

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
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WORLD  
HEALTH  
ORGANIZATION



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Agenda Item 5

CX/FICS 08/17/5 Add. 1

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

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

Seventeenth Session

Cebu, Philippines, 24-28 November 2008

#### PROPOSED DRAFT GENERIC MODEL HEALTH CERTIFICATE (ANNEX TO THE GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES (CAC/GL 38-2001)

(N08-2008)

(Comments at Step 3)

(Canada, Dominican Republic, Mexico, New Zealand, United States of America, OIE, ICBA and ICGMA)

#### CANADA

##### General comments

Canada thanks the European Community (EC) for leading the work of the Working Group (WG) in the preparation of the *Proposed Draft Generic Model Certificate* for the Committee's consideration. We support harmonization of certification at the international level which would assist in streamlining certification procedures and simplify transition to e-certification. We are supportive of the *Proposed Draft Generic Model Certificate*, and are of the view that the output of the WG reflects adequately the data elements that are necessary and appropriate for competent authorities to attest to in this certificate.

We fully agree with the WG's recommendations that: the model certificate should be suitable for all types of food products, it should be suitable of accommodating multiple products in a single certificate, it should not be split in two parts and that tick boxes should not be used.

##### Specific comments

Box no. 6 – Expected border post

We suggest deleting this box. The competent authority of the exporting country may not have this information. It is the responsibility of the importer to provide such information to the importing country's competent authority; hence, it would not be appropriate to include a request for such information on a certificate to be issued by the exporting country's competent authority.

Box no. 13 – For transit

We are not clear as to the intent of this box or whether it is needed. We note that the explanatory texts for boxes 8 and 13 specify that the name of the country of destination should be indicated in these boxes, including for products that are in transit, therefore, we find that Box 13 is redundant and should be deleted.

#### DOMINICAN REPUBLIC

##### Specific comments:

##### Explanatory notes on the sanitary certificate

##### Specific

The Dominican Republic suggests making the following change in paragraph 11:

**11. Identification of container(s)/Seal number(s): identify the containers and seal numbers ~~where required~~.**

**MEXICO**

Mexico is grateful for the opportunity to make the following comments regarding the Proposed Draft Generic Model Health Certificate:

**Certificate title.-** Even though it may seem obvious, it is suggested stating in the explanatory notes that the type of document being issued (Manufacturing Best Practices, Free Sale, Product Analysis, etc.) be indicated in this part of the certificate.

**Box 5 (Explanatory notes)-** It is suggested that the paragraph in square brackets be deleted. It is considered that the importer's contact details at the point of unloading whether the country of destination or transit country should be provided by the importer.

**Box 6 (Explanatory notes)-** It is considered that this information may be useful when, for health reasons (regionalisation), the products must enter through specific inspection points of entry in the importing or transit country. It may also be applicable in cases where, because of inspection capacity issues in the importing country, the products have to enter through specific inspection posts of entry.

**Box 13.-** The country of destination has already been identified in box 8. If clarification is required in this box, state the **transit country**; the instruction indicates to enter the "**country of destination**".

With regard to the transit country, it is assumed that the product is only received in this country for its immediate forwarding to the country of destination and it is considered that this information may be useful to identify import triangulations. Nonetheless, the exporter may not know the logistics and transfer route of the products from the point of unloading to the country of destination, and in any event, it should be advised by the importer under the import inspection procedures applied by the destination/unloading countries and not necessarily by means of the health certificate.

It is also worth pointing out that if the product is to be subjected to a process that alters its nature, and it is subsequently re-exported, it does not enter the category of products in transit, and will not be under the control of the country that issues the certificate, and so for its re-export will require a further certificate to be issued by the country in which the product was reprocessed.

**Box 17.-** It is suggested indicating in the explanatory notes section that this box may include various declarations concerning the products (for example, free sale and analysis)

**Box 18.-** Some certificates are issued with a validity date (e.g., Free sale, Manufacturing Best Practices), so the certificate's period of validity should be stated (possibly in box 18). In these cases, it would not be feasible to provide specific information regarding Batch No, Lot identifier, Number of packages, Net weight and other data that may vary from one shipment to the next.

**NEW ZEALAND**

New Zealand was a member of the working group that developed this draft and would like to acknowledge the leadership of the European Community in facilitating the work undertaken in Brussels.

New Zealand offers the following specific comments on Appendix 1 to CX/FICS 08/17/5:

**Title of the Annex**

This model certificate is intended to be an annex to the CAC/GL 38-2001 (Guidelines for the Design, Production, issuance, and use of Generic Official Certificates). New Zealand suggests that the title of this Annex should reflect that of the main document and the word 'sanitary' should be removed from the title.

The explanatory comment under 'Scope of the Annex' makes a clear statement while the certificates primarily focus on sanitary aspect they can also address aspects of fair trade. With this explanation included it is inconsistent to have the word 'sanitary' in the title and it implies that a Model Generic Official Certificate for Non-sanitary matters will be developed.

**Scope of the Annex**

The final paragraph contains an error and should read: 'This model ~~of~~ certificate could cover multiple types of products'.

## **Explanatory notes**

### ***General***

The third paragraph contains an error and should read: "... the ISO codes ~~use~~ are the two-letter country code ..."

In the fourth paragraph New Zealand suggests that it should state that a replacement certificate is issued by the certifying body not the officer. While it may be the same officer this would not necessarily always be the case. The amended wording would be: " a replacement certificate is issued by the certifying body officer."

### ***5 Consignee/Importer***

New Zealand suggests that the square brackets on the last paragraph be removed and the text retained.

### ***6 Expected border post – in square brackets***

New Zealand can support the removal of the square brackets and the retention of this element if it is marked as 'Optional'. New Zealand does not believe that this element is required or necessary in all instances. New Zealand also suggests that this element may be better located closer to the elements relating to transport (elements 10,12,13).

### ***7 ISO Code***

New Zealand suggests that the reference to 'the relevant regulations' should be specific.

### ***13 For Transit – in square brackets***

New Zealand could support the removal of the square brackets and the retention of this element if it is marked as 'Optional' or 'if required'.

### ***14 Identification of food products***

Net weight: New Zealand suggests that this sub-element should be "net weight per unit", as total net weight is declared at element 16.

Nature of the food: The phrase "sanitary description of goods", should be deleted as it is redundant.

### ***17 Sanitary information***

New Zealand suggests that this element is renamed 'Attestations'. The explanatory text makes reference to attestations relating to both food safety and fair practices in the foods trade.

## **Layout of Model Certificate**

New Zealand suggests that the numbering for each element/field should appear in the bottom left corner similar to a footnote. Thus reinforcing the explanatory note that these numbers are for reference purposes only.

## **UNITED STATES**

The United States expresses its' thanks to the Working Group for the development of the current draft of the Proposed Draft Annex to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CX/FICS 08/17/5).

The United States supports the development of a generic model template for a sanitary certificate. We believe that such a model will encourage harmonization of the format for sanitary certificates, providing for consistency both with respect to paper and electronic certificates and thereby reducing the complexities associated with the existence of multiple formats for health certificates.

The United States notes that, as described in the authorizing Project Document, the present work deals with the data elements of a health certificate and their spatial layout. This work does not specifically deal with attestations. However, we would comment that attestations relating to sanitary information are extremely varied amongst countries and that, separate and apart from the current work on certificate layout , a discussion within CCFICS regarding their possible uniformity may be beneficial; in this regard, new work in CCFICS may be appropriate.

Additionally, the United States notes that this work does not modify guidance presented in the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001, rev. 2007). The United States calls attention to certain principles and other guidance in these Guidelines that are important to keep in mind when considering work on export certificates to assure that the context of the work is taken into account. In this regard, the U.S. notes particularly the following.

- Official certificates should be required only where attestations and essential information are necessary to ensure that food safety and/or fair practices in the food trade requirements are met (Principle A of Section 4, Principles, of CAC/GL 38-2001, rev. 2007).
- Exporting countries may provide assurances through means other than consignment-by-consignment certificates, as appropriate (Principle B of Section 4, Principles, of CAC/GL 38-2001, rev. 2007).
- Requests for certificates should minimize to the extent possible the need for redundant or duplicative certificates (from Section 9, paragraph 29 of CAC/GL 38-2002, rev. 2007).

The United States notes and concurs with the indication that many of the certificate items are optional in nature. We encourage the Committee to carefully review all data elements to be sure that mandatory elements are kept to the minimum necessary. We also note that the terms “optional” and “if required” may be interpreted to have the same meaning and thus be confusing. Ideally an item should be either “required” or “optional”. However, we recognize that in certain instances, for example, meat/meat products, certificate elements relating to establishment approval number and/or region may be required, but are not applicable to other products. The U.S. suggests that a solution to this difficulty could be better use of explanatory notes to provide clarification of the “if required” designation for the element so designated. We would also suggest changing the “if required” indication to “if required—see explanatory note”.

### **Specific Comments**

Title: The current title of the model certificate (Official Sanitary Certificate For...) is confusing as it is unclear what the “for” is referring to. As this model is for use for foods generally, we suggest the title should read “Model Generic Sanitary Certificate”.

Certificate Item 6, Expected Border Post: The United States suggests deletion of this element since certifying officials normally do not have this information and cannot certify to it.

Certification Item 11: Identification of container(s)/seal number(s): The United States does not support the inclusion of this element. The certifying body/competent authority is not responsible for this information and should not be required to certify to information it cannot verify at the time of inspection/certification.

Certification Item 13, For Transit: The United States does not support the inclusion of this element. The certifying body/competent authority issues the official certificate to the country where the product is destined and should not be required to certify to information it cannot verify at the time of inspection/certification. The shipping route is a commercial decision that is subject to change. If a transit certificate is required, that should be requested separately from the official certificate, including data elements unique/specific to the movement through another country or region.

Certification Item 14: The United States notes that discussion on the organization of this section will be needed to ensure that the placement of the items, one to another, is appropriate; for example, the nature of the food and the name of the product should be more closely associated. We also note that this section generally could incorporate multiple products and multiple lots. We suggest that it may be helpful, in the accompanying explanatory notes, to indicate this possibility and to consider whether guidance on this subject is needed.

Certification Item 14, Lot Identifier: The United States suggests that this item be footnoted and that it be indicated that alternative information could also be used to identify the product such as the date of production.

Certification Item 14, Packaging: The United States believes that this element should be made an “optional” item as it would not always be the case that information on the type of packaging would be required on an export certificate.

### **WORLD ORGANISATION FOR ANIMAL HEALTH (OIE)**

The World Organisation for Animal Health (OIE) would like to thank the *Codex Alimentarius* Commission (CAC) and the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) for the opportunity to contribute as an observer Organisation to its standards development process.

To better address OIE Members’ needs, the OIE recently reviewing its standards on certification and has revised, in collaboration with CAC, the model international veterinary certificates and developed notes for guidance on veterinary certificates for international trade in live animals, hatching eggs and products of animal origin, as well as a modified chapter on certification procedures. These chapters were adopted at the 76<sup>th</sup> OIE General Session in May 2008 and will be included in the 2008 edition of the *Terrestrial Animal Health* Code. The OIE will take steps to encourage the use of electronic certification, where possible, and other systems that can help to prevent fraud, which is a key consideration for safe international trade.

The OIE has noted some minor differences in the Codex certificate compared to the OIE model international veterinary certificates. The OIE certificates:

- are divided into two parts: Part I. Details of dispatched consignment and Part II. Zoosanitary information. The OIE has chosen this layout to make it easier for the veterinary inspectors to find zoosanitary information;
- include ‘place of origin’ of the consignment;
- include ‘expected border post’ for inspection of the consignment in the importing country.

However, the OIE considers that the overall approach taken in the Codex certificate is compatible with that of the OIE and the OIE supports the ‘Proposed Draft Generic Model Health Certificate (Annex to the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates) (CAC/GL 38-2001)’ as presented in Appendix 1 of document CX/FICS 08/17/5.

### **ICBA**

The International Council of Beverages Associations (ICBA) is a nongovernmental organization that represents the interests of the worldwide non-alcoholic beverage industry. The members of ICBA operate in more than 200 countries and produce, distribute, and sell a variety of non-alcoholic beverages, including sparkling and still beverages such as soft drinks, juice-containing drinks, bottled waters, and ready-to-drink coffees and teas. ICBA is pleased to provide the following comments in response to CX/FICS 08/17/5.

ICBA welcomes the work to develop a generic model certificate that would be applicable to all types of food products. ICBA supports the recommendation of the working group that the format of the document should be easily amendable to its use electronically. We also support that the certificate should be suitable to accommodate multiple products in a single certificate.

Concerning general explanatory notes on the sanitary certificates, it appears that each shipment would require an original sanitary certificate. Food and beverage manufacturing plants may ship the same product several times a year. We suggest revising the requirement so that the sanitary certificate could cover a certain time period, e.g., 12 months, and a copy of the certificate should be sufficient to accompany subsequent shipments. Otherwise, there may be delays in shipments and unnecessary bureaucracy that does not facilitate trade.

### **ICGMA**

ICGMA, a recognized INGO before the Codex Alimentarius Commission, represents the interests of the consumer packaged goods industry including several hundred food companies that trade food products globally. ICGMA strongly supports the work of Codex Alimentarius and promotes the harmonization of scientific standards and policies concerned with health, safety, packaging, and labeling of foods and beverages. ICGMA member companies have experienced the numerous challenges related to export certification necessary to gain access to markets and welcomes the opportunity to work towards a generic health certificate that has the potential to be used and accepted globally and that takes into account previous CCFICS work specifically, *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates*.

ICGMA participated in the July 2008 working group and believes much progress has been made on this document. Several concerns remain:

**Title of the certificate should be more flexible.** In developing this certificate, CCFICS has used both the terms “health” and “sanitary.” The physical working group agreed that the draft certificate should be applicable to a broad product scope including prepackaged food products. Consequently, ICGMA believes that the “generic” format should be as flexible as possible in order to cover the broad range of food products intended. In that regard a certificate should be designed that could become a health certificate, a sanitary certificate, an “export” certificate or a “certificate of free sale.” All these certificates are requested by importing countries for a wide product range.

**Mandatory attestations on the certificate must be consistent with the authority of the certifier.** Some of the proposed attestations (e.g. transportation details), may not be known by the regulatory authority that would be certifying the products. While the regulatory authority could certify to the “conditions of transit” necessary for food safety and quality, the container and seal numbers and specific means of transport or documentary references would not be appropriate on a health certificate. Consequently, the following elements should be removed from the certificate and captured, if essential, through alternative documentation:

- Border Post;
- Identification of container(s) and seals; and

- Transport document references.

“Means of transport” should be limited to truck, rail, ship, air without requiring additional details.

**“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.”<sup>1</sup>**

Certification should not unnecessarily interfere with operations or trade. ICGMA recognizes the need to link the certificate to the product in trade as precisely as possible, but the logistics of obtaining the proposed certification information is inconsistent with operational efficiency and will undermine “just in time” delivery procedures. For example, under the current certificate, the manufacturer will need to know all lot numbers and container(s) and seal numbers before requesting a certificate. Unless electronic certification is available, providing this information on the certificate will mean that food manufacturers pack, hold, and store containers while waiting receipt of the certificate. Sometime receipt takes several days while packed inventory is utilizing storage space, product shelf life is decreasing, and identified customers are awaiting shipment. Furthermore, the certifying authority cannot attest to the “health” of a product in sealed containers, should that be necessary. Container and seal number requirements would be very disruptive to trade.

**“Exporting countries may provide assurances through means other than consignment-by-consignment certificates as appropriate.”<sup>2</sup>**

Original certificates should not be required for every product shipment. The adopted Codex guidelines clearly anticipate that “it is possible for certain certificates to apply to multiple consignments...” This is particularly appropriate for prepackaged process products that are essentially identical and produced within the same facility under identical conditions. In that case the “original” certificate could be applicable to those products manufactured during a certain time period. The certificate could be identified with an expiration date.

Comments on other specific fields.

- Sanitary Information – Keeping in mind that this certificate is intended to be generic, ICGMA believes it would be more appropriate and more helpful to facilitate trade to include a generic attestation such as, “

***“The products described above originate from an approved establishment that has been approved by, or otherwise determined to be in good regulatory standing with the competent authority in the exporting country...”***

A blank field with a “header” such as “remarks” could then be used for other specific attestations that are deemed necessary. Such an approach would also be consistent with certificates previously developed by Codex for milk products and fishery products.

- Approval number of establishments – must remain optional; not all countries have approval numbers;
- Lot identifier – most, but not all, processed products have a lot number but alternative information could also be used to identify the product such as the date of production or the production run;
- Species and region are only appropriate for certain animal products and, consequently this must remain an optional element.
- Conditions for transit (currently in bracketed text) should be deleted. The certifying authority in the exporting country would not necessarily know how the product will be routed and would have no need for the information. Frequently containers are rerouted after leaving the country of export due to unanticipated transportation issues or customer requests.

ICGMA appreciates the opportunity to submit these comments and welcomes the opportunity to continue to work on this project in CCFICS.

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<sup>1</sup> CAC/GL 38-2001 Guidelines for Design, Production, Issuance and Use of Generic Official Certificates

<sup>2</sup> CAC/GL 38-2001 Guidelines for Design, Production, Issuance and Use of Generic Official Certificates