

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda item 8

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

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PROJECT DOCUMENT FOR NEW WORK TO DEVELOP GUIDANCE ON THE USE OF SYSTEMS EQUIVALENCE/COMPARABILITY

PREPARED BY NEW ZEALAND

1. Purpose and scope of the proposed standard

The purpose of the work is to provide guidance to competent authorities of importing and exporting countries on the use of systems equivalence / comparability recognition as a means to further facilitate safe trade between countries. It is intended to cover situations where there is already a high degree of confidence the food control system of the exporting country will on an ongoing basis likely reliably meet the same or higher (comparable) overall human health, food suitability and technical outcomes as achieved within the importing country. The scope of the guidance is intended to apply to the process for importing and exporting countries to follow when a request has been made by an exporting country for the recognition of the equivalence of the whole or part of its food control system.

2. Relevance and timeliness

With the continuing globalization of the food trade and growth in associated consumer concerns, countries are increasingly prescribing not only standards for end products but also detailed production and processing requirements, resulting in increased requests for information, audit visits and product inspections. Better use of systems equivalence recognition where competent regulatory systems are already in place could reduce the burden on resources and unnecessary restrictions on trade caused by such processes. Specifically, it could provide for facilitated premises listings, where required, and expedited border clearance processes based on confidence in the systems already in place in the exporting country to appropriately manage any risk associated with the trade to the level required and achieved by the importing country.

The increased use of systems equivalence for all or part of the trade in food commodities between countries has the potential not just to remove current unnecessary restrictions on trade but also to free up resources in importing and exporting countries alike, which could be better allocated to manage more pressing areas of risk.

3. The main aspects to be covered

This new work will provide principles and processes for the initial consultation process to determine if more in-depth consideration of systems equivalence is appropriate; principles and processes possibly appropriate to an in-depth consideration of systems equivalence; and guidance on the development of bilateral agreements to document systems equivalence.

4. An assessment against the *Criteria for the Establishment of Work Priorities*

The proposal is consistent with the criteria as follows:

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 further facilitate the trade of safe food while freeing up resources to allow better targeting of greater risk scenarios, thus meeting the general criterion of consumer protection.

Criteria Applicable to General Subjects:

a) Diversification of national legislations and apparent resultant or potential impediments to international trade:

Countries are increasingly prescribing not only standards for end products but also detailed production and processing requirements, resulting in increased requests for information, audit visits and product inspections. Better use of systems equivalence recognition where competent regulatory systems are already in place could reduce the burden on resources and unnecessary restrictions on trade caused by such processes.

b) Scope of work and establishment of priorities between the various sections of work:

Refer to Scope above.

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

The WTO/SPS Committee's decision (G/SPS/19) provides for some further clarification on how WTO members should make use of the "equivalence" provisions of the SPS Agreement, i.e. Article 4. This decision strongly encourages the CAC to on an ongoing basis further progress its guidance covering the full scope of the decision. CCFICS has developed a number of standards that provide for the use of systems equivalence but to date has only developed specific guidance more targeted to the judgement of the equivalence of specific sanitary measures (CAC/GL 53-2003). Specific guidance on a process for the potential recognition of the equivalence of whole food control systems, or those covering specific commodities, is however currently lacking. Development of such guidance would further facilitate and enable better use of the existing Codex guidance: Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999). The Committee will take into account any relevant international work in this area that is identified during the course of the work.

d) Amenability of the subject of the proposal to standardisation:

The committee is of the view that principles and guidelines can be developed to address the issues identified.

e) Consideration of the global magnitude of the problem or issue:

The committee has assessed that there is currently a significant burden imposed on importing and exporting countries due to a lack of practical international guidance in this area. The scarcity of notified equivalence agreements to the WTO/SPS Committee in accordance with G/SPS/7/Rev.2/Add.1 is further evidence that additional guidance in this area is both timely and relevant.

6. Relevance to Codex strategic objectives

The proposed work is directly related to the purpose of the Codex Alimentarius Commission, according to its statutes, to protect the health of the consumers and ensure fair practices in the food trade, as well as to the first Strategic Goal of the Codex Alimentarius Commission's Strategic Plan 2014-2019 "establish international food standards that address current and emerging food issues", and is consistent with Objective 1.2 "proactively identify emerging issues and member country needs and, where appropriate, develop relevant food standards". Further, it contributes to Activity 1.2.2 "develop and revise international and regional standards as needed, in response to needs identified by Members and in response to factors that affect food safety, nutrition and fair practices in the food trade". It is also consistent with Objective 1.3 "strengthen coordination and cooperation with other international standards-setting organizations seeking to avoid duplication of efforts and optimize opportunities."

7. Information on the relation between the proposal and other existing Codex documents

The work will take into consideration the *Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems (CAC/GL 34-1999)*; the *Principles and Guidelines for National Food Control Systems (CAC/GL 82-2013)*; and the *Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems (CAC/GL 53-2003)*. The finalized guidelines should be read in conjunction with the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997)* and the *Guidelines for Food Import Control Systems (CAC/GL 47-2003)*. The proposed guidance would also fit nicely with, and is a natural extension and progression of work CCFICS is currently doing with respect to, the exchange of information (including questionnaires) to initiate or maintain trade.

8. Identification of any requirement for and availability of expert scientific advice

Not required.

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

Not required at this time.

10. Completion of the new work and other conditions

The proposed timeline for completion of the new work includes the start date, the proposed date for adoption at Step 3 and the proposed date for adoption by the Commission. The time frame for developing a standard should not exceed a period of five years. This will be dependent on the future schedule of CCFICS meetings as the Committee is currently meeting every 18 months rather than every year.

Subject to the Codex Alimentarius Commission approval at its 39th session in 2016, it is expected that the work can be completed in three to four years with:

- Consideration at Step 3 by CCFICS 23: 2018;
- Consideration at Step 5 by CCFICS 24; and
- Adoption of the proposed Guidelines by the Commission within a period of 4 years.