

**Codex Committee on Food Import and Export Inspection and Certification
Systems (24th Session)**

Brisbane, Australia, 22-26 October 2018

European Union comments on

Agenda Item 6:

**Proposed draft principles and guidelines for the assessment and use of
voluntary third-party assurance programmes**

(CX/FICS 18/24/6)

*Mixed Competence
European Union Vote*

The European Union and its Member States (EUMS) would like to thank the United Kingdom, Canada and Mexico for leading the work on third party assurance programmes. The EUMS would like make the following comments on the draft text.

General comments

While *Codex Principles and Guidelines for National Food Control Systems* (NFCS) (CAC/GL 82-2013) foresee that competent authorities should take into account quality assurance systems in their national food control system it is left for Codex members to decide how to do this. This flexibility should be retained in the draft guidance on third party assurance programmes. It could be clarified that the guidance apply to a situation where competent authorities choose to have an arrangement with a vTPA programme owner to use the data/information generated by the vTPA programme to support their regulatory controls.

Specific comments

Paragraph 2 should be modified as follows:

“The Codex Principles and Guidelines for National Food Control Systems (NFCS) (CAC/GL 82-2013) foresee competent authorities taking into account quality assurance systems in their national food control system. **Competent authorities may choose to do this by establishing an arrangement with a vTPA programme owner to use the data/information generated by vTPA programme to support their regulatory controls. In any case,** ~~However, before competent authorities can take account of vTPA programmes they should satisfy themselves that any information/data they intend to use is both reliable and fit for purpose.”~~

Rationale: Competent authorities may take into account data/information generated by vTPA programmes by establishing an arrangement and assessing these data or by

considering them as a part of a food business operator's internal control system in which case there is no need to establish any arrangement with a vTPA programme owner and to assess the reliability of vTPA programmes.

Paragraph 6 would better fit under the scope as paragraph 10bis.

Paragraph 8 should be modified as follows:

“The guidelines do not compel competent authorities to ~~use take account of~~ vTPA programme outcomes nor does it mandate the use of vTPA information/data by FBOs, **i.e. emphasising that the decision to use vTPA information data by the competent authority is voluntary.**”

Rationale: According to CAC/GL 82-2013 competent authorities should take into account quality assurance systems (i.e. vTPA programme outcomes) but there is no obligation to use them. The same approach should be kept in this specific guidance.

Principle 1 (paragraph 11) should be modified as follows:

“Competent authorities retain discretion whether ~~or not~~ **and how** to consider information/data from vTPA programmes...”

Rationale: The proposed wording gives flexibility for CA on how to consider information/data from vTPA programmes.

Principle 3 (paragraph 11) should be modified as follows:

“...the competent authority ~~should~~ **may** establish a process for information/data sharing...”

Rationale: The establishment of a process for information sharing should be optional.

Indent b of paragraph 12 should be modified as follows:

“May consider **using** ~~taking account of~~ information/data generated by vTPA programmes to support the objectives of their NFCS...”

Rationale: The guidance should focus on a situation where competent authorities actually use the data generated by vTPA programmes and not just take it into account.

Indent c of paragraph 12 should be modified as follows:

“Have ~~ultimate~~ responsibility for the delivery and frequency/intensity of regulatory controls and enforcement action for all FBOs regardless of whether a FBO participates in a vTPA programme.”

Rationale: The qualifier “ultimate” makes the responsibility of competent authorities somewhat ambiguous.

The first sentence of paragraph 13 should be modified as follows:

“Competent authorities that choose to use ~~take account of~~ vTPA programmes in their NFCS should satisfy themselves that the private information/data can be trusted and is fit for purpose.”

Rationale: Only if competent authorities actually use the data generated by vTPA programmes they should assess the reliability of vTPA programmes. If vTPA programmes are just taken into account a part of a food business operator’s internal control system there is no need to assess them.

Paragraph 13, indent 5 under sub-heading “Governance arrangements” should be amended to read:

“If the accreditation arrangement does not adhere to IAF or ILAC, does the vTPA programme owner ensure that ~~accreditation~~ **certification** bodies have the capacity and competency to perform effectively?”

Rationale: the vTPA has no oversight on accreditation bodies. Performance of activities for vTPA is carried out by certifying bodies.

Paragraph 13, indent 1 under sub-heading “Conformity assessment” should be amended to read:

“Does the vTPA programme have written policies on frequency, methodology, announced and unannounced audits and competency requirements for ~~accreditation and~~ certification bodies?”

Rationale: the vTPA has no oversight on accreditation bodies. A vTPA does not define policies for accreditation bodies. It is not its role.”

Paragraph 14 should be modified as follows:

“This section provides examples of ~~necessary~~ considerations and the practical uses...”

Rationale: The considerations in paragraph 39 are optional and thus not necessary.

Indent g under Process considerations in paragraph 14 should be modified as follows:

In addition to specific and critical information detailed in any voluntary agreement, ~~there should be~~ routine information **may be** exchanged to demonstrate that the vTPA programme continues to operate in line with its agreed governance

Rationale: To bring the wording in line with other paragraphs as these considerations are optional.

The first sentence of indent i under “Process considerations” in paragraph 14 should be modified as follows:

The competent authority **may** ~~should~~ identify the information/data from the vTPA audits that is of most value to its NFCS objectives and agree the access arrangements for those elements.

Rationale: To bring the wording in line with other paragraphs as these considerations are optional.