

19/04/2023

**Codex Committee on Food Import and Export Inspection and Certification  
Systems (26<sup>th</sup> Session)**

**Hobart, 1-5 May 2023**

**European Union comments on**

**Agenda Item 5:**

**The proposed draft consolidated Codex guidelines related to equivalence  
(CX/FICS 23/26/5 and CL 2023/10-FICS)**

***Mixed Competence  
European Union Vote***

The European Union and its Member States (EUMS) would like to thank New Zealand, the United States and Kenya for leading the work on the consolidation of Codex guidelines on equivalence. The EUMS support further work on this topic.

The EUMS would like to make the following comments on the proposed draft guidelines and the specific questions as presented in Appendix 1 of document CX/FICS 23/26/5:

**Section 2**

Purpose and scope should appear as a single section.

**Section 3**

At this stage, the definitions can stay as they are. They will need to be revisited when the rest of the text is further developed.

**Section 4**

The principle on timeliness could be combined with the principle on transparency and cooperation.

It is useful to have the principle on the obligation of the exporting country to objectively demonstrate equivalence. The obligation of the importing country to ensure their measure is only applied to the extent necessary to achieve their level of protection is a key obligation in the SPS Agreement and should not be repeated in this text.

**Section 5**

The last bullet point of paragraph 12 should be revised as follows:

“whether a recognition of the equivalence will likely ~~further facilitate trade~~ **result in cost and resource savings, reduced duplication of control activities and/or removal of unnecessary**”

**impediments to trade**, while still ensuring the importing country's relevant NFCS objectives, and the related outcomes or level of protection are met”

Paragraph 19 seems redundant as its contents are covered by paragraphs 16-18.

## **Section 6**

The bullet points of paragraph 26 only cover the description of measures and not the description of NFCS or the relevant parts of it, i.e. elements of systems equivalence are missing.

The setting of the decision criteria is a prerogative of the importing country. While it should be discussed with the exporting country, there is no need to agree on it between the countries as suggested by paragraph 29.

The meaning of paragraph 30 is unclear.

There is no need to describe separate assessment processes for system equivalence and for equivalence of measures.

Paragraph 58 is redundant as it is covered by the provisions under section 7.

## **Section 7**

There is no need for a separate section for the maintenance of the equivalence recognition as it is sufficiently covered by section 7.