



Report of the U.S. Delegate, 23rd Session, Codex Committee on Food Import and Export Inspection and Certification Systems

May 1-5, 2017
Mexico City, Mexico

The 23rd Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) convened May 1-5, 2017, in Mexico City, Mexico. The session was chaired by Australia and attended by delegates from 45 Member countries, one Member Organization (the European Union) and ten international intergovernmental and non-governmental organizations, including FAO and WHO. The United States was represented by U.S. Delegate Mary Stanley, USDA Food Safety and Inspection Service; Caroline Smith DeWaal, U.S. Food and Drug Administration; six government advisors and four non-government advisors.

The session was a productive one from the U.S. perspective. The United States led a successful effort to complete work on *Principles and Guidelines for Monitoring Performance of National Food Control Systems*, and the Committee established electronic working groups to advance new projects in the areas of paperless certification and use of third party assurance schemes.

Highlights

The 23rd Session of CCFICS:

- Completed work on the *Principles and Guidelines for Monitoring Performance of National Food Control Systems*, led by the United States, and forwarded the document for final adoption at Step 8 by the 40th session of the Codex Alimentarius Commission (CAC40) in July 2017.
- Established an electronic working group, led by New Zealand, Chile and the United States, to start new work on developing *Guidance on the Use of Systems Equivalence*;
- Established an electronic working group, led by the Netherlands, Australia and Chile, to revise the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001) to include guidance on paperless certification;
- Established an electronic working group, led by the United Kingdom, Canada and Mexico, to start new work on developing *Guidance on Regulatory Approaches to Third Party Assurance Schemes in Food Safety and Fair Practices in the Food Trade*.
- Established an electronic working group, led by the Islamic Republic of Iran, with support from Canada and the European Union, to revise the current discussion paper on *Food Integrity and Food Authenticity*.
- Agreed that Australia and Canada would update Appendix A in the current discussion paper on *Consideration of Emerging Issues and Future Directions for the Work of CCFICS*, taking into account the issues raised and comments submitted during CCFICS23. Australia will also revise the framework for the



preliminary assessment and identification of priority areas for CCFICS for consideration at the next session.

A summary of the discussion of these items and other matters considered by the Committee is presented below. The official report of the 23rd Session of CCFICS can be found at <http://www.codexalimentarius.org/meetings-reports/en>.

Meeting Summary

Principles and Guidelines for Monitoring Performance of National Food Control Systems

In 2016, during CCFICS 22, the United States introduced the paper on this topic which reflected the contributions from delegations that participated in the electronic and physical working groups. The Committee considered the paper section by section during plenary, which resulted in minor modifications to text. The figure and table presented in the appendices were seen as helpful, and were subsequently modified to include explanatory text underscoring that the simplified framework and its listed indicators (both quantitative and qualitative) were to be seen only as illustrative examples. The Committee agreed the draft Appendix B (Additional Resources) contained several web references that would require continuous updating and would be better published as a separate document on the Codex website, linked to the guidance. The document was adopted at Step 5 by CAC39 (2016), and circulated to member countries for further review and comment at Step 6.

In 2017, during CCFICS23, the United States provided an overview of the development of the guidelines. The item was first discussed in CCFICS19 (2011), and has gone through a series of consultative steps, including: the development of a questionnaire for countries on how they assessed and managed the performance of their National Food Control Systems (NFCSs); the refinement of the scope of the work and the draft project document; and an outline of the proposed draft principles and guidelines for monitoring regulatory performance of national food control systems. The Chair noted that the comments submitted at Step 6 were primarily editorial rather than technical, and proposed that the Committee adopt the text without further changes.

The Committee supported this document moving forward for final adoption at Step 8, noting that the principles and guidelines would assist competent authorities in assessing the effectiveness of NFCSs and facilitate their continuous improvement. Brazil expressed concern with recommending adoption with new Appendix B retained as part of the document, citing decisions by other committees that examples should not be included in a Codex standard since they may not be relevant in all areas of the food sector. In the light of its relevance, Brazil suggested that this Appendix could be published as an information document on the Codex website, linked to the guidance.



The Committee agreed to forward the proposed draft *Principles and Guidelines for Monitoring Performance of National Food Control Systems* without change to CAC40 for final adoption at Step 8.

Guidance on the Use of Systems Equivalence

During CCFICS23, New Zealand introduced the revised discussion paper, taking into account the input from the electronic working group and explaining that the proposed new work would complement the three CCFICS texts that explicitly mentioned equivalence, namely: the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997), the *Guidelines for the Development of Equivalence Agreements regarding Food Import and Export Inspection and Certification Systems* (CAC/GL 34-1999) and the *Guidelines on the Judgment of Equivalence of Sanitary Measures associated with Food Inspection and Certification Systems* (CAC/GL 53-2003). Moreover, the proposed new guidance would also fit well with the *Principles and Guidelines for National Food Control Systems* (CAC/GL 82-2013) and the *Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food* (CAC/GL 89-2016).

Although under existing Codex texts (CAC/GL 26-1997 and CAC/GL 34-1999), the dual mandate of Codex was covered and the potential for systems equivalence was anticipated, the Committee decided neither document provided practical guidance on processes and procedures that could assist countries in approaching systems equivalence considerations. Further, CAC/GL 53-2003 had limited application to overarching systems equivalence processes due to its specific focus on the equivalence of sanitary measures. The Chair noted that CAC/GL 53-2003 focused on the equivalence of sanitary measures and, at the time of its development, the equivalence of systems had not been addressed because it had not been possible to identify examples of how technical requirements could work. Since the development of the CAC/GL 82-2013 had laid out the key characteristics of a national food control system and how the objectives of such a system could be met, it would now be possible for countries to establish equivalence of systems covering both food safety and fair practices in the food trade rather than go through the complex process of establishing equivalence for individual measures. The Chair also emphasized that there is a need for practical guidance that would not contradict existing standards, but rather build on them to help countries, where their relationships and confidence were sufficiently evolved, to begin a process for considering recognition of systems equivalence.

The Committee expressed broad support for developing additional guidance on the use of systems equivalence to assist countries in tackling this complex issue, which also may reduce unnecessary trade restrictions and save competent authority resources. The guidance should provide clear recommendations for developing and implementing systems equivalence; should serve as a foundational document for initiating discussions on systems equivalence between food exporting and importing countries, and should take into account countries' development status. The new work should describe factors



that facilitate the appraisal of the experience, knowledge and confidence of the importing country regarding the exporting country's food-control system and criteria for evaluating systems equivalence. The Committee also determined the new work could be a stand-alone document or appended to an existing Codex text, depending on the format and content of the new work.

The Committee noted the offer from FAO to contribute to developing the new guidance and share information on the criteria developed as a basis for the FAO/WHO food control assessment tool, which was based on CAC/GL 82-2013.

The Committee agreed to establish an electronic working group, chaired by New Zealand with Chile and the United States as co-chairs, to start new work on developing guidelines on the use of systems equivalence. The new work is subject to approval by CAC40.

Revision of the Guidelines for Design, Production, Issuance, and Use of Generic Official Certificates (CAC/GL 38-2001) to include guidance on paperless certification

In 2016, at the last session, the Netherlands presented a discussion paper on the development of guidance on the use of electronic certificates by competent authorities and migration to paperless certification. There was wide support for work in this area, and while the paper summarized key areas for consideration in developing guidance, it was agreed that further discussion was needed before sending a project document for new work to the Commission for approval. The Committee agreed to establish an electronic Working Group, chaired by the Netherlands and co-chaired by Australia, to revise the discussion paper and prepare a project document. This revision would include a gap analysis of current Codex texts and a technology review on this topic, as well as explore resource requirements for paperless electronic certification.

During the 2017 session, the Netherlands introduced the discussion paper, providing a brief overview of previous discussion in CCFICS and noting that the project document had been revised based on the written comments received. The Netherlands also noted that the workshop held prior to CCFICS 23 on electronic certification raised awareness around the development of Codex guidance for paperless certification. The Committee acknowledged the valuable exchanges and information provided during the workshop.

The Committee noted that electronic certification (e-certification)/paperless certification was increasingly used to provide assurances in international trade in food. Developing guidance on paperless certification was timely and had the potential to reduce the burden on exporting countries by allowing for more transparent and simplified approaches. The guidance should define fundamental concepts necessary to understand and interpret requirements for legal or regulatory changes needed to facilitate electronic certification systems and take into account the need for contingency plans where electronic systems may not be available; the integrity of information exchange systems; digital security measures and verification of electronic signatures;

and the compatibility of platforms for the exchange of digital information. Recognizing different needs and requirements in terms of each country's national food control system, including technological capabilities and available resources, there should be flexibility to allow for the use of both paper certificates and electronic certificates, and a step-by-step approach should be taken in the transition to paperless certification. Existing initiatives such as those of International Plant Protection Convention (IPPC), the World Organization for Animal Health (OIE), the World Customs Organization (WCO) and the World Trade Organization (WTO), as well as the "Single Window Concept," should be taken into account in developing the guidance.

The Committee agreed to establish an electronic working group, chaired by the Netherlands with Australia and Chile as co-chairs, to start new work on the revision of the *Guidelines for Design, Production, Issuance and use of Generic Official Certificates* (CAC/GL 38-2001) to include guidance on paperless/electronic certification. The new work is subject to approval by CAC40.

Guidance on Regulatory Approaches to Third Party Assurance Schemes in Food Safety and Fair Practices in Trade

Canada introduced the discussion paper by underscoring that the scope of the work applied to voluntary third-party assurance schemes for food safety within a business-to-business relationship. Such schemes included audit and inspection by an accredited, independent third party against the scheme standard. Canada clarified that the scope excluded "certification" as the issuing of official certificates is part of the official controls within a national food control system. For this reason, and to avoid possible confusion, it was proposed to replace the term "third-party certification scheme" with "third-party assurance scheme." The discussion paper also highlighted: (i) the challenges and opportunities for collaboration between the public and private sectors on the use of third-party assurance schemes; (ii) the various approaches taken by different countries to benefit from industry investments in third-party assurance programs; and (iii) the principles under which regulatory approaches to third-party assurance programs in food safety should be considered.

Acknowledging the importance of the subject, the Committee supported commencing new work as proposed. Several points were raised in the discussion of the paper, emphasizing that using third-party assurance schemes could enhance but not replace national food control systems and better inform risk profiling of food businesses to more effectively target resources within the national food control system, and also had the potential to enable a competent authority and industry to improve food-safety outcomes, while allowing each to operate within its defined roles and responsibilities. Developing guidance on how and under what conditions a competent authority could make use of third-party assurance schemes in its national food control system may prevent potential barriers to trade and could benefit from the experience of those countries already using such schemes. It is important to establish principles to ensure the integrity, credibility and voluntary nature of third-party assurance schemes. The guidance will cover the following aspects: definitions; roles and responsibilities of competent authorities,

businesses, and scheme owners; core characteristics of voluntary third party assurance schemes; and criteria used to assess the credibility and integrity of a scheme.

The Committee agreed to establish an electronic working group, chaired by the United Kingdom with Canada and Mexico as co-chairs, to start new work on developing *Guidance on Regulatory Approaches to Third Party Assurance Schemes in Food Safety and Fair Practices in the Food Trade*. The new work is subject to approval by CAC40.

Discussion Paper on Food Integrity and Food Authenticity

The Islamic Republic of Iran introduced the discussion paper and provided an overview of its content and recommendations for CCFICS23 to consider. There was broad agreement in the Committee to pursue further preliminary work in this area. However, there were concerns regarding the definition of the fundamental concepts involved, in particular, overlapping terms of “food authenticity” and “food integrity”, and “food fraud” and “economically motivated adulteration” (EMA). The Committee agreed that these terms needed to be defined before proceeding to defining the scope of new work.

Underscoring the complexity of this issue and given the international trade implications, the Committee agreed CCFICS may be better positioned to provide general higher-level guidance. However, an integrated approach across Codex, involving the Codex Committee on Food Labeling (CCFL), Codex Committee on Methods of Analysis and Sampling (CCMAS), Codex Committee on General Principles (CCGP) and other committees, is necessary to address the diverse concerns, and to ensure measures are not limited to fraud detection but also seek to achieve mitigation.

The Committee noted concerns raised by Chile in the Codex Committee on Fats and Oils (CCFO) regarding the impossibility of referring to CCFICS texts in commodity standards due to standard layout provisions in the *Codex Procedural Manual*, which did not provide for the inclusion in commodity standards of horizontal provisions regarding traceability/product tracing and certification. Given this applied beyond fish oils to other oils and commodities, Chile believed it was important for CCFICS to frame a response relevant to all Codex commodity standards, as well as consider any potential links to other CCFICS work (paperless certification; third-party assurance schemes). Taking this into account, the Committee endorsed a review of existing Codex texts to obtain a clearer picture not only of gaps but also of how and to what extent food integrity and authenticity were already covered by Codex texts, focusing primarily on texts of CCFICS. The Codex Secretariat clarified that any amendment CCFICS may wish to recommend to another committee’s text would have to be considered and executed by that committee.

The Committee agreed to establish an electronic working group, chaired by the Islamic Republic of Iran and co-chaired by Canada and European Union. The revised discussion paper will include: (1) clarification of the definitions of food integrity, food authenticity, food fraud and EMA; (2) delineation of the scope for the preliminary assessment of CCFICS texts; (3) a preliminary assessment of existing CCFICS texts to

identify possible gaps and the impact, whether positive or negative, of those texts in mitigating potential problems; and (4) recommendations regarding any potential need for new work.

Consideration of Emerging Issues and Future Directions for the Work of CCFICS

Australia introduced the discussion paper on this subject, highlighting the rationale for including this topic as a standing item on the agenda in order to capture emerging global challenges on approaches and technologies relating to food safety controls. CCFICS21 (2014) had agreed that a discussion paper should be updated annually to allow CCFICS to keep abreast of issues as they came to prominence at the global level, with responsibility for revising the paper between sessions ideally rotating among members so as to provide a diversity of strategic perspectives. Pursuant to discussion at CCFICS22 (2016), the discussion paper outlines two distinct components: Appendix A, while not an exhaustive list or intended to mandate new work, presents emerging global issues relevant to the work of CCFICS; and Appendix B, proposes a framework for the preliminary assessment in identifying priority areas for CCFICS. Regarding how to address the key emerging issues identified, the Chair clarified that the list outlined key issues on the horizon relevant to the work of CCFICS, and that any member or observer could bring a proposal regarding any emerging issue to CCFICS, but that it was incumbent on Codex members to undertake the self-assessment outlined in Appendix B for prioritization, analyze issues and bring discussion papers to CCFICS for consideration.

The Committee expressed broad approval of the reformatted document as a coherent approach, and agreed that Australia and Canada would update Appendix A to take into account the issues raised and comments submitted at the present session for consideration at CCFICS24 (2018). Suggestions for changes to Appendix B were also discussed, including a suggestion by New Zealand to refine the evaluation of “fair trade practices” versus “global trade impact” as proposed under the present approach. The Committee agreed that Australia would revise the framework for the preliminary assessment and identification of priority areas for CCFICS for consideration at its next session.

Other Business

Enhancement of participation in CCFICS work

The Chair acknowledged concerns raised by developing countries regarding resource constraints for regular attendance at physical working groups. He noted that certain types of work could be conducted effectively through electronic working groups but that, in his view, for other complex issues, such as developing guidance on the *Use of Systems Equivalence and Regulatory Approaches to Third-Party Assurance Schemes*, physical working groups are more effective in capturing the needs of developing countries and producing outputs valuable to them.



To ensure broad participation among members, he proposed holding the two intersessional physical working groups in advance of CCFICS24, in two different locations – in Chile, in November/December 2017, and in Ireland or the United Kingdom, in April/May 2018. He further proposed that the physical working group sessions be accessible through webinar or similar modality to facilitate the participation, with real-time responses, of a range of countries that may not be able to participate physically. This experimental approach would be assessed after 12 months. The Committee broadly supported and agreed to the proposed hybrid physical-electronic working group approach.

Next Session

The 24th Session of CCFICs is tentatively scheduled to take place in Australia in October 2018, with the final arrangements being subject to confirmation by the Host Government in consultation with the Codex Secretariat.