

---

# GF RSS | GLOBAL FOOD REGULATORY SCIENCE SOCIETY

## ANALYSIS OF AGENDA ITEMS AND PREPARATION FOR THE 26<sup>th</sup> SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (CCFICS26)

*Hobart, Tasmania, Australia, 1 – 5 May 2023*

### Contents

Objectives .....	2
Items of Interest .....	2
Agenda Item 4: Proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS) .....	2
Agenda Item 5: Proposed draft consolidated Codex Guidelines related to equivalence .....	3
Agenda Item 6: Proposed draft Guidance on the prevention and control of food fraud at Step 3 .....	4
Agenda Item 7: Proposed draft Principles and Guidelines on the Use of Remote Audit and Verification in Regulatory Frameworks.....	6

*\*It is important to note that experts – members of the Expert Working Group (EWG) – do not represent the organizations and / or jurisdictions to which they are affiliated. The selection and participation in the EWG proceedings is based on each expert's own credentials and experience which should not be misconstrued as the country's / delegation's / organization's position to which they belong.*

## Objectives

This document offers a review and analysis of the agenda items planned for discussion at the 26<sup>th</sup> session of the Codex Committee on Food Import and Export Inspection and Certification Systems, scheduled to take place in Hobart, Tasmania, Australia from 1 – 5 May 2023.

The document is intended for possible use by the Codex communities of practice promoted by [GForSS](#) and [PARERA](#), as part of their contribution to enhancing awareness and supporting effective participation in international food standard setting meetings (Codex meetings) by representatives from members and observers.

The analysis provided in this document offers a factual review of agenda items, their background and a discussion of some considerations. This analysis is indicative in nature and does not represent an official position of the organizations mentioned above ([PARERA](#) and [GForSS](#)), their membership or their management.

This analysis is prepared as part of the **Arab Codex Initiative** implemented by [PARERA](#) and [GForSS](#) and funded by the US Codex Office, US Department of Agriculture.

## Items of Interest

The highlights of this session include:

- ❖ The Proposed **Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS)** – the Guidelines have been significantly improved since the last discussions at CCFICS – Agenda item 4,
- ❖ The Proposed **Draft Consolidated Codex Guidelines Related to Equivalence**: An effort to develop consistent and non-duplicative Codex texts, and this work will help streamline Codex guidance on equivalence – Agenda item 5
- ❖ Draft **Guidance on the Prevention and Control of Food Fraud**: Significant progress – Agenda Item 6
- ❖ The Proposed **Draft Principles and Guidelines on the Use of Remote Audit and Verification in Regulatory Frameworks** –led by Australia, and co-chaired also by Canada, Singapore and China. CCFICS26 will be the first opportunity to discuss this draft – Agenda Item 7

### Agenda Item 4: Proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS)

Documents: [CX/FICS 23/26/4](#)

Status in Codex Step Process: Step 3

#### Background

- ❖ At CCFICS21, New Zealand agreed to prepare a discussion paper on the possible development of guidance on the use of systems equivalence/comparability, **especially as a means to further facilitate safe trade while better utilizing and risk targeting inspection resources.**
- ❖ CCFICS22 considered the draft discussion paper and established an **EWG to revise the document to be led by NZ**
- ❖ CCFICS23 endorsed the new work, which was approved by CAC40. The work is led by NZ (EWG Chair), US and Chile (co-chairs). Electronic and physical working groups (WG) were held to develop the draft guidelines.



- ❖ The draft guidance was discussed **in detail at CCFICS24**. CCFICS24 returned the draft guidelines to Step 2 for further redrafting.
- ❖ A revised version of the draft guidance **was considered at CCFICS25 (2021)**, where an in-session WG was held to discuss some issues, but did not have the time to review the whole document.
- ❖ The Committee returned proposed draft guideline to Step 2 for further redrafting and re-established an EWG **chaired by NZ and co-chaired by the US and Kenya**.

### Analysis

- ❖ The proposed work is intended to provide countries with guidance on the process for determining the equivalence, in part or in whole, of a national food control system (NFCS), **at the system level and not on individual measures**: the scope of the guidance is intended to complement existing guidance on equivalence.
- ❖ Previous CCFICS work that attempted to cover technical barriers to trade in the context of equivalence of measures ran into difficulties and was discontinued. The difficulty may have been due to the desire to keep a consistency of language with the guidance on sanitary measures, and the focus on measure-by-measure comparison.
- ❖ The draft guidance was discussed **in detail at CCFICS24**. Comments focussed on the overlap with existing Codex texts on equivalence, the emphasis/burden on the importing country role (e.g., to provide evidence on how its NFCS met the objectives), the need for examples, consistency of terms.
- ❖ **Because CCFICS25 was held virtually**, time limitations did not permit to adequately review the whole document due to a number of outstanding issues.
- ❖ There was a need to enhance **the clarity of and consistency of the document**; with a possible better balance of the **roles of the importing and exporting countries** in the text and with the possible **inclusion of examples**
- ❖ The document has been improved, with fewer substantive issues submitted by Members in the latest round of EWG and Circular Letter comments.

### Conclusion

Considering the progress achieved in the development of the document and the valuable input provided and considering the discussions that are likely to take place during CCFICS26, it would be possible to consider the recommendation of adoption of these guidelines at Step 5/8

## Agenda Item 5: Proposed draft consolidated Codex Guidelines related to equivalence

Documents: [CX/FICS 23/26/5](#)

Status in Codex Step Process: Step 3

### Background

- ❖ At CCFICS24, the United States introduced a **discussion paper** that proposed **consolidation of Codex texts on the use of equivalence**, since existing guidance is spread out over different Codex documents leading to gaps and duplication (particularly in view of the new work on equivalence discussed above).
- ❖ CCFICS24 and CAC42 endorsed and approved the proposal respectively.
- ❖ New Zealand agreed to chair the work on consolidation.



- ❖ At CCFICS25, A new EWG was established, chaired by New Zealand and **co-chaired by the United States and Kenya**, to progress the work on the **draft consolidated Codex guidelines on equivalence**.
- ❖ A physical working group **will be convened on 30 April 2023** in Hobart to consider the comments and responses to questions received on Appendix 1, with the intention to prepare a revised draft for consideration at CCFICS26 (1-5 May 2023).

#### Considerations and Current State

- ❖ The progress of this item will be linked to agenda item 4 - Proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems
- ❖ It will be important that **the consolidation exercise** preserves Codex text that describes the concepts for equivalence rather than trying to rewrite text to describe the same concepts.
- ❖ **Equivalence can be used for a wide range of purposes that build on the efficient use of resources by both importing and exporting countries when the importing country manages risk of traded products by recognizing the strength of the exporting country's national food control system.** The current draft seems to be focused on the use of equivalence as a means for the exporting country to resolve trade irritants resulting from “unnecessarily restrictive trade conditions” imposed by the importing country. There may be a need to have more balance in the wording: The use of equivalence may be a tool that allows importing and exporting countries to make **the most efficient use of their resources** by removing redundant inspection processes. Resolving the pending issues around the draft guidance on systems recognition will allow the committee to work through the different applications of equivalency as a risk management tool.

#### Conclusion

The evolution of this text to the next step in the Codex procedure, will be dependent on the progress of Agenda item 4 and also on the outputs of the physical meeting of the EWG, planned on 30 April 2023.

### Agenda Item 6: Proposed draft Guidance on the prevention and control of food fraud at Step 3

Documents: [CX/FICS 23/26/6](#)

Status in Codex Step Process: Step 3

#### Background

- ❖ At CCFICS22, Iran raised the subject of food integrity/authenticity during the discussion on emerging issues.
- ❖ Iran, with assistance from Canada and the Netherlands, developed a discussion paper, considered at CCFICS23, identifying the need to undertake an analysis of gaps within CCFICS texts, and a need to define the objectives and criteria of the gap analysis, which can contribute to determining next steps in this area.
- ❖ At CCFICS24, an updated paper was presented, which resulted from work of the EWG, chaired by Iran and co-chaired by Canada and the EU. The paper clarified definitions and undertook a **preliminary assessment of existing CCFICS texts** to identify possible gaps. The updated version also included **definitions of food integrity, food authenticity, food fraud and economically motivated adulteration (EMA)**.
  - The updated paper provided an analysis of how different CCFICS texts took into account the issues around food integrity and authenticity;
  - The revised paper noted **several areas where further work may be justified**; and presented recommendations for the Committee's consideration based on inputs from the EWG:



The committee discussed that the need for **horizontal guidance should be carefully considered** since several existing Codex texts already addressed relevant issues and any future CCFICS work in this area should be refined to avoid duplication with existing texts and well defined within the CCFICS mandate.

- It was also noted that **CCFICS could elaborate a range of guidance**, including: what types of risks competent authorities should consider when designing control programmes; exchange of information and cooperation between different authorities at the national and international levels; communication with stakeholders and the general public on food fraud incidents; and measures targeting food fraud

In 2020 and upon postponing CCFICS25, the EWG was reactivated with the aim to prepare a discussion paper and project document proposing work (for discussion at CCFICS25) in the following areas:

- ❖ Develop guidance on food fraud, which provides a **summary of existing guidance** in current Codex texts with the view to improving risk management activities related to the prevention of food fraud. The guidance should also include the following elements:
  - **Definitions for key food fraud terms**, such as food fraud, integrity, authenticity, and intentional adulteration;
  - **Roles and responsibilities of industry and government** entities when addressing food fraud;
  - **Guidance on how countries can modernize their national food control systems** to address food fraud and intentional adulteration, e.g. extension of HACCP and good manufacturing practices; identification of technology and tools that can be used by competent authorities and industry to detect acts of fraud and countermeasures and controls to reduce vulnerabilities when designing control programs to prevent food fraud and/or intentional adulteration.
  - **Review and update, as appropriate, existing CCFICS texts** to identify specific characteristics of National Food Control Systems related to information exchange, vulnerability assessments, and traceability/traceback necessary to effectively prevent and manage food fraud
- ❖ At CCFICS 25, the discussion paper (CX/FICS 21/25/8) and project document were considered. CCFICS25 noted that the scope of the work should be within the mandate of CCFICS and should address the dual mandate of Codex, protecting consumer health and ensuring fair practices in food trade. Additionally, CCFICS25 noted that the new work should not overlap with existing Codex texts and the guidance should not cause trade barriers.
- ❖ Following **two rounds of comments through the EWG in 2022**, and a virtual workshop in February 2023, it is the view of the EWG Chairperson and co-chairpersons that given the extensive work undertaken by the EWG, the draft has reached a stage where it is now appropriate for CCFICS to recommend progress within the step process.

CCFICS26 is invited to:

- a. note the extensive work undertaken to date and the level of support for completing this guideline; and
- b. consider recommending advancing the proposed Draft Guidelines on the Prevention and Control of Food Fraud

### Considerations

- ❖ It will be important to support the review and update of existing CCFICS texts, as appropriate, to identify specific characteristics of National Food Control Systems related to information exchange, vulnerability assessments, and traceability/trace back necessary to effectively prevent and manage food fraud.



- ❖ Food fraud is a complex issue that requires collaboration between competent authorities and law enforcement agencies. Any new guidance should focus on the inspection and the relevant enforcement activities **that align with the role of competent authorities, given that not all** competent authorities possess the same level of authority:
  - As a result, some text may be necessary in the guidance to clarify that:
    - the guidance **does not apply to the control of criminal activities, even though fraud is normally considered a criminal activity.**
    - the guidance should focus on **concrete interventions that competent authorities** and food **business operators** may act perform, to detect and protect the food supply chain from food fraud (e.g. identify areas of vulnerability)

### Conclusion

It will be important to support international cooperative work in the area of food fraud given that it represents a high priority threat identified for the food supply globally.

It will important that the guidance focusses on areas where food competent authorities have the mandate to act and not expand to the core mandate of law enforcement agencies.

## Agenda Item 7: Proposed draft Principles and Guidelines on the Use of Remote Audit and Verification in Regulatory Frameworks

Documents: [CX/FICS 23/26/7](#)

Status in Codex Step Process: Step 3

### Background

- ❖ At CCFICS25 (2021), Australia introduced the item on use of ICT tools in regulatory frameworks, an issue that had become more important during the COVID-19 pandemic and which accelerated the development and utilisation of **alternative verification measures** relying upon new technologies and approaches enabling remote inspection. As countries around the world took up these new tools at various paces, it was important for CCFICS to consider whether **regulators need additional guidance** to support the uptake and implementation of new verification methods in NFCSs. It was recommended that CCFICS **agree to establish an EWG to develop a discussion paper on the use of ICT tools in regulatory frameworks**, with the possibility of also developing a new work proposal **for presentation at CCFICS26**.
- ❖ The title of the work was proposed to be amended to **“Use of remote audit and verification in regulatory frameworks”**.
- ❖ CCFICS25 **expressed strong support for the proposal**. Canada and Singapore expressed interest in being Co-Chairpersons of the EWG that would develop the discussion paper on use of ICT tools in regulatory frameworks
- ❖ On 28 June 2022, the CCFICS Chairperson distributed a letter to Codex Members and Observers that outlined **an expedited process for submitting the proposal for new work on remote audits** in line with Codex procedures: the discussion paper and project document for the new work proposal would first be circulated to all Codex Members and Observers via a CL for comments. The project document, amended as need be,



would then be submitted for **critical review by CCEXEC83**, with a view to approval of the new work by CAC45 (November 2022).

- ❖ CAC45 **approved the new work proposal on the development of principles and guidelines on the use of remote audit and verification in regulatory frameworks by CCFICS** and agreed to establish an EWG under CCFICS, chaired by Australia and co-chaired by Canada and Singapore and working in English, French and Spanish, **to prepare at Step 2 the Proposed draft principles and guidelines on the use of remote audit and verification in regulatory frameworks;**
- ❖ CAC45 also requested that the report of the EWG including the proposed draft principles and guidelines be made available to the Codex Secretariat and circulated for comments at Step 3 at least three months before CCFICS26, which would discuss it at Step 4.

The proposed paper was published on March 29, 2023 with the following conclusions and recommendations:

#### *Considerations and Current State*

- ❖ The timelines of preparing the work were met by the EWG members and co-chairs,
- ❖ The strong interest in the work and feedback received to date through both EWG forums allowed to develop a draft which includes the scope of a guideline and content for the use of remote auditing and inspection in regulatory frameworks in line with the terms of reference as identified.
- ❖ The Co-chairs recommended for CCFICS to proceed with this text rather quickly with a consideration of adoption at step 5 or Step 5/8
- ❖ **The new work proposal did not follow the usual approval process** with discussion happening first at the Committee-level, before being sent to CCEXEC and CAC.
- ❖ **Concerns may be expressed that the work is too expedited to allow codex members and observers to follow its progress**

#### *Conclusion*

While significant progress has been achieved in a short period of time, the proposed work is still in the very early stages, and Codex Members/Observers may not have had much time to digest and comment on the proposed draft principles and guidelines.

More development through the EWG may be required before progressing in the Codex step process.

While this work has been identified as a priority for CCFICS considering COVID's impact and the increased use of remote audit and inspection activities (as identified and reiterated at CCEXEC83, and CAC45), remote audit **should be used in a practical manner** that does not create undue hardship on the regulated parties subject to audit, whether the party is a food business operator or the exporting country's competent authority.

Discussions at the plenary of CCFICS26 need to be followed to consider where the consensus is developing in favor or not of supporting advancement in the step procedure (to Step 5)

