codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

Agenda Item 3(b)

CX/FICS 04/13/4
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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

(AT STEP 3)

(Prepared by Australia, with the assistance of Canada, France, the Republic of Korea, India, Iran, Japan, Malaysia, New Zealand, Norway, South Africa, Sweden, Thailand and the United States)

(N05-2004)

> Governments and international organizations wishing to submit comments on the following subject matter are invited to do so **no later than 1 November 2004** to: Codex Australia, Australian Government Department of Agriculture Fisheries and Forestry GPO Box 858, Canberra ACT, 2601 (fax: 61.2.6272.3103; E-mail: codex.contact@affa.gov.au), with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, Via delle Terme di Caracalla, 00100 Rome, Italy (Fax No + 39.06.5705.4593; E-mail: codex@fao.org).

BACKGROUND

1. CCFICS (2nd to the 5th Sessions) discussed the issues surrounding implementation and principal elements that an electronic documentation system would require. Previously CCFICS had examined a paper titled "Principle Elements in an Electronic Document System" (2nd Session). A proposed draft guideline and a model sanitary certificate were considered (3rd Session).

2. Discussion was suspended at the 5th Session (1997) primarily due to concerns that development of guidance material by CCFICS was premature as many countries were not capable of implementing electronic certification. At the 6th session of CCFICS (1998) the Committee agreed to initiate new work in the development of Codex guidelines for the format , production and issuance of certificates. The *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates*" was finalised by CCFICS at its 9th Session (2000) and subsequently adopted by the Codex Alimentarius Commission in 2001.

3. Since 1997, there has been considerable international development and acceptance of electronic certification attesting to a range of importing country requirements. There has also been significant advancement in the technology, increasing access, reliability and security. Several countries have developed or are planning to develop electronic systems for certifying exports. These new systems have demonstrated the advantages of electronic certification including the enhanced protection against fraud.

4.   At the 12th Session of CCFICS (2003) members noted CX/FICS 03/6 relating to possible future work of the Committee. This included responses to CL 2002/54 in which the topic of electronic certification was raised by Australia. CCFICS agreed to a new work proposal to develop draft principles for electronic certification. CCFICS requested Australia, with the assistance of Canada, France, the Republic of Korea, India, Iran, Japan, Malaysia, New Zealand, Norway, South Africa, Sweden, Thailand and the United States to prepare a paper for consideration by the Committee at its 13th Session.

5.   The 27th Session of the Codex Alimentarius Commission[1] approved this as new work.

CONSIDERATIONS

Existing principles

6.   The principles section within "Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38 – 2001) states:

> *"Certificates should be required only where declarations are necessary to provide information about product safety or suitability for consumption, or to otherwise facilitate fair trade. Multiple or redundant certificates should be avoided to the extent possible. The rationale and requirements for certification should be communicated in a transparent manner and consistently implemented in a non-discriminatory manner. Certificates should be designed and used in a manner that:*

> - *meets requirements in respect of food safety, suitability for consumption and the facilitation of fair trade in food;*
> - *simplifies and expedites the certification process;*
> - *clarifies the responsibility of all parties;*
> - *satisfies compulsory trade description requirements;*
> - *provides for accurate identification of the consignment being certified;*
> - *minimizes the risk of fraud.*

> *The government agency having jurisdiction shall take responsibility for any certificate issued by a certifying body."*

7.   These principles apply to electronic certification however they can be extended to deal with the operation of electronic certification systems, covering issues such as security, acknowledgement of certificate acceptance, dealing with (temporary) system failures, and other matters peculiar to electronic certification. A draft of principles specific to electronic certification is provided in the attached Annex.

RECOMMENDATIONS

8.   That the Committee consider the proposed draft principles presented in Annex I related to electronic certification.

9.   That the committee consider whether these draft principles should be elaborated as:

- a stand-alone document; or,
- appended to the existing guidelines[2] ; or,
- incorporated as additional text within *Section 5 - Principles*, of the existing guidelines[2].

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[1]   ALINORM 04/27/41 Appendix VI, Job Code N05-2004
[2]   *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38 – 2001).

PROPOSED DRAFT PRINCIPLES FOR ELECTRONIC CERTIFICATION

(N05-2004)

Objective

1.   This document elaborates section 5 of the document "*Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38 – 2001) in relation to the principles for production, transfer and acceptance of electronic certificates. These principles are intended to provide guidance for competent authorities where export certification is exchanged electronically.

Definitions

2.   See "*Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38 – 2001).

Principles for Electronic Certification

3.   Where export certification is exchanged electronically between the exporting and importing authority the system should

- align to the principles of the Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38 - 2001) where they can be applied in an electronic environment

- use data elements and message structure as set/ratified by the United Nations Centre of Trade Facilitation and Electronic Commerce for electronic certification exchanged between government border authorities (refer ISO/UNTDED[3])

- require exchange of data to be in conformance with a recognized protocol for the purpose of transferring data between systems with such security measures as deemed appropriate to protect against fraud, and maintain system integrity, through the use of one or more of the following or equivalent controls
  digital certificates

  - encryption

  - controlled and audited access

  - firewalls.

- include a mechanism to control and protect system access. This will require both the exporting and importing authority to agree on access rights, including officials authorised to access the system

- take into account the possibility of limitations of infrastructure and capabilities of developing countries

- include a contingency plan to ensure disruption to trade is minimal in the event of system failure.

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[3]   The UNTDED (UN Trade Data Elements Directory) contains descriptions of all elements by number and short description plus attributes. As an example, DE1004 is a "Document/Message Number". A similar identification in X12 is 324 "Purchase Order Number".