

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Items 4, 5, 6 and 8

CRD12

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION
AND CERTIFICATION SYSTEMS
Twenty-Fifth Session
Virtual, 31 May – 8 June 2021**

Comments from the African Union (AU)

**AGENDA ITEM 4: CX/FICS/20/25/4
DRAFT PRINCIPLES AND GUIDELINES FOR THE ASSESSMENT AND USE OF VOLUNTARY THIRD
PARTY ASSURANCE (vTPA) PROGRAMS.**

Position

African Union thanks United Kingdom and the two co-chairs Canada and Mexico for leading work on draft Guidelines for the assessment and use of voluntary third-party assurance (vTPA) programmes. AU recognizes the work accomplished so far, in the context of the assessment and use of vTPA, for the strengthening of National Food Control Systems. AU in principle support advancement of the draft principles and guidelines in the Codex step process. Below are specific comments to further improve the document.

Issue: Section D: Principle

Principle 8 Rights and obligations - In developing an appropriate approach to make use of vTPA programme conformity information/data, competent authorities should ensure that their approach is consistent with applicable international rights and obligations.

Position: AU does not support the wording “applicable international rights and obligation” and recommends that it be deleted. This phrase is ambiguous and subject to different interpretation. Besides, there is no precedent in other Codex texts for including reminders on the international rights and obligations of Codex Members

Issues

E: Roles, responsibilities and relevant activities

1) Competent Authorities: Point (f)

Comment

AU proposes a new wording as follows: ...The Competent Authority should recognize **and manage** potential conflicts of interest and their impact on the reliability of the information/data of the vTPA programme.

Rationale

Recognizing conflict of interest alone is not enough. Deliberate measures are needed to manage the potential conflict of interest. We think that is in the

Issue

E: Roles, Responsibilities and Relevant activities

1) Competent Authorities: Point (g)

Comment

AU supports the revised text (**Option 2**), but without including “**appropriate**”. AU proposes the following amendment to option 2:

.....g. Should **ensure and** maintain the ~~appropriate~~ confidentiality of information/data shared by the vTPA owner, according to the legislative framework of the country.

Rationale

African Union considers that the term "appropriate confidentiality" is vague and will create confusion. Besides, appropriateness will be defined based on the legislative framework of the country hence there is no need to include it in the requirement.

Issue

E: Roles, responsibilities and relevant activities

2) FBOs, Point d

Comment

AU recommends revision of the point d as follows:

.....FBO owns the information/data generated by the vTPA programme and **ensure it is credible**

Rationale

FBOs are responsible for the reliability and credibility of the information/data generated by the vTPA programme.

Issue

E: Roles, responsibilities and relevant activities

3) Voluntary Third-Party Assurance Owners - Point h

AGENDA ITEM 5: CX/FICS 18/24/5 PROPOSED DRAFT GUIDANCE ON PAPERLESS USE OF ELECTRONIC CERTIFICATES (REVISION TO CXG 38-2001 CX/FICS 20/25/5)**General comments**

The AU continues to support the proposed draft guidance for design, production, issuance and use of generic official certificates to accommodate issuance of paperless/electronic certificates. AU notes that the proposed guidance document for implementation of paperless electronic certification is not intended to mandate the compulsory use of electronic certificates for food presented for international trade or to diminish the trade facilitating role of commercial or other types of certificates, including third party certificates that are not issued by, or under the authority of, the government of the exporting country.

Regarding the concept of single window, paperless exchange, AU calls for flexibility to allow countries to select or develop the most suitable and adaptable model taking into consideration peculiarities and their specific needs.

Issue

Definition:

Comment

The AU recommends rephrasing the definition above to read thus;

Paperless exchange of official certificates is the act of competent authorities or certifying bodies under the **jurisdiction** of the competent authorities providing and receiving the certificate information and attestations together with the certificate data set in electronic form and including the storage of such certificates.

Rationale

In the context of trade between two countries, only the competent authorities should be empowered to provide and / or review information, certification bodies can only do so under the supervision/cover of the competent authority

Issue

Section 9, Principle G Revocation of certificates Para 48

Comment

AU seeks clarification on the following issues:

1. The meaning of "errors" in the electronic certificate as indicated in para 48

Issue

Annex II: Paperless exchange of official certificates, Section 1 – Introduction, Para. 3

Comment

AU recommends rewriting the para to read “The Codex generic model official certificate (Annex 1) **or any equivalent model** is transposed into a generic reference model for application in **information/data** exchanges in accordance with international **or regional** standards”.

Rationale

- Gives countries more flexibility to use other equivalent models;
- The term "independent" is an unnecessary adjective and can lead to confusion;
- The term “information/data” is more suitable than the term “message”;
- Makes it possible for regional standards to also be followed

Issue

Annex II: Section 3 - Definitions

- Electronic official certificate
- Electronic signature
- Non-repudiation service

Comment

- AU proposes the following modifications (highlighted) in the definition of the Electronic official certificate:

...is the digital representation (including images where necessary) of the wording, **information/data** describing and attesting to attributes of a consignment of food destined for international trade, transmitted by authenticated and secure electronic means from the exporting country's competent authority to the importing country's competent authority. **Electronic official certificate is considered as an original certificate.**

Issue

Annex 1

Comment

AU is of the opinion that the dematerialization process is to migrate the certificate currently exchanged in paper format (generic model of official certificate of CXG 38-2001) to electronic format. This is considered only a change in the way of exchanging certificate. AU therefore seeks further clarification with regards to the following;

- a. The alignment between the paper and paperless certificates and what that will mean for the transition period.
- b. Will some of the under listed items in the document annex I : generic model official certificate template be added to the paper certificate or will they only be applicable to the paperless or will they be optional on the paperless.

- Consignee/Importer
- Conditions of transport
- Intended purpose

- c. Will countries be given the necessary time to initiate this transition and will the exports of these countries not be impacted by the failure to switch to electronic certificates?

AGENDA ITEM 6 - CX/FICS/20/25/6

PROPOSED DRAFT GUIDELINES ON RECOGNITION AND MAINTENANCE OF EQUIVALENCE OF NATIONAL FOOD CONTROL SYSTEMS (NFCS)

Position

AU is of the opinion that this work will be helpful for national authorities, including developing countries, and will also help to ensure fair practices in food trade. However, there's need to address the conflicting areas as it affects SPS and TBT measures. The primary objective of protection of health of consumers should be considered paramount throughout the text. AU also recommends development of practical examples for some

NFCS elements and their associated objectives, decision criteria, outcomes, and indicators. This will help improve understanding of this document.

Issue

SECTION 4 – PRINCIPLES

Issue

5.1 STEP 1: INITIAL DISCUSSIONS, SCOPE AND DECISION TO COMMENCE –

Decision whether to commence, Point 23 biz

Question 1: Should further examples of possible decision criteria be included in this guideline in addition to what is currently in Footnote 18?

Question 2: If so, should this be in the main text or added to the footnote and what do you suggest as further examples?

Position

Q1: Yes for more clarity

Q2: It's better to put them in the footnote for clarity.

Examples:

1. Microbiological Verification Testing Results
2. Pathogen Serotype Data (i.e. Salmonella)
3. In-plant Inspection Results
4. Official sanitary approval of food factories
5. Competent Authority enforcement Reporting Database
6. Food Safety Recalls
7. Foodborne Disease Investigation Database

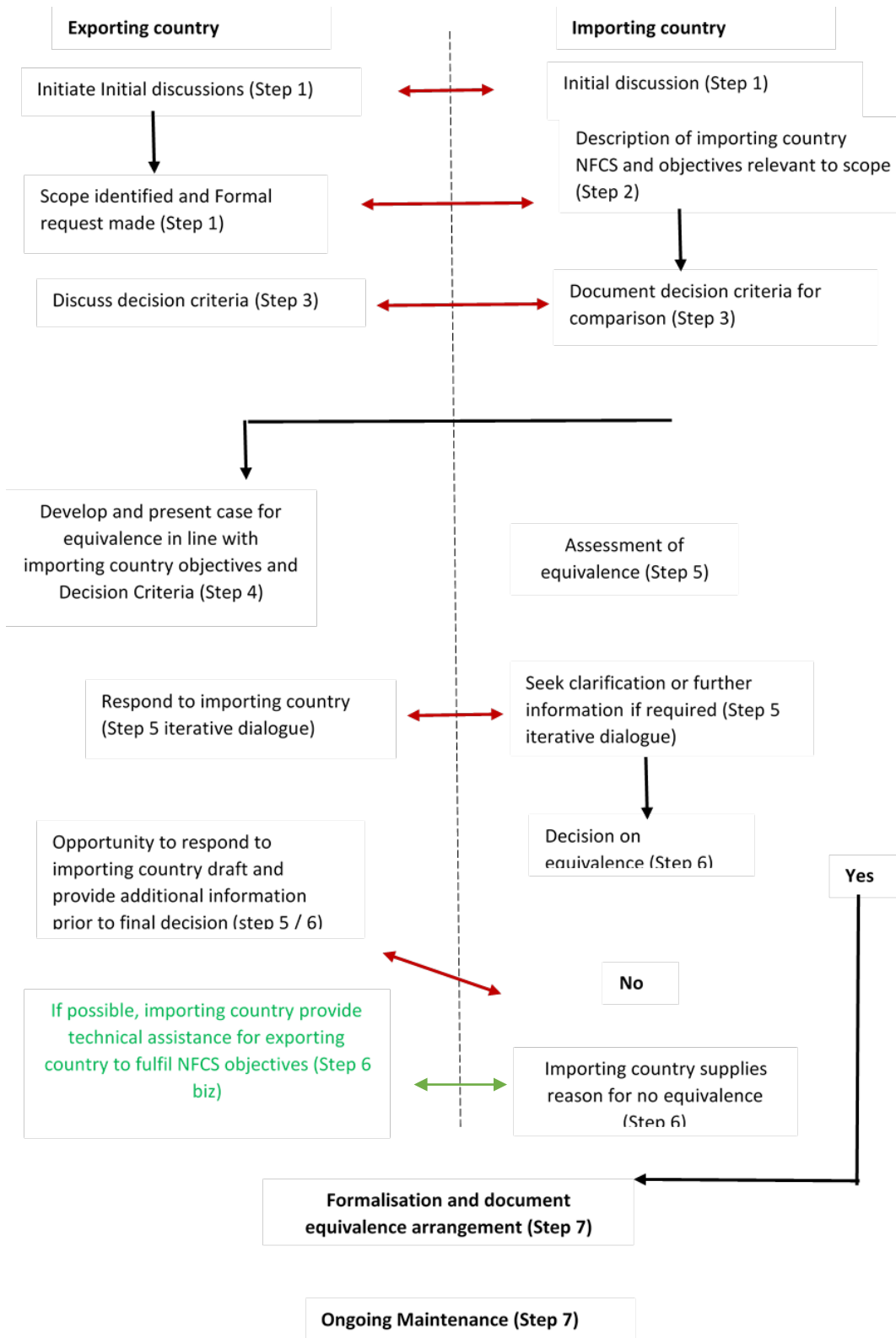
Issues

Figure 1: Equivalence of National Food Control Systems Process

Comment

AU proposes to add a new step (step 6 biz) in the flowchart shown in Figure 1: Equivalence of National Food Control Systems Process

(See Fig. 1 below)



Rationale

This new step is to emphasize the importance of the provision of technical assistance, where possible, by the importing country to the exporting country to fulfil the NFCS objectives.

AGENDA ITEM 8: CX/FICS 20/25/8: DISCUSSION PAPER ON THE ROLE OF CCFICS WITH RESPECT TO TACKLING FOOD FRAUD**Position**

AU supports the new work on developing guidance on food fraud and agrees with the eWG that this work should include:

1. Definitions for key food fraud terms;
2. Roles and responsibilities of industry and government entities when addressing food fraud;
3. Guidance on how countries can modernize their national food control systems to address food fraud,
4. Identification of technology and tools, countermeasures and controls that can be used by competent authorities and industry to detect acts of fraud.