



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**  
**CODEx COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION**  
**AND CERTIFICATION SYSTEMS**  
**Twenty-fourth Session**  
**Comments of Thailand**

**Agenda Item 4**

**AGENDA ITEM 4: Proposed Draft Guidance on Use of Systems Equivalence )At Step 3(CX/FICS 18/24/4)**

Thailand would like to express our appreciation for efforts of an electronic working group (led by New Zealand with the support of the United States and Chile) for preparing the "Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS)".

The followings are comments on document CX/FICS 18/24/4 on specific matters identified in paragraph 22 and the Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS) in APPENDIX 1.

**1. Recommendations in paragraph 22**

- i. Some examples within the document are useful and should be retained. However, to be consistent with other CCFICS texts, those useful examples should be provided in footnotes.
- ii. We support the advancement of the draft guidelines in the Codex step process.
- iii-v. We support Option B to be considered by the working group established by CCFICS 23.

In addition, the working group should revise the project document and present it with timelines to merge the new proposed guidance with the existing equivalence guidance for consideration by the CCFICS 25.

**2. Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS).**

Generally, we support the proposed changes made in the draft guidelines that are in line with the project document and the approach in amending the draft guidelines by preparing in the form of standalone text.

Our comments on specific sections of the document are as follows:

**SECTION 2 – SCOPE / PURPOSE**

**footnote 6**

The last sentence should be removed from footnote 6 to avoid confusion, so this footnote should read as follows:

*"<sup>6</sup> For example an equivalence request could be limited to assurances associated with a specified sector such as seafood, or further refined to a subsector such as aquaculture or a major processing type such as canned seafood. ~~A request for equivalence recognition could cover a horizontal process for providing assurances such as laboratory controls.~~"*

**paragraph 8**

This paragraph should be removed, because its context is not relevant with Section: Scope/ Purpose. However, if it is considered that this paragraph is needed, it then should be moved to an appropriate section.

### SECTION 3 – DEFINITIONS

We would like to reiterate our position that the definition of “National Food Control System” should not be elaborated, as Guidelines for National Food Control Systems(CAC/GL 82-2013)already provides clear descriptions of “National Food Control System”.

However, if it is needed, the descriptions of “National Food Control System” should be placed under Section 1: PREAMBLE/INTRODUCTION.

### SECTION 4 – PRINCIPLES

#### Decision Criteria

To be appropriate, the word “will” should be used instead of “likely to”. Then, this section should read:

*“e. The decision criteria used for assessing system equivalence should reflect the objectives of the importing country’s own NFCS, or the relevant part, and focus on whether the exporting country’s NFCS, or relevant part, is ~~likely to~~ will reliably achieve the same objectives.”*

#### Assessment and Decision

To be practical, “and timely” should be removed from this section. So, the section should read as follows:

*“f. The processes and decisions relating to the assessment of systems equivalence should focus on objectives; be documented and transparent; evidence-based; efficient; and conducted in a cooperative ~~and timely~~ manner; and should not introduce an objective, outcome, standard or process in excess of what is being applied within the importing country without justification.”*

### SECTION 5: PROCESS STEPS

#### 5.1 STEP 1: INITIAL DISCUSSIONS AND DECISION TO COMMENCE

##### Scope Considerations

paragraph 16, bullet 2

Examples on the assurances to be addressed are not necessary and should be deleted. So, this bullet should read:

*“the range of assurances to be addressed (~~e.g. [food safety, qualitative claims, labelling, or other matters relating to fair practices in the food trade]~~),”*

#### 5.3 STEP 3: DESCRIPTION OF IMPORTING COUNTRY NFCS OBJECTIVES

##### NFCS Objectives

paragraph 27, bullet 7

The words “periodic review and continuous improvement” in the square brackets should be deleted, as they are already mentioned in CAC/GL 82-2013. This bullet should then read:

*“system overview monitoring and evaluation programs, ~~[periodic review and continuous~~*

### Agenda Item 6

#### AGENDA ITEM 6: Proposed Draft Principles and Guidelines for the Assessment and Use of Voluntary Third-Party Assurance Programmes (at Step 3) (CX/FICS 18/24/6)

Thailand appreciates the work done by EWG chaired by the United Kingdom, and co-chaired by Canada and Mexico, in preparing the Proposed Draft Principles and Guidelines for the Assessment and Use of Voluntary Third-Party Assurance Programmes.

Thailand recognizes the importance of using vTPA programme information/data in support of NFCS objectives and wishes to provide comments on the Proposed Draft Principles Guidelines in Appendix 1 of CX/FICS 18/24/6 as follows:

## C: DEFINITIONS

In principle, the same terms used in CCFICS guidelines should refer to the same concept to avoid confusion and inconsistency, therefore the terms that are already defined in existing CCFICS guidelines should be used to designate the same concept. Drafting a new definition deviating from or in contradiction with the existing definition should be avoided.

### Standard

The term “standard” used in this document reflecting different contexts that is self-explanatory, for example international standards, regulatory standards and vTPA standards. Therefore, there is no need to develop the definition of “standard”.

In addition, we found that the term “standard” alone referred in section F, the subject of “Standard Setting Process” may cause confusion, if not defined. However, instead of developing the definition of “standard” which has already been defined in WTO /TBT agreement, the words “Standard Setting Process” should be replaced with “vTPA Standard Setting Process”.

### Voluntary Third-Party Assurance Programme

Currently, several governmental bodies which are not competent authorities can be supportive in conducting vTPA programmes, therefore, we propose that the definition of vTPA programme should be revised as follows:

**“Voluntary Third-Party Assurance Programme: A non-governmental or An autonomous scheme comprising of the ownership of a standard ~~that~~ or utilises national/international **standards requirements**; a governance structure for certification and enforcement, and in which FBO participation is voluntary.”**

## D: PRINCIPLES

A title of each principle is not consistent with its context and is not necessary, therefore it should be deleted.

## E: ROLES, RESPONSIBILITIES AND RELEVANT ACTIVITIES

### COMPETENT AUTHORITIES

#### sub-section b

We would like to ask for clarification for the intention to include the phrase “and inform the design, implementation, monitoring and review activities to verify FBO compliance levels” that may cause difficulty in practice. We suggest deleting this phrase, so the amended text is as follows:

**“b. May consider taking account of information/data generated by vTPA programmes to support the objectives of their NFCS ~~and inform the design, implementation, monitoring and review activities to verify FBO compliance levels~~”**

### VOLUNTARY THIRD-PARTY ASSURANCE OWNERS

#### sub-section c

In order to enhance positive cooperation from vTPA programme owners in sharing information/data for use by the competent authority, this sub-section should be revised to read:

**“c. ~~May choose to s~~ Share information/data generated by the vTPA programme for use by the competent authority according to the process established between the vTPA programme owner and the competent authority.”**

## F: CRITERIA TO ASSESS THE CREDIBILITY AND INTEGRITY OF vTPA PROGRAMMES

### Accreditation of Certification Bodies, sub-section 3)

We wonder whether the Voluntary Third-Party Assurance Programme considered in this document covers an Inspection Body (IB), as this section refers to ISO/IEC 17020 which specifies requirements for the operation of inspection bodies.

If IB is included, this sub-section should be revised to read:

*“Accreditation of Certification **and Inspection** Bodies”*

- 3) *Does the Accreditation Body assess the **certification and inspection bodies** ~~certifying body~~ using the relevant standards including ISO/IEC 17020, ISO/IEC 17065 or ISO/IEC 17021-1 supplemented with ISO/TS 22003?*

### **Standard Setting Process**

In addition to our proposal to replace the words “Standard Setting Process” with “vTPA Standard Setting Process”, we propose to insert an additional question as the first question to read:

*“Do the vTPA programme owners setting their own standards or utilizing of national/international standards for assurance?”*

sub-section 4)

We propose to insert the word “/national” after “international” as follows:

- “4) To what extent are the vTPA standards consistent with Codex or other relevant international/**national** standards and/or applicable national regulatory requirements?”*

### **Conformity Assessment**

sub-section 1)

In consequence of our comments on Accreditation of Certification Bodies in sub-section 3), if IB is included in this document, therefore sub-section 1) should be amended accordingly to read:

- “1) Does the vTPA programme have written policies on frequency, methodology, announced and unannounced audits and competency requirements for certification and **inspection** bodies?”*

### **Data Sharing and Information Exchange**

sub-section 2)

We propose to delete the term “or fraud”, as priority should be given to the issue that significant risk to public health, this sub-section 2) should then be revised to read:

- “2) Subject to national privacy legislation, will the vTPA programme owner inform the competent authority immediately or when they become aware of a significant risk to public health ~~or fraud~~?”*

Moreover, we propose to additionally insert the question on duration of retaining the available information and data.

## **G: REGULATORY APPROACHES FOR THE USE OF vTPA INFORMATION/DATA**

### **Process Considerations**

sub-section h

This sub-section is not related to the use of vTPA information/data, so it should be deleted.

## **Policy Options**

### sub-section b and f

We would like to propose to delete the word “inspection” in these sections to make the information/data more generic as follows:

- “b. Competent authorities may choose to verify the reliability of vTPA information/data through for example a comparison of the compliance data from the vTPA with their official **inspection** information/data.*
- f. Competent authorities may reduce levels of official inspection where there is verification through their official **inspection** data that participation in a vTPA programme is achieving higher levels of compliance with relevant regulatory requirements.”*