



# Proposed Analysis of Key Agenda Items of 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*

# Key Agenda Items of Interest

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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

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## **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**

# Main Considerations

- 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.
- The draft guidance was discussed **in detail at CCFICS24**.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

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

***Documents: CX/FICS 23/26/5***

***Status in Codex Step Process: Step 3***

# Analysis and Considerations for the Region

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- 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.

- ❑ 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

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## **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***

- **CCFICS was tasked to 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

# Conclusion – Agenda Item 6

- 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)

# Agenda Item 7

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## **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**

- 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 – Agenda Item 7

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- 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)

