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CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION
AND CERTIFICATION SYSTEMS

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PROPOSED DRAFT GUIDANCE ON PAPERLESS USE OF ELECTRONIC CERTIFICATES (REVISION OF THE *GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES – CXG 38-2001*)

Comments at Step 3 (Replies to CL 2018/52/OCS-FICS)

Comments of Colombia, Cuba, Ecuador, Egypt, Guatemala, Guyana, Honduras, Indonesia, Jamaica, Kenya, New Zealand, Nicaragua, Norway, Paraguay, Philippines, USA and WCO

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2017/51/OCS-CCFICS issued on 18 August 2018 with a deadline for submission of comments of 28 September 2018.

Explanatory notes on the appendix

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format. **Annex II** presents comments submitted directly by email.

COMMENTS ON THE PROPOSED DRAFT GUIDANCE PAPERLESS USE OF ELECTRONIC CERTIFICATES
Comments at Step 3 (Replies to CL 2018/52/OCS-FICS)

GENERAL COMMENTS	
Colombia agrees with advancement at Step 3 and proposes that the Committee should move forward with the review of the document so that it may be possible to materialize assistance for the implementation of paperless use of electronic certificates, which, as stated, reflects the experience of countries that have already exchanged these certificates in the food trade.	Colombia
Ecuador would like to thank the Netherlands and Australia for the work performed by the Electronic Working Group. Upon review, Ecuador considers that Annex II, "Requirements, responsibilities and data model for paperless exchange of official certificates" is generally well structured. However, Ecuador believes that more information about UN/CEFACT should be provided, since not all countries are familiar with this system, and it is the only system mentioned in the entire document.	Ecuador
Paragraph 31: Aren't messages stored in any server or platform of the exporting country? It is suggested that the exporting country's competent authority should also be custodian of the electronic certificate.	Honduras
Paragraph 19: The method and size also need to be taken into account for a sample to be considered as such. Countries must define the protocols to enter samples.	Honduras
the certificate should be cancelled.	Guyana
Jamaica appreciate the work of the Netherlands, Australia and all the members of the electronic working group that help to push this document to its present position. In light of the country's continued support for this document, there is the need to: - Emphasizes on roles and responsibilities of the exporting and importing country - Provide business continuity option for countries in the event there is system failure in the paperless process - use of paper in the event of system failure - make provisions for security by establishing a section that speak to security criteria for paperless certification.	Jamaica
Indonesia would like to thank for Netherlands and Australia for starting this work in preparing the proposed draft guidance on paperless use of electronic certificates	Indonesia

(revision of the guidelines for design, production and issuance and use of generic official certificates).	
<p>New Zealand supports the development and progress of this work.Revision of CAC/GL 38-2001 to further support paperless (electronic) certification by modernising the terms and procedures is both timely and necessary.</p> <p>New Zealand notes that the term 'paperless' is often used interchangeably with 'electronic'.The places where these terms are used in the main text and the Annex should be reviewed to ensure consistency and clarity.</p>	New Zealand
Kenya appreciates the work of the EWG chaired by Netherlands and co-chaired by Australia.Kenya has implemented pilot on single window system that has been a success.We support the guidelines for the design, production, issuance and use of generic official certificates.	Kenya
Nicaragua would like to ask if it would be advisable to include in the guidelines types and formats of electronic signatures, to make the certificate easier to read.	Nicaragua
SPECIFIC COMMENTS	
TITLE	
GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES¹	Egypt Egypt approves the guidelines for design, production, issuance and use of generic official certificates to be submitted (at step 3) with no comments
	Philippines We would like to congratulate the electronic working group chaired by The Netherlands and co-chaired by Australia for coming up with the proposed draft revisions to CAC/GL 38-2001 main text and in coming up with an Appendix that sufficiently assists in implementing a paperless exchange. We are of the view that it is important to keep the paper version of official certificates, considering the limitations of capacities of developing or countries in transition.
SECTION 1 – PREAMBLE	
1.These guidelines recognize that the importing country's competent authority may, as a condition for clearance of food presented for international trade, require official certificates issued by or under the authority of the exporting country's competent authority.	New Zealand Para 1 – first sentence.This first use of the term 'food' should be footnoted with the statement that is currently para 5.In this way the inclusion of 'feed for food producing animals' will be included at all points that food / food trade / food products are mentioned and it will not be necessary to make amendments throughout the text.This approach has been used in other Codex and CCFICS text to address this issue.
SECTION 2 – SCOPE AND OBJECTIVES	

<p>4. These guidelines provide guidance to countries on the design, production, issuance and use of official certificates to attest that food presented for international trade has met the importing country requirements relating to food safety, and/or ensuring fair practices in the food trade.</p>	<p>Indonesia Indonesia would ask for clarification about the term of “production” and “issuance”</p>
<p>5. These guidelines may also apply to official certificates that are issued for feed for food producing animals.</p>	<p>USA CAC/GL 38-2001 has been modified by the electronic working group, though these changes have not been clearly identified in this document. It was agreed in CCFICS 23, and stated in the project document, that the new work would focus on the “review and revision of the Guidelines for Design, Production, Issuance and use of Generic Official certificates (CAC/GL 38-2001) to underpin the ability of the competent authority(ies) to engage in paperless exchange of electronic certificates with multiple partners.” However, it is noted some edits have gone beyond revisions to accommodate paperless exchange of certificates. The new paragraph 5 is an example. If the intent is to open the text to more substantive modifications, the United States will be prepared to submit additional edits to the document.</p>
<p>6. These guidelines provide assistance in identifying the information and attestations (both called data elements) required of that can be provided by competent authorities together with the <u>as well as mechanisms to exchange such information.</u></p>	<p>USA Original language is more consistent with guidance. Suggest the term data elements should be captured in the definitions section, as it is a term used in the paperless exchange</p>
<p>6. These guidelines provide assistance in identifying the information and attestations (both called data elements) required of competent authorities together with the mechanisms to exchange such information <u>information to ensure the importing and exporting country can be confident about the reliability and security of all components of the information and the means used for the exchange.</u></p>	<p>New Zealand Para 6 also introduces the term ‘data elements’ and gives what could be considered a definition. As the term is used several times in the guideline consideration should be given to including the term in the Definitions. Further the terms ‘data elements’ and ‘;information and attestations’ should not be used together in the same sentence as they are identified here as being effectively having the same meaning. Rational: For clarity and to address the comment made on para 7 particularly that as currently drafted the language is limiting application of these guidelines and contradicts para 4. The new text included in para 6 picks up the key point in the right place</p>
<p>7. These guidelines are applicable to paper based exchange of information and attestations of official certificates and paperless exchange of the data elements when both certificates, the importing and exporting country are confident about the reliability associated exchange of information and security attestations, regardless of all components involved in the electronic exchange mode of official certificates transmission.</p>	<p>New Zealand Para 7 - This revised para seems to be limiting the application of these guidelines to only when countries are confident about reliability and security which seems to contradict what para 4 is saying that these guidelines support the design and production of certificates. Suggest that the concepts in para 7 be separated. Para 7 should revert more closely to the original text "These guidelines are applicable to official certificates, and the associated exchange of information and attestations, regardless of the mode of transmission." The concepts of reliability and security could be added to para 6.</p>
<p>SECTION 3 – DEFINITIONS</p>	

SECTION 3 – DEFINITIONS	<p>New Zealand</p> <p>New Zealand suggest that the definitions in the new Annex 2 should be moved into the main text – with any necessary amendments.</p> <p>In particular a defintion of 'Signature' that applies to all modes of transmission should be considered as the definition of 'Electronic Signature' proposed in the new Annex raises issues of whether or not a 'signator' needs to be identified or if it is a real person or not.</p> <p>We also suggest that the definition of Attestation, proposed in the draft Third Party Assurance Scheme paper (CX-FICS 18/24/6) be considered for inclusion in this guideline.</p> <p>'Trade single window or Single window' should also be considered for a new definition because the terms have different meanings for different people.</p>
CERTIFICATES	
<p>Certificates are <u>those paper and electronic</u> documents, which describe and attest to attributes of consignments of food destined for international trade.</p>	<p>USA</p> <p>Suggest restoring the reference to paper and electronic for clarity.Electronic certificates can include pdf images of the certificate, which is an accepted mechanism for transmitting the certificate, or the electronic transmission of certificate data data elements.There is a need for clarity and consistent use of these terms throughout this guidance.</p>
<p>Certificates are documents, which describe and attest to attributes of consignments of food <u>and feed for food producing animals</u> destined for international trade.</p>	<p>Indonesia</p> <p>Referring to para 5 in introduction, these guidelines are not applied for food but also feed for food producing animals</p>
<p>Certificates are <u>paper or electronic</u> documents, which describe and attest to attributes of consignments of food destined for international trade.</p>	<p>New Zealand</p> <p>the change to this definition removes 'paper or electronic' from before 'documents'.This change could add confusion depending on how the term 'documents' is actually understood or translated into other languages.</p>
CERTIFICATION	
<p>Certification is the procedure by which official certification bodies or officially recognized certification bodies provide written or equivalent assurance that food or food control systems conform to requirements.</p>	<p>New Zealand</p> <p>The second sentence should be deleted.The emphasis on inspection activities is old terminology strongly influenced by the approaches associated with red-meat processing and does not sit comfortably in a modernised international guidance text.</p>
<p>Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products².</p>	
<p>Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products². [<i>Translator's Note: The amendment proposed does not change the meaning of the English version.</i>]</p>	<p>Nicaragua</p> <p>Comment on Translation in Spanish</p>

OFFICIAL CERTIFICATES	
Official certificates are legal documents <u>certificates</u> issued by, or under the control of the exporting country's competent authority, including by a certifying body recognized by the competent authority to issue such certificates.	New Zealand the replacement of 'certificates' with 'documents' is not helpful as 'certificates' is defined but 'documents' is not. The original languages should be retained.
Official certificates are legal documents issued by, or under the control of the exporting country's competent authority, including by a <u>third-party</u> certifying body recognized by the competent authority to issue such certificates.	Nicaragua We suggest to include the more specific term "third-party".
CERTIFYING OFFICERS	
Certifying officers are officers authorized or recognized, by the exporting country's competent authority, to complete and issue official certificates.	New Zealand given the proposed new definition for 'Electronic signature' contained in Annex 2 which contain the term 'signatory' is the definition of certifying officer still fit for purpose Alternatively a definition of 'signature' that can apply to all forms of transmission
CONSIGNMENT	
Consignment means a defined collection of food products normally covered by a single certificate.	New Zealand this definition needs to include 'feed for food producing animals'. As para 5 in the Scope now makes it clear that these guidelines can relate to these types of products as well. If our previous suggestion to address this matter in the Preamble is not agreed this could be achieved via a footnote at this point.
SECTION 4 – PRINCIPLES	
D. The rationale and requirements for specific attestations and identifying information should be communicated to exporting countries in a consistent and transparent manner and <u>the criteria for agreeing the applicable attestations should be applied by the importing country in a non-discriminatory manner.</u>	New Zealand Principle D – this principle should be amended as follows: ... consistent and transparent manner and the criteria for agreeing the applicable attestations should be applied by the importing country ... Rationale: as currently worded it has the potential to be interpreted as contradicting Principle A and the obligation of Codex members that are also members of the WTO – by implying that one form of certificate can be applied to all trade from all countries. The WTO requires member countries to restrict the application of measures to just those necessary for the relevant trade between the two countries. Accordingly attestations required from different countries can/should legitimately vary, but the criteria used to arrive at their necessity will not.
F. The competent authority of the exporting country is ultimately responsible for any certificate it issues or authorizes to be issued and for the management of the exchange status of a paperless certificate.	New Zealand

	Principle F – introduces the concept of ‘Exchange status of a paperless certificate’. New Zealand suggest that there would be benefit in providing a note / footnote to clarify that this related to the acknowledgement requirements of the relevant UN/CEFACT standard
NOTE:	
* The electronic certificate message exchange should be compatible with a Trade Single Window (as per UN/CEFACT recommendation 33 single window and further future developments).	USA This does not fit in the Principle section. Perhaps it would be better placed in Section 6 (paragraph 23 or in the new section (Annex II)?
* The electronic certificate message exchange should be compatible with a Trade Single Window (as per UN/CEFACT recommendation 33 single window and further future developments).	New Zealand the “note” associated with this principle should be amended to either accurately reference the name of the UN/CEFACT recommendation or the text in brackets should be deleted.
SECTION 5 – USE OF OFFICIAL CERTIFICATES	
PRINCIPLE A	
10. Specific attestations and information related to the product identified in the certificate can provide assurances that the food or group of food products: <u>-Complies with the relevant laws and regulations of the exporting country</u>	New Zealand a new first bullet point should added: - Complies with the relevant laws and regulations of the exporting country Rationale: this is the fundamental first step in any government to government assurance process and helps to protect importing countries from the dumping of sub-standard products.
- complies with the any additional food safety requirements of the importing country country as agreed with the exporting country ; and	New Zealand Rationale: this reflects the more recently developed guidance on National Food Control Systems
- complies with <u>any additional</u> requirements of the importing country related to fair practices in the food trade trade as agreed with the exporting country .	
11. It may be the case that national legislation does not authorize an exporting country's competent authority to issue the certificate required by the The importing country. Such information should be communicated to the importing country. In such instances, the importing country should consider the need to provide flexibility to allow such in the means by which the assurances relating to be provided by alternative means so long as food safety and fair practices in food trade are assured can be provided..	New Zealand As currently drafted this para significantly limits the application of flexibility in the provision of government to government assurances to only the instances where an exporting country is somehow constrained by their own legislation. Suggest the first two sentences are deleted and the final sentence be amended
SECTION 6 – ALTERNATIVES TO THE USE OF OFFICIAL CERTIFICATES	
PRINCIPLE B	
Attestations and information required by the importing country should be confined to essential information that is related to the objectives of the importing country's food inspection and certification system.	Guatemala Here, it is important to promote or to encourage states' authorities to use, to the extent possible, the certificate format established by Codex Alimentarius. Some countries may

	need additional information. However, whenever possible, the format established or recommended by Codex Alimentarius should be the standard used among countries.
SECTION 7 – EXTENT OF INFORMATION, TRANSPARENCY AND NON-DISCRIMINATION	
PRINCIPLE C	
16. The particular official attestations and information to be included on a certificate will be determined by the requirements of the importing <u>country in consultation with the exporting country</u> . Importing countries should make use of international standards, if available, with the objective of reducing the need for extensive detail in certificates.	New Zealand in line with suggested amendments to Principle D to clarify that the specific attestations required by importing countries should relate to the products being traded and not take a 'one size fits all' approach and will therefore involve discussion and agreement between the parties New Zealand suggests the first sentence of para 16 be amended by adding 'in consultation with the exporting country'.
PRINCIPLE D	
20. In establishing requirements for certificates, importing countries should ensure that <u>the criteria will apply used in determining the information and attestations applicable to bilateral trade is applied</u> equitably to all exporting countries in order to avoid arbitrary or unjustifiable discrimination.	New Zealand In line with our suggested amendments to Principle D
Principle E	
SECTION 8 – DESIGN OF OFFICIAL CERTIFICATES	New Zealand
Principle E	The subheading 'SECTION 8 – DESIGN OF OFFICIAL CERTIFICATES' should be reinstated from the original text
NOTE:	
*The electronic certificate message exchange should be compatible with a Trade Single Window (as per UN/CEFACT recommendation 33 single window and further future developments).	USA Same concern as identified under Section 4 paragraph 9 F
*The electronic certificate message exchange should be compatible with a Trade Single Window (as per UN/CEFACT recommendation 33 single window and further future developments).	New Zealand In line with previous comment the '*note' associated with this principle should be amended to either accurately reference the name of the UN/CEFACT recommendation or the text in brackets should be deleted.
23 (bullet 5) - contain attestations of officials of certifying bodies which/by the official or officially recognized certifying body which relates to the consignment described on that certificate and should not be required to be endorsed/re-certified after they are issued; and	New Zealand
PRINCIPLE F	

<p>26 be designated and adequately empowered by national/regional¹⁰legislation or regulation <u>mandate</u> in a transparent manner to provide the particular attestations required in an official certificate;</p>	<p>New Zealand New Zealand suggests that the words 'legislation or regulation' should be deleted and replaced with mandate. The current wording is potentially restrictive as there may be other ways to ensure a certifying body is adequately empowered without requiring that such empowerment is set out in law.</p>
<p>30 (bullet 1) national legislation or regulation <u>appropriate controls</u> in place to facilitate confidential paperless certification;</p>	<p>New Zealand the words 'national legislation or regulation' should be deleted and replaced with appropriate controls. The making of legislation is only one way to ensure appropriate controls are in place and a Codex guideline should allow for flexibility in the way countries achieve the desired objective.</p>
PRINCIPLE G	
<p>32. When a certificate requires multiple attestations (e.g., food safety, animal health and/or plant health) standard attestations developed by organizations recognized in the World Trade Organization (WTO) Sanitary and Phytosanitary Agreement (SPS) may be used (i.e., Codex, OIE, IPPC).</p>	<p>New Zealand As currently drafted this para mixes two concepts, firstly the requirement for attestations relating to multiple aspects of a product or consignment (food safety, animal or plant health) and secondly encouraging countries to use standardised attestations recommended by the international standard setting bodies (Codex, OIE or IPPC) where these are available. New Zealand suggests that these concepts should be separated and consideration should be given to moving these points to under Principle C.</p>
<p>34. In case certificates are required from different bodies, a single competent authority may issue the certificate based on information received from other official bodies. An example of such cases would be attestations of animal health status and public health matters on the same certificate.</p>	<p>Guatemala Here we simply would like to comment that some countries use the same format for food safety and animal health certification, or food safety and phytosanitary certification.</p>
<p>34. In case <u>where</u> certificates are required from different bodies, a single competent authority may issue the certificate based on information received from other official bodies. An example of such cases would be attestations of animal health status and public health matters on the same certificate.</p>	<p>New Zealand for clarity of the English text the beginning of the first sentence should be amended</p>
<p>36. Commercially sensitive information such as contract numbers and bank arrangements should not be <u>required to be</u> included in official certificates.</p>	<p>New Zealand for clarity amend to end of the para to read: ...should not be required to be included in official certificates.</p>
PAPERLESS EXCHANGE OF DATA ELEMENTS (INFORMATION AND ATTESTATIONS) OF OFFICIAL CERTIFICATES	
<p>43 (bullet 3) - consider use data elements and message structure such as those ratified by the United Nations Centre of Trade Facilitation and Electronic Business¹¹ for electronic SPS certificates exchanged between government border authorities</p>	<p>New Zealand The point needs to be stronger as this is about when e-cert is being used. The time to 'consider' is when a decision to go to e-cert is being made.</p>

(UN/CEFACT eCert SPS data standard and message structure).The importing and exporting countries will need to agree on the data elements set to be exchanged;	
43 (bullet 3) - consider usage of available technologies for message exchange to expedite direct communication between officials in such a way as to ensure that data exchange options enhance business continuity and the use of the Trade Single Window	USA As written, this requires the use of the Trade Single Window.Suggest deleting specific reference.
43 (bullet 2) - consider usage of available technologies for message exchange to expedite direct communication between officials in such a way as to ensure that data exchange options enhance business continuity and the use of the Trade Single Window	New Zealand this point is very unclear and needs clarification.Exactly what is being recommended?
43 (bullet 3) - ensure authenticity, integrity and security of the electronically exchanged official certificates by the use of international standards and recommendations (see annex) with regards to: <u>Add points 1 - 5 currently in Annex II Section 4 - Requirements to replace current 3 sub-bullets</u>	New Zealand This bullet and sub-bullets needs to be extensively rewritten.It is not clear what the 'international standards and recommendations' actually are - the content of the annex is confused UN/CEFACT is given as the one example but are there actually others and there are also too many acronyms in the Annex that are not explained - are they the international standards or recommendations being referred to? The sub-bullets seem to cover some but not all the points in section 4 of the Annex.We suggest it would be much clearer and less confusing for the 1-5 points in the annex to be fully captured here, the point 6 in the Annex (single trade window) is already captured above.
43 (bullet 3) the exchange mechanism	New Zealand
43 (bullet 3) the connection protocol responsible for the end-to-end communication	
43 (bullet 3) the message language, structure and exchange protocol.	
*NOTE	
* As long as limitations of infrastructure and capabilities of countries in transition, including developing countries, do not enable an electronic exchange compliant with requirements 1 - 5 in Section 4 of Annex II it is recommended to keep the paper versions in parallel to the electronic exchange.	USA General Comment This point is duplicative to Annex II.
* As long as limitations of infrastructure and capabilities of countries in transition, including developing countries, do not enable an electronic exchange compliant with requirements 1 - 5 in Section 4 of Annex II <u>remain</u> it is recommended to keep the paper versions in parallel to the electronic exchange.	New Zealand this note is confusing with its reference to the Annex and would be better as short statement
46.In the case of paperless exchange of official certificates, the importing country competent authorities should ensure that the importer or representative provides	New Zealand using the term 'verification' in the revised text is not appropriate here.The original language was better.

relevant information electronically for to allow the verification identity of the consignment <u>to be established</u> against the details contained in the certificate.	
47.Replacement certificates may be issued by a competent authority to rectify certificates that have been for example, lost, damaged, contain errors, or where the original information is no longer correct.These certificates must be clearly marked to indicate that they are replacing the original certificate.A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed.The original certificate should be cancelled and in case of hard copy copy <u>be removed from commercial circulation, where possible, e.g.</u> returned to the issuing authority or retained by the importing competent authority.	New Zealand the key point is that the original certificate should be removed from commercial circulation.New Zealand suggest that the last sentence read: ... and in the case of hard copy be removed from commercial circulation, e.g. returned to the issuing authority or retained by the importing competent authority
48.When, for good and sufficient reason, there is cause to revoke a certificate, the certifying body should revoke the original certificate as soon as possible and notify the exporter or their agent in hard copy or by electronic means of the revocation.The notice should reference the number of the original certificate to which the revocation refers and provide all particulars regarding the consignment and the reason(s) for the revocation.In the situation that the consignment is already under the responsibility of the importing country the appropriate food control authority should be notified in hard copy or by electronic means.The revoked original paper certificate should <u>should removed from commercial circulation, where possible, be e.g.</u> returned to the issuing authority or retained by the importing competent authority. <u>REINSTATE INVALID CERTIFICATES PARAGRAPH - with minor amendments to last sentence to read:In such cases the certifying body should, provide the information and issue a replacement certificate if required."</u>	New Zealand similar to the para 47 comment the key point is that the original certificate should be removed from commercial circulation.New Zealand suggest that the last sentence be amended. Reinstate the paragraph on Invalid Certificates - this is still relevant guidance
PRINCIPLE H	
Competent authorities should take appropriate action to prevent the use of fraudulent certificates and should assist, as appropriate, in the timely investigation of such use.	Guatemala Here it is important to take into account or make reference to the proposed draft or electronic group on Food Fraud, for adequate complementation.
ANNEX 1 - GENERIC MODEL OFFICIAL CERTIFICATE	
GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES (CAC/GL 38-2001)	New Zealand
2. Certificate number: this identification number should be unique for each certificate and authorized by the competent authority of the exporting country.For multiple page certificates, see paragraph 38 of document CAC/GL 38-2001.	New Zealand update paragraph reference to main text
6. Country of origin ¹² : name of the country in which the products were produced, manufactured <u>produced or packaged</u> manufactured .	Kenya Packaging for repackaged products should be handled differently

<p>12. Total quantity: in appropriate units of weight or volume for the whole consignment.</p>	<p>Nicaragua Nicaragua proposes deleting “appropriate”, since units must be indicated according to the International System of Units (SI).</p>
<p>13. Identification of container(s)/Seal number(s): identify the containers and official seal numbers where applicable or if known.</p>	<p>Nicaragua We request to include the term “official” to avoid confusions, since several types of seal are used.</p>
<p>13. Identification of container(s)/Seal number(s): 14. Identification of container(s)/Seal number(s): identify the containers and seal numbers where applicable or if known.</p>	<p>Nicaragua Nicaragua proposes separating the guidelines to facilitate comprehension - <i>EDITORIAL AMENDMENT</i></p>
<p>Nature of the food (or description of product): description of the product(s) precise enough to allow the product(s) to be classified in the World Customs Organisation's Harmonised System, including the commodity code (HS code) where appropriate. [Translator's Note: The amendment proposed does not change the meaning of the English version.]</p>	<p>Nicaragua <i>TRANSLATION</i></p>
<p>Type of packaging: identify the type of packaging of products as defined in Recommendation No. 21 of UN/CEFACT (United Nation Centre for Trade Facilitation and Electronic Business).</p>	<p>Nicaragua The text mentioned could not be found in the relevant database: http://tfig.unece.org/SP/contents/unece-uncefact-recommendations.htm</p>
<p>There may be other attestations covering different issues (cf. paragraph 7 of document CAC/GL 38-2001).</p>	<p>New Zealand Update paragraph reference to main text</p>
<p>17. Certifying officer: name, official position, official stamp (optional), date of signature and signature.</p>	<p>Nicaragua Since in some countries the “official stamp” is also called “electronic stamp” or “legal entity’s electronic signature”, we recommend including a note to clarify this.</p>
<p>17. Certifying officer: name, official position, official stamp (optional), date of signature and signature.</p>	<p>Nicaragua Regarding the “date of signature”, Nicaragua would like to ask if electronic time sealing / time stamping will be considered in the electronic certificate, or if a text indicating the date and time will be enough.</p>
<p>ANNEX II - REQUIREMENTS, RESPONSIBILITIES AND DATA MODEL FOR PAPERLESS EXCHANGE OF OFFICIAL CERTIFICATES</p>	
<p>REQUIREMENTS, RESPONSIBILITIES AND DATA MODEL FOR PAPERLESS EXCHANGE OF OFFICIAL CERTIFICATES</p>	<p>New Zealand While New Zealand support the general content and the intention to provide additional guidance on paperless / electronic certification that is set out in this new annex we believe that the structure and placement of the additional guidance in relation to the content of the main text need significant rethinking. This Annex would be better focused on the details that need further explanation and the Datamodel. It is currently repeating aspects that are (or should be) captured in the main text - eg that are covered by the Principles that apply regardless of the mode of exchange</p>

	between countries. Further the way the Annex is currently structured with sections - does not sit comfortably with the main text. If this format is to be maintained then the content of each section needs to be clearly different from the main text, that is adding further guidance or explanation not repeating or paraphrasing.
SECTION 1 – INTRODUCTION	
Competent authorities may decide to implement paperless exchange of official certificates. This annex is not intended to mandate the use of specific concepts for electronic certification mechanisms but to provide guidance to assist a country to implement an electronic exchange in place of paper based certification.	New Zealand The term 'paperless' is used in the title and opening sentence but then immediately the term 'electronic' is used, this is a bit inconsistent and use of the terms should be reviewed to address this.
NOTE:	
*Governments should ensure that the operations for paperless exchange of official certificates are as transparent as possible, while respecting any legal confidentiality requirements and avoiding the creation of new barriers to trade by introducing excessive requirements for security and/or authenticity and/or integrity.	USA Editorial Is this intended as a footnote? It is not necessary to expand on the need for transparency. Points on confidentiality have been incorporated in Section 9 of the main text.
*Governments should ensure that the operations for paperless exchange of official certificates are as transparent as possible, while respecting any legal confidentiality requirements and avoiding the creation of new barriers to trade by introducing excessive requirements for security and/or authenticity and/or integrity.	New Zealand The content of the content of this note should be a new para under Principle D in the main text (as Biz 21) – then if necessary any *note needed in a revised Annex should refer back to the main text.
*Governments should ensure that the operations for paperless exchange of official certificates are as transparent as possible, while respecting any legal confidentiality requirements and avoiding the creation of new unnecessary barriers to trade by introducing related to excessive requirements for security and/or authenticity and/or integrity.	Nicaragua Wording amendments suggested to facilitate comprehension. In the case of the technical barriers, we suggest replacing the term for consistency with those established in the framework of the WTO.
SECTION 3 – DEFINITIONS	
SECTION 3 – DEFINITIONS	New Zealand The proposed Definitions need further consideration and should probably be moved into the main text. What do the acronyms mean? What are they - are these other international standards or recommendations? Does the source need to be retained?
<ul style="list-style-type: none"> (See bullet 1) - An electronic certificate is the electronic representation of the wording and data describing and attesting to attributes of a consignment of food destined for international trade, transmitted by authenticated and secure electronic means from the exporting country authority to the importing country authority. (sources: Codex and appendix 1 of ISPM 12) 	USA General Comment Suggest the need to align terminology with the definitions section of the main text. An electronic certificate could be in the form of an image transmitted electronically, while the focus of this Annex is paperless.

<ul style="list-style-type: none"> (See bullet 2) - An electronic signature is data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign. It captures the signatory's intent to be bound by the contents of the signed document (source: eIDAS article 3) 	<p>New Zealand</p> <p>The definition 'Electronic Signature' includes the term 'signatory' - is this the same as a certifying officer' which is a person or is this intended to also allow for some form of Artificial Intelligence / automated system that will allow an exchange of information / issuance of a certificate to occur? This needs to be clear. The main text requires the identity and position of a certifying officer to be included on a paper certificate (para 41) but is not clear from this current definition if the identity of the 'signatory' is required.</p>
<ul style="list-style-type: none"> (See bullet 2) - An electronic signature is data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign. It captures the signatory's intent to be bound by the contents of the signed document (source: eIDAS article 3). 	<p>Nicaragua</p> <p>Nicaragua proposes that the reference for this definition should be the one provided by UNCITRAL in the "UNCITRAL Model Law on Electronic Signatures". "Electronic signature" means data in electronic form in, affixed to or logically associated with, a data message, which may be used to identify the signatory in relation to the data message and to indicate the signatory's approval of the information contained in the data message</p>
<ul style="list-style-type: none"> (See bullet 2) - An electronic signature is data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign. It captures the signatory's intent to be bound by the contents of the signed document (source: eIDAS article 3). [Translator's Note: The amendment proposed is not relevant for the English version.] 	<p>Paraguay</p>
<ul style="list-style-type: none"> (See bullet 3) - A single window can be defined as a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit related-related regulatory requirements (source: WCO single window concept). 	<p>Nicaragua</p> <p>Nicaragua recommends reviewing and defining only one source, since two different sources are used for the definition of single window.</p>
<p>SECTION 4 – REQUIREMENTS</p>	
<p>SECTION 4 – REQUIREMENTS</p>	<p>New Zealand</p> <p>New Zealand suggest these bullet points are better captured in the main text - what is needed in this annex is an expansion or what these components are or a specific reference to the actual standard or recommendation - currently this is only done for the Single Trade Window - what about the others?</p>
<p>SECTION 4 – REQUIREMENTS</p>	<p>Nicaragua</p> <p>We recommend including details about the scope of, and examples for each of the 6 items, to facilitate comprehension.</p>
<p>Integrity, and/or authenticity and/or necessary security protocols (including through the use of an electronic signature)</p>	<p>Nicaragua</p> <p>Nicaragua proposes amending the wording so that the use of an electronic signature based on the relevant international standards, recommendations and guidance will make it possible to guarantee the integrity of the official certificate, that the certificate is</p>

	<p>authentic if it bears the official signature and has any other security protocol.</p> <p>“And” was substituted for “and/or” because compliance is not optional and the terms are not equivalent.</p>
Single Window systems (as defined by UN/CEFACT recommendation 33)	<p>Nicaragua We propose deleting this, since Section 3 of this document defines Single Window according to the WCO concept.</p>
*As long as limitations of infrastructure and capabilities of countries in transition, including developing countries, do not enable an electronic exchange compliant with requirements 1 - 5 it is recommended to keep the paper versions in parallel to the electronic exchange.	<p>New Zealand</p>
SECTION 5 – ROLES AND RESPONSIBILITIES	
*As long as limitations of infrastructure and capabilities of countries in transition, including developing countries, do not enable an electronic exchange compliant with requirements 1 - 5 it is recommended to keep the paper versions in parallel to the electronic exchange. SECTION 5 - ROLES AND RESPONSIBILITIES	<p>Nicaragua Only responsibilities are indicated, so we propose deleting “Roles”.</p>
Paperless exchange of official certificates between the competent authorities of exporting and importing countries using UN/CEFACT SPS standardized language, structure and exchange protocols presents the following responsibilities of involved competent authorities and business operators.	<p>New Zealand This section needs to set out or expand the things that are different from what's covered in the main text - para 44 and para 46 are particularly relevant as they also set out responsibilities that seem repeated here</p>
<p>NOTE:</p> <p>*in case of UN/CEFACT SPS standardized exchange protocols the receiving infrastructure will automatically generate this.</p>	<p>USA Unclear reference.Suggest this is too specific and should be deleted</p>
(See bullet 4) - The importing competent authority receives electronically relevant information for the verification of the consignment against the details contained in the certificate from the importing business operator.	<p>USA Electronically relevant information” is not clear and may cause confusion among those not familiar with paperless certification.The sentence implies that the importing business operator is the one delivering the certification to the importing government.This would not be the case in a paperless transfer of certificate data</p>
SECTION 6 - EXAMPLES OF ELECTRONIC CERTIFICATION MECHANISMS	
SECTION 6 – EXAMPLES OF ELECTRONIC CERTIFICATION MECHANISMS	<p>Paraguay Paraguay would like to ask for clarification about Section 6 of these Guidelines.</p>
The electronic certification system of the importing competent authority receives certificates data from the electronic certification system of the exporting competent	<p>New Zealand</p>

<p>authority through a central or regional hub (being developed by the International Plant Protection Convention as ePhyto) recognised by both parties.</p>	<p>this point should be amended to read ... through a central or regional hub as recognised by both parties.</p> <p>Rationale: The text in the brackets is an example and if retained should be reworded as such because there are other hubs currently under development.</p>
SECTION 7 – ADDITIONAL FUNCTIONALITIES FOR RETRIEVING CERTIFICATE INFORMATION	
SECTION 7 – ADDITIONAL FUNCTIONALITIES FOR RETRIEVING CERTIFICATE INFORMATION	Nicaragua
<p>to provide a service, for example a dedicated website, to enable authorities involved in border clearance or transit to verify certificate information which is issued through the electronic certification system of the exporting competent authority (verification tool).</p> <p><u>c. to provide an electronic certificate format that contains a human-readable representation, as well as its data structure, so that it can be read or retrieved by electronic certification systems.</u></p> <p><u>Note: For example, like the German "ZUGFeRD Invoice", a pdf containing an XML which complies with the UN/CEFACT "Core Cross Industry Invoice (CII)".</u></p>	<p>Nicaragua Nicaragua proposes including one more functionality to section 7.</p>
<p>The importing competent authority may authorise the exporting competent authority to use the secured database of the importing country in which the certifying official can insert the certificate information.</p>	Paraguay
SECTION 8 - DATAMODEL OF THE GENERIC MODEL OFFICIAL CERTIFICATE	<p>Nicaragua Nicaragua recommends against the use of any kind of dynamic content when constructing a generic official certificate. When a human being is responsible for signing the certificate, the same principles that apply to paper certificates are applicable to electronic ones, so whenever fields are filled out in a certificate, this must be done in full and without dynamic conditions.</p>

COMMENTS FROM CUBA

The Republic of Cuba has analysed the document for Item 4 of CCFICS24 and submits its comments below.

1. PRINCIPLE G, POINT 43, PENULTIMATE BULLET

Comments.- The penultimate bullet seems to be incomplete, as can be seen below:

- take into account the limitations of infrastructure and capabilities of involved countries*; and

We recommend that the wording of this item should be reviewed, given its importance for developing countries, since it is impossible to understand the meaning of the last letter, "e". [*Translator's Note: The recommendation is only relevant for the Spanish version.*]

NORWAY

Paragraph 31:

31. Where paperless certification is in place the competent authority of the importing country becomes custodian of the issued certificate after the exchange

Comment:

In cases where the importing country has become the custodian of the issued certificate, but rejects the shipment when it arrives at the border, how is this managed with electronic certificates?

Normally the shipment should be sent back to the country of origin, or forwarded to another country which accepts the shipment. How to transfer custody of the electronic certificate, especially in cases where the second import country does not have a system of receiving an electronic certificate? Should it be reissued by the original exporting country or printed and forwarded by the rejecting country?

Paragraph 47:

47. Replacement certificates may be issued by a competent authority to rectify certificates that have been for example, lost, damaged, contain errors, or where the original information is no longer correct. These certificates must be clearly marked to indicate that they are replacing the original certificate. A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed. The original certificate should be cancelled and in case of hard copy, where possible, returned to the issuing authority.

Comment:

Sometimes it will be necessary to change the consignee of a shipment after the certificate has been transferred to the import country and the goods are in transit. This could for example be the case where the original buyer is bankrupt and the goods need to be redirected to another country. If the electronic certificate is already transferred to the import country, how to regain "control" over the issued certificate and reissue a new one to a different country? Is it necessary to address this issue which is specific to electronic certificates here, or are these type of practical problems to be solved on a bilateral level?

Paragraph 24:

The information related to the product being certified should be clearly documented on the certificate and should include as a minimum the following. It may also include additional information as agreed to by the importing and exporting country:

... – a description of the commodity and consignment to which the certificate uniquely relates, e.g., lot identifier, means of transport, security seal number(s) or date coding;

Comment:

As the paper certificate would no longer be physically sent together with the shipment, which thereby in itself uniquely relates it to the product, should there be more stringent requirements for a unique identification when using electronic certificates? For example labelling the goods with the relevant HC number etc.?

COMMENTS FROM WCO

1. With a view to aligning the WCO and CODEX initiatives on paperless processing, as already explained under Agenda item 3, the WCO wishes to make the following suggestions with respect to the draft Guidance.

SECTION 4 (Principle E, paragraph 9) and SECTION 7 (Principle E, paragraphs 22 to 24)

2. The WCO suggests that a reference to the WCO Single Window Guidelines be inserted in the annotation to SECTION 4 - Principle E (paragraph 9). This suggestion also applies to the annotation to Principle E in Section 7.

3. Bearing in mind that Customs requirements are an essential component of the cross-border movement of goods and clearance processes in importing or exporting countries, simplification and acceleration of import/export clearance processes cannot be achieved without giving consideration to Customs requirements. The WCO Single Window Compendium offers comprehensive guidance on how to build a Single Window Environment bearing in mind cross-border regulatory requirements. The Compendium also contains Guidelines on Data Harmonization, using the WCO Data Model as the basis for undertaking data harmonization work.

Suggested text (**bold** and underline):

“*The electronic certificate message exchange should be compatible with a Trade Single Window (as per UN/CEFACT recommendation 33 on single window and further future developments, **as well as per the WCO Single Window Compendium**).

SECTION 4 (Principle G, paragraph 9) and SECTION 9 (Principle G, paragraph 43)

4. The WCO suggests that a reference to the WCO Data Model be added under Principle G (paragraph 43, first indent) to give consideration to electronic information exchange with Customs in order to enable data harmonization.
5. Customs administrations are using the WCO Data Model as the basis for electronic data exchange and for data standardization when establishing a Single Window environment. Furthermore, and subject to national law, Customs administrations might have responsibilities in the certification process for food imports and exports.

Suggested text to be added (**bold** and underline):

“- consider the use of the WCO Data Model dataset, structure and electronic message formats, and specifically its subset for Licences, Permits and Certificates (LPCO), as a reference to ensure interoperability with relevant cross-border regulatory agencies, including Customs, in the context of a Single Window environment.”

Paragraph 24, footnote 6

6. The WCO proposes that footnote 6 refer to the *WCO International Convention on the Harmonized System*.

Suggested text (**bold** and underline)

“The WCO International Convention on the Harmonized System should be used when appropriate.”

Annex II, SECTION 2 - SCOPE

7. The WCO suggests that a reference to the WCO Data Model be added.

Suggested text (in blue):

“... standards and recommendations, like UN/CEFACT¹⁴ SPS **and the WCO Data Model standardized language, dataset, structure and exchange protocols.**”

Annex II, SECTION 3 - DEFINITIONS

8. The WCO suggests that the term ‘WCO single window concept’ be replaced by ‘WCO Single Window Compendium’.

Suggested text (**bold** and underline):

“A single window can be defined as a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfill all import, export, and transit related-related regulatory requirements (source: **WCO Single Window Compendium**)”

Annex II, SECTION 4 - REQUIREMENTS (No. 6, Single Window systems)

9. The WCO suggests adding a reference to the WCO Single Window Compendium.

Suggested text (**bold** and underline):

“6. Single Window Systems (as defined by the UN/CEFACT recommendation 33 **and the WCO Single Window Compendium**)”