proposed shorter principal, with the Costa Rican amendment, has been included as an alternative for discussion at Oslo along with how the facilitation of trade driver could be included.
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 the importing and the exporting country can facilitate the consideration, assessment and recognition of the equivalence of a NFCS, or the relevant part of a NFCS.	USA: Edit ... equivalence of a sanitary measure, technical regulation, NFCS, or the relevant ... <i>Comment / Rationale: Whole of document edit</i> Canada: Edit ... the importing country and the exporting country can ... <i>Comment / Rationale: Either use “importing and exporting countries” since there are at a minimum two countries considering equivalence, or use “the importing country and the exporting country”. The same comment applies to principles G and E.</i>	Agree
E: Transparency and co-operation		
The importing and exporting country should work through the process in good faith, in a reasonable timeframe and in a transparent, evidence-based and	Canada: Edit ... importing country and the exporting country should ... <i>Comment / Rationale: as above</i> Indonesia: Edit	Agree The chairs suggest that this may already be

outcome-focused manner	... evidence-based, outcome-focused manner, and proportionate manner that does not impose unnecessary or undue burdens. <i>Comment / Rational: Indonesia would like to emphasize that the process of recognition of equivalence should be conducted in a proportionate and risk-based manner, and avoid creating excessive administrative, technical, or financial burdens for either importing or exporting countries.</i>	captured in the current wording but have added and proportionate in square brackets for discussion. The chairs suggest the addition of the word proportionate could cover off the rest of the suggested phase without introducing debate over to who and what is meant by the statement “does not impose unnecessary or undue burdens”.
F: Demonstration and Recognition of Equivalence		
Where the exporting country objectively demonstrates that its NFCS or relevant part of its NFCS, achieves the importing country’s objectives the importing country should recognise their equivalence.	USA: Edit From CCFICS27 with an additional edit: The exporting country should objectively demonstrate that its measures, technical regulations, NFCS or relevant part, achieve the importing country’s objectives and the related outcomes or level of protection. <i>Comment / Rationale: The United States does not agree with this alternative wording for Principle F.</i> <i>Paragraph 30 of the CCFICS27 meeting report outlines the agreed upon sentence as:</i> <i>‘The exporting country should objectively demonstrate that its measures, technical regulations, NFCS or relevant part, achieve the importing country’s objectives.’</i>	A specific question was asked in the revised version circulated in June 2025 and there was majority support for this wording as indicated in the Table of all comments received and circulated in Dec 2025. Previous codex text and the WTO texts note that there is a reciprocal obligation / condition on both countries ... where the exporting country objectively demonstrates ... the import country shall (replaced with should) recognise Alternative text combining US and Thailand suggestions is included in the revised draft for discussion
	Indonesia: Edit The exporting country should objectively demonstrate that its NFCS or relevant part of its NFCS achieves the importing country’s objectives and the importing ... <i>Comment / Rational: This new wording emphasizes the respective responsibilities of both the exporting and importing countries in the equivalence process.</i>	Alternative text combining US and Thailand suggestions is included in the revised draft
G: Documentation and maintenance		
The importing and exporting country should document any agreement reached, including specifying the food products and requirements covered or excluded, and how the recognition of equivalence will be implemented and maintained for the trade	USA: Edit ... document any recognition reached, including ... for the trade in food between the countries. <i>Rationale: editorial</i>	The document requires agreement from both countries noting further that we have a whole codex guideline (34-1999) on developing equivalence agreements as part of this consolidation. This guidance stresses these agreements / arrangements are two way and

in products between the countries.	Canada: Edit ... importing country and the exporting country should document any agreement-recognition of equivalence reached, including specifying the food products and requirements covered or excluded, and how the recognition of equivalence it will be implemented and maintained for the trade in products-food between the countries. ... <i>Comment / Rationale: Canada reiterates its previous comment to simplify the principle and use the same wording as principle 4.5 of CXG 101-2023. The scope of the draft consolidation includes equivalence of a whole NFCS and not only individual food products and requirements. The struck out text narrows the scope of the principle and is thus, not appropriate. There is a full section on documentation later in the document where details could be added about documenting the products and requirements covered or excluded.</i>	include commitments from both countries. Agree excepting removal of “agreement” (see above)
H: Technical assistance / Regulatory co-operation		
Importing countries should consider providing technical assistance to exporting developing countries, particularly least developed countries, to facilitate the assessment and recognition of equivalence.	Thailand: Edit – ... countries should, <u>upon request and where feasible</u>, consider providing... <i>Comment / Rationale: We support retaining the phrase “upon request and where feasible”, as it is useful for importing countries and emphasizes that technical assistance should be provided upon request, depending on the capacity of the importing countries.</i> Indonesia: Edit ... providing technical assistance and regulatory cooperation to exporting developing countries, particularly ... of equivalence, as well as to support its effective implementation and maintenance. <i>Comment / Rational: Indonesia views the needs of providing technical assistance that extends to the implementation and maintenance would help exporting developing countries, particularly least developed countries, strengthen their capacity to consistently meet agreed objectives and outcomes.</i>	Suggest add ‘upon request’ – don’t think ‘where feasible’ is needed as the principle is to ‘<u>consider</u>’ Suggest the addition of ‘implement and maintenance’ could be interpreted that the NFCS is not really equivalent – a component of the assessment is that the exporting country has the resources etc to maintain the recognition. Suggest technical cooperation may be sufficiently broad for a principle and that ‘regulatory cooperation’ may be better mentioned and expanded in the main text. Additional text has been added later in the documents
SECTION 5: INITIAL DISCUSSIONS	Norway: Comment <i>The description of “initial discussions” in the recent 101-2023 provides in our view a more up to date and clearer guidance, for example it includes relevant matters that may be included. This does not seem to be covered as such in this section.</i>	

10. It is recommended that the competent authorities of importing and exporting countries have initial discussions prior to the exporting country formalizing a request for a recognition of equivalence, noting that such a request may be made at any point during these discussions.		
11. These discussions can help identify if commencing an assessment of equivalence of the exporting country's NFCS or the relevant part of its NFCS is the most appropriate approach or if another mechanism would be better to address the matters under discussion.	USA: Edit ... exporting country's sanitary measures, technical regulations, NFCS or the relevant ... <i>Comment / Rationale: Whole of document edit</i>	For discussion at Oslo
<i>Appropriateness of an equivalence process</i>		
12. Relevant considerations for the initial discussions may include:	Norway: Edit – additional bullet 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. <i>Comment / Rationale:</i> We would like to suggest including the following from 101-2023:	
the nature and impact of the requirements which the exporting country considers are restrictive;	USA: Edit change order – move to last <i>Comment / Rationale: The United States has shifted the order of these bullets so that it reflects a more natural order of discussion.</i>	Prefer to retain current order
	Canada: Edit Delete bullet <i>Comment / Rationale: Canada reiterates comments provided throughout the development of CXG 101-2023, at CCFICS26 and at CCFICS27, and in the previous round of EWG comments. This bullet point prejudices why countries may wish to enter into equivalence discussions and we recall that a similar point was deleted during the development of CXG 101-2023. It should be deleted from this consolidation.</i>	The codex texts being consolidated consistently highlight that removal of trade impediments / facilitation of trade is a core driver / rational for requests for consultations on equivalence. However, the chairs have proposed for discussion in Oslo the potential to use the term “wishes to discuss” instead of the current formulation of “considers restrictive”
	Norway: Edit [first 2 bullets] Rather use the text from 101-2023: <u>the similarity of design of each country's NFCS in whole or the relevant part including the legislative framework and the relevant objectives, and related outcomes or level of protection;</u>	
the importing and exporting countries relevant NFCS objectives, and the		

related outcomes or level of protection;		
•	Canada: Edit – include additional bullets - the experience, knowledge and confidence the importing country has with the exporting country (add reference to EKC section). - the different level of development between the countries' NFCS. <i>Comment / Rationale:</i> 1st bullet: Canada recommends again to add this point and include in parentheses a reference to the section on EKC. It is relevant to the initial discussions. 2nd bullet: Canada reiterates its proposal to include this point, as found in CXG 101-2023. The Chairs' response indicated that "development assistance has been expanded later in the document to capture this point". However, this point is not necessarily about development assistance. If there are significant differences in the level of development, the importing and exporting countries may decide not to pursue discussions on equivalence and pursue other approaches to facilitate trade.	Agree: Adding these could add clarity for future readers of finalized text they are included in the revised draft in square brackets for discussion at Oslo Also included in new bullet is text from Canada earlier suggestion for additions to the Preamble from CXG53-2003
• what evidence the exporting country may have that its NFCS or relevant part of its NFCS, achieve the importing country's NFCS objectives, and the related outcomes or level of protection,	USA: Edit ... importing country's sanitary measure, technical regulation, NFCS objectives, and ... <i>Comment / Rationale: whole of document edit</i> Thailand: Edit – <u>[which of the importing country's measures would be met by compliance and for which measures would the exporting country seek equivalence;]</u> <i>Comment / Rationale: In our view, bullet 3 should be retained as proposed in the draft consolidated text (version: June 2025), since it is useful, particularly in cases where equivalence is sought only for specific measures. .</i> Norway: Edit - - It is the responsibility of the exporting country to objectively demonstrate that its sanitary measure can achieve the importing country's appropriate level of protection.	To be discussed at Oslo A specific question was asked in the revised version circulated in June 2025 and there was majority support for not retaining this bullet as written. More specifically this document is focussing on equivalence. Making broader statements on compliance with other requirements potentially oversimplifies the wider context and interpretations applied by countries to as to how this is applied in practice. As this is not the focus of this guidance it is suggested we do not open this can of worms or dedicate further paragraphs as to what may be meant by "would be met by compliance".. Similarly, introducing the non-defined term "measures" may be unwise

	<i>Comment / Rationale:</i> From 53-2003 para 7g):	
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	USA: Edit ... further facilitate trade while ensuring that the importing country's relevant NFCS objectives and the related outcomes or level of protection are met; <i>Comment / Rationale: not provided</i>	Prefer Canada suggestion below
	Canada: Edit whether a recognition of the equivalence of the NFCS or the relevant part will likely further facilitate trade, for example by resulting in cost and resource ... impediments to trade while protecting the health of consumers and ensuring fair practices in the food trade... <i>Comment / Rationale: Revise the sentence with the proposed edits to reflect the clear consensus text of CXG 101-2023 (5.1.1, 2nd bullet). The sentence as written, is confusing. "Further facilitate trade" means that trade is already proceeding well. It also conflicts with the example "removal of impediments to trade", since the trade is already facilitated. It is unclear to us why the sentence of CXG 101-2023 has been re-elaborated. Also, we would suggest that it should be the first bullet point in this section.</i>	Agree "further" is redundant. Prefer to keep 'facilitate trade' Could use much of the other suggested text. For discussion in Oslo
whether the importing country has legislated procedures that need to be met when evaluating the recognition of equivalence of a NFCS or a relevant part of a NFCS.	USA: Edit Change order – move to second position ... <i>Comment / Rationale: The United States has shifted the order of these bullets so that it reflects a more natural order of discussion.</i>	Prefer is not moved up order – think lower down is right position for this point
	Canada: Edit ... country has laws and/or regulations establishing legislated procedures to be followed that need to be met when evaluating the ... <i>Comment / Rationale: Edit. Reference to laws or regulations is clearer than "legislated procedures".</i>	The chairs suggest the term "legislated procedures" explicitly includes laws and/ or regulations. The intent is to differentiate those procedures established in legislation where a country may have no room to move versus those that are administrative policy.
	Norway: Comment Our suggested insertion above will make this bullet superfluent.	
Initial scope discussions		
13. The initial discussions should be used to refine both the scope of any consideration as well as to identify and clarify what additional information and / or evidence may be required for an assessment process.	Canada: Edit The initial discussions Exporting and importing countries should discuss should be used to potentially refine both the potential scope of any request by the exporting country-as well as to identify and clarify what additional ... <i>Comment / Rationale: Proposed revisions to simplify the introductory sentence. To "refine" the scope implies that scope discussions have already taken place. The last part of para 13 would be better placed at the end of the section, as a new para, for flow of ideas, i.e., discuss the scope; scope considerations;</i>	Re comment on last half of sentence " <i>as well as to identify and clarify what additional information and / or evidence may be required for an assessment process</i> " And that it is taken from CXG 101-2023 and included a footnote that is not captured. <u>For clarity:</u> The final paragraph of CXG 101-2023 section 5.1.2 is: <i>Discussions on scope should identify those areas where there may already be</i>

	and then consider what information is needed for the assessment. <i>[Also comment on last half of sentence] This text was found at the end of the section in CXG 101-2023, and more importantly, it included a footnote with reference to paragraph 11 and 12 of CXG 53-2003, and paragraphs 9-13 of the Appendix of CXG 53-2003. We do not see paras 11 and 12 reflected in this consolidation. We pasted them, in square brackets, at the end of the section although they should be updated for consistency of text with the rest of the document. Note: no additional text was included.</i> For reference Text of para's 11 & 12: 11. When an importing country has prior experience, knowledge, and confidence in food control measures relevant to those being evaluated for equivalence and the countries agree that import requirements are being fully met, e.g. where trade experience exists, determination of the equivalence of sanitary measures may be made without further consideration of those other relevant measures making up the food control system. 12. When an importing country does not have prior experience, knowledge, and confidence in food control measures relevant to those being evaluated for equivalence and the countries have not determined that import requirements are being fully met, e.g., where trade in a food product or group of food products is being proposed for the first time, determination of the equivalence of sanitary measures will require further consideration of those other relevant measures making up the food control system.	sufficient existing experience, knowledge and confidence versus those areas where additional information exchanges are likely to be required^x. This footnote does refer to paras 11 and 12 of 53-2003 and Para 9-13 of the Appendix. All relate to Experience Knowledge and Confidence – there is a separate section of this draft consolidation that deals with EKC. While the Chairs believe the concepts in para 11 & 12 are paraphrased and captured in the second bullet of para 18, a para 16biz (based on para 11 of CXG32-2003) has been added to the revised draft. It is the view of the Chairs that in the context of this consolidation the point made in para 12 of CXG53-2003 is self evident and additional text on this is not necessary. Similarly, para 9-13 of CXG53-2003 are condensed and captured in the subsection on EKC (paras 16-18).
14. The scope may relate to the protection of the health of consumers or fair practices in the food trade or both, and can cover an entire NFCS or only that part of a NFCS as relevant to the foods and requirements to be covered by the request.	USA: Edit ... health of consumers for food safety measures or achieving legitimate objectives for technical regulations, or both, and ... <i>Comment / Rationale: not provided</i>	Proposed edit appears to limit scope to matters related to the health of consumers.
	Canada: Edit ... entire NFCS or only that a part of a NFCS ... <i>Comment / Rationale: editorial</i>	Added
	Thailand: Edit – The scope should may relate to the protection ... <i>Comment / Rationale Since the scope discussion should reflect the dual objectives of Codex, including the protection of consumer health and the facilitation of fair practices in the food trade, the text should be amended:</i>	Suggest that this change could reduce the choice of exporting countries by requiring that the scope of equivalence cover the full mandate rather than one aspect or the other. In this instance suggest that 'may' is the appropriate term.
	Australia: Edit ... NFCS or only that a part of a NFCS as relevant to ... <i>Comment / Rationale: Editorial</i>	Added

15. The scope discussions should:	Canada: Edit The scope discussions should Relevant considerations for the initial scope discussions may include:... <i>Comment / Rationale: These are part of the initial discussions, as to what scope could be. Thus, it is more accurate to refer to considerations. The proposed edits are consistent with the approach in CXG 101-2023.</i>	Agree that is closer to the language used in CXG101-2023 5.1.2 – noting however that the other documents use other variations, hence this section is an amalgam.
	Norway: Edit Establish the procedure and /or steps to be followed when evaluating the recognition of equivalence if possible/as appropriate <i>Comment / Rationale: from 101-2023 para 5.1.1 bullet 1</i>	
identify the range of products and importing country requirements for which the exporting country is seeking a recognition of the equivalence.	USA: Edit ... importing country's sanitary measures or technical requirements ... <i>Comment / Rationale: whole of document edit</i>	
	Canada: Edit identify the range of products currently being traded between the countries and/or products proposed for future trade, and the importing country –requirements–sanitary measures, technical regulations, standards, conformity assessment procedures for which the exporting country is seeking a recognition of equivalence <i>Comment / Rationale: Text in corresponding bullet of 101-2023 is clearer. Edits to reflect text of 101-2023.</i>	Agree: “currently being traded or proposed for future trade”. Suggest we keep the rest of the language reasonably generic and tight - noting the exporting country has not formalised a detailed request at this stage
identify whether the objective of relevant requirements is to protect the health of consumers or to ensure fair practices in the food trade or a combination of both;	USA: Edit ... of relevant sanitary measures or technical requirements is to ... <i>Comment / Rationale: whole of document edit</i>	
	Canada: Edit – Delete <i>Comment / Rationale: With the edit to the first bullet point, the second bullet point becomes redundant.</i>	Suggest retaining two separate bullets as originally drafted is clearer
	Canada: Edit Add additional bullet if priority should be given to certain product categories because of the public health risks they pose; <i>Comment / Rationale: From para 9 of CXG 34-1999.</i>	Suggest that assigning priority is something that occurs after the formal request has been received – this is addressed under Process para 18
consider the resources likely to be necessary to undertake the assessment process relative to the possible benefits;	USA: Edit ... assessment process ... <i>Comment / Rationale: not provided</i>	Refer to retain as this goes to Indonesia and Thailand's points re proportionate and not overly burdensome
	Canada: Edit consider the resources likely ... <i>Comment / Rationale: not provided</i>	Prefer to retain – giving consideration is the right action at this point.
	Canada: Edit	Chairs consider that this is an aspect that

consider any ways to simplify the assessment process to make it more efficient and less burdensome on both countries, and	consider any ways to ... <i>Comment / Rationale: This point would be more appropriate in the assessment process, not the scope considerations.</i>	could be considered in these initial discussions. However, an additional sentence has been added to para 39 as well as Canada has correctly identified that this does also relate to the assessment process.
identify how existing experience, knowledge and confidence, or previously exchanged information or assessments may be used.	Canada: Edit Delete bullet <i>Comment / Rationale: This is a initial scope discussion. EKC is taken into account in the previous section, in initial discussions.</i>	Prefer to retain This is all part of the initial discussion EKC – is relevant to the initial discuss in several ways including defining the scope.
Experience Knowledge and Confidence		
16. The use of or reference to existing experience, knowledge and confidence can reduce the amount of information and evidence the exporting country needs to provide. It can also reduce the resources and timelines for the importing country's assessment and decision-making processes.		
17. Existing experience, knowledge and confidence may take the form of, for example:		
existing arrangements / agreements;		
previous assessments, audits, study and technical visits or other related information exchanges that may have already occurred (e.g. in accordance with CXG 89-2016)		
the history in food trade between the importing and exporting country;		
the level of compliance of the exporting country's food products with the importing country's requirements;		
the level of familiarization and/or cooperation that exists between the NFCS competent authorities of the importing country and the exporting country		
the similarity in design, laws, regulations and operational principles	USA: Edit ... laws, sanitary measures, technical regulations and operational ... <i>Comment / Rationale: whole document edit</i>	Discuss at Oslo

and practices between the importing and exporting country's NFCS;		
the similarity in the design and operational principles and practices of the exporting country's NFCS or relevant part of the NFCS with the relevant Codex texts, or the texts of other relevant international standard setting bodies, and	Thailand: Edit – ... NFCS with the relevant Codex <u>standard, guidelines or codes of practice texts</u> , or the texts of other relevant international standard setting bodies, and <u>the alignment with other relevant international standards, guidelines, recommendations, and conformity assessment practices; and</u> <i>Comment / Rationale: 1. The text should be retained as it is, since it refers to Codex standards, guidelines, or codes of practice; meanwhile it is not necessary to include references to other international standard-setting bodies in the same bullet.</i> <i>if it is considered necessary to additionally include references to other international standard-setting bodies, a separate bullet should be provided, as contained in the proposed draft consolidated text (version: June 2025).</i>	A combined bullet is in CXG101-2023 However, could revert to two bullets if there is wider agreement – could raise at Oslo
	Australia: Edit ... similarity in the design and operational principles ... <i>Comment / Rationale: Editorial</i>	Added
relevant other assessments of the exporting country's NFCS or parts of its NFCS, performed by the importing country, by recognized conformity assessment bodies, by other countries, or by international organizations.	USA: Edit ... country's sanitary measures, technical regulation, NFCS or parts ... <i>Comment / Rationale: whole of document edit</i>	
	Australia: Edit <u>other</u> relevant other assessments of the ... <i>Comment / Rationale: Editorial</i>	Added
18. Importing and exporting countries should develop a clear understanding of the role and the extent existing experience, knowledge and confidence will be used in any consideration or assessment of equivalence and how it will affect:	USA: Edit ... will be used by the importing country to assess equivalence and how ... <i>Comment / Rationale: edited to sentence to clearly identify the roles of the importing vs. exporting countries.</i>	Added
	Canada: Edit ... and the extent to which existing experience ... <i>Comment / Rationale: Editorial</i>	Added
the assessment and decision-making processes applied within the scope of the request; and		
the amount, nature and scope of evidence and information the exporting country should provide.		

Outcome of initial discussions		
19. 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 proceed to formally discuss and document the request for consultations in accordance with process step one.	USA: Edit ... proceed to formally document its request for recognition of equivalence in accordance... <i>Comment / Rationale: The United States has removed the references to discussions and consultations. This section is on the outcome of the initial discussion which should be leading to the formal, documented request for a recognition of equivalence.</i>	Text amended to 'proceed to document its request for consultations in accordance with process step one. The initial discussion has occurred however the requesting 'consultations' is the appropriate phrase as used in source text
	Canada: Edit Where the conclusion of the initial discussions between the exporting and importing countries conclude is that an equivalence process is the appropriate mechanism for should be initiated facilitating trade, the exporting country should proceed to make a formal formally discuss and document the request for consultations (see Section 6, in accordance with process - Step one). <i>Comment / Rationale: Recommended edits to para 19 for clarity and conciseness. Also, "facilitate trade" is mentioned on several occasions in preceding text and should be deleted. If kept, the scope should be expanded to include reference to resource optimization/savings or other objectives of equivalence.</i>	Facilitating Trade – is a key concept in all the text that are being consolidated and is specifically referred to: CXG-34-1999 states: Para 3. Equivalence agreements are not generally intended as a condition for trade but rather as a means for ensuring that importing country requirements are met with <u>minimal trade impediments</u>. Para 9 b) whether there is significant trade between the exporting and importing countries for the product(s) that will be the subject of an agreement, and whether an agreement between the two countries would <u>facilitate trade</u> CXG 53-20003 Para 2: In such circumstances, and in order to <u>facilitate trade</u> while protecting the health of consumers 3 Application of the principle of equivalence has mutual benefits for both exporting and importing countries. While protecting the health of consumers, it serves to <u>facilitate trade</u>, and minimize the costs of regulation to governments, industry, producers, and consumers ...
	Thailand: Edit – ... process step one (section 6). <i>Comment / Rationale: To be clear, the text should be revised.</i>	Added
20. Where the initial discussions indicate the potential need for more data than currently available the competent authorities in the importing and exporting countries may agree to the conduct of a	USA: Comment The United States is requesting additional context regarding pilot studies.	The Chairs suggest the role of pilot studies is to potentially fill any evidence / data gap and so the potential to do them is best discussed in the initial discussions section. Pilot studies are specifically addressed in CXG34-

trial or pilot study to help provide the necessary objective evidence.		1999 (section 8) <i>The pilot study draft agreement and protocol may include, but are not limited to, provisions in relation to:</i> <i>a) description and time frame of the trial program;</i> <i>b) roles and capabilities of involved government and officially recognized private organizations;</i> <i>c) procedures for inspection and certification;</i> <i>d) audit procedures and frequency;</i> <i>e) description of training or information needs.</i> Some / all of this could be included in the consolidation – have been placed in [...] for discussion at Oslo
	Canada: Comment <i>While this newly added provision is intended to reflect the concept of pilot studies from CXG 34-1999 (Section 8, paras 30 and 31), the edits made by the Chairs narrow the scope of pilot studies to situations where more data is needed. However, the text of CXG 34-1999 (Section 8) is more flexible/enabling and more descriptive:</i> <i>30. Before entering into an agreement, the competent authorities in the importing and exporting countries may agree to the conduct of a trial or pilot study.</i> <i>31. The pilot study draft agreement and protocol may include, but are not limited to, provisions in relation to:</i> <i>a) description and time frame of the trial program;</i> <i>b) roles and capabilities of involved government and officially recognized private organizations;</i> <i>c) procedures for inspection and certification;</i> <i>d) audit procedures and frequency; e) description of training or information needs.</i>	The Chairs consider the role of a pilot study is generally done in order to generate sufficient data to allow decision on whether or not an equivalence assessment should proceed Some / all of this could be included in the consolidation – have been placed in [...] for discussion at Oslo Could also consider providing a reference to pilot studies as the assessment is progressing
	Indonesia: Comment: <i>Indonesia requests clarification regarding the context of a trial or pilot study to have common understanding between importing and exporting countries on the role of trial or pilot study in the equivalence process.</i>	
21. 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	USA: Edit ... discussions conclude that an ... <i>Comment / Rationale: editorial</i>	Suggest retain 'identify' as given the possible range of other mechanisms it is not necessarily the end (conclusion) of the discussions
	Australia: Edit	Agree

help facilitate trade. For example:	... jointly towards some other mechanisms ... <i>Comment / Rationale: Editorial</i> Norway: Edit [paragraph & bullets] Where the initial discussions between the two countries conclude that an assessment of the equivalence of the exporting country's NFCS is not the most appropriate mechanism, the countries may wish to consider working jointly towards some other mechanisms to help facilitate the trade (delete reference to 34-1999) i.e. 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 recognition of the equivalence of systems. <i>Comment / Rationale: Use the language already agreed upon in 101-2023 with some amendments:</i>	
the importing country may identify flexibility or options within its requirements for trade on how its objectives, and related outcomes or level of protection, may be met	USA: Edit ... identify flexibility or options on how its objectives, and ... may be met by the exporting country <i>Comment / Rationale: Editorial</i>	Suggest is not necessary to delete the text, additional words could be added. The chairs note that while some requirements can be written as outcomes to be achieved, quite a few may be written in more process prescriptive language.
	Canada: Edit ... identify flexibility or options within its requirements for trade on how its objectives, and related outcomes or level of protection, may be met by the exporting country. <i>Comment / Rationale: Edits for clarity. The requirements are not established specifically for trade.</i>	Prefer to retain reference to trade - In the context of Equivalence arrangements between exporting and importing countries trade is very relevant – otherwise why are they doing this?
the exporting country may decide to adopt additional controls which more closely align with or better achieve the importing country's objectives, and related outcomes or level of protection; or	USA: Edit AND move to top of bullet list ... part of its sanitary measures, technical regulations, or NFCS ... <i>Comment / Rationale: The United States is suggesting a change in the order of the bullets to reflect that the exporting country bears the responsibility of determining how they are going to meet the importing country's objectives, related outcomes or level of protection. The importing country does not bear the primary responsibility of identifying flexibilities in their system in order to reach a recognition of equivalence.</i>	For discussion at Oslo
the two countries may decide to engage in further cooperation and/or capacity building so as to better understand and address the relevant challenges impacting trade between them. Further cooperation may include, for example, information	USA: Edit ... and/or capacity building. Further cooperation may ... relevant part of the NFCS, which can serve as building blocks for a future request for the recognition of equivalence. <i>Comment / Rationale: none provided</i>	'Building blocks' wording is in CXG34-1999. Unclear why removal of examples is necessary. Examples of technical assistance are set out in Annex to CXG 53-2003 and the drafted text is a summary. Further, previous comments from EWG and at CCFICS have repeatedly requested examples for clarification.

exchange, joint training, technical cooperation, or other support to help develop or strengthen the NFCS or the relevant part of the NFCS	Canada: Edit ... and/or capacity building so as to better understand and address the relevant challenges impacting trade between them. Further cooperation may include ...part of the NFCS, which can serve as building blocks for a future request for the recognition of equivalence. <i>Comment / Rationale:</i> Delete this part of the para [end if 1st sentence]. It presumes that the only objective for equivalence is because of existing trade issues. Does not allow for other reasons to enter into equivalence agreements. This text is not in the corresponding para of CXG 101-2023. If kept, please indicate the source text. [Addition at end] For consistency with CXG 101-2023.	This bullet is one of a number of alternatives when equivalence is not the right mechanism. As such it is an appropriate point and does not restrict the reasons an exporting country may want to request equivalence recognition. Building blocks text may be a good addition here
22. Importing countries considering providing the exporting country technical assistance, may wish to consider the following:	USA: Edit ... countries that wish to provide the exporting country technical assistance, may consider ... <i>Comment / Rationale:</i> Editorial Canada: Comment: Para 22 has been newly added and reflects CXG 53-2003 (Section 7.n (principle) and paras 36 and 37 of the Appendix to CXG 101-2023. While we support this additional information, it is not well placed in this section. Instead, it could be included in Step 1 or Step 4 of the process. 2 Para 21, 3rd bullet is about technical assistance when the exporting country is not ready for equivalence. Para 22 is about technical assistance in the conduct of the equivalence determination, so seems out of place in the section on outcome of initial discussions.	Suggest text is ok as drafted This section is addressing when Equivalence is not the right mechanism after some initial discussions have occurred – in this instance technical assistance may be an appropriate option. Steps 1-4 of the process are after a formal request has been made. This para is not part of the determination process – which are set out in the next section
• assistance in evaluating which requirements could be the subject of an equivalence assessment	USA: Edit ... which measures or technical regulations could be ... <i>Comment / Rationale:</i> whole of document edit	For discussion at Oslo
• assistance with the preparation of documentation, including the submittal package		
• assistance in undertaking any necessary risk assessments		
• assistance with data analysis.		CHAIRS COMMENT: Picking up on Indonesian and Thai comments earlier in the document it is suggested we add an additional point here from 53-2003 for discussion Oslo: • [assistance in suggesting changes to the

		exporting country's NFCS or part of its NFCS that would allow it to better meet the objectives of the importing country's requirements]
SECTION 6: PROCESS STEPS		
The process steps are:		
Step 1: Exporting country formalizes its request for consultations on equivalence	USA: Edit ... request for a recognition of equivalence <i>Comment / Rationale: Refer General comment</i>	Prefer to retain as drafted
Step 2: Importing country describes its relevant requirements and objectives		Is a suggestion below from USA to amend the subtitle of this text – Prefer to retain as drafted.
Step 3: Importing country documents the decision criteria		
Step 4: Exporting country documents its case for equivalence		
Step 5: Assessment process		
Step 6: Decision process and final decision		
Step 7: Documenting the agreement	USA: Edit ... Documenting the final determination <i>Comment / Rationale: not provided</i>	The original formulation is consistent with 34-1999 noting that while the importing country can determine whether a different set of controls provides for the same objectives to be met, how this is ultimately implemented as far as changes committed to by both countries is the subject of a bilateral agreement / arrangement.
23. Once a formal request for consultations on a recognition of equivalence has been made (see step one for further guidance), the two countries should agree on a plan:		
• for the exporting country to provide the appropriate submission; and then		
• for the importing country to work through its assessment and decision-making process.		
This plan may also include anticipated		

timeframes and if necessary, priorities. Further guidance on the recommended process steps is provided below and a simplified flow diagram of the process steps is included at Annex 1 .		
Step 1: Exporting country formalizes its request for consultations on equivalence	USA: Edit ... for a recognition of equivalence <i>Comment / Rationale: Refer General comments</i>	
24. 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, drawing on the initial scope discussions, where these have been held. The description of the scope of the request should include for example:	USA: Edit ... The exporting country's request for a recognition of equivalence should be made in writing and should include a description of the scope of the request, for example: <i>Comment / Rationale: Refer General comment re burden on importing country and equivalence determination is not a negotiation.</i>	See response to general comments. The WTO/SPS explicitly states "Members shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures." Also the concept of discussion and the aim of reaching agreement are key concepts in the existing text that form the source for this consolidation - e.g. CXG53-2003 Section 4 para 7 (f). It is the view of the chairs that retaining separate bullet points is clearer. Further 'requirements is a defined term and is central to just about every CCFICS foundational guidance including: 20-1995, 26-1997, 38-2001, 82-2013, 89-2016
	Canada: Edit ... country's request for consultations on equivalence should be made in writing and should describe, as relevant to consultations with the aim of achieving agreement on the recognition of equivalence should discuss and document the scope of the request, drawing on the initial scope discussions, where these have been held. The description of the scope of the request should include for example: ... <i>Comment / Rationale: Edits to para 24 to remove redundancies and duplication between 24 and 26, .</i>	As above
the specific foods or group of foods, including any types of secondary processing where applicable	USA: Edit as applicable, the importing country's NFCS, part of the NFCS, sanitary measures, technical requirements, and/or the specific foods or group of foods, including, where relevant any types of	Use of long phrase to be discussed in Oslo. Suggest add ' including where relevant ' before 'secondary processing'

	secondary processing for which the exporting country is seeking a recognition of equivalence. <i>Comment / Rationale: The United States is suggesting edits to the text so that it more accurately reflects the potential scope of an equivalence request.</i>	
	Canada: Edit ... or group of foods, and/or sanitary measures, technical regulations, standards, conformity assessment procedures, NFCS or part of NFCS, including any types of secondary processing where applicable for which the exporting country is seeking an equivalence determination. <i>Comment / Rationale: As above</i>	As above
	Indonesia: Edit ...processing where applicable, and the corresponding Harmonized System (HS) Codes, where relevant. <i>Comment / Rational: Indonesia proposes the inclusion of the corresponding HS Code where relevant to enhance clarity and consistency in identifying the products covered by the agreement on the recognition of equivalence.</i>	Suggest this is slightly too much detail
the importing country's requirements² for which the exporting country is seeking a recognition of equivalence; and	USA: Edit – Delete bullet <i>Comment / Rationale: Refer General comments</i>	Prefer to retain bullet and footnote
	Canada: Edit Delete bullet BUT retain Footnote <i>Comment / Rationale: There is redundancies in the bullet points of para 24. They can be combined into one sentence as proposed. Also, including "secondary processing" seems too specific for this text.</i>	Unclear where Footnote is to be located.
Footnote 2: the range of requirements to be included in the request may for example relate to general or specific food safety outcomes, production raising claims such as organics, other qualitative claims or conformity assessment, certification requirements, or any other matters relating to the protection of the health of consumers or ensuring fair practices in the food trade	USA: Edit – Delete footnote <i>Comment / Rationale: not provided</i>	Previous comments from EWG and at CCFICS have repeatedly requested examples for clarification
	Canada: Edit ... outcomes, production claims such as ... <i>Comment / Rationale: not provided</i>	Added
a brief description of the exporting country's NFCS or relevant part of its NFCS for which the exporting country is seeking an equivalence determination.	USA: Edit ... a description of the exporting country's NFCS or relevant part of its NFCS, sanitary measure, or technical regulation for which the ... <i>Comment / Rationale: whole of document edit</i>	To be discussed at Oslo
	Canada: Edit Delete bullet <i>Comment / Rationale: There is redundancies in the bullet points of para 24. They can be combined into one sentence as proposed. Also, including "secondary processing" seems too specific for this text.</i>	
Step 2: Importing country describes its relevant requirements and objectives	USA: Edit ... describes its NFCS, part of NFCS and/or relevant requirements	If accepted will need to align with list of steps at beginning of Process section – preference

	<i>Comment / Rationale: not provided</i>	is to keep as drafted The addition is considered Redundant - see definition of requirements
25. The importing country should discuss and document the basis for its relevant requirements, for the scope of products covered by the request. This should include as appropriate:	USA: Edit ... should provide the exporting country its relevant requirements ... <i>Comment / Rationale: Refer General comment re burden on importing country and equivalence determination is not a negotiation.</i>	Prefer to retain – discussion is a key concept expressed in all source text. All of the foundational texts emphasis this and 53-2003 is particularly explicit as to what the importing party should provide and why.
	Canada: Edit <i>As relevant to the scope of the request and to help the exporting country in describing its sanitary measures, technical regulations, standards, conformity assessment procedures, NFCS or relevant part of NFCS, the importing country should provide information to describe, with appropriate references, the related elements of its NFCS that are to be part of the assessment, including objectives, and relevant outcomes or level of protection.</i> The importing country should discuss and document the basis for its relevant requirements, for the scope of products covered by the request. This should may include... <i>Comment / Rationale: This introductory paragraph was found in CXG 101-2023 and in the June 2025 version of the document. It provides good context for this section. We are unclear why it was deleted and would suggest that it be reincluded</i>	A specific question was asked in July 25 draft – the full responses were included in the Table of comments circulated with the Dec 2025 redraft. Para 25 and the following bullets reflect consideration of those responses. If reinserted then will need to redraft the bullet and likely also next para and bullets. These 2 paras were both redrafted to include more information and ensure that concepts and key text from source documents is included in consolidation. The paragraph Canada is suggesting deleting and the bullets have come directly from para 16 of 53-2003 and as such the chairs considered them as slightly amended to be more of wider scope refinement of the 101-2023 version
the scientific or policy basis justifying the necessity for the requirements under consideration, including risk assessment where appropriate;	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	As above the bullets have come directly from para 16 of 53-2003 (slightly amended to widen the scope) and as such the chairs considered they are appropriate and relevant
	Canada: Edit ... policy basis justifying the necessity for the requirements ... <i>Comment / Rationale: Delete “justifying the necessity”. The previous words already ask for the justification, i.e., “the scientific or policy basis...”</i>	Justification and necessity are core obligations of the WTO agreements. Justification and necessity refer to why they are needed for the trade – noting the scientific and policy basis may be a more domestic policy orientated rationale which may not be directly relevant to the different

		circumstances that may exist between the trading countries.
how the requirements contribute to achieving the NFCS objectives, related outcomes or level of protection³;	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	This is a direct reflection of 16(b) of 53-2003 states: the relationship of the sanitary measure to the ALOP ie how the sanitary measure achieves the ALOP – noting the language has been made generic to cover the wider scope of this document.
Footnote: 3 Including the quantitative or proportionate effect of their contribution.	USA: Edit Delete footnote Canada: <i>Comment</i> <i>The footnote seems duplicative of the subsequent bullets, which refers to the level of control of the hazard that is achieved by the requirement.</i>	Again 53-2003 expands upon this concept at length noting this refers to the objectives (53-2003 ALOP) whereas the level of control of a hazard is a once removed proxy for an objective / ALOP
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 requirement;	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	
the identification of the specific objectives and or 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 requirements are intended to address;	USA: Edit ... the specific risks and level of ... <i>Comment / Rationale: not provided</i> Canada: <i>Comment</i> <i>This bullet point is unclear and seems to some extent to duplicate previous bullets. Is it intended to reflect the “differentiation of the decision process for sanitary vs technical measure”?:</i>	Including objectives here is necessary for the bullet to cover the full scope of this guidance whereas 53-2003, on which this bullet is based, had a narrow scope See above
the justification for the requirements, as relevant to the bilateral circumstances existing between the two countries; and	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	Again the exporting country needs to know why the importing country has determined the requirement is necessary for its exports if it is to provide a counter argument.
any additional information that may assist the exporting country in presenting an objective demonstration of equivalence.		
26. The importing country should also describe ⁴ , with appropriate references, how its own NFCS or relevant part of its NFCS, achieves its NFCS objectives, and related outcomes or levels of protection.	USA: Edit ... Where appropriate to the scope of the request, the importing country may provide a description of the relevant underpinning components of its NFCS or the relevant part of its NFCS. <i>Comment / Rationale: The United States considers this is repetitive. Additionally, there is a continued burden</i>	See comment on para 25 above 53-2003 says: 7. <i>Determination of the equivalence of sanitary measures associated with food inspection and certification systems should</i>

As relevant to the scope of the request, the importing country may provide a description of the relevant underpinning components of its NFCS or the relevant part of its NFCS such as:	<i>being placed on the importing country to explain itself versus the exporting country demonstrating its trade partner that the food is safe.</i>	be based on application of the following principles: b) The sanitary measure ⁷ applied in an importing country should in practice achieve the ALOP of the importing country and be applied consistent with article 2.3 of the SPS agreement. ⁸ c) An importing country should describe how its own sanitary measure achieves its ALOP.
	Canada: Edit The importing country should also describe³, with appropriate references, how its own NFCS or relevant part of its NFCS, achieves its NFCS objectives, and related outcomes or levels of protection. As relevant to the ... <i>Comment / Rationale: This is a chapeau statement and should be in para 25, if not already captured in the text.</i>	That is a possibility – for discussion in Norway
	Indonesia: <i>Comment: Indonesia views that the exporting country should bear the primary responsibility to demonstrate that its food achieves the importing country's objective and level of protection. Indonesia suggests that the information to be provided by the importing countries under Step 2 should be equal to the scope and risk under consideration in order to avoid creating unnecessary administrative burdens.</i>	Indonesia is right, but only once the importing country has provided sufficient information for the basis of its requirements. The context is import which is why 53-2003 belabours it so much.
Footnote 4: ref: CXG 82-2013, paragraph 43 and CXG 89-2016 Section 7	USA: Edit Delete footnote <i>Comment / Rationale: Consequential to edits of para</i>	Chairs prefer to keep as per above
	Canada: Edit – Delete footnote <i>Comment / Rationale: Consequential to edits of para</i>	Chairs prefer to keep as per above
• regulatory and legislative framework;	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	This section replicates 101-2023 5.2 Step 2. Also See 34-1999 Section 7 Consultative process for equivalence agreements: para 19. And also see 53-2003 7c) An importing country should describe how its own sanitary measure achieves its ALOP - Noting the sanitary measure may be a summation of the laws, regulations, standards and operational requirements.
• control and approval requirements (for example establishment, process and product programs);	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	
• verification or conformity assessment,	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	

and audit programs;		
• monitoring, surveillance, investigation and food safety incident response programs;	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	
• enforcement and compliance programs;	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	
• stakeholder engagement, communication and rapid alert systems;	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	
• system overview monitoring and evaluation programs, or existing conformity assessment procedures; or	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	
• any other elements directly relevant to the specific requirements, products or programs under consideration.	USA: Edit Delete bullet <i>Comment / Rationale: Refer General Comment</i>	
27. In describing its own NFCS or the relevant part, the importing country may include reference to relevant standards, guidelines, and/or codes of practice from Codex or other relevant international standard setting bodies.	USA: Edit ...In describing its own sanitary measure, technical regulation, NFCS or the relevant part ... <i>Comment / Rationale: Whole of document edit</i>	Long phrase to be discussed at Oslo
Step 3: Importing country documents the decision criteria	Australia: Comment: <i>Significant changes have been made to this Step compared to CXG101:2023 and we are unsure of the rationale. Suggest retaining the text from CXG101:2023 as it is clearer and previously supported.</i>	CHAIRS SUGGESTION: For discussion in Norway see proposed shortened versions of 28, 29 and 30. The Chairs agree there was quite a bit of duplication in the previous formulation and some of the suggested alternatives so have proposed only retaining the opening sentence of 28 and 29 and making the last sentence of the original 29 the new 30 (with some minor edits). The other concepts are effectively captured already by the original 31 and 31. Similarly, agree the sub-bullet points to the last bullet point of para 32 are confusing and have proposed a slight expansion of the last bullet point and deletion of the sub-bullet points.

28. The decision criteria provide the objective basis for comparison for use in the importing country's assessment. The importing country should document how they intend to apply the decision criteria to the evidence the exporting country provides to demonstrate that its NFCS or relevant part of its NFCS, achieves the importing country's relevant NFCS objectives, and related outcomes or level of protection.	USA: Edit ... The decision criteria provide the objective basis for comparison for use in the importing country's assessment. The importing country should document the decision criteria to be used to evaluate the exporting country requirements, part of NFCS or NFCS, associated to the scope of the request. The criteria should reference the relevant objectives, and related outcomes or level of protection, that should be shown to be achieved for the recognition of equivalence. The decision criteria should be provided to and discussed with the exporting country in cooperative manner to assist in better understanding of the decision criteria and how they will be applied to the evidence provided by the exporting country. <i>Comment / Rationale: Text from CXG 101-2023</i>	For discussion in Oslo noting this would replace para 28 and 29 Regarding: Discussions can assist the development of decision criteria and the better understanding of ... the chairs have noted: Para 19 of the Annex of 53-2003 says: 18. When developing OBC(s) [decision criteria] the importing country should enter into a dialogue with the exporting country to seek agreement on the OBC(s) [decision criteria].
	Canada: Edit ... The decision criteria provide the objective basis for comparison for use in the importing country's assessment. The importing country should document the decision criteria to be used to evaluate the exporting country requirements, part of NFCS or NFCS, associated to the scope of the request. The criteria should reference the relevant objectives, and related outcomes or level of protection, that should be shown to be achieved for the recognition of equivalence. The decision criteria should be provided to and discussed with the exporting country in cooperative manner to assist in better understanding of the decision criteria and how they will be applied to the evidence provided by the exporting country. <i>Comment / Rationale: These paras should be in the introductory part for logical flow. Also, text reflects intro paras of CXG 101-2023. Delete and use corresponding para of CXG 101-2023, as it is written more clearly.</i>	As above
29. Discussions should occur between the exporting and the importing country to assist the development of, and better understanding of, the decision criteria to be applied. The importing country should document the decision criteria to be used to evaluate the exporting country's NFCS or relevant part of the NFCS associated with the scope of the request.	USA: Edit – Delete para <i>Comment / Rationale: With the edits in paragraph 28, this sentence becomes unnecessary. Additionally, decision criteria are not developed in collaboration between the importing and exporting country. Decision criteria are developed by the importing country. The exporting country bears the responsibility of demonstrating how they meet these criteria to achieve a recognition of equivalence.</i> Canada: Delete para [the entire para is struck out] <i>Comment / Rationale:</i> (1) Delete the first sentence of paragraph 29. Canada recalls that	As above Development of the Consolidation is a separate piece of work. Discussions on CXG 101-2023 that lead to the finalisation of that

	<i>extensive discussions took place on this point during the development of CXG 101-2023 on the subject of “decision criteria”, and there was consensus that they are established by the importing country, and not developed in collaboration between the importing and exporting country.</i> (2) There is a logical flow that should be followed: 1- importing country develops and documents the decision criteria; 2- the importing country provide them to and discusses them with the exporting country. Thus, the second sentence of para 29, as well as para 30, should be moved up in the text.	document does not dictate what is considered in developing and concluding this separate work. The principle of discussion is in all the existing text and while it is the importing country that finally determines the decision criteria CXG 101-2023 (para 9) also included discussion with the exporting country. The text of para 29 is suggesting that Discussions can assist the development
	Indonesia: Edit ... country to assist in better understanding of the decision ... <i>Comment Rational: Indonesia considers that decision criteria remain the responsibility of the importing country, as such criteria are directly linked to the importing country’s objectives and related outcomes or level of protection. At the same time, we recognize the importance of discussions between the exporting and importing countries to promote a shared understanding of the decision criteria applied. These discussions are not intended to jointly develop the decision criteria, but rather to enhance transparency, clarify expectations, and support the exporting country’s understanding of how its NFCS will be assessed.</i>	Noted However the Decision Criteria can influence what the exporting country may be required to submit so, while the decision as to exactly what they are is the importing country’s, it makes sense to have discussions during their development as well. Noting Para 18 of the Annex of 53-2003 says: 18. When developing OBC(s) the importing country should gather and assess scientific data and other information¹² and enter into a dialogue with the exporting country to seek agreement on the OBC(s).
	Australia: Edit ... and gain better understanding of ... <i>Comment [2nd sentence] This is a separate point to the first sentence of this paragraph. Suggest move this sentence as a separate paragraph or merge with paragraph 30.</i>	Agree is a separate concept
30. The decision criteria should reference the relevant objectives, and related outcomes or level of protection, that should be shown to be achieved for recognition of equivalence. The decision criteria document should be provided to and discussed with the exporting country in a cooperative manner.	USA: Edit Delete para <i>Comment / Rationale: This paragraph is repetitive to the previous paragraphs.</i>	For discussion in Oslo, but it reflects and important concept from Para 18 of the Annex of 53-2003 says: 18. When developing [OBC(s)] [decision criteria] the importing country should gather and assess scientific data and other information¹² and enter into a dialogue with the exporting country to seek agreement on the [OBC(s)] [decision criteria].
	Canada: Comment <i>Moved to para 28 for logical flow of ideas.:</i>	
	Australia: Comment [2nd sentence] <i>Suggest moving to a separate paragraph as this is a separate concept to the previous sentence.</i>	Agree is a separate concept – see revised draft
31. The decision criteria should facilitate	USA: Edit	CHAIRS COMMENT:

the importing country's assessment process to determine whether or not the exporting country's design and implementation of its NFCS or relevant part of the NFCS achieves the importing country's relevant objectives, and related outcomes or level of protection, associated with the scope of the request ⁵	... and implementation of its sanitary measure, technical regulation, NFCS or relevant ... <i>Comment / Rationale: Whole of document edit</i>	This document and 101-223 have differentiated the assessment and decision-making processes so a minor edit is suggested to reflect this. Proposed changes to be discussed at Oslo
Footnote: 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 all relevant information (e.g. historical regulatory decisions, published risk assessments, or compliance actions).	Australia: Edit One example of a possible decision criteria could be: Regulatory decisions ... <i>Comment / Rationale</i>	Edit added
32. The decision criteria may be qualitative or quantitative and should include for example:		
• the relevant importing country NFCS objectives, and related outcomes or level of protection;		CHAIRS COMMENT: See minor proposed change to improve the readability
• the type of evidence expected to objectively demonstrate equivalence;		
• an indication of the amount or level of qualitative or quantitative evidence that is expected;		
• any indicators ⁶ of outcomes required that may be used to demonstrate equivalence; and	USA: Edit ... used to demonstrate equivalence <i>Comment / Rationale: Consequential edit</i>	Prefer to retain
Footnote: 6 See Appendix B of CXG 91-2017 for some illustrative examples of outcomes and examples of potential indicators for those selected outcomes.		
• how existing experience, knowledge and confidence may be used.	USA: Delet bullet and sub bullets <i>Comment / Rationale: not provided</i>	CHAIRS COMMENT: The chairs tend to agree with the US comment and suggest we add a little more to the bullet and delete the sub-bullets – for discussion in Oslo
	Canada: Edit ... for example for: ...	Noted

	<i>Comment / Rationale: editorial</i>	
○ Setting priorities	USA: Delete <i>Comment / Rationale: as above – not provided</i> Canada: Comment <i>This is vague. Setting priorities for what?</i>	As above
○ Inform the process of comparison	USA: Delete <i>Comment / Rationale: as above – not provided</i> Canada: Edit Informing the process ... <i>Comment / Rationale: Editorial</i>	As above Noted
○ Reduce number of (measures / requirements) that need detailed consideration	USA: Delete <i>Comment / Rationale: as above – not provided</i> Canada: Edit ○ Reduce Reducing number of ... <i>Comment / Rationale: editorial</i>	As above Noted
○ Reduce extent of scientific evidence required for a determination	USA: Delete <i>Comment / Rationale: as above – not provided</i> Canada: Edit ○ Reduce Reducing the extent of ... <i>Comment / Rationale: editorial</i>	As above Noted
33. The decision criteria should not apply a standard or level of performance that exceeds that achieved by the importing country's NFCS or relevant part of the NFCS.	USA: Edit ... country's sanitary measure, technical regulation, NFCS or ... <i>Comment / Rationale: Whole of document edit</i>	Including in [] to be discussed in Oslo
	Indonesia: Edit ... part of the NFCS and avoid creating unnecessary obstacles to trade. <i>Comment Rational: Indonesia supports strengthening the principle of the prevention of unnecessary obstacles to trade in the equivalence. The proposed addition clarifies that decision criteria should also avoid creating unnecessary barriers to trade.</i>	Including in [] for consideration in Oslo
Step 4: Exporting country documents its case for equivalence		
34. 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 the importing country's relevant NFCS objectives, and related	USA: Edit ... how its sanitary measure, technical regulation, NFCS or ... of protection, as relevant to the scope of ... <i>Comment / Rationale: Whole of document edit and editorial edit</i>	[] To be discussed in Oslo
	Canada: Edit ... outcomes or level of protection, for the foods and requirements within the as relevant to the scope of the equivalence ...	Edit added

outcomes or level of protection, for the foods and requirements within the scope of the equivalence request.	<i>Comment / Rationale: The equivalence request could be for some foods, some requirements, or part or all of the NFCS. Wording should provide flexibility.</i>	
	Indonesia: Edit add sentence at end ... Where appropriate and as mutually agreed, such information and evidence may be provided in stages or through successive submissions. <i>Comment Rational:</i>	Suggest this addition fits better at the end of para 38.
35. The submission should cover all relevant aspects of the decision criteria and objectively demonstrate that the exporting country's NFCS or the relevant part of its NFCS, meets those criteria.	USA: Edit ... cover all aspects of ... exporting country's sanitary measure, technical regulation, NFCS or the ... <i>Comment / Rationale: Whole of document edit and editorial edit</i>	[] To be discussed in Oslo
36. The submission should include the additional relevant information and evidence that is not already covered by the importing country's existing knowledge, experience, and confidence in the exporting country's NFCS.	USA: Edit Delete para <i>Comment / Rationale: The United States does not see the need for this paragraph. Seems to be redundant.</i>	Prefer to retain for clarity for readers unfamiliar with process
	Thailand: Edit – retain original text (<i>version: June 2025</i>) The submission should cover the additional relevant information and evidence that the importing and exporting countries have agreed is not already covered by existing knowledge, experience, and confidence. <i>Comment / Rationale: Since importing and exporting countries should agree on the submission of additional relevant information and evidence, we support retaining the original text in the proposed draft consolidated text</i>	
37. As far as practical, and especially when consistent with the relevant Codex guidance, importing countries should allow the exporting country flexibility in the format of the information it submits.	USA: Edit ... Codex guidance and other international standards, importing ... <i>Comment / Rationale: editorial</i>	Edit added
	Australia: Edit ... and especially when where consistent with <i>Comment / Rationale: This sentence has the same text as CXG101-2023</i>	Edit added
38. Subject to the scope of any request for recognition, additional information exchanges may be required to clarify or supplement information provided by the exporting country.	USA: Edit ... for recognition of equivalence, additional ... <i>Comment / Rationale: editorial</i>	Edit added
	Indonesia: Edit – add sentence at end Any requests for additional information should, where appropriate, be specific, relevant to the scope of the request, and avoid duplication of information. <i>Comment / Rational: Indonesia proposes this proposed addition to clarify that any requests for additional information should be specific, relevant to</i>	Edit added

	<i>the scope of the equivalence request, and avoid duplication. This helps ensure transparency, proportionality, and efficiency in the information exchange process, while preventing unnecessary administrative burden on the exporting country.</i>	
Step 5: Assessment process		
	Chair's Comment	Paragraph 39, 40 and 41 are almost exact replicas of 5.5 STEP 5: Assessment Process of 101-2023 and as such it is suggested to keep them as is unless there is a serious conflict with 34-1999 or 53-2003
39. Once the relevant information and evidence are available, the assessment process can proceed. The methodology used in the assessment process by the importing country should be transparent and evidence- based. The importing country should focus its assessment on determining whether the exporting country's NFCS or the relevant part of the NFCS meets the decision criteria. There should be an effective communication mechanism between both countries, for providing feedback.	USA: Edit ... can proceed. The importing country should focus ... exporting country's sanitary measure, technical regulation, NFCS or the relevant part of the NFCS achieves the importing country's objectives, and related outcomes or level of protection according to the decision criteria. There should ... <i>Comment / Rationale: [Deleted sentence] Decision criteria has already been provided and discussed, as outlined in previous step 3. Second edit – Whole of document edit.</i> Canada: Edit ... transparent and evidence- based. The importing country should focus its assessment on determining whether if the exporting country's NFCS or the relevant part of the NFCS meets the decision criteria. There should be an ... <i>Comment / Rationale: Duplicative of text in para 41, 1st bullet point.</i>	See above Methodology in this instance refers to how the decision criteria is applied – therefore it is preferred to retain this sentence. Also long Phrase to be considered Additional sentence added as consequence of comment from Canada on para 15. See above comment
40. The assessment process will normally comprise a number of steps but may vary (refer paragraph 42 below). 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;		
where appropriate, convey to the exporting country where the addition of one or more specific controls to their NFCS could facilitate the assessment process;	USA: Edit ... more specific measures or technical regulations to their NFCS could facilitate the determination of equivalence <i>Comment / Rationale: Whole of document edit and editorial edit</i>	Phrase to be considered at Oslo
consider any additional controls proposed by the exporting country to facilitate a positive determination.	USA: Edit ... additional measures or technical regulations proposed by ... <i>Comment / Rationale: See general comment – ‘control’ is outdated term</i>	As above
41. The importing country’s assessment process should:		
focus on whether the exporting country’s NFCS or the relevant part of the NFCS achieves the objectives, and related outcomes or level of protection, of the importing country’s NFCS or the relevant part in accordance with the decision criteria (as opposed to whether specific procedures or functions, undertaken by certain parties in the importing country, are replicated in the exporting country);	USA: Edit Delete entire Bullet ... <i>Comment / Rationale: This text does not seem necessary.</i> Canada: Edit ... with the decision criteria (as opposed to whether specific procedures or functions, undertaken by certain parties in the importing country, are replicated in the exporting country) <i>Comment / Rationale:</i> 1 The first sentence is duplicative of the text in para 39. The text should either be in one place or the other but not both. 2 Canada reiterates its comment from the first EWG round. This is new text and we are unclear of its source or meaning. Who are the “certain parties” and what is their role in the NFCS? Unless further clarity is provided to justify inclusion of this text, it should be deleted.	Prefer to retain as drafted – para 39 is discussion the overall methodology. Para 41 is discussing the actual process – how the methodology is applied The Text is a direct quote from CXG101-2023 section5.5 Step 5 Assessment process 2 nd para bullet 6
consider the use of indicators of outcomes that may be different from the importing country’s that may be used by the exporting country to demonstrate the performance of its NFCS or the relevant part of its NFCS, to achieve the importing country’s objectives, and related outcomes or level of protection	USA: Edit ... of its sanitary measure, technical regulation, NFCS or the ... <i>Comment / Rationale: Whole of document edit</i> Thailand: Comment: We seek clarification on whether the phrase “consider the use of indicators of outcomes” should include “indicators of level of protection” in order to enhance clarity in the assessment of equivalence .	To be discussed in Oslo
assess 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 NFCS or relevant part		
	USA: Edit	Suggested retain ‘cooperative’

be conducted in a cooperative and timely manner and may include the review of documents, and the use of in-country or virtual assessments / audits⁷ where justified as necessary to demonstrate the exporting country's sanitary measure, technical regulation, NFCS or the relevant part of the NFCS, meet the decision criteria;	... in a systematic and timely manner and may include the review of documents, and the use of in-country or virtual assessments / audits⁸ where necessary to demonstrate operation of the exporting country's sanitary measure, technical regulation, NFCS or the relevant part of the NFCS, and how they meet the decision criteria in practice ... <i>Comment / Rationale: no rationale provided for replacing 'cooperative' with 'systematic. [Comment on second half of para – after 'necessary'] The United States suggests editing as noted or deleting this portion of the sentence.</i>	
	Canada: Edit ... country's sanitary measure(s), technical regulation(s), standard(s), conformity assessment procedure(s), NFCS or the relevant ... <i>Comment / Rationale: see general comment</i>	To be discussed in Oslo
Footnote:7 See the Annex to CXG 26-1997 for further guidance on the conduct of assessments; and CXG 102-2023 Principles and guidelines on the use of remote audit and inspection in regulatory frameworks.		
allow for regular discussion / consultations between the countries and the provision of clarifications and / or supplementary information as required; and		
appropriately protect commercially sensitive and confidential information.		
42 The depth and breadth of the assessment process may vary depending on:		
the scope of the request including the range of foods and the requirements for which equivalence is sought	USA: Edit ... the request for equivalence, e.g., whether it is restricted to a specific sanitary measure, technical regulation, part of a NFCS or potentially require a wider assessment of the whole NFCS including, the range of foods and the measures for which ... <i>Comment / Rationale: See comment below re next bullet</i>	See Chairs slightly amended proposal as well – to be discussed in Oslo
the scope of assessment, e.g., whether it is restricted to a specific part of a NFCS or potentially requires a wider assessment of the NFCS	USA: Edit Delete bullet <i>Comment / Rationale: The scope of the assessment is based on the scope of the request. We have edited the first bullet to capture this and therefore are suggesting deletion of this bullet.</i>	
	Canada: Comment <i>It is not clear how the second bullet differs from the first one. Is this</i>	Agree

	<i>perhaps where concrete explanation as found in paragraph 11 and 12 of CXG 53-2003 could be included?</i>	
the complexity of the exporting country's controls to be assessed;	USA: Edit ... exporting country's measures to be assessed ... <i>Comment / Rationale: See general comment – 'control' is outdated term</i>	Suggest 'controls' is appropriate. The term controls is well understood throughout Codex texts and is a term used in just about every CCFICS document as well as being central to the NFCS concept 82-2013. The term measure has rarely been used in CCFICS documents excepting in combination with sanitary just in 53-2003.
whether additional evidence, information or clarifications are needed; and / or		
whether an in-country visit will likely be necessary.		
43. An in-country visit may be justified as part of an assessment, for example in situations where:	USA: Edit ... visit may be necessary as part of an assessment, for ... <i>Comment / Rationale: not provided</i>	The Chairs consider the term necessary in the absence of the term justified leaves the meaning hanging as to who and why the importing country may deem something necessary. The term justified is considered to be more indicative of a risk rationale. Edit included in [] for discussion
existing knowledge, experience and confidence in the exporting country's NFCS is not sufficient to be able to conclude that the information and evidence submitted is sufficient to make a decision; or	USA: Edit ... is not sufficient for the importing country to reach a determination, <i>Comment / Rationale: not provided</i>	Some edits included
the complexity of the consideration justifies additional verification as part of the assessment to demonstrate the decision criteria are met, or	USA: Edit ... complexity of the measure within the scope of the assessment necessitates verification as part ... are met, <i>Comment / Rationale: not provided</i>	
	Canada: Edit ... complexity of the consideration - assessment justifies additional ... <i>Comment / Rationale: 'Editorial. Not sure what is meant by "complexity of the consideration".'</i>	Edit added
sufficient confidence may not be able to be ascertained through the	USA: Edit sufficient confidence in the operation of the NFCS or its relevant part is not demonstrated through the analytical ...	For discussion in Oslo Option added in []

analytical data itself, or through conformity assessment processes undertaken in accordance with international accreditation arrangements, or through cross reference to other relevant assessments.	<i>Comment / Rationale: not provided</i>	
	Canada: [words: or through conformity assessment processes undertaken in accordance with international accreditation arrangements.] <i>Comment: The terminology is generally used in the context of TBT type assessments - we would suggest to delete this part of the sentence or to make it more comprehensive to the scope of the document.:</i>	
	Australia: Edit ... the analytical data itself, or through the conformity assessment ... arrangements, or through cross reference ing to other relevant ... <i>Comment / Rationale</i>	Suggest retain as drafted
44. Where an initial assessment identifies the lack of a specific control considered necessary to achieve the relevant importing country objectives, and related outcomes or level of protection, the importing country should, where appropriate, provide the exporting country an opportunity to remedy the deficiency.	USA: Edit Where an initial determination is that equivalence has not been demonstrated, , the importing country should identify the deficiencies and, where appropriate, provide the exporting country an opportunity to remedy the deficiency(ies). <i>Comment / Rationale: not provided</i>	This section is about the assessment and we have moved away from the term determination which has multiple different meanings depending on the context it is used
45. Other overarching considerations relevant to the assessment process may include:	USA: Edit Delete para and all following bullets. <i>Comment / Rationale: Without additional context, the United States is suggestion deletion of this paragraph. These are not considerations an importing country takes into consideration during the assessment process. The assessment process is very simple, can the exporting country meet the importing country's level of protection or not.</i>	These come from 101-2023 which picked them up from 82-2013. For discussion in Oslo
• freedom from conflicts of interest;	USA: Edit Delete <i>Comment / Rationale: see above comment</i>	
• transparency of decisions and actions;	USA: Edit Delete <i>Comment / Rationale: see above comment</i>	
• how the exporting country NFCS maintains the three characteristics of: situational awareness proactivity and continuous improvement ⁸ , and	USA: Edit Delete <i>Comment / Rationale: see above comment</i>	
Footnote: 8: Explanation of the meaning of these terms is found in Paragraph 36, CXG 82-2013	USA: Edit Delete <i>Comment / Rationale: see above comment</i>	
• the availability of resources and infrastructure to continue to implement the NFCS or the relevant part of the NFCS.	USA: Edit Delete <i>Comment / Rationale: see above comment</i>	
46. Meetings between the importing and	USA: Edit	Edit added

export country competent authorities may assist the assessment process and their potential use should be included in the planning for the equivalence assessment, as appropriate. Countries are encouraged to communicate and conduct meetings electronically, where practicable. Where possible, the provision of technical assistance may also be used to support the assessment process. ⁹	... importing and exporting country competent authorities may facilitate and help expedite the assessment process ... <i>Comment / Rationale: editorial</i>	
Footnote 9: Examples could include technical exchanges to help facilitate better understanding of each country's systems, or assistance with making changes to those parts of the NFCS that are identified during the assessment process as needing further development.		
Step 6: Decision process and final decision		
47. The importing country should consider its summarised assessment findings against the documented decision criteria with a view to producing a decision document.	Canada: Edit Delete whole para <i>Comment / Rationale: Para 48 should precede paragraph 47, for a logical flow of activities.</i>	Para 47 describes the overall process and then subsequent paragraphs expand on parts of the process.
48. The importing country's decision process should:		
• be transparent, documented and conducted in a timely manner;		
• focus on whether the exporting country's NFCS or the relevant part of its NFCS meets the decision criteria; and	USA: Edit ... exporting country's sanitary measure, technical regulation, NFCS or the relevant ... <i>Comment / Rationale:</i>	To be considered at Oslo
• not, without justification, introduce an objective, or outcome standard or process in excess of what is being applied within the importing country.	USA: Edit ... or outcome in excess of ... <i>Comment / Rationale: The United States is recommending deleting this portion to make this text consistent with CXG 101-2023.</i>	'For discussion in Oslo Standard or process' has been introduced to ensure that the full spectrum of related aspects are covered. Also it is well recognised that there have been instance in the past when import requirements have specified how by whom a particular activity or process is to be undertaken.
	Canada: Edit ... or outcome, standard or process in excess of ...	As above

	<i>Comment / Rationale: Throughout the text, reference is made to meeting/achieving objectives and outcomes. However, “standard or process” have been introduced in this late stage of the document. We further note that CXG 101-2023 uses the following sentence: “ not introduce a new objective or outcome in excess of what is being applied within the importing country without justification”. “Standard or process” should be deleted or rationale provided for their addition in this part of the document.</i>	
49. This decision document should highlight whether and, where relevant, the degree to which, each of the decision criteria have been met along with, where relevant, 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.	USA: <i>Comment: The United States recommends using text from CXG 101-2023.</i>	
	Canada: Edit Delete para <i>Comment / Rationale: We recommend using the text from section 5.6 of CXG 101-2023, which is written more clearly and concisely. The level of detail in this paragraph seems greater than that found in the existing texts on equivalence</i>	This para combines and paraphrase’s text from 101-2023 section 5.6 and text from CXG53-2003 sections 6 & 7 and para 33 of the Appendix.
50. The draft decision document should be provided to 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 of its NFCS 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 parts of the NFCS that were determined not to be equivalent.	USA: Edit Delete whole para ... <i>Comment / Rationale: This paragraph should be deleted. This section is for the final decision. During the assessment process, paragraph 44, the importing country provides the exporting country an opportunity to address any deficiencies identified.</i>	Prefer to retain. Drafting the decision document is a step in the process it is appropriate for discussion to occur that is separate from the assessment process.
	Canada: Edit The importing country should document the draft assessment conclusion and the rationale and provide the draft decision document to the exporting country. The exporting country should be given the opportunity to correct any factual errors and to comment on the draft conclusions. The draft decision document should be provided to the exporting country. The importing country should allow the exporting country to correct any error of fact. In the case where ... <i>Comment / Rationale:</i>	Agree this is a better formulation
	Thailand: Edit – ... draft decision document should be consulted with provided to the exporting country... <i>Comment / Rationale: We propose to retain the original wording “consulted with”, instead of replacing it with “provided to”, as the preparation of the draft decision document should involve a consultative process between importing and exporting countries.</i>	Canada suggestion added
	Indonesia: Edit – Delete last sentence ... correct any error of fact. In the case where ... [delete to end]	Prefer to retain. This is final opportunity to provide additional information and is after the

	<i>Comment / Rational: Indonesia views that the opportunity for the exporting country to address identified issues or areas requiring improvement should be addressed during the assessment process rather than at the stage of the draft final decision. Indonesia also considers that the substance of the third sentence in paragraph 50 is already adequately covered by paragraph 44, which provides the exporting country with an opportunity to address identified issues or areas requiring improvement. Therefore, Indonesia supports deleting that sentence.</i>	completion of the assessment process.
	Australia: Edit The importing country should The provide the draft decision document should be provided to the exporting country. The importing country should allow the exporting country to correct any error ... <i>Comment / Rationale: Not provided</i>	Could use this if Thailand suggestion not used
51. The importing country should review the exporting country's additional information without requiring all aspects of the assessment process not affected by the change to be repeated, so long as the exporting country provides the additional information in a timely manner.	USA: <i>Comment: The United States suggests moving this paragraph to after paragraph 44 where the exporting country has been notified of the deficiencies and is being given an opportunity to correct.</i>	Suggest is appropriate for this to be here – is different part of process to para 44
	Canada: Edit ... assessment process not affected by the change to be repeated, ... <i>Comment / Rationale: This text is unclear - to what change is it referring? It is recommended to delete it.</i>	Edit added
	Indonesia: <i>Comment: Indonesia supports relocating paragraph 51 to immediately follow paragraph 44, as it logically represents the subsequent step in the assessment process. After the exporting country is notified of identified issues and given an opportunity to provide additional information, the importing country's review of such information without repeating unaffected aspects of the assessment naturally follows. Reordering the paragraph improves the flow and clarity of the text.</i>	Suggest this is the right place as this is not part of the assessment process rather its part of finalising the decision document
52. The importing country should document the final assessment conclusions and the associated rationale.		
53. Where the importing country recognises the equivalence of the NFCS or the relevant part of its NFCS, both countries should then discuss how this recognition will affect the requirements for trade in food between the countries.	USA: Edit ... equivalence of the sanitary measure, technical regulation, NFCS or the relevant part ... for trade in food exported from the exporting country. <i>Comment / Rationale: This content of this paragraph is more relevant to Step 7. The United States suggest it be moved to Step 7. A recognition of equivalence would not affect the bilateral movement of food between the two countries, it would only impact the trade in food being exported by the exporting country to the importing count</i>	Phrase to be discussed at Oslo The term traded between the countries is preferred as the recognition is expected to change both what the exporting country and the importing country requires / does as a result.
	Canada: Edit Delete whole para. <i>Comment / Rationale: This is not part of the decision process. It is covered</i>	This is the para immediately before the documentation section so is considered

	<i>in the subsequent section on documentation.</i>	appropriate here and provides an appropriate segway to the next section.
Sept 7: Documenting the agreement	USA: Edit ... Documenting the final determination <i>Comment / Rationale: Step 7 in this document is extremely different from the previous version. We don't understand why this change occurred.</i>	This was discussed in the information provided when this revised draft was circulated in Dec 2025 If change subheading would be to 'Documenting the recognition of equivalence'
54. Importing and exporting countries should document any recognition of equivalence. The documentation should describe how the recognition affects the requirements for trade and the agreed expectations of both countries in respect of implementation, ongoing maintenance, amendment or termination. Suggested content headings for a recognition agreement / arrangement document are provided in Annex 2 .	USA: Edit ... The importing country(ies) should document any recognition of equivalence. The documentation should describe how the recognition affects the requirements for trade and may include expectations of both ... <i>Comment / Rationale: not provided</i>	The documentation needs to be an agreement between both countries as to what both countries have agreed and how it will be implement by both countries eg what the exporting country will do in exchange for what the importing country will do such as will there be certification changes, establishment listing changes, import inspection changes etc
	Canada: Edit ... document any recognition of equivalence reached and how it will be implemented for the trade in food between the countries. The documentation should describe how the recognition affects the requirements for trade and the agreed expectations of both countries in respect of implementation, ongoing maintenance, amendment or termination. Suggested content headings for a recognition agreement / arrangement document are provided in Annex 2. <i>Comment / Rationale: Edit the first sentence to reflect the text of 101-2023 and the June 2025 version, and delete the second part of the first sentence since it is duplicative of information in paragraph 56. Move last sentence to the end of para 57 for logical flow.</i>	See above - but have picked up some of the simpler formulation and the duplication with 54.
55. The recognition of equivalence may for example affect requirements relating to the acceptance of the eligibility of exporting country establishments, changes to certification requirements, expedited port of entry clearance, and enhanced cooperation for resolution of problems.	Canada: Edit ... "changes to certification requirements ..." <i>Comment / Rationale: Should this be "reduction" in certification requirements?</i>	Suggest 'changes' is correct term
56. The documentation should include agreed expectations with respect to ongoing implementation, maintenance and review of the recognition. This may include procedures:	Canada: Edit ... include the importing and exporting countries agreed expectations with respect to ongoing implementation, maintenance, and review, amendment and termination of the recognition. ... <i>Comment / Rationale: Addition of concepts founds in sentence 54 and that do not duplicate existing text.</i>	OK

for notification and review of proposed substantive changes to either country's NFCS requirements that alter the required objectives, related outcomes or level of protection that the recognition is based on;	USA: Edit ... review of proposed changes to either country's sanitary measures, technical regulations, NFCS or part of NFCS that impact the required objectives, related outcomes or level of protection within the scope of the recognition; <i>Comment / Rationale:</i>	Phrase to be discussed at Oslo
	Canada: Edit – Delete bullet <i>Comment / Rationale: Duplicative of para 62, second bullet point.</i>	This section is about the documentation and this bullet is one of the items that should be in the documentation following the assessment process. It is not a duplication, leaving it out of the documentation would make this guidance incomplete and raise confusion as to why this important aspect was not addressed. The next section is about the implementation and maintenance of the equivalence arrangement and it is appropriate that mention is made in that part of the guidance.
for information exchange in the event of a food emergency control situation;	USA: Edit ... food emergency situation <i>Comment / Rationale:</i>	Edit added
to follow in the case of food shipments that are found not to comply with the terms of the equivalence agreement / arrangement; and	USA: Edit ... arrangement or other requirements of the importing country; and <i>Comment / Rationale:</i>	Suggest this is not necessary as the 'requirements' of the importing country are part of the agreement / arrangement.
for terminating the agreement / arrangement should either party is not satisfied that the terms of the agreement / arrangement are being met.	USA: Edit ... / arrangement. <i>Comment / Rationale:</i>	Can remove bullet if 'termination is include in capote of para 56
57. The documentation of the recognition of the equivalence may be completed through an exchange of letters or through the negotiation of a more formal equivalence agreement or arrangement as appropriate.	USA: Edit ... The importing country may document the recognition of equivalence in any way it deems appropriate, which may include through an exchange ... <i>Comment / Rationale: not provided</i>	34-1999 very clearly and repeatedly states it should be an agreement between both participants – refer Pars 23-28. The manner in which recognition is documented should not be a matter for only the importing country to determine.
	Canada: Edit ... arrangement as appropriate. Suggested content headings for a recognition agreement / arrangement document are provided in Annex	Suggest leaving in para 54

	2. <i>Comment / Rationale: The order of paras 57 and 58 should be reversed, for logical flow</i>	
58. As appropriate, the documentation should provide for the scope of the equivalence recognition may be amended by mutual agreement at a later time to cover additional products or processes. In such cases the level and extent of any new submission and assessment required should be discussed and agreed between the importing and exporting countries	USA: Edit ... documentation may provide for the scope of the equivalence recognition to be amended at a later time to cover additional products or processes. In such cases the level and extent of any new submission and assessment required should be discussed between the importing ... <i>Comment / Rationale: The requirements for equivalence are no a negotiation between importing and exporting countries.</i> Canada: Edit ... provide for how the scope of the equivalence recognition may be amended by mutual agreement at a later time to cover include additional products or ... <i>Comment / Rationale: editorial</i> Australia: Edit ... scope of the equivalence recognition may to be amended by ... <i>Comment / Rationale</i>	Prefer to retain as drafted. Discussion and agreement are important part of this provision Not sure that 'how' is necessary – seems a level of detail Edit added
SECTION 7: IMPLEMENTATION AND MAINTENANCE OF EQUIVALENCE RECOGNITIONS	Costa Rica: suggest restructuring Section 7 into clearer sub-sections for ease of use and reference. For example: • 7.1 Implementation of the recognition (covering initial operational steps post-decision). • 7.2 Ongoing Maintenance and Information Exchange (covering paragraphs 59-61, 64) • 7.3 Review and Reassessment (covering paragraphs 62, 63, and 65-66, focusing on triggers and processes for re-evaluation) <i>Rationale: A clearer procedural structure will assist competent authorities, particularly from developing countries, in navigating the post-recognition phase more effectively, ensuring both the longevity and integrity of equivalence arrangements.</i> Canada: Comment Section 7 has been significantly expanded from the previous version. Duplication is found both within the section and with the preceding section. Consideration should be given to merging the section or re-organizing the material to remove duplication, while remaining consistent to the extent possible with text of CXG 101-2023.	CHAIRS COMMENT: Should we be using the terms AGREEMENT / ARRANGEMNT instead of RECOGNITIONS to be consistent with what is actually being implemented which is the documented agreement reached in the preceding section. For discussion in Oslo
59. In implementing and maintaining equivalence agreements / arrangements importing and exporting countries should recognize and allow for NFCS regulatory	USA: Edit ... maintaining equivalence, importing and exporting countries should recognize that NFCS regulatory frameworks, programs and/or oversight activities evolve over time.	Prefer the Australia suggestion

frameworks, programs and oversight activities to evolve over time.	<i>Comment / Rationale: not provided</i>	
	Australia: Edit Maintenance of recognition arrangements/ agreements should allow regulatory frameworks, programs and oversight to evolve over time. OR Both parties should recognize and allow for NFCS regulatory frameworks, programs and oversight activities to evolve over time. <i>Comment / Rationale: Suggest revert to the sentence from the previous draft from June 2025 as it was clearer (Para 51) OR “Both parties should recognize and allow for NFCS regulatory frameworks, programs and oversight activities to evolve over time”</i>	Agree
60. Equivalence recognition agreements / arrangements typically include expectations with respect to ongoing exchanges of information consistent with the maintenance of an appropriate level of experience, knowledge and confidence, including regular technical discussion between experts where relevant.	USA: Edit ... A recognition of equivalence typically includes expectations ... <i>Comment / Rationale: Editorial</i>	Prefer to retain as drafted –using agreement / arrangement has been supported
	Canada: Edit - Delete last part of para ... knowledge and confidence, including regular technical discussion between experts where relevant. <i>Comment / Rationale: Duplicative of the 3rd bullet point of the subsequent paragraph.</i>	Edit added
	Indonesia: Edit – add sentence at end This should be supported by regular dialogue, information exchange and, where appropriate, periodic review mechanisms to ensure the continued relevance and sustainability of the recognition. <i>Comment / Rational: to strengthen the sustainability of equivalence recognition agreements / arrangements. The added sentence clarifies the importance of regular dialogue, continuous information exchange, and, where appropriate, periodic review mechanisms to ensure that equivalence recognition remains relevant, effective, and credible over time. This reinforces confidence between parties and supports the long-term maintenance of equivalence.</i>	Addition included
61. Maintenance and review of recognitions of the equivalence of NFCS or the relevant part of a NFCS may include, as applicable to the scope of the recognition, activities such as:	USA: Edit ... review of recognitions of equivalence may include ... <i>Comment / Rationale: editorial</i>	Suggest prefer to retain
regular provision of summary information on the performance of the NFCS or the relevant part;	USA: Edit ... performance of the sanitary measure, technical regulation, NFCS or the relevant <i>Comment / Rationale: Whole of document edit</i>	To be discussed at Oslo
	USA: Edit	Chairs would appreciate rationale for deleting

advice of and potential review of any proposed significant changes to the legislation or performance measures underpinning the components of either country's NFCS or the relevant part of the NFCS covered by the recognition of equivalence;	... review of any proposed changes to the legislation or performance measures underpinning the components of either country's sanitary measure, technical regulation, NFCS or the ... <i>Comment / Rationale: Whole of document edit</i>	'significant' this removal creates potential requirement that any proposed change to either countries NFCS will need to be advised to the other party -which in turn would limit the ability for a country to evolve and develop their NFCS as circumstances change. Retaining 'significant' would mean that only changes that materially impact the equivalence arrangement would need to be advised.
	Canada: Edit Advice -notification of and potential <i>Comment / Rationale:</i>	Agree
regular technical discussions between relevant experts; and		
intermittent country visits or technical exchanges so as to maintain the currency of experience, knowledge and confidence.¹⁰	USA: Edit ... country visits or technical exchanges ... <i>Comment / Rationale: not provided</i>	Prefer to retain
Footnote 10: See Section 1(2) of the Annex to CXG 26-1997 (Principles and Guidelines for the Conduct of Assessments of Foreign Official Inspection and Certification Systems)		
62. The importing and exporting countries should also discuss and agree on what level of change to the importing or exporting country's NFCS or other change in circumstances should be provided to the other country and when a review of the recognition of equivalence may be required. Generally, recognition agreements / arrangements continue to apply while any such reassessments are progressed, unless there is an increase in the risk to the health of consumers. Such changes may for example include a:	Japan – Edit – add text to 2 nd sentence ... Generally, recognition agreements / arrangements continue to ... unless there is, or is suspected to be, an increase in the risk to the health of consumers. Such changes <i>Comment / Rationale: Japan would suggest including cases where there is suspicion of a risk to consumer health.</i>	Chairs would appreciate Japan providing a rationale for this suggested amendment.
	USA: Edit ... countries should also discuss the types of change to the importing or exporting country's sanitary measure, technical regulation, NFCS or part of NFCS, or other change in circumstances, such as resources, should be provided to the other country and when a review of the recognition of equivalence may be required. Generally, the recognition of equivalence should continue to apply while any such reassessments are progressed, unless the change presents a risk to the health ... <i>Comment / Rationale: editorial and also related to general comments</i>	The Chairs suggest we stay with the original which is crafted to capture three separate concepts which need to be covered by the chapeau as they are then explicitly expanded on in the bullet points: 1) the exporting country changes or proposes to change its controls; 2) the importing country changes its objectives e.g. its level of protection; or 3) the exporting party doesn't change its NFCS or relevant part but the performance of it is found wanting. Including the element of agreement is a key principle and should be retained.

	Canada: Edit ... the health of consumers. Such changes may for example include a: <i>Comment / Rationale: It is recommended to delete the examples. The text already provides for review of the equivalence should there be a change in the NFCS.</i>	Comment and discussion at CCFICS have repeatedly asked for examples to be included
	Thailand: Edit – ... unless there is an significant increase in the risk ... <i>Comment / Rationale: We propose adding the word “significant” in the last sentence to emphasize that the discussion and review mentioned in the paragraph should be conducted only where the risk to consumer health increases significantly.</i>	Suggested this is not needed as the bullet points already address this
	Indonesia: <i>Comment:</i> Indonesia supports the inclusion of “suspicion of a risk to consumer health” as a condition for triggering the suspension of recognition agreements / arrangements, as it enhances the ability the importing country to respond promptly to food safety risks. At the same time, Indonesia emphasizes that such suspicion should be based on objective evidence, verifiable grounds, including scientific evidence or official international alert systems, to prevent arbitrary or unilateral use that could create unjustified barriers to trade.	Note – have asked for Japan to explain their reasoning for this suggestion
	Australia: <i>Comment:</i> This paragraph and point two still requires clarification. Importing countries might consider a ‘sustained drop in the level of protection of the health of consumers’ to be an ‘increase in the risk to the health of consumers’. A sustained drop in level of protection is still likely to prompt urgent action.	
substantive change to the level of protection of the health of consumers or fair practices in the food trade required by the importing country	USA: Edit ... in the food trade in the importing country <i>Comment / Rationale: not provided</i>	This edit changes the meaning
	Canada: Edit Delete examples <i>Comment / Rationale: As above</i>	Previous comments and discussion at CCFICS have noted that examples are useful
	Thailand: <i>Comment</i> From our general comments, given that the term “level of protection” is used in several parts of the document, it is recommended that an explanation should be provided to clarify that it refers to the “level of protection of consumer health or fair practices in the food trade”.	
sustained drop in the level of protection of the health of consumers or fair practices in the food trade achieved by the exporting country	USA: Edit ... drop in the level of protection of the health <i>Comment / Rationale: not provided</i>	
	Canada: Edit Delete examples <i>Comment / Rationale: As above</i>	Previous comments and discussion at CCFICS have noted that examples are

		useful
	Australia: Comment: <i>[See above para 62 comment]</i>	
proposed significant change to the underpinning legislative base or operational elements of the exporting country's NFCS or relevant part of its NFCS as previously evaluated	USA: Edit ... proposed change to the underpinning ... the exporting country's NFCS or relevant part of its NFCS within the scope of the recognition of equivalence <i>Comment / Rationale: not provided</i>	
	Canada: Edit Delete examples <i>Comment / Rationale: As above</i>	
63. Audits, where they occur, should focus on how the exporting country's NFCS or the relevant part of the NFCS recognized as equivalent is continuing to be effectively applied. Where deficiencies are found in how the exporting country is applying those areas of its NFCS that have been recognized as equivalent, the countries should agree on appropriate corrective actions.	USA: Edit ... Visits or audits, where they occur, should focus on whether the exporting country's NFCS ... effectively applied. Where deficiencies are identified, the importing country should notify the exporting country of these deficiencies and provide the exporting country the opportunity to submit appropriate appropriate corrective actions. <i>Comment / Rationale: editorial</i>	Agree with whether If it is a critical assessment with potential consequences, then it is an audit. The deficiencies have to be with regard to what the exporting country said it was doing so suggest the expanded original text is clearer in meaning.
	Canada: Comment <i>We would recommend deleting this para. Para 65 indicates that Audits should reflect CXG26-1997.</i>	
64. The importing and exporting countries should cooperate where instances of non-complying product or export documentation are found. Consistent with the scope of any recognition, but excepting those situations where urgent actions may be justified, the exporting country should be allowed to apply corrective actions to its own NFCS or the relevant part of its NFCS and appropriately inform the importing country rather than the importing country implementing additional requirements.	USA: Edit ... importing country should notify the exporting country when the importing country identifies instances of product or documentation that do not meet the terms of the equivalence agreement. Consistent with the scope of any recognition, but excepting those situations where urgent actions may be needed, the exporting country should identify any needed corrective actions and be given time to implement tem. As appropriate, the importing country should take the exporting country's actions into account when considering whether additional import controls are necessary. <i>Comment / Rationale: The United States disagrees with the construct of this paragraph. While transparency from the importing country is important, the importing country has a responsibility to ensure its LOP or technical requirements are met. We have included proposed edits.</i>	Prefer to keep the original and consider any small changes to improve readability. Instances of non-compliance can be found by either country pre-export, post export but pre-entry into the other country, on entry or even post entry. This sentence is not meant to be about non-compliance by the competent authority but more about the identification of exporter non-compliances. The intent is to emphasise the desirability of enhanced cooperation and the exporting country taking appropriate actions within its own country to prevent reoccurrences rather than automatically defaulting to punitive actions imposed by the importing country.
	Canada: ...Comment <i>para 64 is very detailed, and seems to overlap to some extent with the third</i>	See above

	<i>bullet of para 56. Is this level of detail needed in the text on equivalence?</i>	
65. 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 reflect the principles and guidelines developed by CCFICS ¹¹ .	USA: Edit ... The agreement / arrangement may include expectations with respect to the type and frequency of any visits or audits. Generally, such visits or audits should reflect the principles ... <i>Comment / Rationale: editorial</i>	Simple equivalence recognitions eg use of different methodology may not require any audit and may just be associated with information exchanges hence the phrase "Where appropriate" See previous comments re visits.
	Canada: Edit ... reflect Codex principles and guidelines ¹¹ <i>Comment / Rationale: editorial</i>	Edit included
	Australia: Edit ... of any ongoing requirement for information exchange or audits. Generally, such audits arrangements should be mutually ... <i>Comment / Rationale: It is not always necessary to rely on audits. This paragraph should be expanded to include alternative tools for information exchange to demonstrate ongoing equivalence. This para should be placed before 63.</i>	Edit includef
Footnote: 11 Annex to CXG 26-1997		
66. These audits should focus on how the exporting country's NFCS is continuing to assure the sanitary measure, technical regulation, NFCS or the relevant part of the NFCS, as recognized as equivalent are continuing to be effectively applied.	USA: Edit Delete whole paragraph <i>Comment / Rationale: The United States suggests deleting this paragraph as it is duplicative.</i>	Agree
	Canada: Edit Delete whole para <i>Comment / Rationale: Duplicative of the first sentence of para 63</i>	
	Australia: Edit Suggest delete [whole para] <i>Comment / Rationale: as it is repeated from paragraph 63.</i>	
Annex 1: Flow Diagram		
Figure 1: Equivalence of National Food Control Systems Overall Process		
Simplified flow chart for recognition and maintenance of equivalence of the whole or a part of NFCS (individual steps may be iterative)	Thailand: <i>Comment</i> <i>We propose that the step headings in Annex 1: Flow Diagram should be revised to be consistent with the content and terminology used in the main text</i>	Will review once finalised
	USA: Edit ... Document decision criteria for assessment (Step 3) <i>Comment / Rationale: editorial</i>	Edit included

Annex 2:		
Content of an Equivalence Recognition Document	Costa Rica considers that while the annex provides a very useful checklist, it lacks a specific provision for a consultative mechanism to address issues or misunderstandings arising during the implementation of the agreement/arrangement. We suggest adding a new sub-point under (h),	Agree will review
<i>Note: the specific language used will depend on whether the equivalence recognition is a cooperative arrangement between the relevant competent authorities or a treaty level agreement between the governments of the two countries.</i>		
The following information may be included, as appropriate:		
(a) Title: The name given to the agreement/arrangement may vary, depending on the preferences and legal requirements of the parties.		
(b) Parties / Participants: The name of the entities entering into the agreement/arrangement.		
(c) Purpose: A brief statement of the specific purpose of the agreement/arrangement.		
(d) Scope: Identification of the products and measures that are the subject of the agreement/arrangement.		
(e) Definitions: Definitions of terms used in the agreement/arrangement, as needed. Where possible, definitions in WTO and Codex documents should be used.		
(f) Principles: The collectively agreed principles that will apply to the administration of the agreement/arrangement.		
(g) Equivalence finding: A statement of the specified measures, NFCS or relevant part that have been recognised as equivalent and the effect this has on the requirements for trade for the exporting country for products / measures within the scope of the agreement/arrangement.	USA: Edit ... relevant part that have been found to be equivalent by the importing party(ies) to the agreement.. <i>Comment / Rationale: not provided</i> Canada: Edit ... of the specified sanitary measures, technical regulations, standards, conformity assessment procedures, NFCS or relevant ...	Extended phrase for discussion at Oslo

	<i>Comment / Rationale: This term is no longer used in the text.</i>	
(h) Administrative Provisions / Intentions: A description of each participant's intentions and specific responsibilities with respect to the ongoing implementation and maintenance of the agreement/arrangement. These may include, for example:	USA: Edit ... Provisions: Processes and a description of each participant's responsibilities with respect to the implementation ... <i>Comment / Rationale: not provided</i>	Agree
(i) Liaison channels		
(ii) Information exchange		
(iii) Meeting and consultation provisions		
(iv) Audit and verification		
(v) Notification provisions		
(vi) Reassessment criteria		
	Costa Rica: We suggest adding a new sub-point under (h), for example: vii. Consultative and problem-solving mechanisms: Description of procedures for timely consultation and joint problem-solving to address issues related to implementation, compliance, or interpretation of the agreement/arrangement. <i>Rationale: Including this element proactively encourages cooperative conflict prevention and resolution at a technical level, which is within the Codex spirit of cooperation. It helps maintain the equivalence arrangement without needing to escalate to formal trade dispute channels outside the Codex mandate.</i>	Consider adding to (iii) above
(i) Emergency measures: The notification, cooperation and cooperation provisions that will apply should one Party / Participant need to adopt an emergency measure.		
(j) Review, modification and termination: The methods for the review, modification and termination of the agreement/arrangement.		
(k) Entry into effect: The date on which the provisions of the agreement/arrangement enter into effect.		
(l) Signature panel: Dates, signatures, names, titles and country / competent authority committing the respect governments or competent authorities to the agreement/arrangement.	USA: Edit ... country / competent authority to the agreement/arrangement <i>Comment / Rationale: not provided</i>	Agree

