



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION  
SYSTEMS**

**Twenty-seventh Session**

Cairns, Australia

**16 – 20 September 2024**

**PROPOSALS FOR NEW WORK RELATED TO THE EMERGING GLOBAL ISSUES**

**PART 1 - DISCUSSION PAPER ON ESTABLISHMENT LISTING**

(Proposed revision to the *Principles and guidelines for the exchange of information between importing and exporting countries to support the trade in food* (CXG 89-2016) to develop principles and guidelines to harmonise the use (the drivers), development (content and format) and implementation (mechanisms including digitalization) of establishment listings)

(Submitted by Norway)

**1. Introduction**

Most trade in food occurs without countries requiring an exchange of information on their national food control systems (NFCS)<sup>1</sup>. However, in recent years, there has been an increase in the information demands to gain confidence in the trade of food and food stuffs. Competent authorities (CA) gather this information using various tools, such as audits, import testing, questionnaires, certificates, and establishment and product listings.

Requirements for establishment and product listings by importing country authorities are becoming more common, especially to ensure that establishments meet specific safety, quality, and regulatory standards set by the importing country's CA.

A basic principle regarding information sharing, is to require information once, and this principle is widely agreed. With reference to the development of Single Windows, it is underlined that there is a need for reducing the burden for multiple information sharing. In this context, it would be beneficial to discuss what information should be required to provide the necessary assurances to importing countries, as well as ways of supporting timely and meaningful information exchange.

The listing requirements can be extensive, and are often resource demanding, entailing increased costs for CAs and food business operators (FBOs) in exporting countries. The information to be provided and the submission processes vary with the requesting CA and may include information requirements varying from regulatory oversight to production and processing information for individual products.

Additionally, there are difficulties in keeping government to government reporting lines intact and keeping lists up to date. Outdated listing information might lead to potential problems at the border, again leading to unnecessary barriers to trade. Different formatting of the lists (forms) also results in work intensive difficulties when providing information. The current situation is labour-intensive for both exporting and importing countries as many listing portals operate in isolation of exporting countries' systems.

This document identifies points for discussion related to the development of Codex principles and guidelines to harmonise the use (the drivers), development (content and format) and implementation (mechanisms including digitalization) of establishment listings.

Developing Codex principles and guidelines for establishment listings, should not result in increased requirements for such lists. On the contrary, the purpose is to facilitate harmonized, streamlined, and timely information sharing when such lists are justified. This should decrease the requirement for burdensome data gathering, contribute to saving time and money, ensuring updated information is readily available for trading partners, and consequently facilitate trade in safe food.

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<sup>1</sup> CXG 89-2016

## 2. Background

In 2016, Codex adopted the *Principles and guidelines for the exchange of information between importing and exporting countries to support the trade in food* (CXG 89-2016), and it would be timely to revisit the discussion on exchange of information related to trade in food, especially related to the use of establishment listings.

A gap analysis is provided in Annex 1: Approved establishment lists are mentioned several times in existing documents, without providing necessary guidance on the content, format, roles, responsibilities, and interoperability of establishment lists.

When discussing principles and guidelines regarding the practical use of establishment listings, a discussion on the necessity and purpose of such listings. To get a better understanding of existing CCFICS guidance (where establishment lists are mentioned), an overview focusing on objective and purpose, is provided in Annex 2.

## 3. Discussion

The increased requests for data in food trade, leads up to the development of more and more different systems for information sharing and not always based on food safety and associated risks. In particular, the request for establishment listings have increased and more countries are developing different listings and systems for the exchange of information.

These listings have evolved from simple lists including name, approval number, address, and product category, to lists requiring extended information exchange underpinned by submissions with for example HACCP plans, flow charts for processing lines, labels, and product descriptions.

Importing and exporting countries have different interests. While each exporting country would prefer one system over multiple, each importing country prefer their own system to be used by all exporting countries. Therefore, different systems are developed, and the mechanisms for exchanging information vary, from paper-based systems to on-line solutions and e-mails.

The fact that different measures may lead to the same outcome does not always seem to be acknowledged. Furthermore, in many instances it is referred to national requirements, even if these requirements are not so readily available for the exporting country. This complicates and delays the information exchange.

In certain circumstances the request for information goes beyond the responsibility of the NFCS of the exporting country and should be directly required from the establishments themselves, rather than from the CA. The required information does not always seem related to food safety, and sometimes it is difficult to understand the reasoning for the required information.

As establishment lists require a lot of resources and includes different stakeholders, short deadlines can reduce the quality of the list. There is often a lag in time between updates sent from the exporting country to actual updating in the importing country, leading to outdated information in the establishment lists and undue delays in adding eligible establishments.

Furthermore, when delisting of establishments are required, this can lead to barriers to trade at the border, as the delisting is given immediate effect in some importing countries and import of products produced prior to the date of the delisting, are sometimes refused.

An element which easily could be improved, is the publication of establishment lists. Information on regulation and approved establishments from the CAs in exporting countries is often readily available through their webpage, and this information is frequently updated. Likewise, the importing country lists should be published through importing country's webpage. This could facilitate information exchange in a more timely and resource effective manner.

Finally, the administrative burden is high, and not always justified with a clear enhanced food safety outcome. As such, it might be seen as a barrier to trade. Increased trust in NFCS between CAs in importing and exporting countries can lead to harmonized and less burdensome systems for exchange of information to support trade, resulting in less requests for establishment listings. Furthermore, acknowledging that different systems may meet the same objectives, should provide a possibility for more efficient dialogue, predictable timeframes and a reduction in the need for different establishments lists and requests for different and expanded establishment information.

## 4. Proposal for new work

Explore the drivers for requesting extensive information and whether the drivers and type of information required has changed since the development of existing guidance, particularly CAC/GL 89-2016, *Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food*. The objective is to consider whether CAC/GL 89-2016 is still relevant, and whether there is a

need to review/update the guideline, as well as consider whether an annex may be required for establishment listings.

Based on the above, and taking account of existing guidance (remote audits, certificates, equivalence etc), revise CXG 89-2016 and develop principles and guidelines to harmonise the use (the drivers), development (content and format) and implementation (mechanisms including digitalization) of establishment listings, in order to support timely and meaningful information exchange to provide the necessary assurances to importing countries to confirm safe food is being produced and exported by an establishment. This would contribute to saving time and money, ensuring updated information is readily available for trading partners, and consequently facilitate trade.

## **5. Recommendation**

It is proposed that CCFICS27 considers the new work proposal in the **Appendix** of this document.

## Annex 1

**Gap analysis - An overview of relevant CCFICS texts and paragraphs below.**

Approved establishment lists are mentioned several times in existing documents. However, the references are vague and give no guidance on the content, format, roles and responsibilities and the exchange of information between systems (interoperability between systems) of such establishment lists. Principles and/or criteria that address the following questions are also lacking: Are such listings necessary and what is their purpose? What is the objective that is being served?

List of provisions in CCFICS texts related to establishment listing<sup>2</sup>:

***Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems*** ([CXG 26-1997](#), paragraphs 15 and 22)

15. Agreements on the recognition of equivalence of inspection and certification systems may include provisions concerning:

- the legislative framework, control programmes and administrative procedures;
- contact points in inspection and certification services;
- demonstration by the exporting country of the effectiveness and adequacy of its enforcement and control programmes, including laboratories;
- where relevant, **lists of products or establishments subject to certification or approval**, accredited facilities and accredited bodies;
- mechanisms supporting continued recognition of equivalence, e.g. exchange of information on hazards and monitoring and surveillance

22. Legislation may also include provisions as appropriate for the registration of establishments **or listing of certified processing plants**, establishment approval, licensing or registration of traders, equipment design approval, penalties in the event of non-compliance, coding requirements and charging of fees.

***Guidelines for the Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems*** ([CXG 34-1999, paragraph 25](#))

25. The participants in the agreement should discuss and decide whether the equivalence agreement should include provisions for the use, in addition to or in lieu of certificates, **of a list of establishments, which have been shown to be in compliance with the exporting country's equivalent control measures**. The importing country can use this list of establishments to monitor imported shipments. The exporting country would be responsible for providing the list, and updates when appropriate, to the importing country. The importing country retains the right to refuse imports from an establishment and to arrange with the exporting country the removal of an establishment from the list, providing reasons for its action.

***Guidelines for Design, Production, Issuance and Use of Generic Official Certificates*** ([CXG 38-2001](#), paragraphs 3, 12, 13)

3. These guidelines recognize that while official certificates may help importing countries to achieve their objectives relating to food safety and ensuring fair practices in the food trade there may also be other approaches, which can complement or substitute for official certificates, **e.g. establishment listing**.

12. **In some circumstances, an importing country may agree to accept from an exporting country a listing of establishments that meet the specific requirements of the importing country. This listing may be used to accomplish the same objectives as consignment-by-consignment certificates, recognizing that the importing country may still need additional information (e.g. mode of transport) for each consignment.**

13. **The mechanisms and criteria for establishing, maintaining and reviewing such lists should be made transparent by the exporting country and agreed to by the importing country.**

***Guidelines for Food Import Control Systems*** ([CXG 47-2003](#), paragraph 34)

**Information exchange**

34. Food import control systems involve information exchange between competent authorities of exporting and importing countries. The information may include:

- requirements of food control systems;
- “hard copy” certificates attesting to conformity with requirements of the particular consignment;

<sup>2</sup> *Guidelines on recognition and maintenance of equivalence of NFCS* (CXG 101-2023) has not been reviewed.

- electronic data or certificates where accepted by the parties involved;
- details about rejected food consignment, such as destruction, re-exportation, processing, re-conditioning or redirection of consignment for uses other than human consumption;
- list of establishments or facilities that conform to importing country requirements

***Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food*** ([CAC/GL 89-2016](#), paragraph 7)

## 7. Information exchange content

To facilitate the possible provision of information to multiple importing countries, exporting countries may develop standardised responses to describe the relevant components of their NFCS in so far as they relate to food safety and/or fair practices in the food trade. Possible standard responses include:

- a. Legislative or administrative framework;
- b. Competent authority capability, resourcing and organizational design;
- c. Roles and responsibilities of all relevant parties;
- d. How the independence and credibility of the competent authority responsible for certification is maintained;
- e. Relevant administrative policies and procedures;
- f. Official controls and standards;
- g. Verification programmes;
- h. Enforcement and compliance programmes;
- i. Laboratory capacity and capability;
- j. Emergency preparedness and response and recall systems;
- k. Training and competency assessment requirements;
- l. Monitoring and system review;
- m. Criteria for registering and approving specific food business operators, including where such lists may be available.

Importing countries should exercise flexibility with respect to the format of information received from exporting countries; focus on whether the content of the submissions provides necessary assurances, and **only request additional information in response to gaps or risks not addressed.**

There are also elements of this text which, although do not specially mention listing, would be applicable to the process. For example;

4.2 The competent authorities of the importing and exporting countries, in the process of exchanging information and the associated assessment of the relevant component(s) of a NFCS, should:

- a) **not impose an outcome, a standard or a process in excess of what is being applied within the importing country without justification;**
- b) recognize that the relevant component(s) of NFCS may be designed and structured differently while still meeting the same objectives or outcomes;
- c) **recognize the official controls, assessments and approval mechanisms already in place in the exporting country.**

## 5. Principles

The following principles should apply to the exchange of information and/or the associated assessment process:

- a) Be between the relevant competent authorities of the exporting and importing countries.
- b) Be appropriately transparent, structured, focused, interactive and timely.
- c) Be in English or a language mutually agreed between the importing and exporting countries. d) In addition to other means, allow for and promote electronic transmission, including the ability to appropriately reference information already supplied or that may be readily available online.

- e) Recognize existing experience, knowledge and confidence already gained or possible to extrapolate from assessments by other countries or international organizations.
- f) Not require the submission of commercially sensitive information for specific food business operators unless essential to assess the public health objective, in which cases, it should be protected from inappropriate use or disclosure to other parties.

## 6. Process

The importing country should, to the extent possible:

- a) Clearly outline the information required, why it is required, and the process and methodology to be followed, including timelines.
- b) On request, make itself available to discuss what information may already be available from previous exchanges, publications or existing knowledge, confidence or experience and what further information may be necessary from the exporting country to fill information gaps.
- c) Provide in writing a clear description, with appropriate references, containing the objectives, core elements and key operational performance characteristics of the relevant component(s) of its own NFCS, to assist the exporting country to understand and respond to the importing country's information requests.
- d) As far as practical, and especially where consistent with the relevant Codex guidance, allow exporting countries to describe the relevant component(s) of the NFCS that is in place in their country and how it meets the objectives and outcomes required by the importing country.
- e) Focus its information exchange request and assessment on whether the relevant component(s) of the exporting country's NFCS achieve(s) the objectives and outcomes as required and achieved by the importing country's system.
- f) Engage with the exporting country where additional information or clarity is needed so as to ensure any assessment process can be concluded in a timely manner.

## Annex 2

**An overview focusing on objective and purpose, in existing CCFICS guidance, where establishment lists are mentioned**

**CXG 26-1997**<sup>3</sup>, provides a framework for developing import and export inspection and certification systems, aiming to help **build confidence between trading partners and facilitate fair trade**. Application by governments of the guidelines presented in the document should **help build and maintain the necessary confidence in the inspection and certification system of an exporting country** and facilitate fair trade, taking account of the expectations of consumers for an appropriate level of protection. The guidelines mention establishment lists as an element which, where relevant, could be included in equivalence agreements, as well as in the legislation, as appropriate.

**CXG 34-1999**<sup>4</sup> provides practical guidance for governments desiring to enter into **bilateral or multilateral equivalence agreements concerning food inspection and certification systems**. The guidelines suggest that the need for establishment lists should be discussed during the consultative process for equivalence agreements. They also provide some guidance on the use of lists, stating that the importing country can use them to monitor imported shipments, while exporting country is responsible for providing the list and updates to them, when appropriate.

**CXG 38-2001**<sup>5</sup> addresses the design, production, issuance, and use of official certificates, mentioning establishment listings as **a complement or substitute to certificates in certain circumstances**. The guidelines provide that the listing criteria should be made transparent by the exporting country and agreed upon by the importing country, but does not specify which information should be required, other than that the list should contain establishments which meet the importing country's requirements.

**CXG 47-2003**<sup>6</sup> outlines a framework for developing and operating import control systems to protect consumers and facilitate fair food trade, while avoiding unjustified technical barriers to trade. In these guidelines, it is suggested that information exchange may include lists of establishments that meet importing country requirements. Furthermore, the guidelines provide that if a product registration system exists or is implemented, **a clear rationale should exist, and imported and domestic products should be treated in the same or equivalent manner**.

**CXG 89-2016**<sup>7</sup> addresses information exchange between competent authorities of importing and exporting countries to **assess components of the exporting country's NFCS of certain products prior to initiation or maintenance of trade**. Amongst others, the guidelines provide for the exporting country to develop standardized responses to facilitate responses to multiple countries, including criteria for registering and approving specific food business operators, where such lists may be available. The guidelines also state that importing countries should exercise flexibility with respect to the format of information received from exporting country, focus on whether the contents of the submissions provide necessary assurances, and only request additional information in response to gaps or risks not addressed.

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<sup>3</sup> *Guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems (CXG 26-1997)*

<sup>4</sup> *Guidelines for the development of equivalence agreements regarding food import and export, inspection and certification system (CXG 34-1999)*

<sup>5</sup> *Guidelines for design, issuance and use of generic official certificates (CXG 38-2001)*

<sup>6</sup> *Guidelines for food import control systems (CXG 47-2003)*

<sup>7</sup> *Principles for the exchange of information between importing and exporting countries to support the trade in food (CXG 89-2016)*

## PROJECT DOCUMENT

Proposed revision to the “*Principles and guidelines for the exchange of information between importing and exporting countries to support the trade in food*” (CXG 89-2016) – to develop principles and guidelines to harmonise the use (the drivers), development (content and format) and implementation (mechanisms including digitalization) of establishment listings

(Submitted by Norway)

### 1. Purpose and scope of the proposed standard

The purpose and scope of the standard is to guide the competent authority(ies) (CA) of a national food control system (NFCS) in situations where the use of establishment listings are considered justified for the exchange of information.

Guidelines and Principles should facilitate harmonized, streamlined, and timely information sharing when such lists are justified. This should ensure that information is required only once and decrease the requirement for burdensome data gathering, contribute to saving time and money, ensuring updated information is readily available for trading partners, and consequently facilitate trade in safe food.

The work will entail revision of the “*Principles and guidelines for the exchange of information between importing and exporting countries to support the trade in food*” (CXG 89-2016) and might fit well as an annex on establishment listings. This work would aim at harmonising the use (the drivers), development (content and format) and implementation (mechanisms including digitalization) of establishment listings.

### 2. Relevance and timeliness

Most trade in food occurs without countries requiring an exchange of information on their NFCS. However, in recent years, there has been an increase in the information demands to gain confidence in the trade of food and food stuffs. Competent authorities (CA) gather this information using various tools, such as audits, import testing, questionnaires, certificates and establishment and product listings.

The listing requirements can be extensive, and are often resource demanding, entailing increased costs for CAs and food business operators (FBOs) in exporting countries. The information to be provided and the submission processes vary with the requesting CA and may include information requirements varying from regulatory oversight to production and processing information for individual products.

Additionally, there are difficulties in keeping government to government reporting lines intact and keeping lists up to date. Outdated listing information might lead to potential problems at the border, again leading to unnecessary barriers to trade. Different formatting of the lists (forms) also results in work intensive difficulties when providing information. The current situation is labour-intensive for both exporting and importing countries as many listing portals operate in isolation of exporting countries’ systems.

Updating lists and delisting can also be challenging, resulting in outdated information which lead to potential problems at the border, again leading to unnecessary barriers to trade.

Developing Codex principles and guidelines for establishment listings, should not result in increased requirements for such lists. On the contrary, the purpose is to facilitate harmonized, streamlined, and timely information sharing when such lists are justified. This should decrease the requirement for burdensome data gathering, contribute to saving time and money, ensuring updated information is readily available for trading partners, and consequently facilitate trade in safe food.

Furthermore, it is good practice for Codex Committees to keep their documents under review to ensure they remain relevant and fit for purpose. Taking into account the number of importing countries having implemented requirements for establishments lists and the number of countries considering implementation since CXG 89-2016, and the lack of guidance on this issue, the proposal is highly relevant and timely.

### 3. The main aspects to be covered

Explore the drivers for requesting extensive information and whether the drivers and type of information required has changed since the development of existing guidance, particularly CAC/GL 89-2016, *Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food*. The objective is to consider whether CAC/GL 89-2016 is still relevant, and whether there is a need to review/update the guideline, as well as consider whether an annex may be required for establishment listings.

Based on the above, and taking account of existing guidance (remote audits, certificates, equivalence etc), revise CXG 89-2016 and develop principles and guidelines to harmonise the use (the drivers), development (content and format) and implementation (mechanisms including digitalization) of establishment listings, in



order to support timely and meaningful information exchange to provide the necessary assurances to importing countries to confirm safe food is being produced and exported by an establishment. This would contribute to saving time and money, ensuring updated information is readily available for trading partners, and consequently facilitate trade.

#### **4. Assessment against the Criteria for the Establishment of Work Priorities**

**General criterion: Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.**

The proposed new work will support competent authorities when considering whether it is justified to require establishment lists for imports. It will also contribute to establish systems for exchanging information regarding safe food, thereby improving consumer protection. Furthermore, it will promote consistency and harmonization of establishments lists, thus facilitating fair practice in the food trade, while at the same time allowing sufficient flexibility to consider the different levels of risks and limiting requests to additional information in response to gaps or risks not addressed. Updating the global guidelines will also provide greater clarity and certainty for competent authorities and food businesses operators.

**Criteria applicable to general subjects:**

##### **(a) Diversification of national legislations and apparent resultant or potential impediments to international trade.**

Lack of standardization or harmonization of establishment lists can hinder fair practice in food trade. This is especially challenging in situations where updating of lists take time.

##### **(b) Scope of work and establishment of priorities between various sections of the work.**

Refer to scope section above.

##### **(c) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)**

We are not aware of any work being done in this area.

##### **(d) Amenability of the subject of the proposal to standardization.**

Codex currently has texts covering equivalence, exchange of information, import control system and National Food Control Systems, which all refer to establishment listing. The proposed work would consider revision of one of the existing documents to provide guidance in such lists.

##### **(e) Consideration to global magnitude of the problem or issue.**

Increases in global trade, the complexity of supply chains, and digitization of information along with technologies to facilitate the integrity and sharing of such information suggest it would be timely to revisit the existing guidelines, *Principles for the Exchange of Information between importing and exporting Countries to support the Trade in Food*.

Standardization of establishment listing requirements will also help countries to use establishment lists in a more streamlined manner, allowing more timely transfer of information, ensuring updated information readily available for trading partners.

#### **5. Relevance to Codex strategic objectives**

The proposed work is directly related to the purposes of the Codex Alimentarius Commission, namely, goals one of the Codex Strategic Plan 2020-2025: "Address current, emerging and critical issues in a timely manner", in particular Strategic Objective 1.2: "Prioritize needs and emerging issues". In addition, the work is relevant to goal five: "Enhance work management systems and practices that support the efficient and effective achievement of all strategic plan goals."

#### **6. Information on the relation between the proposal and other Codex documents**

The proposal relates to establishing "Principles and guidelines for Establishment listing" a possible annex to CXG 89-2016. The proposed new work provides a link between elements of information to be exchanged, as described in several CCFICS texts:

- CXG 26-1997 *"Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems"*,
- CXG 34-1999 *"Guidelines for the Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems"*,

- CXG 38-2001 “Guidelines for Design, Production, Issuance and Use of Generic Official Certificates» and
- CXG 47-2003 “Guidelines for Food Import Control Systems”.

**7. Identification of any requirement for and availability of expert scientific advice**

N/A

**8. Identification of any need for technical input to the standard from external bodies so that this can be planned for**

None anticipated.

**9. Proposed timeline for completion of the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the timeframe for developing a standard should normally not exceed five years**

It is proposed that the work will extend over three (3) sessions of CCFICS. If the 27th (2024) Session of CCFICS agrees to undertake this new work, and this is approved by the Commission in 2024, an initial draft of the document will be prepared for consideration by CCFICS28 (likely to be scheduled for 2026). The document would be anticipated to be ready for Step 5 or 5/8 approval following the 30th Session of the Committee (2028). Electronic, virtual and/or physical working groups are likely to be needed.

Agreement to undertake work CCFICS27: 2024

Approval as New Work by CAC47: 2024

Finalized by CCFICS30: 2028

Adoption by CAC in 2029 or 2030.