

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 3 (d)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION
AND CERTIFICATION SYSTEMS

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PROPOSED DRAFT REVISION OF THE GUIDELINES FOR GENERIC OFFICIAL
CERTIFICATE FORMATS AND THE PRODUCTION AND ISSUANCE OF CERTIFICATES
(CAC/GL 38-2001)

(N05-2005)

Comments At Step 3

(Comments from Bolivia, Canada, Colombia, India, Kenya, Malaysia, New Zealand, the United States, IDF and OIE)

BOLIVIA

8. The following principles apply to the production and issuance of certificates.

- Importing country competent authorities should only require certificates where declarations are necessary to provide essential information relating to food safety or suitability for consumption, or to facilitate fair trade.
- The level of information required should be adequate for the importing country's purpose and not impose unnecessary burdens on the exporting country

~~or exporter.~~

Comment

It is suggested deleting this bullet point as this is a standard for generic official formats and not specific formats

- ~~Competent authorities of the importing country should communicate to the exporting country the rationale and requirements for certification [should be communicated] in a consistent and transparent manner [and be applied in a consistent and non-discriminatory manner].~~
- The requirements for certification should be implemented in a ~~non-discriminatory~~ manner

Comment

It is suggested combining these two bullet points in a more logical way, taking into account the provisions in the approved 2001 version of this standard.

- Government agencies having jurisdiction shall take responsibility for any certificate they issue or authorize other certifying bodies to issue.
- Multiple or redundant certificates should be avoided to the extent possible.
- The use of certificates should be consistently implemented in a ~~non-discriminatory~~ manner.

Comment

The same comments as for the proposed new wording given above.

- Certificates should be designed and used in a manner that:
 - a. facilitates the importing country assessment that the product meets requirements in respect of food safety, suitability for consumption and the facilitation of fair trade in food;
 - b. simplifies and expedites the certification process;
 - c. clarifies the responsibility of all parties;
 - d. provides for accurate identification of the consignment being certified;
 - e. facilitates the importing country assessment of the validity of the certificate and minimizes the risk of fraud or misuse.
- Requests for providing proprietary information should relate directly to the need to ensure product safety or prevent economic fraud or deception.

Comment

It is suggested treating this principle as a separate point and not part of the “Certificate design”

SECTION 5 – CERTIFICATION ROLES AND RESPONSIBILITIES

9. Certification of products moving in international trade may be **[must be]** appropriate when it is possible that such products **[to be detected]**, by their nature, may present a potential threat to public health (e.g. ~~presence of microbial pathogens at levels sufficient to cause illness; presence of pesticide residues above established MRLs~~). Certification is also appropriate when experience has shown that there is the potential for economic fraud or deception to occur. ~~Certifications with respect to the protection of public health and the prevention of economic fraud or deception should be the responsibility of government authorities.~~

Comment

It is not possible to retain this text in its current wording, as it can be read to mean that the certification is not important and that it should only be applied in exceptional and extreme cases.

10. Certification by government authorities **[or officially recognized bodies]** **[may]** also **[be]** appropriate with respect to product quality standards when such standards are authorized and implemented through mandatory or voluntary product grading programs.

Comment

Clarify that it is not just certification by government authorities but also by officially recognised bodies.

The certification may be related or not to product quality standards.

It is suggested deleting the last part of the text or if not detail what type of classification is referred to... product quality?... size?

11. Commercial/marketing requirements such as composition or formula specifications, specific product attributes or conformance to satisfying importer requirements should not be required in official certificates. In such instances, it is appropriate for certification to occur by non-governmental bodies (e.g. by exporters, by third party/commercial bodies that are not officially recognized).

Comment

Delete the last part of the text, as the standard does not need to specify who should be responsible for other types of certificates non-related to product safety.

SECTION 6 – PRACTICAL CONSIDERATIONS RELATED TO OFFICIAL CERTIFICATES

13 Requests for certification should minimize to the extent possible the need for redundant or duplicative certificates. Such situations could include the following: when multiple certificates with similar attestations are required by different agencies within an importing country; when multiple certificates are required for different attributes when a single attestation would suffice; when multiple certificates with similar attestations are required from different certifiers within the exporting country.

SECTION 7 – CERTIFICATE ELEMENTS

17 To the extent practicable, a standard format should be employed for certificates. Certificates should:

- Clearly identify the certifying body.
- Be designed so as to minimize the risk of fraud including a unique identification number and other appropriate means to ensure security (for example, use of watermark paper, or other security measures for paper certificates; use of secure lines and systems for electronic certificates.)
- Clearly describe the commodity and consignment to which it uniquely relates.
- Contain a clear reference to any requirements to which the certified product is required to conform.
- Contain a declaration by the official, or officially recognized certification body which relates to the consignment described on that certificate.
- Be in a language or languages fully understood by the certifying officer in the exporting country and receiving authority in the importing country or countries.

[When official certificates are issued on paper, the original should have unique features identifying it as such. Further, at least one copy of the original should be printed to be archived by the certifying body for an appropriate period. Additional copies may be official printed copies or photocopies. In all cases, the type of certificate should be clearly indicated, e.g. stamping the certificate with the word “original” or “copy” as appropriate.]

Comment

Provisions should be given for printing more than one copy of the certificate. It is suggested maintaining the details in the approved 2001 version of this standard.

DETAILS OF THE CONSIGNMENT

18. The details⁵ of the product being certified should be clearly documented on the certificate, which should at least contain the following information:

- nature of the food⁶;
- name of product;
- quantity, in the appropriate units;
- a description of the commodity and consignment to which the certificate uniquely relates, e.g. lot identifier, security seal number(s) or date coding;
- identity and, as appropriate, the location of the production establishment;
- name and contact details of the exporter or consignor;
- name and contact details of the importer or consignee;
- country of dispatch; and

⁵ (NOTE: These details are not specific to food, as they constitute the normal field of information contained in any Bill of Lading for transport vessels carrying product between countries. The shipping data on the official certification documentation provides a means of verifying details about the product.)

⁶ The World Custom Organization classification should be used when possible.

- country of destination.
- **[trade name or business name]**

Comment

It is suggested including the latter text for traceability purposes.

Certificates may also contain information on relevant transport and handling requirements relevant to food safety, deception and economic fraud. This may include appropriate temperature controls.

RESPONSIBILITIES OF THE CERTIFYING BODY AND CERTIFYING OFFICERS

23. The certifying body should:

Be designated and adequately empowered by national legislation or regulation in a transparent manner to provide the particular attestations required in an official certificate. Such designation/ empowerment should be recognized as sufficient by governments, alleviating requirements for further identity or authority; upon request, indication of the official empowerment shall be transmitted to the importing country upon request.

Comment

It is suggested transferring this text to the Principles Section, because this is not a responsibility of the certifying body but rather a responsibility of the country

- Ensure that their procedures allow for the issue of the official certificate in a timely manner so as to avoid unnecessary disruptions to trade.
- Have in place an effective system to prevent, to the extent ~~practicable, the fraudulent use of official certificates~~

Comment

Include this bullet point in the following point and delete it from this one.

24. The certifying officer should:

- **be designated in accordance with his or her duties**

Comment

Include the above bullet point

- be appropriately designated by the certifying body;
- have no conflict of interest in the commercial aspects of the consignment and be independent from the commercial parties;
- be fully conversant with [qualified for] the requirements to which they are attesting; only certify matters which are within their own knowledge (or which have been separately attested to by another competent party);

Comment

Change the words “conversant with” to “qualified for”; it is important that the certifying officer have solid knowledge of the products he or she is certifying. Join bullet points 3 and 5 together as given in the proposed wording above.

- have access to a copy of regulations or requirements that are referred to on the certificate or clear information and guidance notes issued by the certifying body or competent authority explaining the criteria that the product must meet before being certified; and
- only certify in respect of the circumstances known at the time of signing the document including conformity with production requirements and any other specified requirements between production and date of certification.

USE OF PAPER CERTIFICATES

27. When signing a paper certificate, the **[authorised]** certifying officer should ensure that:

Comment

Include the word “authorised” as only the duly authorized employee of the body can sign the certificate.

CANADA**General comments**

Canada thanks the United States for leading the electronic WG charged with revising the existing guidelines.

Canada supports this document, as we believe much progress has been made in the proposed draft revision. For example, we note that Section 2 - Objectives and Scope now more clearly establishes linkages with relevant CCFICS text, and further distinguishes the appropriate attestations done by competent authorities from those done by commercial entities.

Canada notes that the *Codex model certificate for fish and fishery products (Sanitary Certificate)* (CAC/GL 48- 2004) was developed based on the *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates*. The Codex Committee on Milk and Milk Products is also developing a *Proposed Draft Model Export Certificate for Milk and Milk Products*. Given the work of these Commodity Committees, this document could include a list of Codex Model Certificates as an Annex to the *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates*. This could serve several purposes including: to facilitate comparison and assessment of Codex model certificates; to provide examples of attestation language; and to create an inventory of Codex model certificates for ease of reference. The Annex could be referenced in Section 7 - Certificate Elements.

In line with the task given to the Working Group to minimize unnecessary prescription, Canada believes that further work is necessary to review the purpose of some sections (Sections 7 and 8) and, as appropriate, to assess the elements of these sections with the aim of minimizing the degree of prescription and instead elaborate on principle based statements. More specific proposals are found below.

Specific Comments:**Paragraph 16**

We believe this paragraph, especially from the 2nd sentence on, is problematic and will have implications for the certifying officer authorizing commercial information on an official certificate. This provision is confusing and not consistent with other statements in this document regarding requirements of commercial nature. The Committee should reflect carefully on the need for this provision or else the clause should be deleted. Should it be retained, we suggest the paragraph be revised to read as follows:

~~“The inclusion of eCommercial information such as contract numbers and bank arrangements should be avoided on not be included in official certificates. Where this is not practical, commercial information should only be added in a clearly defined area. The information should be placed under a heading clearly identifying the information as unofficial commercial information. This information need not be officially verified. Information regarding animal health, sanitary controls or any other information regarding the status, quality or quantity of the product itself should not be entered under this heading.”~~

Section - Statement of Origin In Case of Immediate Health Concerns**Paragraph 20**

Canada is concerned with the practical ramifications for an exporting country to certify the origin of ingredients sourced outside the exporting country, particularly when an ingredient may have been moved through multiple countries. We recognize that, in some rare situations, statements related to an immediate public health concern may be needed in order to facilitate international trade. We suggest that Paragraph 20, as it exists, be deleted and replaced by a new paragraph under Attestations Section as Paragraph 19(bis):

“Statements related to an immediate public health concern should be used for a limited period of time. When the exporting country has managed the risk based on science, and the measures implemented to address the hazard are to the satisfaction of the importing country, the use of these statements should be discontinued.”

Paragraphs 23 and 24

In line with a previous comment found under General Comments, Canada is of the opinion that a number of elements related to certifying body and certifying officer (denoted by the ~~strikeout~~) already exist in the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997) and should be deleted.

We suggest that Paragraph 23 and 24 be revised as follows:

23. “The certifying body should:
- Be designated and adequately empowered by national legislation or regulation in a transparent manner to provide the particular attestations required in an official certificate. Such designation/empowerment should be recognized as sufficient by governments, alleviating requirements for further identity or authority.
 - ~~Ensure that their procedures allow for the issue of the official certificate in a timely manner so as to avoid unnecessary disruptions to trade~~
 - ~~Have in place an effective system to prevent, to the extent practicable, the fraudulent use of official certificates.~~
24. The certifying officer should:
- be appropriately designated by the certifying body;
 - ~~have no conflict of interest in the commercial aspects of the consignment and be independent from the commercial parties;~~
 - ~~be fully conversant with the requirements to which they are attesting;~~
 - ~~have access to a copy of regulations or requirements that are referred to on the certificate or clear information and guidance notes issued by the certifying body or competent authority explaining the criteria that the product must meet before being certified;~~
 - only certify matters which are within their own knowledge (or which have been separately attested to by another competent party); and
 - only certify in respect of the circumstances known at the time of signing the document including conformity with production requirements and any other specified requirements between production and date of certification.

COLOMBIA

It is suggested that throughout the entire document the word “Attest” is changed to “Certify”.

SECTION 1 – PREAMBLE (Same as in the original Codex document)

1. These guidelines recognize that importing country authorities may, as a condition for clearance of consignments, require importers to present certification issued by, or with the authority of, exporting country authorities. These guidelines are not intended to encourage or mandate use of such certification or in any way diminish the trade facilitatory role of commercial or other types of certificates, including third party certificates that are not issued by or with the authority of the exporting country. These guidelines are based on the presumption that the commercial parties engaged in international trade in food are responsible for complying with the regulatory requirements of the exporting and importing country.

SECTION 2 – OBJECTIVES AND SCOPE

2. These guidelines provide guidance to countries on the design, production, issuance and use of official and officially recognized certificates to **certify** that food presented for international trade has met requirements relating to food safety, economic fraud or deception, and, as appropriate, quality standards. Such certification serves to protect the health of consumers and to ensure fair practices in the food trade including the prevention of economic fraud or deception.

3. These Guidelines should be read in conjunction with the Codex *Guidelines for the Design, Operation, Assessment, and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997), particularly Section 7, certification systems.
4. These Guidelines are also intended to clarify the attestations that are appropriately required from competent authorities and those that should be from commercial entities.
5. Hereafter [**change “más” to “adelante” in the Spanish; no change to the English**], in these Guidelines, the term “official certificates” also applies to officially recognized certificates.
6. These guidelines do not deal with matters of animal and plant health unless directly related to food quality or safety. However, it is recognized that, in practice, a single certificate may contain information relevant to several matters (e.g. food safety and animal and plant health).
7. These guidelines are equally applicable to the use of paper or electronic forms of certification.

SECTION 3 - DEFINITIONS

Certificates are those paper or electronic documents, which describe and attest to attributes of consignments of food moving in international trade.

Certification is the procedure by which official certification bodies or officially recognized certification bodies provide written or equivalent assurance that foods or food control systems conform to requirements. 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 products.

Official certificates are certificates issued by an official certification body of an exporting country, in accordance with the requirements of an importing or exporting country.

Officially recognized certificates are certificates issued by an officially recognized certification body of an exporting country, in accordance with the conditions of that recognition and in accordance with the requirements of an importing or exporting country.

Certifying bodies are official certification bodies and officially recognized certification bodies⁶.

Certifying officers are employees of certifying bodies authorized to complete and issue certificates.

SECTION 4 - PRINCIPLES

8. The following principles apply to the production and issuance of certificates.
 - Importing country competent authorities should only require certificates where declarations are necessary to provide essential information relating to food safety or suitability for consumption, or to facilitate fair trade.
 - The level of information required should be adequate for the importing country’s purpose and not impose unnecessary burdens on the exporting country or exporter.
 - Competent authorities of the importing country should communicate to the exporting country the rationale and requirements for certification in a consistent and transparent manner.
 - The requirements for certification should be implemented in a non-discriminatory manner.
 - Government agencies having jurisdiction shall take responsibility for any certificate they issue or authorize other certifying bodies to issue.
 - Multiple or redundant certificates should be avoided to the extent possible.
 - The use of certificates should be consistently implemented in a non-discriminatory manner.

⁶ Recognition of certification bodies is addressed under Section 8—Official Accreditation of the Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997).

- Certificates should be designed and used in a manner that:
 - a. facilitates the importing country assessment that the product meets requirements in respect of food safety, suitability for consumption and the facilitation of fair trade in food;
 - b. simplifies and expedites the certification process;
 - c. clarifies the responsibility of all parties;
 - d. provides for accurate identification of the consignment being certified;
 - e. facilitates the importing country assessment of the validity of the certificate and minimizes the risk of fraud or misuse.
 - f. Requests for providing proprietary information should relate directly to the need to ensure product safety or prevent economic fraud or deception.

SECTION 5 – CERTIFICATION ROLES AND RESPONSIBILITIES

9. Certification of products moving in international trade may be appropriate when it is possible that such products, by their nature, may present a potential threat to public health (e.g. presence of microbial pathogens at levels sufficient to cause illness; presence of pesticide residues above established MRLs). Certification is also appropriate when experience has shown that there is the potential for economic fraud or deception to occur. Certifications with respect to the protection of public health and the prevention of economic fraud or deception should be the responsibility of government authorities.

~~10 Certification by government authorities is also appropriate with respect to product quality standards when such standards are authorized and implemented through mandatory or voluntary product grading programs.~~

The importing country shall advise whether the standard is mandatory or voluntary. We consider that as this is a health standard it should be mandatory.

11. Commercial/marketing requirements such as composition or formula specifications, specific product attributes or conformance to satisfying importer requirements should not be required in official certificates. In such instances, it is appropriate for certification to occur by non-governmental bodies (e.g. by exporters, by third party/commercial bodies that are not officially recognized).

12. It may be the case that national legislation does not authorize an exporting country certifying body to issue the certification required by the importing country. In such instances, the importing country should provide flexibility to allow such certification by alternative means so long as the safety of the food is not jeopardized and economic fraud is avoided.

SECTION 6 – PRACTICAL CONSIDERATIONS RELATED TO OFFICIAL CERTIFICATES

13. Requests for certification should minimize to the extent possible the need for redundant or duplicative certificates. Such situations could include the following: when multiple certificates with similar attestations are required by different agencies within an importing country; when multiple certificates are required for different attributes when a single attestation would suffice; when multiple certificates with similar attestations are required from different certifiers within the exporting country.

14. In instances when the food is not subject to changes in the level of a hazard for which certification is required and not subject to compositional change, it can be appropriate to permit the use of a certificate to certify multiple shipments of different lots of the same product. Such multiple lot certification should have a fixed duration (e.g. six months) and provision should be made to identify the specific lot(s) shipped in any single shipment.

15. In instances where certification requests relate to providing proprietary information, such requests should relate directly to the need to ensure product safety or prevent economic fraud or deception. If such information is requested, adequate means to protect the proprietary nature of such information shall be employed and communicated to the exporter.

We consider that the scope of the concept of proprietary information should be detailed.

16. The inclusion of commercial information such as contract numbers and bank arrangements should be avoided on official certificates. Where this is not practical, commercial information should only be added in a clearly defined area. The information should be placed under a heading clearly identifying the information as unofficial commercial information. This information need not be officially verified. Information regarding animal health, sanitary controls or any other information regarding the status, quality or quantity of the product itself should not be entered under this heading.

SECTION 7 – CERTIFICATE ELEMENTS

STANDARD FORMAT

17. To the extent practicable, a standard format should be employed for certificates. Certificates should:

- Clearly identify the certifying body.
- Be designed so as to minimize the risk of fraud including a unique identification number and other appropriate means to ensure security (for example, use of watermark paper, or other security measures for paper certificates; use of secure lines and systems for electronic certificates.)
- Clearly describe the commodity and consignment to which it uniquely relates.
- Contain a clear reference to any requirements to which the certified product is required to conform.
- Contain a declaration by the official, or officially recognized certification body which relates to the consignment described on that certificate.
- Be in a language or languages fully understood by the certifying officer in the exporting country and receiving authority in the importing country or countries.

DETAILS OF THE CONSIGNMENT

18. The details⁷ of the product being certified should be clearly documented on the certificate, which should at least contain the following information:

- nature of the food⁸;
- name of product;
- quantity, in the appropriate units;
- a description of the commodity and consignment to which the certificate uniquely relates, e.g. lot identifier, security seal number(s) or date coding;
- identity and, as appropriate, the location of the production establishment;
- name and contact details of the exporter or consignor;
- name and contact details of the importer or consignee;
- country of dispatch; and
- country of destination.

Certificates may also contain information on relevant transport and handling requirements relevant to food safety, deception and economic fraud. This may include appropriate temperature controls.

We consider that the “storage” declaration provided by the manufacturer to guarantee food safety should be included.

⁷ (NOTE: These details are not specific to food, as they constitute the normal field of information contained in any Bill of Lading for transport vessels carrying product between countries. The shipping data on the official certification documentation provides a means of verifying details about the product.)

⁸ The World Custom Organization classification should be used when possible.

ATTESTATIONS Should be changed to “Certifications”

19. The particular attestations to be included in a certificate will be determined by the requirements of the importing or exporting country. They should be clearly identified in the text of the certificate. Such attestations may include, but are not limited to:

- health ~~status~~-risks as ~~it~~**they** may affect the safety of the food;
- product conformity with particular standards, production or processing requirements;
- the status (e.g. licensing details) of production, processing and/or packaging establishment in the exporting country; and,
- reference to any associated bilateral/multilateral agreement.

To the extent possible, common attestation language should be used for similar attestations.

STATEMENT OF ORIGIN IN CASES OF IMMEDIATE HEALTH CONCERNS

20. Where, in exceptional cases justified by immediate public health concern, the importing country requires a statement as to the origin of ingredients in a product, the certificate should specify the origin of ingredients sourced outside the exporting country. Such situations should be used for a limited period of time. When the exporting country has managed the risk based on science and the measures implemented to address the hazard are to the satisfaction of the importing country, the use of these statements should be discontinued.

SECTION 8 – ISSUANCE AND USE OF CERTIFICATES

21. Certificates should be issued prior to the consignment, to which the certificate relates, leaving the control of the certifying body. Certificates may be issued while consignments are in transit to the country of destination only when appropriate systems of control are in place in the exporting country to support this practice and the practice is agreed upon by the importing country.

RESPONSIBILITIES OF THE CERTIFYING BODY AND CERTIFYING OFFICERS

22. In addition to the provisions of the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997)*, the following specific provisions apply.

23. The certifying body should:

- Be designated and adequately empowered by national legislation or regulation in a transparent manner to provide the particular attestations required in an official certificate. Such designation/empowerment should be recognized as sufficient by governments, alleviating requirements for further identity or authority; upon request, indication of the official empowerment shall be transmitted to the importing country upon request.
- Ensure that their procedures allow for the issue of the official certificate in a timely manner so as to avoid unnecessary disruptions to trade
- Have in place an effective system to prevent, to the extent practicable, the fraudulent use of official certificates.

24. The certifying officer should:

- be appropriately designated by the certifying body;
- have no conflict of interest in the commercial aspects of the consignment and be independent from the commercial parties;
- be fully conversant with the requirements to which they are ~~attesting~~**certifying** ;
- have access to a copy of regulations or requirements that are referred to on the certificate **or information notes** or clear information and guidance notes issued by the certifying body or competent authority explaining the criteria that the product must meet before being certified;
- only certify matters which are within their own knowledge (or which have been separately ~~attested to~~ **certified** by another competent party); and

- only certify in respect of the circumstances known at the time of signing the document including conformity with production requirements and any other specified requirements between production and date of certification.

USE OF PAPER CERTIFICATES

28. Paper certificates should be issued and presented to the exporter or their agent, as the original certificate.

26. A copy of the original certificate (clearly marked as such) should be kept by the certifying body in the exporting country and be provided to the authority having jurisdiction in the importing country, on request.

27. When signing a paper certificate, the certifying officer should ensure that:

- the certificate contains no deletions other than those required by the text of the certificate;
- any alterations of the certified information are initialled or otherwise approved by the certifying body;
- for multiple page certificates, it is clear that the pages constitute a single certificate (e.g. each page is numbered with the respective unique certificate number so as to indicate it is a particular page in a finite sequence);
- the certificate bears the signature, name and official position of the certifying officer;
- the certificate bears the date expressed unambiguously on which the certificate was signed and issued and, where appropriate, the time for which the certificate will remain valid;
- upon signature by the certifying officer, no portion of the certificate is left blank in a manner that would allow it to be amended.

USE OF ELECTRONIC CERTIFICATES

28. The use of electronic means for the issue or transfer of official certificates should comply with the *Principles for Electronic Certification* (see Annex 1). A hard copy form of an electronic official certificate should be made available by the issuing authority on request of the importing country's authorities.

29. The exporter or their agent should be notified when an electronic certificate has been authorized for a consignment.

PRESENTATION OF ORIGINAL CERTIFICATES

30. The importer or consignee is responsible for ensuring that the product is presented to the importing country's authorities with the original certificate in accordance with the importing country's requirements. In the case of electronic certificates the consignee should supply the importing country authority with sufficient details concerning the consignment to allow the identity of goods to be established against the details contained in the certificate.

REPLACEMENT CERTIFICATES

31. Where, for any good and sufficient reason (such as loss of or damage to the certificate in transit, or correction of details), a replacement certificate is issued by the certifying officer it must be clearly marked "REPLACEMENT", or "IN LIEU OF", before being issued. A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed, and should have the same content as the original. Where possible, the original certificate should be returned to the issuing authority.

REVOCAION OF A CERTIFICATE

32. 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. A copy of the revocation should be provided to the appropriate food control authority of the importing country if the export of the consignment has occurred. An electronic notification should be made to the control authority of the importing country for those countries using electronic certification.

ANNEX 1**PRINCIPLES FOR ELECTRONIC CERTIFICATION⁹****Objective**

1. This document elaborates the Section on the “Use of Electronic Certificates (see paragraph 28) 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 Section 3 “Definitions”.

Principles for Electronic Certification (paragraph [This additional incomplete text does not seem to have any sense or purpose])

3. Where export certification is exchanged electronically between the competent authorities of the exporting and importing countries the system should:

- Comply with the principles of the *Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38 - 2001);
- Consider data elements and message structure such as those set/ratified by the United Nations Centre of Trade Facilitation and Electronic Commerce for electronic certification exchanged between government border authorities (refer ISO/UNTDED¹⁰). The importing and exporting countries will need to agree on the data elements to be exchanged and on the standardized conversion fields that allow each country to send and receive data according to its preferred standard;
- Assure integrity of the certification system during the exchange of electronic data to protect against fraud, infection from viruses and other malicious software and maintain system integrity. Examples of such security measures which may be considered include:
 - digital authentication certificates;
 - encryption;
 - controlled and audited access;
 - firewalls;
 - any other specifically developed security measures.
- Include a mechanism to control and protect system access against unauthorized entry. This will require the competent authorities of both the exporting and importing countries to agree on access rights, including officials authorized to access the system;
- Take into account the limitations of infrastructure and capabilities of developing countries; and
- Include a contingency plan to ensure disruption to trade is minimal in the event of system failure.

INDIA

Clause 2 - Add the word “preventing” before “economic fraud or deception” in the third line.

Clause 8, eighth bullet point - Add the following at the end:

“f. satisfies the mandatory trade description requirements”

⁹ Adopted by the 28th Session of the Codex Alimentarius Commission, July 2005, see ALINORM 05/28/41, para. 48 and Appendix V.

¹⁰ The UNTDED (United Nations Trade Data Elements Directory) contains descriptions of all elements by number and short description plus attributes (www.unece.org/etrades/codesindex.htm). As an example, DE1004 is a "Document/Message Number". A similar identification in X12 is 324 "Purchase Order Number".

This important principle is provided in the existing guidelines CAC/GAL 38 – 2001 and therefore should also form a part of this document.

Clause 11 - Last sentence to be modified as follows:

“In such instances, certification may be done by non-governmental bodies, (e.g. by exporters, by third party/commercial bodies that are not officially recognized” – This modification is necessary as even governmental bodies can do such voluntary certification if requested for.

Clause 12 - Add the following new clauses after clause 12:

“12b. It may also be the case that the national legislation authorises certain certification bodies to issue certification, in such cases, the same shall be accepted by the importing country.”

This is being provided for as there have been certain instances when the importing country has required a health certificate to be issued by the Ministry of Agriculture, while in the exporting country, the Ministry of Commerce has been legislated for the purpose.

12c. In case of trade and products, such as, organic products, importing countries require an import certificate issued by a certification body based in the importing country, in spite of the fact that the competent/accredited certificated body in the exporting country has issued an official certificate after carrying out the required inspection. This duplication is not necessary because the certification body in the importing country has not carried out any inspection.

Clause 21 - The following to be substituted for the existing in the last line:

“..... to support this practice unless the practice is objected to by the importing country” – The reason for proposing this change is that, with the earlier construct, there would be too much burden on the importing country if they were to give a formal agreement to issue of certificates while the consignment is in transit and the same would place too much burden on the importing country. However, with the above modification, retrospective issue would not be permitted if objected to by the importing country.

Annex 1

Clause 1 to be modified to give a reference to para 29 also as follows:

...(see paragraphs 28 & 29)....

Clause 3 – Modify the first bullet as follows as this is an Annex and the title of the document does not need to be given:

‘Comply with the principles given under Section 4.’

KENYA

SECTION 4 PRINCIPLES

Kenya proposes that;

- The word “**should**” in bullet number four of clause 8, to be substituted with the word “**shall**” to make the statement a mandatory statement.

The statement to read as follows;

The requirements for certification shall be implemented in a non-discriminatory manner.

Clause 8

- The word “**Redundant certificates**” in bullet number six of clause 8 should be defined to make it clearer in section 3 under definitions.
- The word “**should**” in bullet number seven, in clause 8, to be substituted with the word “**shall**” to make to make the statement a mandatory statement.

The statement to read as follows;

The use of certificates shall be consistently implemented in a non-discriminatory manner.

SECTION 5 CERTIFICATION ROLES AND RESPONSIBILITIES

Clause 9

Kenya proposes that;

- The word “**may**” in the first sentence in clause 9 be substituted with the word “**shall**” given the issue being addressed in this statement, i.e., the issue of potential threat to public health.

The statement to read as follows;

Certification of products moving in international trade shall be appropriate when it is possible that such products, by their nature, may present a potential threat to public health.

Clause 11

Kenya proposes that;

- The words “**not officially recognized**” in the bracket at the end of clause 11 be **deleted because they can be misused.**

SECTION 6 - PRACTICAL CONSIDERATIONS RELATED TO OFFICIAL CERTIFICATES

Clause 14

Kenya proposes that the practical consideration in clause 14 should only be qualified under the following conditions;

- This clause should be true only for low risk foods, e.g. dehydrated vegetables, dried foods etc
- Should be true for instances where the food product is to be exported in several lots but from the same certified consigned in a compliant facility.

SECTION 7 CERTIFICATES ELEMENTS

Clause 17 STANDARD FORMAT

Kenya proposes that;

- The word “**should**” in the second statement of clause 17 to be substituted with the word “**shall**” to make the statement a mandatory statement so as not to give room for improperly formatted certificates. The statement to read as follows;

Certificates shall:

Kenya proposes that;

- The following item to be added in the list of a certificate requirements under clause 17;
 - Contain the validity of the certificate. (E.g. 5 years for canned food products and 14 days for fresh fish under refrigeration).

SECTION 8 ISSUANCE AND USE OF CERTIFICATES

RESPONSIBILITIES OF THE CERTIFYING BODY AND CERTIFYING OFFICERS

Clause 23

Kenya proposes that the word “**should**” in the introductory statement in clause 23 be substituted with the word “**shall**” to make the statement a mandatory statement and also supports the clause thereafter.

Clause 24

Kenya proposes that the word “**should**” in the introductory statement in clause 24 be substituted with the word “**shall**” to make the statement a mandatory statement and also supports the clause thereafter.

Page 15 of 7**USE OF PAPER CERTIFICATES****Clause 27**

Kenya proposes that the word “**should**” in the introductory statement in clause 27 be substituted with the word “**shall**” to make the statement a mandatory statement and also supports the clause thereafter.

MALAYSIA**SECTION 7 – CERTIFICATES ELEMENTS****Paragraph No 17. – Bullet 6**

Malaysia proposes that the choice of languages be limited to those as recognized by WHO and that they be mutually agreed by both exporting and importing countries.

NEW ZEALAND***General Comment***

New Zealand supports the revision of the *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) and has welcomed the opportunity to participate in the working group that undertook this work.

We believe that work on the revised guidelines as set out in the appendix to CX/FICS 05/14/6 has made good progress and will be ready to advance in the Codex step process once the following specific issues have been addressed.

New Zealand suggests that the revised guidelines need to include a short section on certificates that may be required for the pre-clearance or pre-approval of imported products as such certificates are often sent prior to any actual consignment being dispatched from the exporting country. We also suggest that the content of the current Annex to CAC/GL 38-2001 on Principles for Electronic Certification should be incorporated into the main body of the revised guideline.

Specific Comments

Paragraph 2: In accordance with our comments above concerning the use of certificates for pre-market clearance we suggest a sentence should be included to indicate that this is clearly within the scope of the guidelines. The following sentence should be inserted after the first:

This includes certificates provided for pre-market clearance (e.g. product registration or licensing).

Section 3 – Definitions: We propose the inclusion of three new definitions that will clarify the application of the guidelines, as follows:

Issuance of a certificate is the process of checking and approving the content of the certificate and in the case of paper certificates includes the signing of that document.

Production of a certificate includes the manufacture, storage and supply of the certificate template, whether electronic or paper.

Signing a certificate is the act of approving the original paper certificate; the signing could be hand signing or the controlled application of a facsimile signature by the signatory.

Paragraph 8: One of the important objectives of the guidelines is to encourage the use of formats for certificates. This should be noted in the principles. We therefore propose that the last bullet point should be elaborated to cover this point as follows:

Certificates should be designed to a standard format to the extent possible and used in a manner that

...

Paragraph 14: New Zealand is concerned that certifiers not be required to attest to something that is not within their knowledge at the time of issue – particularly if the ‘multiple lot certification’ is in the form of a certificate. We suggest that the paragraph be reworded to read:

In instances when the food is able to be produced in a consistent manner such that it is not subject to changes in the level of a hazard for which certification is required and not subject to compositional change, it can be appropriate to permit the use of ~~a certificate to certify~~ lot certification for more than one shipments of different lots of the same product. Such multiple lot certification should have a fixed duration (e.g. six months) and provision should be made to identify the specific lot(s) shipped in any single shipment.

Paragraph 17: It would be helpful to include a footnote in the chapeau, referencing the standard formats that have been developed or are in development, i.e.

(Footnote:) See for example *Model Certificate for Fish and Fishery Products* (CAC/GL 48-2004) and *Model Export Certificate for Milk and Milk Products* (in development).

Paragraph 18: It is hard to see what “nature of the food” adds to a certificate, given that the name of the product is declared. Codex Stan 1 (General Standard for the Labelling of Prepackaged Food) states that “the name shall indicate the true nature of the food”. The WCO classification is not relevant. New Zealand therefore suggests that “nature of the food” should be deleted, to avoid confusion.

Samples for evaluation are a special type of consignment that should be covered by these Guidelines. For some types of samples, particularly prototype samples of foods in development, it is difficult to provide a name for the food; but such samples are not intended for retail sale, and have no commercial value, so a name is not necessary. To cover these samples, New Zealand proposes a sentence to be added to the paragraph as follows:

A consignment consisting of a food sample intended for evaluation in the importing country may be described using a term such as “trade sample”. It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.

New paragraph following 18: A new paragraph is needed to describe the details that are needed in certificates used for pre-market clearance, such as product registration or licensing. We suggest:

Certificates issued when required by an importing country for the purposes of pre-market clearance are not associated with specific consignments of product. These certificates should contain at least the following information:

- name of product;
- identity and, as appropriate, the location of the production establishment;
- country of manufacture; and
- country of destination.

Paragraph 19: The meaning of “health status” in the first bullet point is unclear in relation to the safety of the food. A clearer wording would be:

- a country’s or region’s attributes as they may affect the safety of the food

Paragraph 23: The first bullet point is redundant and potentially confusing. It is redundant because the issues of empowerment, recognition and transparency are covered in GLs 20 and 26, and in more detail; and it is confusing because it attempts to deal with both official certification bodies and officially-recognised certification bodies as if they are the same. However in GLs 20 and 26 they are clearly different. An official certification body is one that is administered by government agency having jurisdiction empowered to perform a regulatory or enforcement function or both. On the other hand an officially-recognised certification body has been formally approved or recognized by an government agency having jurisdiction.

New Zealand therefore recommends that the bullet point should be deleted, and if necessary a cross reference to GLs 20 and 26 can be included.

Paragraph 27: In the chapeau, the word “signing” should be replaced by “issuing” (as per our proposed definition above), since many of the points do not relate to signing as such, i.e.:

When issuing a paper certificate, the certifying officer should ensure that ...

The fourth bullet point should be extended to allow for controlled facsimile signatures, as follows:

- the certificate bears the signature, name and official position of the certifying officer. The signature may be hand written or a controlled facsimile signature;

In regard to the final bullet point, the initial phrase “upon signature by the certifying officer” should be deleted, as it is covered by the chapeau; and in the sequence of points, this bullet would be better in fourth place.

New paragraph following 28: New Zealand suggests that the ‘Principles for Electronic Certification’ are more appropriately included in the main body of the revised guidelines. They are in fact more in the nature of guidance than ‘Principles’ and if specific reference is made it belongs here – the revised guidelines now contain their own ‘Principles’ which are equally applicable to paper and electronic certificates and keeping an appendix of ‘Principles’ may lead to confusion. We therefore propose that a new paragraph should be inserted after paragraph 20 as follows:

Where export certification is exchanged electronically between the competent authorities of the exporting and importing countries the system should:

- Comply with the principles of the Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38 - 2001);
- Consider data elements and message structure such as those set/ratified by the United Nations Centre of Trade Facilitation and Electronic Commerce for electronic certification exchanged between government border authorities (refer ISO/UNTDED¹). The importing and exporting countries will need to agree on the data elements to be exchanged and on the standardized conversion fields that allow each country to send and receive data according to its preferred standard;
- Assure integrity of the certification system during the exchange of electronic data to protect against fraud, infection from viruses and other malicious software and maintain system integrity. Examples of such security measures which may be considered include:
 - digital authentication certificates;
 - encryption;
 - controlled and audited access;
 - firewalls;
 - any other specifically developed security measures.
- Include a mechanism to control and protect system access against unauthorised entry. This will require the competent authorities of both the exporting and importing countries to agree on access rights, including officials authorised to access the system;
- Take into account the 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.

¹ The UNTDED (United Nations Trade Data Elements Directory) contains descriptions of all elements by number and short description plus attributes (www.unece.org/etrades/codesindex.htm). As an example, DE1004 is a "Document/Message Number". A similar identification in X12 is 324 "Purchase Order Number".

UNITED STATES

COMMENTS

The United States appreciates the work of the drafting group in developing the draft revision to the *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001).

The United States recommends that the title of the document be modified to incorporate a reference to principles as the document now incorporates a set of principles in the text. Such a change would be consistent with the manner in which CCFICS texts that contain both principles and guidelines are titled. The amended title would read as follows (bolded text is proposed new text): ***Principles and Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates***.

Otherwise the United States supports the text as drafted. We believe the document will provide useful information and guidance to countries in the preparation and issuance of food export certificates.

The United States supports advancement of the document in Codex Step Process.

IDF

IDF is concerned at the large and increasing volume of certification that is required for importation of food, the variation and complexity of certificates, and the compliance costs that are associated with them. We consider that the principles of certification should be framed to ensure that certificates are used in the most efficient way possible as a food control mechanism appropriate to risks.

IDF compliments the members of the CCFICS Working Group on their good progress in addressing these issues. However we suggest that further redrafting is necessary.

IDF therefore proposes that the following principles should be incorporated in section 4 of the Guidelines, for the reasons that are noted below each one:

1. Certificate formats and attestations should be standardized.

Standardization avoids the need for negotiation and acceptance of specific formats and attestations, and simplifies verification requirements for specific and varying attestations.

2. Certificates should be based on Codex standards, guidelines or codes of practice.

Reference to Codex documents avoids the need for negotiation and acceptance of specific national documents as the basis of attestations, and simplifies verification requirements.

3. Any declarations required by importing countries, additional to standard certificate formats, should be adequately justified.

Codex certificate formats are designed to provide importing countries with an adequate level of protection. Requests for additions to certificate formats should be substantiated and justified in terms of the need for protection of the health of consumers and fair practices in trade.

We suggest also that particular attention should be directed to two specific areas. Firstly, clarification is needed on the circumstances in which certificates are appropriate and needed, focusing on the outcomes that certificates are intended to achieve. This will assist in making certificates less prescriptive, assist in separating between regulatory and marketing requirements, and make it easier to resolve export difficulties.

Secondly, fraudulent certificates are an ever-growing problem. We consider a separate chapter on prevention of fraud, and actions to be taken when such fraud is discovered, is warranted.

OIE

Codex Alimentarius / OIE work on certification

To better address its Member Countries' needs, the OIE is updating its standards on certification. The OIE is keen to coordinate its work with that of the CAC to produce combined certificates, where possible, but in any case, to promote harmonisation and avoid contradictory standards for both Codex and OIE Member Countries.

The OIE Terrestrial and Aquatic Animal Health Code provide the OIE standards for terrestrial and aquatic animals and they include several appendices on certificates for international trade and the related procedures. Those certificates address trade of animals and their products among OIE Member Countries.

The OIE Animal Production Food Safety Working Group identified some key points for the revision of the certification system:

1. that the OIE and the CAC should agree on a list of minimum requirements for a certificate,
2. that the certificate should be applicable regardless of which Competent Authority is providing the certification (e.g. veterinary services or public health services), and
3. that an electronic certification system should be further developed.

As also suggested by the Working Group, the OIE intends to provide its input into the ongoing work of CCFICS, outlining its proposal for a combined certificate.

Addressing the first key point for the revision of the certification system, the OIE has started by comparing the OIE and Codex certification systems (see the table on the following pages): Table 1 shows the points that are common between the Codex and OIE standards, indicating that there is already a solid starting point for the harmonisation process.

The OIE has been involved in the work undertaken by IDF in the CCMMP on the Codex Model Export Certificate for Milk and Milk Products.

For the best results on this harmonisation work on certification, OIE believes that it would be desirable for both organisations to revise their standards in close collaboration. An ideal goal would be a single certificate per product (recognised by both the Codex and the OIE) that would simplify exporting/importing procedures.

Comments on the proposed revision of the CAC/GL 38-2001

The OIE supports the proposed revision of the CAC/GL 38-2001.

The OIE supports the concept (found in paragraph 6) that a single certificate may contain information relevant to animal and plant health (e.g. food safety and animal and plant health).

The OIE is concerned by the increasing administrative burdens that trading partners have to undertake; these are especially relevant for developing countries. Therefore an effort has to be made to reduce redundant or duplicative certificates, as stated in paragraph 13 of the revised text.

The OIE position is in line with the proposed revised text on certification and with the CCFICS recommendation to the CAC on the need for harmonized attestations for similar certification needs, to minimise misunderstandings and errors, and to develop specific attestation examples for common types of certifications. For this purpose, paragraphs 8 and 13 could be amended as follows:

“8. The following principles apply to the production and issuance of certificates.

- Importing country competent authorities should only require certificates where declarations are necessary to provide essential information relating to food safety or suitability for consumption, or to facilitate fair trade.
- The level of information required should be adequate for the importing country’s purpose and not impose unnecessary burdens on the exporting country or exporter.
- Competent authorities of the importing country should communicate to the exporting country the rationale and requirements for certification in a consistent and transparent manner.
- The requirements for certification should be implemented in a non-discriminatory manner.
- Government agencies having jurisdiction shall take responsibility for any certificate they issue or authorize other certifying bodies to issue.
- Multiple or redundant certificates should be avoided to the extent possible and the used of single certificates addressing all hazards and based on agreed models should be encouraged.
- The use of certificates should be consistently implemented in a non-discriminatory manner.

- Certificates should be designed and used in a manner that:
 - a. facilitates the importing country assessment that the product meets requirements in respect of food safety, suitability for consumption and the facilitation of fair trade in food;
 - b. simplifies and expedites the certification process;
 - c. clarifies the responsibility of all parties;
 - d. provides for accurate identification of the consignment being certified;
 - e. facilitates the importing country assessment of the validity of the certificate and minimizes the risk of fraud or misuse.
- Requests for providing proprietary information should relate directly to the need to ensure product safety or prevent economic fraud or deception.”

“13. Requests for certification should minimize to the extent possible the need for redundant or duplicative certificates. Trading partners should preferably use a single certificate that addresses all hazards. Such situations could include the following: when multiple certificates with similar attestations are required by different agencies within an importing country; when multiple certificates are required for different attributes when a single attestation would suffice; when multiple certificates with similar attestations are required from different certifiers within the exporting country.”

The OIE considers important to cover the continuum of the food producing chain from the production until the distribution phase. The intent of simplifying the procedures with the usage of a single certificate agreed by trading partners has to be coupled by the possibility to include production phase’s health risks into the certificate. These health risks cover public health, animal health and plant health. The proposed amendment to paragraph 19 helps clarify this point:

“19. The particular attestations to be included in a certificate will be determined by the requirements of the importing or exporting country. They should be clearly identified in the text of the certificate. Such attestations may include, but are not limited to:

- human, plant or animal health status as it may affect the safety of the food;
- product conformity with particular standards, production or processing requirements;
- the status (e.g. licensing details) of production, processing and/or packaging establishment in the exporting country; and,
- reference to any associated bilateral/multilateral agreement.

To the extent possible, common attestation language should be used for similar attestations.”

The OIE proposes to this Committee the modification of these generic guidelines and the creation of a single model certificate per commodity (in collaboration with other relevant Committees) in order to provide the basis for Member Countries wishing to use a single certificate in international trade. For this purpose the OIE would have to update its model certificates in parallel with the CAC.