

**REPORT OF THE UNITED STATES DELEGATE ON THE 26th SESSION OF THE
CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND
CERTIFICATION SYSTEMS (CCFICS26)**

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

BACKGROUND SUMMARY

The 26th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS26) met May 1-5, 2023, in Hobart, Tasmania, Australia. The meeting was held in a hybrid format. The meeting was chaired by Australia and attended by 69 Member Countries, one Member Organization (the European Union), and 7 organizations. The United States was represented by the U.S. Delegate, Michelle Catlin from the U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS), and the U.S. Alternate Delegate, Jennifer Thomas from the Food and Drug Administration (FDA). Other members of the U.S. delegation included representatives from the U.S. Codex Office, FSIS, FDA, the USDA Agricultural Marketing Service, and the USDA Foreign Agricultural Service.

The meeting was opened by Auntie Brenda Hodge, Tasmanian Palawa Elder, who welcomed delegates in Palawa Kani, the language of her origin. Additional welcome was provided by the Honorable Murray Watt, Minister for Agriculture, Fisheries and Forestry, Australia. Mr. Diego Varela, Vice-Chairperson of the Codex Alimentarius Commission (CAC); Ms. Catherine Bessy, Food Safety Officer, Food Systems and Food Safety Division of the Food and Agriculture Organization of the United Nations (FAO); Dr. Akio Hasegawa, Technical Officer of the World Health Organization (WHO); and Mr. Tom Heilandt, Codex Secretary, also addressed the Committee.

In addition to the business of the Committee, two side events were held on matters related to CCFICS work. The first event was on food traceability and included presentations from the perspectives of regulators, industry, and standards organizations. The second side event was on paperless trade, with presentations from the Food and Agriculture Organization (FAO) and the World Customs Organization (WCO).

The United States was successful in achieving its major goals for the session. Consistent with U.S. positions, the Committee agreed to:

- Forward two major texts—guidelines on equivalence of National Food Control Systems (NFCS) and remote audit and inspection systems—for final adoption by the 46th Session of the Codex Alimentarius Commission (CAC46, scheduled for November 2023);
- Recommend CAC46 approval of new work on traceability to be chaired by the United States; and
- Progress the work on draft consolidated Codex guidelines related to equivalence and food fraud for further consideration at the next CCFICS session.

HIGHLIGHTS

The 26th Session of CCFICS agreed to:

- Send the Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS) to CAC46 (2023) for final adoption at Step 5/8

- Hold four sections of the Draft Consolidated Codex Guidelines Related to Equivalence at Step 4 and send the rest of the document back to Step 2 for redrafting. All sections remain open for comment
- Return the Draft Guidance of the Prevention and Control of Food Fraud to Step 2
- Send the Draft Principles and Guidelines on the Use of Remote Audit and Inspections in Regulatory Frameworks to CAC46 for final adoption at Step 5/8
- Forward new work to review and update the *Principles for Traceability/ Product Tracing as a Tool Within a Food Inspection and Certification System* (CXG 60-2006) to CAC46 for approval
- Consider revised discussion papers at CCFICS27 on (1) guidance on appeals mechanisms in the context of rejection of imported food and (2) guidance on standardization of sanitary requirements

A more detailed summary of the 26th Session of CCFICS is given below. The official report of CCFICS26 is posted on the [Codex website](#).

NEXT SESSION OF CCFICS

The 27th Session of CCFICS (CCFICS27) is tentatively scheduled for Fall 2024 in Australia.

MEETING SUMMARY

PROPOSED DRAFT GUIDELINES ON RECOGNITION AND MAINTENANCE OF EQUIVALENCE OF NATIONAL FOOD CONTROL SYSTEMS (NFCS)
<p>To Be Presented for Adoption at Next CAC? Yes Have the United States’ Objectives Been Met? Yes Is it anticipated that this item will or should be raised at the CAC? No</p>
<p>United States Objective The U.S. objective was to progress the work, while ensuring that flexibility remains in allowing countries to determine the approach to equivalence as appropriate to the trade between the countries and legal considerations. The United States also considers the ongoing work on consolidation of equivalence texts to be a priority.</p>
<p>Outcome/Conclusion The Committee agreed to forward this document to CAC26 for final adoption at Step 5/8.</p>
<p>Other Comments New Zealand, as Chair of the Electronic Working Group (EWG), provided an overview of the process to develop the draft guidelines. The EWG made significant progress toward resolving the issues noted during the previous session, CCFICS25 (2021).</p> <p>The plenary session reviewed the document and made some editorial changes. There was discussion around whether the focus should be only on sanitary measures. The Committee noted that the scope was developed to include both sanitary and technical measures, but that they should be clearly differentiated.</p>

**PROPOSED DRAFT GUIDANCE ON THE PREVENTION AND CONTROL OF
FOOD FRAUD**

To Be Presented for Adoption at Next CAC? No
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

United States Objective

The U.S. objective was to continue to progress the document, while ensuring that text excluding geographic indications (GIs) and intellectual property (IP) from the scope of the guidance was retained. The United States chairs this work, with China, the European Union (EU), Iran, and the United Kingdom (UK) as co-chairs.

Outcome/Conclusion

The current footnote text excluding GIs and IP was retained in square brackets to be discussed in the EWG. The Committee agreed to return the document to Step 2 for re-drafting. The United States will continue as chair with co-chairs China, EU, Iran, and UK.

Other Comments

The Committee discussed several sections of the document, including the preamble, purpose/scope, definitions, types of food fraud, and principles.

General comments noted duplication throughout the document and noted that risk should be considered.

Within the Scope section, the Committee had a lengthy discussion about the inclusion of feed for food-producing animals specifically within scope of the document. There was no consensus on this point, so the matter was referred back to the EWG for further consideration. Consideration of whether to include language related to criminal offenses and intentional adulteration was also referred back to the EWG. The Chair invited a general discussion on the footnote to exclude GIs and IP. Different opinions were expressed by delegates, with the EU in particular expressing opposition to the exclusion. The Chair announced her intention to write to the Chair of CCEXEC/CAC to seek advice about the extent to which GIs could be considered within the CCFICS mandate.

Edits were made to the definitions section to remove definitions that are not used elsewhere in the document and to refine the text. A proposal was made to remove the definition of authenticity; however, there was not broad agreement on that point and the definition was retained.

**PROPOSED DRAFT CONSOLIDATED CODEX GUIDELINES RELATED TO
EQUIVALENCE**

To Be Presented for Adoption at Next CAC? No
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

United States Objective

The U.S. objective was to continue to make progress on the document, recognizing that the main body of the document is early in the drafting process. The United States seeks to ensure that the final document maintains a clear recognition of different options for equivalence (e.g., systems and measure-by-measure equivalence determinations). New Zealand chairs this work with the United States and Kenya as co-chairs.

Outcome/Conclusion

The Committee agreed to hold the following sections of this document at Step 4: Section 1 (Preamble), Section 2 (Purpose), Section 3 (Scope), and Section 4 (Principles). The rest of the document was sent back to step 2 for re-drafting by the EWG. The committee agreed it would be useful to include an additional section on maintenance of equivalence recognition. The sections at Step 4 remain open for comment.

Other Comments

On Sunday prior to the plenary, a physical working group (PWG) meeting was held. At the PWG, progress was made on the preamble, purpose, scope, and principles (Sections 1-4); however, it was recognized that the text would need to be revisited after the Committee discussion on the Proposed Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS). During the plenary discussion, additional edits were made in Sections 1-4. It was agreed that Sections 1-4 would be held at Step 4, with the opportunity for continued comment, and that the focus of the EWG would be on the remaining sections. There was an interest expressed in ensuring that discussions around the Proposed Draft Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS) be considered as part of the development of the consolidated guidance.

Members raised questions about whether the consolidated guidance would replace the existing guidelines on equivalence when finalized. The Committee agreed that the final decision would be made at a later date, after further progress has been made on the consolidated guidance, but that the aim of the work was to produce a single consolidated text.

The United States and other members requested that a crosswalk be developed, showing from where the text in the consolidated guidance was derived, thus assisting members in ensuring that important content from the existing texts is retained. The working group Chair did not commit to undertaking a crosswalk.

**PROPOSED DRAFT PRINCIPLES AND GUIDELINES ON THE USE OF REMOTE
AUDIT AND INSPECTION IN REGULATORY FRAMEWORKS**

To Be Presented for Adoption at Next CAC? Yes
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

United States Objective

The U.S. objective was to support progress on the document while ensuring that modalities of remote audits and inspections (e.g., document review, video audits) were not mandated and that flexibility for on-site audits and inspections, as needed by the importing and exporting countries, was maintained.

Outcome/Conclusion

The Committee agreed to forward this document to CAC46 for final adoption at Step 5/8. The Chair noted that completion of this significant work in a single session was an extraordinary accomplishment, and indicated that Codex could move quickly when warranted.

Other Comments

Some countries expressed concern that there had not been sufficient opportunity for review and consideration of the document as presented during CCFICS26.

The title of the document as approved by CAC45 was "Audit and Verification;" however, the EWG recommended changing the title to "Audit and Inspection" during the development process. The Committee discussed whether the change narrowed the focus unnecessarily. The decision was made to include a footnote noting that inspection includes verification activities. The Committee discussed the terminology around recognizing auditing bodies to support work done by regulatory authorities. The Committee settled on terms related to authorization rather than accreditation.

In the discussion of the Scope section, the Committee noted that remote audits and inspections are complementary to other tools available to ensure effective delivery of official controls within the context of the NFCS. The Principles section was amended to note that use of remote audits should be risk-based, and planning should be done in a cooperative manner. A discussion on protection of information emphasized both protection of confidential business information and individual privacy, including use of secure channels for data transmission and secure disposition of information when no longer needed.

**DISCUSSION PAPER ON REVIEW AND UPDATE OF PRINCIPLES FOR
TRACEABILITY/ PRODUCT TRACING AS A TOOL WITHIN A FOOD
INSPECTION AND CERTIFICATION SYSTEM (CXG 60-2006)**

To Be Presented for Adoption at Next CAC? Yes
Have the United States' Objectives Been Met? Yes
Is this contentious? No

United States Objective

The U.S. objective was to obtain concurrence from the Committee to recommend to CAC46 that new work be initiated to update the existing Codex traceability principles document to include practical guidance for implementation of a traceability system that supports interoperability, while maintaining flexibility. The United States is the chair of this working group and steward of the document.

Discussion in Relation to United States' Objectives

Nigeria, the EU, Canada, Thailand, Indonesia, Uganda, Norway, New Zealand, Australia, and Japan supported starting the new work.

Outcome/Conclusion

The Committee agreed to forward the document on traceability to the CAC for approval as new work. It was also agreed to establish an EWG chaired by the United States and co-chaired by the UK, Australia, Ecuador, and Honduras.

Other Comments

Many countries commented that this document should not mandate a particular technological solution, and that it is important to retain flexibility to recognize levels of technological sophistication. Many want this document to cover the entire food chain. Traceability is a tool and needs to be applied at the appropriate level and flexibility is also a key. The membership provided input to the project document during the Committee session, and it was amended accordingly before it was agreed upon for submission to the CAC for approval as new work.

**DISCUSSION PAPER ON DRAFT GUIDANCE ON APPEALS MECHANISM IN THE
CONTEXT OF REJECTION OF IMPORTED FOOD**

To Be Presented for Adoption at Next CAC? No Have the United States' Objectives Been Met? N/A Is this contentious? No
United States Objective The U.S. objective was to encourage additional discussion around the topic prior to engagement in new work as proposed.
Discussion in Relation to United States' Objectives Members supported further refinement of the paper.
Outcome/Conclusion The Committee agreed to have India and Nigeria prepare a new discussion paper for CCFICS27 and asked other members to come forward to assist in paper development.
Other Comments The proposal for new work as presented by India would be to provide practical guidance for exporting countries to appeal rejections of shipments by an importing country. Rejections lead to food waste and can also result in a decrease in consumer confidence.

**DISCUSSION PAPER ON GUIDANCE OF STANDARDIZATION OF SANITARY
REQUIREMENTS**

To Be Presented for Adoption at Next CAC? No Have the United States' Objectives Been Met? Yes Is this contentious? No
United States Objective The United States objective was to encourage additional discussions and refinement of the project document prior to engagement in new work.
Discussion in Relation to United States' Objectives Many members supported further refinement of the proposal.
Outcome/ Conclusion The Committee agreed to have Brazil—with the assistance of Australia, New Zealand, the United States of America, and Spain—prepare an updated discussion paper for CCFICS27. The CCFICS Chair asked other members to come forward to assist in development of the discussion paper.
Other Comments The proposal focuses on the use of electronic certification in trade between countries. The United States supports additional discussion in this area, especially around standardization of requirements; however, maintaining a technology-neutral approach is important.