

# codex alimentarius commission



FOOD AND AGRICULTURE  
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Agenda Item 3(b)

CX/FICS 04/13/4 – Add 1  
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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEx COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Thirteenth Session

Melbourne, Australia, December 6 – 10, 2004

#### PROPOSED DRAFT PRINCIPLES FOR ELECTRONIC CERTIFICATION

(Comments at Step 3 received from Canada, Colombia, Iran, Mexico, New Zealand  
and the United States)  
(N05-2004)

#### Canada

Canada wishes to thank Australia for drafting the Principles for Electronic Certification and is pleased to offer the following comments.

#### General Comments:

Canada is of the opinion that the principles and guidance outlined in the “*Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) are fundamentally important for certification in general. While paper certificates are commonly used in international trade, electronic certification is simply an alternative tool to facilitate transmission of certificates or the information contained therein by electronic means. Care should be taken in the presentation of the principles to retain this distinction.

Canada therefore believes that it would be logical to append the “*Proposed Draft Principles for Electronic Certification*” to the “*Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001).”

#### Specific Comments:

#### PRINCIPLES FOR ELECTRONIC CERTIFICATION

##### Bullet Point 2:

Canada is of the view that this bullet as written is restrictive and could possibly exclude other globally accepted standards for data elements and message structure. In recognizing that the issue of electronic certification is dynamic and continues to evolve, we recommend a broader approach to this topic in order to allow flexibility between trading partners to determine the most suitable means to transmit certificates or the information contained therein by electronic means. Canada is of the view that this bullet should be amended to encourage the application of a globally integrated system, rather than prescribing/standardizing a single accepted system in a Codex document. We would like to provide alternative wording as follows:

“**consider** data elements and message structure **such as** those ratified by the United Nations Centre of Trade Facilitation...”

Bullet Point 3:

Canada would like to suggest the following changes to bullet point 3 to further clarify this bullet point.

“require exchange of **electronic** data to be in conformance with a recognized protocol for the purpose of transferring **of such** data between systems with ~~such~~ security measures as deemed appropriate to protect against fraud, **infection from viruses and other malicious software** and maintain system integrity., ~~through the use of one or more of the following or equivalent controls~~  
**Examples of security measures which may be considered include:**

- digital **authentication** certificates
- encryption
- controlled and audited access
- firewalls”

With regards to the addition of the clause "**infection from viruses and other malicious software**", we are of the opinion that the inclusion of this specific reference is relevant since the transfer of electronic data between systems are prone to virus and other similar threats and the resultant effects are not necessarily related to intentional tampering of the system.

Colombia

Colombia considers that these draft principles should be elaborated as “incorporated as additional text within *Section 5 – Principles* of the existing guidelines”.

The foregoing is attributable to the fact that the country is currently gradually updating the legislation, food inspection and control procedures, in which the focuses will be on risk analysis and “from the farm to the table” for preventive food control.

Iran

Comments of Iranian Codex Committee on Food Import and Export Inspection and Certification, regarding Proposed Draft Principles for Electronic Certification (CX/FICS 04/13/4)

Please find our comments about the document on “ Proposed draft principles for electronic certification ” as follows:

1. Clause 1, page 3: With the existing wordings, this clause is only appropriate if the document is elaborated as a stand-alone document, otherwise, if it is going to be submitted in other ways, this clause should be modified accordingly.
2. Bullet 1, clause 3, page 3: It is recommended to change “align to” to “comply with”, in compliance with the management system vocabulary used in ISO standards.
3. Bullet 1, clause 3, page 3: With the existing wordings, this clause is only appropriate if the document is elaborated as a stand-alone document, otherwise, if it is going to be submitted in other ways, this clause should be modified accordingly.
4. Bullet 3, clause 3, page 3: It is proposed to add “ digital certificates ” to the list of the three hyphenated items.
5. Clause 3: The whole paragraph seems incomplete due to avoidance of punctuation marks. So it is recommended to use:
  - (.) Or (;) at the end of the first and second subclauses,
  - (:) After “ equivalent controls “,
  - (.) Or (;) after firewalls,

(.) Or (;) at the end of the fourth and fifth subclauses.

### **Mexico**

Mexico considers it appropriate to include principles for electronic certification as an additional text in the Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38-2001).

### **New Zealand**

The New Zealand Government would like to make the following comments in respect of the recommendations:

New Zealand was a member of the working group that prepared these draft principles and agrees that the *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) could benefit from additions as regards electronic certification.

New Zealand suggests that the best way to elaborate principles related to electronic certification would be to incorporate a small amount of additional text within section 5 (Principles) of CAC/GL 38-2001 with some further additional text in section 6 (Criteria) to address any expansion of detail that would not be appropriate in the principles.

New Zealand also notes that under Agenda item 6 the Committee will be considering *Discussion paper on the Revision of Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CX/FICS 04/13/8). We suggest that the minor additions necessary to the Guidelines in respect of electronic certification also be included in the Committee's consideration as to whether or not to recommend new work on the revision of the Guidelines.

### **United States**

The United States provides the following comments in response to CX/FICS 04/13/4, *Proposed Draft Principles for Electronic Certification* (at Step 3).

### **General Comments**

The United States appreciates the work of Australia and the working group to develop this set of proposed draft principles for electronic certification. The U.S. believes that it is appropriate for Codex to provide international guidance for the issuance and transfer of food export certificates by electronic means. Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) provide for the use of electronic means for the issuance or transfer of certificates (ref: Section 6, paragraph 15). The U.S. believes that the proposed principles will strengthen this guidance.

The U.S. believes that the proposed draft principles should be added to CAC/GL 38-2001 in order to provide consistency in the Codex guidance for both paper and electronic certificates. One option would be add these principles to Section 6 (Criteria), incorporating the content of paragraph 15 (which would then be deleted). Perhaps a better option would be to incorporate the principles into the revision of CAC/GL38, as part of the Committee's consideration of a *Discussion Paper on the Revision of the Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (see 13<sup>th</sup> Session Agenda Item 6). The Committee should consider if placement of the information in Section 6—Criteria for Electronic Certificates, with the Principles section being applicable to all certificate formats, is the best option.

### **Specific Comments**

Annex 1, Paragraph 3, first bullet: This bullet can be deleted if the document is incorporated into CAC/GL 38.

Annex 1, Paragraph 3, second bullet: Revise to read:

“Countries should take into consideration the data elements and message structure established by the United Nations Centre of Trade Facilitation and Electronic Commerce for electronic certification exchanged between government border authorities (refer ISO/UNTDE). The importing and exporting countries will need to agree on data elements to be exchanged and on standardized conversion fields that allow each country to send and receive data according to its preferred standard.”

Rationale: While it would probably be ideal for all countries to adopt a universal standard, it is only necessary for countries to agree on data elements and standardized conversion fields.

Annex 1, Paragraph 3, third bullet: Revise to read:

“Electronic systems need to be designed to assure the integrity of the certification system. Countries will need to assure that the exchange of data electronically is protected against fraud and that systems are protected against unauthorized entry. Security measures such as digitized signatures, encryption, controlled and audited access, and firewalls, may be used to provide such protection.”

Rationale: The term “recognized protocol” is not very informative. The revision more clearly states what needs to be assured.