



**Food and Agriculture
Organization of
the United Nations**



**World Health
Organization**

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Agenda Item 5 (a)

**CX/FICS 11/19/4
September 2011**

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

Nineteenth Session

Cairns, Australia, 17- 21 October 2011

**DISCUSSION PAPER ON FURTHER GUIDANCE REGARDING ATTESTATION IN THE
GENERIC MODEL OFFICIAL CERTIFICATE (ANNEX TO CAC/GL 38-2001)**

Prepared by the United States of America

1. The Asia Pacific Economic Cooperation (APEC) Forum Export Certification Roundtable, held February 25-26, 2010, considered, among other things, the issue of export certificate attestations. The Roundtable, as part of its “next steps”, recommended “a broad review of APEC certification requirements for food to establish a baseline for proposing that CCFICS consider additional work on incorporating appropriate attestations in the generic model certificate.”¹
2. CCFICS, at its 18th (2010) Session considered the recommendations from the APEC Export Certification Roundtable. The Committee noted that one conclusion from the meeting was that CCFICS consider additional work on incorporating appropriate attestations in the *Generic Model Official Certificate* (Annex to CAC/GL 38-2001). The Committee agreed that the Delegation of the United States would prepare a discussion paper on this issue for consideration at the next session of the CCFICS.²
3. The United States notes that, within the mandate of Codex, the results of a survey conducted among APEC members in advance of the February 2010, Roundtable indicated that the rationale for attestations related primarily to food safety and the prevention of fraud.³
4. We note that the *Codex Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001) provide guidance on both the use of official certificates and on attestations. Principle A of this document states that “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 C states that “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.”
5. The Annex to CAC/GL 38-2001 also provides information regarding attestations. We observe that the explanatory notes to the *Generic Model Official Certificate* include certain guidance relating to export certificate attestations⁴. More specifically, note 16 of the Annex states that an attestation is “information indicating compliance with the relevant regulations(s) of the importing or exporting countries in accordance with recommendations, as appropriate, of the Codex Alimentarius Commission.” Note 16 states additionally that:
 - “Attestations should be the minimum required for the products certified to ensure food safety and fair practices in the food trade. Attestations should be applicable to the food products certified.
 - Non-applicable attestations should be excluded or deleted.

¹ APEC Export Certification Roundtable Summary

² ALINORM 10/33/30, paragraph 69.

³ Freedom from animal disease or pest risks were also noted but these are outside the mandate of Codex.

⁴ CAC/GL 38-2001, page 10.

- There may be other attestations covering different issues (cf. paragraph 7 of document CAC/GL 38-2001).”⁵
6. We also note that Codex has developed commodity-specific attestations for two commodity areas: milk and milk products; and fish and fishery products.
7. The question arises as to whether there are gaps in the existing guidance relating to attestations, and if there is a need to develop additional guidance, what the nature and form of that guidance should be. In this regard, the United States believes it is worth noting that recommending highly specific attestations may not be appropriate since requirements that need to be met and to which certification applies are likely to vary significantly from country to country.
8. The United States believes discussion by CCFICS would be helpful in regard to the following points.
- Are principles relating to attestations sufficient or should CCFICS develop additional guidance?
 - If additional guidance is needed, what would be the nature of this guidance?
 - With respect to principles, is there a need for additional principles relating to attestations beyond that provided in Note 16 of the Annex to the Codex *Guidelines for Design, Production, Issuance and use of Generic Official Certificates* (CAC/GL 38-2001)?
 - How should knowledge, experience, and confidence influence the need for attestations?
9. The broad review of APEC certification requirements for food, in order to establish a baseline for proposing that CCFICS consider additional work on incorporating appropriate attestations in the generic model certificate, is still to be carried out. The results of that review should be helpful in forming any further work on attestations that CCFICS may undertake.

Recommendation

10. The following recommendations are provided to the Committee for its consideration.
- That CCFICS consider the questions in Paragraph 8 and assess whether further guidance is needed beyond that in the Codex *Guidelines for Design, Production, Issuance and use of Generic Official Certificates* (CAC/GL 38-2001) and, in particular, the guidance presented in Note 16 of the Annex.
 - That CCFICIS encourage APEC to undertake the broad review of APEC certification requirements for food and provide its findings to CCFICS for consideration.

⁵ The reference to paragraph 7 relates to use of plant and/or animal health certificates.