

16/10/2018

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

**Brisbane, Australia, 22-26 October 2018**

**European Union comments on**

**Agenda Item 4:**

**Proposed draft guidance on use of systems equivalence**

**(CX/FICS 18/24/4)**

*Mixed Competence  
European Union Vote*

The European Union and its Member States (EUMS) would like to thank New Zealand, the United States and Chile for leading the work on systems equivalence and support the continuation of this work. The EUMS would like make the following comments on the draft text.

**General comments**

While progress has been made with the draft document, it still needs further work to achieve the objective of providing practical and clear guidance to Codex members on how to apply systems equivalence. It is also unclear how it fits with the existing Codex guidance on equivalence (CAC/GL 34-1999 and CAC/GL 53-2003).

**Specific comments**

**Section 2 Scope/Purpose**

The square brackets should be removed in paragraph 8 as the assessment and recognition of systems equivalence is not necessarily a reciprocal process.

**Section 3 - Definitions**

It is not appropriate to define a National Food Control System in this document. If there were a need for such definition then it should be in the *Principles and Guidelines for National Food Control Systems* (CAC/GL 82-2013). It could be clarified in the pre-amble or scope that NFCS refers to the system as described in CAC/GL 82-2013.

There is some ambiguity between the definitions for “equivalence” and “system equivalence” because inspection and certification systems mentioned in the definition for equivalence are part of NFCS mentioned in the definition of system equivalence.

The term “decision criteria” could be renamed as “assessment criteria” as it better reflects what the criteria are about. In addition, the definition should be modified as follows:

“those ~~factors~~ **criteria** used to determine whether the exporting country’s NFCS or relevant part is capable of reliably **delivering outcomes that meet** ~~meeting~~ the objectives of the importing country’s NFCS or the relevant part for the products under consideration”

*Rationale:*

This would be in line with the wording of paragraph 21 and would bring clarity as “outcomes” are well explained in the *Principles and Guidelines for Monitoring the Performance of National Food Control Systems* (CAC-GL 91-2017) while “objectives” are not explained in concrete terms.

#### **Section 4 - Principles**

There is no need for specific principles in this document as its purpose is to provide practical guidance for countries on how to consider system equivalence. Moreover, as currently written, the principles are in the form of recommendations and repeat what is recommended later in the document.

#### **Section 5 - Process steps**

Step 3 “description of the importing country’s NFCS objectives” should precede step 2 “the decision criteria for comparison”.

There is no need for a separate step 6 “decision process”. It overlaps step 5 “assessment”. Therefore, steps 5 and 6 could be combined under the title “assessment process”.

##### **5.1 Step 1: Initial discussions and decision to commence**

Paragraphs 11 and 12 could be deleted as they repeat what is said in paragraph 10 under Step 1 and in paragraphs 13 and 14.

The last sentence of paragraph 13 should be deleted as it repeats what is said in paragraphs 15-17.

##### **5.2 Step 2: The decision criteria for comparison**

The assessment criteria of the FAO/WHO Food Control System Assessment Tool provides well-structured and comprehensive criteria for evaluating food control systems. While the FAO/WHO Tool is primarily meant for self-assessments, with appropriate adaptations its assessment criteria would give a good basis to assess equivalence on systems basis. It could serve as a starting point for developing a questionnaire which could be introduced as an annex to the guidance document.

##### **5.3 Step 3: Description of importing country NFCS objectives**

Paragraph 29 puts overly heavy burden on the importing country for providing information, evidence and justification for the elements of its NFCS.