codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

JOINT OFFICE: Via delle Terme di Caracalla 00100 ROME Tel.: 52251 Telex: 625825-625853 FAO I Cables: Foodagri Rome Facsimile: (6)5225.4593

ALINORM 97/30A

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Twenty-second Session
Geneva, 23 - 28 June 1997

REPORT OF THE FIFTH SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Sydney, Australia, 17-21 February 1997

NOTE: This report includes Codex Circular Letter CL 1997/4-FICS.

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CX 4/70.2

CL 1997/4-FICS
March 1997

TO:
- Codex Contact Points
- Interested International Organizations
- Participants at the Fifth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems

FROM: Chief, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy.

SUBJECT: Distribution of the Report of the Fifth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (ALINORM 97/30A)

The report of the fifth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems is attached. It will be considered by the Twenty-second Session of the Codex Alimentarius Commission in Geneva from 23-28 June 1997.

MATTERS FOR ADOPTION BY THE 22ND SESSION OF THE CODEX ALIMENTARIUS COMMISSION

1. **Draft Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems at Step 8;** ALINORM 97/30A, paras. 8-11 and Appendix II.

Governments wishing to propose amendments or to comment on the above Guidelines should do so in writing in conformity with the Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards Including Consideration of Any Statements Relating to Economic Impact (*Codex Alimentarius Procedural Manual,* Ninth Edition, pages 33-35) to the Chief, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy **not later than 1 May 1997**.

SUMMARY AND CONCLUSIONS

The fifth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems reached the following conclusions:

MATTERS FOR CONSIDERATION BY THE CODEX ALIMENTARIUS COMMISSION:

- Advanced draft **Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems** to the Commission for adoption at Step 8, with the understanding that the Commission and the Legal Counsels of FAO and WHO would **review the appropriateness of extending the Guidelines to regional economic groupings** (paras. 8-11 and Appendix II);

- Discontinued the consideration of proposed draft **Guidelines on the Principal Elements in an Electronic Documentation System** (paras. 12-17);

- Discontinued the consideration of proposed draft **Guidelines on the Application of the ISO 9000 Series to Food Inspection and Certification Systems** (paras. 18-21);

- Decided to make no proposal for **amendment of the Principles for Food Import and Export Inspection and Certification** already adopted by the Commission (paras. 30-34);

- Appended the **Guidelines and Criteria for a Generic Official Certificate Format** in order to facilitate Commission discussions as to the need for further consideration of this matter by the Committee (paras. 35-39 and Appendix III), and;

- Agreed that a discussion paper on **issues related to the process of judgement of equivalence** be prepared for circulation and comment prior to its next Session (para. 53).

OTHER MATTERS OF INTEREST TO THE COMMISSION:

- Agreed to revise the proposed draft **Guidelines for the Development of Agreements Regarding Food Import and Export Inspection and Certification Systems** for circulation and comment prior to the Committee's next Session (paras. 22-29);

- Agreed to further develop the discussion paper on **Guidelines on Food Import Control Systems** for consideration at its next Session (paras. 40-44);

- Decided to discuss a proposal concerning **Rules Relating to the Production and Issue of Certificates** at its next Session (para. 45);

- Decided not to pursue the consideration of **Residue Management Initiatives in Codex** (paras. 46-50), and;

- Noted that a proposal concerning the **Development of a Data Base on Rejections of Foods** could be independently developed for consideration at a future meeting (paras. 51-52).

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LIST OF APPENDICES

INTRODUCTION AND OPENING OF THE SESSION (Agenda Item 1)

1. The Fifth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems was held in Sydney, Australia, from 17 to 21 February 1997, at the kind invitation of the Government of Australia. Mr. Digby Gascoine, Australia Quarantine and Inspection Service, chaired the Session. The meeting was attended by 201 participants from 47 Member countries, 1 observer country and 8 international organizations. A List of Participants is attached to this report as Appendix I.

2. The Session was opened by Senator David Brownhill, Australian Parliamentary Secretary to the Minister for Trade and to the Minister for Primary Industry and Energy. Referring to Australia's continuous efforts to supply safe and quality foods to consumers, he emphasized the importance of Codex and regional economic groups in the harmonization process of food import and export inspection and certification. Mr. Gregory D. Orriss, Chief of the Joint FAO/WHO Food Standards Programme and Secretary of the Codex Alimentarius Commission, thanked the Government of Australia for its support in hosting the Committee and reiterated the increasingly important role of Codex under the World Trade Organization (WTO) Agreements on the Application of Sanitary and Phytosanitary Measures (SPS) and on Technical Barriers to Trade (TBT).

ADOPTION OF THE AGENDA (Agenda Item 2)[1]

3. The Committee adopted the Provisional Agenda as proposed. It agreed that a document regarding Residue Management Initiatives in Codex would be discussed under Other Business and Future Work (see paras. 46-50).

4. The delegation of India noted that notwithstanding the useful work of CCFICS, the Committee should take the needs of developing countries into account in the elaboration of guidelines and standards, so that the necessary infrastructures to facilitate their implementation could be established.

MATTERS REFERRED FROM CODEX COMMITTEES (Agenda Item 3)[2]

5. The Committee noted that FAO and WHO had jointly convened an Expert Consultation on the Application of Risk Management to Food Safety Matters from 27-31 January 1997. The observer from Consumers International noted their desire to participate in expert Consultations and in this regard, informed the Committee that a document addressing various aspects of risk management issues was being prepared.

6. On the subject of model certificates (see paras. 35-39), the delegation of Argentina informed the Committee that MERCOSUR countries had elaborated a model certificate for vegetables and were still working on certificates covering other commodities. The observer from the European Community informed the Committee that a directive concerning certification of animals and products of animal origin had been adopted in December 1996. The Committee was further advised that a draft model certificate in relation to dairy products was being prepared for consideration at the next session of the Codex Committee on Milk and Milk Products.

7. The Committee was encouraged to submit comments on the draft Code of Practice for the Quality Inspection and Certification of Fresh Fruits and Vegetables currently under development by the Codex Committee on Fresh Fruits and Vegetables (ALINORM 97/35, Appendix XI).

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1 CX/FICS 97/1-Corrigendum and comments from India (CRD 3).

2 CX/FICS 97/2 and comments from India (CRD 3) .

DRAFT GUIDELINES FOR THE DESIGN, OPERATION, ASSESSMENT AND ACCREDITATION OF FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS AT STEP 7 (Agenda Item 4)[3]

8. The Guidelines had been adopted by the 43rd Session of the Executive Committee at Step 5.[4] Comments were subsequently requested at Step 6 under CL 1996/28-FICS.

9. The Committee reviewed the document and made the following substantial changes:

- The title of Section 1 was revised to "Objectives", and paragraphs 1 and 2 were combined and simplified. The Committee agreed to add a footnote to "countries" at its first mention in the text to indicate that the term also included regional economic groupings within the context of the Guidelines. This decision was taken with the understanding that the Commission and the Legal Counsels of FAO and WHO would review the appropriateness of extending the application of the Guidelines to regional economic groupings.
- A footnote incorporating paragraph 18 of the *Principles for Food Import and Export Inspection and Certification* was added to indicate that importing countries should take the capabilities of developing countries into account.
- A statement was added to indicate that the expectations of consumers should be taken into account by governments when applying the Guidelines. The delegation of Malaysia indicated that the protection of consumers was already adequately covered in the Guidelines and the phrase "expectations of consumers" could be interpreted in different ways, and therefore, objected to this decision.
- Definitions for Risk Analysis, Risk Assessment, Risk Management and Risk Communication were added to the Definitions section on the basis of definitions developed by the Codex Committee on General Principles.[5]
- The Section concerning Risk Analysis was modified to indicate that the consistent and transparent application of risk analysis would enable inspection resources to be effectively targeted on hazards to public health.
- It was clarified that the term "inspection and certification" should be read as meaning "inspection and/or certification" at their first mention in the text.
- The Section concerning Equivalence was clarified to indicate that evaluations of inspection and certification systems carried out by importing countries should take account of exporting country evaluations performed by competent authorities or third party bodies recognized by the competent authority.
- The Sub-Section concerning Control Programmes and Operations was strengthened to indicate that official inspectors should be adequately trained in the application of the Hazard Analysis and Critical Control Point (HACCP) System and its assessment thereof.
- The Sub-Section concerning Decision Criteria and Action was revised to indicate that physical checks applied to imports should be based on the risk associated with the importation.

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3 ALINORM 97/30, Appendix 3 and comments from Australia, Denmark, Malaysia, Norway, Thailand, the United Kingdom and the European Community (CX/FICS 97/3), the United Kingdom and the United States (CRD 1), the European Community (CRD 2), and India (CRD 3).

4 ALINORM 97/3, Paragraph 18 and Appendix 3.

5 ALINORM 97/33, Paragraph 21 and Appendix III(b).

- The Sub-Section addressing Personnel was revised to indicate that official inspectors should be adequately trained and independent to ensure their impartiality.

Status of the Draft Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems

10. The Committee advanced the revised text to Step 8 of the Codex procedure for consideration by the 22nd Session of the Codex Alimentarius Commission. The complete text of the Guidelines is attached as Appendix II.

11. The delegations of Malaysia and India expressed their reservations with this decision because in their view another round of comments was necessary to allow countries to study the implementation and long term implications of the Guidelines. The delegation of the United States expressed concerns on issues related to food safety versus food quality, the equivalency of inspection systems utilized by different countries, third party inspection and certification and the need for additional time to review and further consider the substantive changes made to the Guidelines. The delegations of China, Mexico, the Philippines and Consumers International also expressed their reservations to the advancement of the Guidelines.

PROPOSED DRAFT GUIDELINES ON THE PRINCIPAL ELEMENTS IN AN ELECTRONIC DOCUMENTATION SYSTEM (Agenda Item 5)[6]

12. The delegation of Australia introduced the document, which had been revised in light of discussions at the 4th Session of CCFICS.[7]

13. While recognizing the advantages of electronic documentation systems and the usefulness of the document, some delegations expressed their concern that electronic documentation systems were not yet universally used and the economic and technological resources available in developing countries should be taken into account so that such systems could be introduced gradually.

14. Other delegations noted that the document should more effectively address solutions to security issues and that technical difficulties might arise in a multilingual environment or when the destination of cargoes was changed after electronic documents had been issued. It was also noted that the legal status of electronic documentation differed from country to country.

15. A question was raised as to the status of the document under the WTO Agreements, in relation to the possible title of the document, which had been proposed to be either a "Guideline" or "Information Note". The Committee was informed that the status of Codex documents under the WTO Agreements was discussed at the twelfth Session of the Codex Committee on General Principles,[8] where it was stated that "all types of Codex texts when applied to foods in international trade would be covered either by the definitions of *international standards, guidelines and recommendations* under SPS or the definition *technical regulation* or *standard* under TBT, and any qualification proposed to the texts within Codex could not alter their status under the WTO Agreements".

16. Although several delegations supported further elaboration of the document, a number of delegations were of the opinion that further elaboration of the document as a Codex text would be

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6 CX/FICS 97/4 and comments from the European Community (CRD 2) and India (CRD 3).

7 ALINORM 97/30, paragraphs 10-13.

8 ALINORM 97/33, paragraphs 25-32.

inappropriate in view of the concerns expressed above and the uncertainty about the status of the document under the WTO Agreements.

Status of the Proposed Draft [Guideline/Information Note] on Export/Import Certification through Electronic Documentation Systems

17. The Committee, thanking the delegation of Australia for its outstanding efforts, agreed that further elaboration of the document as an official Codex text be discontinued. The delegation of Australia indicated that after revision of the document in light of the comments received, it would be circulated as an independent Australian document to countries for information only.

PROPOSED DRAFT GUIDELINES ON THE APPLICATION OF THE ISO 9000 SERIES TO FOOD INSPECTION AND CERTIFICATION SYSTEMS (Agenda Item 6)[9]

18. The delegation of France introduced the document which had been revised on the basis of discussions at the 4th Session of CCFICS [10] by expanding its scope to include other quality assurance systems than the ISO 9000 Series and by emphasizing the linkage between the HACCP system and other quality assurance systems, including the ISO 9000 Series.

19. Several delegations noted that the document's emphasis still focused on the ISO 9000 Series. They suggested the discontinuation of work on this matter, as it was considered inappropriate for Codex to endorse a particular quality assurance system, and that food safety issues were satisfactorily addressed by adherence to good manufacturing practices and to HACCP principles, the guidelines for which had been already adopted by Codex. It was also noted that the application of the HACCP system adequately addressed the needs of the WTO SPS Agreement.

20. Other delegations stated that taking account of the ISO 9000 Standards and other quality assurance systems was in line with the *Draft Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* [11] and would contribute to the efficient operation of official inspection services, and recalled that the development of guidelines for the utilization, as and when appropriate, of quality assurance systems in the context of inspection and certification was a part of the mandate of the Committee. They also stated that these systems would assist in increasing the confidence of consumers and could be implemented even in developing countries in some instances.

Status of the Proposed Draft Guidelines for the Taking into Account of Quality Assurance Systems, Particularly ISO 9000 Series Standards, by Official Systems for Food Import and Export Inspection and Certification

21. The Committee, thanking the delegation of France for its outstanding efforts, agreed that the further elaboration of the document as an official Codex text be discontinued. The delegation of France indicated that after revision of the document in light of the comments received, it would be circulated as an independent French document to countries for information only.

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9 CX/FICS 97/5 and comments from the European Community (CRD 2) and India (CRD 3).

10 ALINORM 97/30, Paragraphs 14-18.

11 ALINORM 97/30A, Appendix II, Section 4.

PROPOSED DRAFT GUIDELINES FOR THE DEVELOPMENT OF AGREEMENTS REGARDING FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (Agenda Item 7)[12]

22. The proposed draft Guidelines were prepared by the United States on the basis of discussions held at the 4th CCFICS.[13]

23. The United States indicated that the document provided practical guidance for governments desiring to enter into bilateral or multilateral agreements concerning food import and export inspection and certification systems. It was noted that the types of agreements proposed were based on the recognition of equivalence with importing country requirements and the recognition of meeting national requirements.

24. It was noted that procedures for concluding agreements should commence with the mutual comparison of food legislation systems. It was also stated that criteria for equivalency should be incorporated into the document (see para. 53).

25. Concerns were expressed in the proposed Definition section for the term "agreements" because mechanisms such as the "exchange of letters" and "regulations" were subject to possible mis-interpretation. It was also suggested that the term "equivalency" should be further developed by taking concepts of harmonization and mutual recognition into account. It was noted that a definition for "agency" was also required. The delegation of Malaysia requested clarification on the objective of the Guidelines as to whether this would result in less inspection by the importing country at the point of entry.

26. It was suggested to reference the expectation of consumers in helping to achieve international harmonization under the Section addressing the Purpose of Agreements. It was also stated that the Section concerning Types of Agreements should be restricted to equivalence agreements only, as agreements to meet national requirements based on bilateral arrangements could be contrary to the spirit of the provisions of the WTO SPS and TBT Agreements.

27. It was noted that in the Section concerning the Consultative Process for Equivalence Agreements, the notion of the importing country identifying all of the individual health risks that its control measures address was unrealistic and overly broad. The maintenance of lists of "acceptable" establishments was noted to be the responsibility of both exporters and importers. It was also emphasized that participating agencies *should* provide the public an opportunity to comment on the basis for equivalence determinations.

28. It was also suggested that once they had been further developed, the Guidelines could be considered for incorporation into the Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems.

Status of the Proposed Draft Guidelines for the Development of Agreements Regarding Food Import and Export Inspection and Certification Systems

29. The United States agreed to revise the document based on the above discussions and other points made during the meeting for circulation and comment at Step 3 prior to the Committee's sixth Session, with the understanding that such guidelines might eventually be incorporated into the

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12 CX/FICS 97/6 and comments from the European Community (CRD 2) and India (CRD 3).

13 ALINORM 97/30, Paragraphs 19-20.

Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems.

IMPLICATIONS OF DELETING THE PHRASE "OR RISK OF CONTAMINATION" FROM THE PRINCIPLES FOR FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION (Agenda Item 8)[14]

30. The Committee recalled that the 21st Session of the Codex Alimentarius Commission, when adopting the *Principles for Food Import and Export Inspection and Certification* with the deletion of the phrase "or risk of contamination" at the end of Paragraph 9 [15], asked CCFICS to give further consideration to the implications of this decision.

31. Some delegations were of the opinion that the deletion had resulted in narrowing the focus of the paragraph to microbial risks only and excluded chemical and physical risks. The delegation of Australia suggested an amendment so that the paragraph would read as follows:

> "Inspection systems should be applied to particular commodities and processing methods in proportion to the assessed risks. In undertaking a risk assessment or in applying the principles of equivalence, importing countries should give due consideration to **documented evidence** ~~statements~~ by exporting countries **of their status** on a national or area basis of freedom **with respect to particular food-borne hazards** ~~from food-related disease~~."

32. A number of delegations supported this proposal, noting that exporting countries could only indicate the possible presence/absence of hazards and final risk management decisions should be taken by the importing countries on the basis of the information provided.

33. Other delegations disagreed, however, being of the view that there had been little experience regarding recognition of "freedom" in defined geographical areas in relation to hazards other than infectious diseases including zoonoses and, therefore, the paragraph should remain as adopted. It was further commented that the phrase "documented evidence" could be open to misinterpretation.

34. In light of this discussion, the Committee decided to make no proposal for amendment of the Principles already adopted by the Commission.

GUIDELINES AND CRITERIA FOR A GENERIC OFFICIAL CERTIFICATE FORMAT (Agenda Item 9)[16]

35. The Guidelines and Criteria were prepared by Australia on the basis of discussions at the 4th CCFICS.[17] This issue was also discussed at the 22nd Session of the Codex Committee on Fish and Fishery Products[18] and the 2nd Session of the Codex Committee on Milk and Milk Products.[19]

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14 CX/FICS 97/7 and comments from the European Community (CRD 2) and India (CRD 3).

15 ALINORM 95/37, Paragraph 54. Paragraph 9 currently reads "Inspection systems should be applied to particular commodities and processing methods in proportion to the assessed risks. In undertaking a risk assessment or in applying the principles of equivalence, importing countries should give due consideration to statements by exporting countries on a national or area basis of freedom from food-related disease".

16 CX/FICS 97/8 and comments from the European Community (CRD 2) and India (CRD 3).

17 ALINORM 97/30, Paragraphs 21-24.

18 ALINORM 97/18, Paragraphs 6-8.

19 ALINORM 97/11, Paragraph 89.

36. Australia noted that the Guidelines were developed to assist Codex commodity committees as a basis for the elaboration of certificates specific to groups of commodities. It was stressed that the Model Certificate was based on work undertaken by other international organizations such as the UNECE.

37. Several delegations noted that the development of commodity specific certificates by Codex commodity committees was a more logical approach in the control of specific groups of foods and that commodity committees could base their work on the UNECE format. The difficulty of developing a generic certificate intended for commodity wide application was also stressed, in view of the commodity specific elements required. The difficulty of one individual or agency certifying the various elements contained in the Model Certificate was also noted. It was suggested that the document be used as an information note only.

38. Other delegations noted that the development of guidelines for the required minimum elements of a certificate would be useful for other Codex commodity committees in their elaboration of specific commodity based certificates. A delegation noted that the development of a model certificate was intended to identify essential fields which could be expanded by commodity committees to include other specific areas.

Status of the Guidelines and Criteria for a Generic Official Certificate Format

39. In view of the diverse opinions expressed, the Committee decided to append the Criteria for a Generic Certificate for the Export of Food and Food Products and the Model Certificate to its report (see Appendix III) in order to facilitate Commission discussions as to the need for further consideration by CCFICS of this matter from the different perspective of Codex commodity committees.

GUIDELINES ON FOOD IMPORT CONTROL SYSTEMS (Agenda Item 10)[20]

40. At its 4th Session, the Committee asked the Codex Secretariat and Mexico to develop a discussion paper on the feasibility of developing Guidelines on Food Import Control Systems for consideration at its present session.[21]

41. The delegation of Mexico introduced the document, which proposed three options:

Option 1: Develop a list or inventory of references that are relevant to imported food control;

Option 2: Prepare a concise, stand-alone document which sets out the principles that an imported food control system should encompass;

Option 3: Update, consolidate and re-develop existing work as a Codex guideline document.

42. Some delegations stressed the necessity of elaborating Codex Guidelines on Food Import Control Systems, which would particularly assist developing countries in meeting the requirements under the WTO Agreements, thereby facilitating trade and protecting consumers' health.

43. While recognizing the rationale for the proposed guidelines, other delegations stated that such guidelines would not be essential as most of the important principles were already included either in existing Codex texts, namely *the Principles for Food import and Export Inspection and Certification*[22],

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20 CX/FICS 97/9 and comments from the European Community (CRD 2) and India (CRD 3).

21 ALINORM 97/30, Paragraphs 30-31.

22 CAC/GL 20-1995.

or in the WTO SPS and TBT Agreements. It was also stated that it was within the mandate of FAO and WHO, and not that of Codex, to assist countries in building and improving their food import control systems and new guidelines might duplicate existing work in this area.

44. The Committee did not reach agreement on whether or not to elaborate the guidelines. To facilitate its future decision making, the Committee requested the delegation of Mexico, with assistance from the delegation of the United States, to further develop the discussion paper in line with Option 3, but taking account of the need to avoid an excessive level of detail or the duplication of other work in this area. It was agreed that the Committee would revisit this issue at its next session, while asking further guidance from the Commission.

OTHER BUSINESS AND FUTURE WORK (Agenda Item 11)

Rules Relating to the Production and Issue of Certificates

45. In view of time constraints, the Committee decided to discuss at its next Session the proposal of the United Kingdom that the above mentioned text[23] be incorporated into or annexed to the draft *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems*.

Residue Management Initiatives in Codex[24]

46. The document was submitted by Australia on the basis of discussions held at the 43rd Session of the Executive Committee[25]. Subsequent to the CCEXEC meeting, the 10th Session of the Codex Committee on Residues of Veterinary Drugs in Foods[26] had examined a similar proposal and decided not to pursue its recommendations further, especially in consideration of steps already taken by the Committee to expedite the MRL setting process. It was noted that the document, which was a revised version of the text examined by the CCRVDF, was also scheduled for discussion at the forthcoming 29th Session of the Codex Committee on Pesticide Residues.

47. The delegation of Australia stated that the paper explored various options for further facilitating international trade by the elaboration of appropriate guidelines which, while not compromising the level of public health protection, could be applied in situations when either Codex MRLs were non-existent or when importing countries apply default tolerances (frequently zero or near to zero) which were not scientifically based. The delegation of Australia further suggested this was an appropriate proposal for consideration by CCFICS, in view of the expertise in international trade embodied in the Committee.

48. Several delegations noted that as the subject proposal had not been accepted by the CCRVDF and was scheduled for discussion by the CCPR, the question of its further elaboration should be left to experts participating in these committees, which had responsibility for such matters. It was also suggested that the document was outside the mandate of CCFICS.

49. It was also stated that the document did not adequately address science or the extent to which other factors should be taken into account, failed to embrace a precautionary approach and did not consider consumer concerns.

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23 Conference Room Document 1.

24 CX/FICS 97/2-Add. 1 and comments from the European Community (CRD 2).

25 ALINORM 97/3, Paragraphs 34-38.

26 ALINORM 97/31A, Paragraphs 67-68.

50. In view of the above discussion, the Committee decided not to pursue its consideration.

Development of a Data Base on Rejections of Foods

51. The observer of Consumers International requested the Committee to consider the development of a data base on rejections of foods, in view that the *Principles for Food Import and Export Inspection and Certification* [27] state that the principles and operations of food inspection and certification systems should be open to scrutiny by consumers and their representative organizations.

52. Some delegations supported the establishment of such a data base. The Committee noted that Consumers International could independently develop such a proposal for further consideration at a future meeting. Other delegations recalled that the matter was previously discussed by the Committee, which at that time had not chosen to take any consequential action.

Judgement of Equivalence

53. The Committee agreed that a discussion paper on issues relating to the process of judgement of equivalence would be prepared for circulation and comment prior to its next Session. The delegation of New Zealand agreed to take the lead on this proposal, with assistance provided by Australia, Canada and the United States.

DATE AND PLACE OF NEXT SESSION (Agenda Item 12)

54. The Committee was informed that its 6th Session was tentatively scheduled to be held in Australia from 16 to 20 March 1998, with the location to be determined between the Codex and Australian Secretariats. The delegation of Germany, supported by the United Kingdom, expressed the view that there was no need for any early meeting of the Committee.

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27 CAC/GL 20-1995.

ANNEX

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

CURRENT STATUS OF WORK

SUBJECT	STEP	FOR ACTION BY:	DOCUMENT REFERENCE
Draft Guidelines for the Exchange of Information Between Countries on Rejections of Imported Foods	8	22nd CAC	ALINORM 97/30 Appendix II
Draft Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems	8	22nd CAC	ALINORM 97/30A Appendix II
Guidelines and Criteria for a Generic Official Certificate Format	-----	22nd CAC	ALINORM 97/30A Appendix III
Implications of Deleting the Phrase "or risk of contamination" from the Principles for Food Import and Export Inspection and Certification	-----	22nd CAC	ALINORM 97/30A paras. 30 - 34
Proposed Draft Guidelines for the Development of Agreements regarding Food Import and Export Inspection and Certification Systems	2/3	United States Governments 6th CCFICS	ALINORM 97/30A paras. 22 - 29
Guidelines on Food Import Control Systems	2/3	Mexico/USA 6th CCFICS	ALINORM 97/30A paras. 40 - 44
Rules Relating to the Production and Issue of Certificates	1/2	United Kingdom 6th CCFICS	ALINORM 97/30A para. 45
Judgement of Equivalence	1/2/3	22nd CAC New Zealand Governments 6th CCFICS	ALINORM 97/30A para. 53
Development of a Data Base on Rejections of Foods	-----	Consumers Intl 6th CCFICS	ALINORM 97/30A paras. 51 - 52

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DRAFT GUIDELINES FOR THE DESIGN, OPERATION, ASSESSMENT AND ACCREDITATION OF FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

(Advanced to Step 8 of the Procedure)

SECTION 1 - OBJECTIVES

1. These guidelines provide a framework for the development of import and export inspection and certification systems consistent with *the Principles for Food Import and Export Inspection and Certification*[28]. They are intended to assist countries[29] in the application of requirements and the determination of equivalency, thereby protecting consumers and facilitating trade in foodstuffs.[30]

2. The document deals with the recognition of equivalence of inspection and/or certification systems and not with standards related to specific food products or their components (e.g., food hygiene, additives and contaminants, labelling and quality requirements).

3. Application by governments of the guidelines presented in this document should help build and maintain the necessary confidence in the inspection and certification system of an exporting country and facilitate fair trade, taking account of the expectations of consumers for an appropriate level of protection.

SECTION 2 - DEFINITIONS

Audit is a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.[31]

Certification is the procedure by which official certification bodies and officially recognized 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.[4]

Equivalence is the capability of different inspection and certification systems to meet the same objectives.

Inspection is the examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, in order to verify that they conform to requirements.[4]

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28 CAC/GL 20-1995

29 For the purpose of these guidelines, "countries" includes regional economic integration organizations to which a group of countries have transferred competences as regards food import and export inspection and certification systems and/or the negotiation of equivalency agreements with other countries.

30 The Principles for Food Import and Export Inspection and Certification includes that in the design and application of food inspection and certification systems, importing countries should take into account the capabilities of developing countries to provide the necessary safeguards (Paragraph 18).

31 Consistent with the Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995).

Official accreditation is the procedure by which a government agency having jurisdiction formally recognizes the competence of an inspection and/or certification body to provide inspection and certification services.

Official inspection systems and official certification systems are systems administered by a government agency having jurisdiction empowered to perform a regulatory or enforcement function or both.[4]

Officially recognized inspection systems and officially recognized certification systems are systems which have been formally approved or recognized by a government agency having jurisdiction.[4]

Requirements are the criteria set down by the competent authorities relating to trade in foodstuffs covering the protection of public health, the protection of consumers and conditions of fair trading.[4]

Risk analysis is a process consisting of three components: risk assessment, risk management and risk communication. [32]

Risk assessment is a scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterization, (iii) exposure assessment and (iv) risk characterization.[5]

Risk management is the process of weighing policy alternatives in the light of the results of risk assessment and, if required, selecting and implementing appropriate control options, including regulatory measures. [5]

Risk communication is the interactive exchange of information and opinions concerning risk among risk assessors, risk managers, consumers and other interested parties. [5]

SECTION 3 - RISK ANALYSIS

4. Consistent and transparent application of risk analysis will facilitate international trade by increasing confidence in the food safety and in the inspection systems of trading partners. It will also enable inspection resources to be targeted effectively on hazards to public health arising at any stage of the food production and distribution chain.

5. The principles of Hazard Analysis Critical Control Point (HACCP) developed by the Codex Committee on Food Hygiene[33] provide a systematic basis for the identification and control of hazards so as to ensure the safety of food. The use of a HACCP approach by food businesses should be recognized by governments as a fundamental tool for improving the safety of foodstuffs.

SECTION 4 - QUALITY ASSURANCE

6. The voluntary utilization of quality assurance by food businesses should also be encouraged in order to achieve greater confidence in the quality of products obtained. If safety and/or quality assurance tools are used by food businesses, the official inspection and certification systems should take them into account in particular through the adaptation of their control methodologies.

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32 ALINORM 97/33 Appendix III (b), subject to endorsement by the Commission.

33 Guidelines for the Application of the Hazard Analysis Critical Control Point (HACCP) System (CAC/GL 18-1993), currently under revision (ALINORM 97/13A, Appendix II).

7. Governments do, however, retain the fundamental responsibility to ensure by official inspection and certification[34] the conformity of foodstuffs to requirements.

8. The degree to which industry effectively utilizes quality assurance procedures can influence the methods and procedures by which government services verify that requirements have been met, where official authorities consider such procedures to be relevant to their requirements.

SECTION 5 - EQUIVALENCE

9. The recognition of equivalence of inspection and certification should be facilitated where it can be objectively demonstrated that there is an appropriate system for inspection and certification of food by the exporting country in accordance with these guidelines.

10. For the determination of equivalence, governments should recognize that:

- inspection and certification systems should be organized for the risk involved, considering that the same food commodities produced in different countries may present different hazards; and,
- control methodologies can be different but achieve equivalent results. For example, environmental sampling and the strict application of good agricultural practices, with limited end product testing for verification purposes, may produce a result equivalent to extensive end product testing for the control of agriculture chemical residues in raw products.

11. Controls on imported food and domestically produced foods should be designed to achieve the same level of protection. The importing country should avoid the unnecessary repetition of controls where these have been already validly carried out by the exporting country. In these cases a level of control equivalent to domestic controls should have been achieved at the stages prior to import.

12. The exporting country should provide access to enable the inspection and certification systems to be examined and evaluated, on request of the food control authorities of the importing country. Evaluations of inspection and certification systems carried out by the authorities of an importing country should take into account internal programme evaluations already carried out by the competent authority or evaluations performed by independent third-party bodies recognized by the competent authority in the exporting country.

13. Evaluations of inspection and certification systems by an importing country for purposes of establishing equivalence should take account of all relevant information held by the competent authority of the exporting country.

Equivalency Agreements

14. The application of equivalence principles may be in the form of agreements or letters of understanding established between governments either for inspection and/or certification of production areas, sectors or parts of sectors. Equivalence may also be established through the administration of a comprehensive agreement which would cover inspection and certification of all food commodity forms traded between two or more countries.

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34 For the purpose of these guidelines, "inspection and certification" means "inspection and/or certification"

15. Agreements on the recognition of equivalence of inspection and certification systems may include provisions concerning:

- the legislative framework, control programmes and administrative procedures;
- contact points in inspection and certification services;
- demonstration by the exporting country of the effectiveness and adequacy of its enforcement and control programmes, including laboratories;
- where relevant, lists of products or establishments subject to certification or approval, accredited facilities and accredited bodies;
- mechanisms supporting continued recognition of equivalence, eg., exchange of information on hazards and monitoring and surveillance.

16. Agreements should include mechanisms to provide for periodic review and updating and include procedural mechanisms for resolving differences arising within the framework of the agreement.

SECTION 6 - INSPECTION AND CERTIFICATION SYSTEM INFRASTRUCTURE

17. Countries should identify the main objectives to be addressed through import and export inspection and certification systems.

18. Countries should have in place the legislative framework, controls, procedures, facilities, equipment, laboratories, transportation, communications, personnel and training to support the objectives of the inspection and certification programme.

19. Where different authorities in the same country have jurisdiction over different parts of the food chain, conflicting requirements must be avoided to prevent legal and commercial problems and obstacles to trade. For example, while provincial or state laws may exist there should be a competent authority at the national level capable of ensuring uniform application. However, an importing country authority may recognize a sub-national competent authority for purposes of inspection or certification where this arrangement is acceptable to the national authorities concerned.

Legislative Framework

20. For the purposes of this section, *legislation* includes acts, regulations, requirements or procedures, issued by public authorities, related to foodstuffs and covering the protection of public health, the protection of consumers and conditions of fair trading.

21. The effectiveness of controls related to foodstuffs depends on the quality and completeness of legislation for foods. Legislation should provide authority to carry out controls at all stages of production, manufacture, importation, processing, storage, transportation, distribution and trade.

22. Legislation may also include provisions as appropriate for the registration of establishments or listing of certified processing plants, establishment approval, licensing or registration of traders, equipment design approval, penalties in the event of non-compliance, coding requirements and charging of fees.

23. The national competent authority in the exporting or importing country should have the ability to enforce and take action based on adequate legislation. It should take all necessary steps to insure the integrity, impartiality and independence of official inspection systems and officially recognized inspection systems and to ensure that the inspection programme contained in national legislation is delivered to a prescribed standard.

Control programmes and operations

24. Control programmes help to ensure that inspection actions relate to objectives, since the results of these programmes can be assessed against the objectives set for the inspection and certification system. Inspection services should draw up control programmes based on precise objectives and appropriate risk analysis. In the absence of detailed scientific research, control programmes should be based on requirements developed from current knowledge and practice. Every effort should be made to apply risk analysis based on internationally-accepted methodology, where available.

25. In particular, countries should require or encourage the use of a HACCP approach by food establishments. Official inspectors should be trained in the assessment of the application of HACCP principles. Where programmes include the drawing and analysis of samples, adequate sampling and appropriately validated analytical methods should be established to ensure that the results are representative and reliable in relation to the specific objectives.

26. The elements of a control programme should include, as appropriate :

- inspection;
- sampling and analysis;
- checks on hygiene, including personal cleanliness and clothing;
- examination of written and other records;
- examination of the results of any verification systems operated by the establishment;
- audit of establishments by the national competent authority;
- national audit and verification of the control programme.

27. Administrative procedures should be in place to ensure that controls by the inspection system are carried out:

- regularly in proportion to risk;
- where non-compliance is suspected;
- in a co-ordinated manner between different authorities, if several exist.

28. Controls should cover, as appropriate:

- establishments, installations, means of transport, equipment and material;
- raw materials, ingredients, technological aids and other products used for the preparation and production of foodstuffs;
- semi-finished and finished products;
- materials and objects intended to come into contact with foodstuffs;
- cleaning and maintenance products and processes, and pesticides;
- processes used for the manufacture or processing of foodstuffs;
- the application and integrity of health, grading and certification marks;
- preserving methods;
- labelling integrity and claims.

29. The elements of the control programme should be formally documented including methods and techniques.

Decision criteria and action

30. The controls programme should be targeted at the most appropriate stages and operations, depending on the specific objectives. Control procedures should not compromise the quality or safety of foods, particularly in the case of perishable products.

31. The frequency and intensity of controls by inspection systems should be designed so as to take account of risk and the reliability of controls already carried out by those handling the products including producers, manufacturers, importers, exporters, and distributors.

32. Physical checks applying to import should be based on risks associated with the importation. Countries should avoid systematic physical checks on imports except in justified cases such as products associated with a high level of risk; a suspicion of non-conformity for a particular product; or a history of non-conformity for the product, processor, importer or country.

33. When physical checks are to be undertaken, sampling plans for imported products should take into account the level of risk, the presentation and type of commodity to be sampled, the reliability of controls of the exporting country and of those responsible for handling the product in the importing country.

34. Where an imported product is found not to be in conformity, the resulting measures should take into account the following criteria to ensure that any action is proportionate to the degree of public health risk, potential fraud or deception of consumers:

- repeated non-conformity in the same product or in the same category of products;
- history of non-conformity of those responsible for handling the products;
- reliability of checks made by the country of origin.

35. The specific measures applied may be cumulative if necessary and may include:

In respect of the product not in conformity--

- requirement for the importer to restore conformity (e.g. where problems relate to labelling for consumer information and have no effect on inspection or health);
- rejection of consignments or lots, in whole or in part;
- in the case of potentially serious health risk, destruction of the product;

In respect of future imports--

- control programmes implemented by the importer or exporter to ensure problems do not re-occur;
- increased intensity of checks on categories of products identified as being not in conformity and/or the undertakings concerned;
- request for information and cooperation on the product or the category of products found not to be in conformity by the responsible authorities in the country of origin (increased checks at origin including controls as indicated in paragraphs 27-28);
- on-site visits;

- in the most serious or persistent cases, imports from establishments or countries may be suspended.

36. Where possible, and upon request, the importer or their representative should be given access by the relevant food control authority of the importing country to a rejected or detained consignment and in the latter case, the opportunity to contribute any relevant information to assist the control authorities of the importing country to make their final decision.

37. Where product is rejected, information should be exchanged in accordance with the *Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food*[35].

Facilities, Equipment, Transportation and Communications

38. Inspection staff should have access to adequate facilities and equipment to undertake inspection procedures and methodologies.

39. Reliable transportation and communication systems are essential to ensure delivery of inspection and certification services when and where they are needed and for the transmission of samples to laboratories.

40. Communications facilities should be provided to ensure adequate compliance action and to address potential recalls. Consideration should be given to developing electronic information exchange systems, in particular to facilitate trade, protect consumer health, and to combat fraud.

Laboratories

41. Inspection services should utilize laboratories that are evaluated and/or accredited under officially recognized programmes to ensure that adequate quality controls are in place to provide for the reliability of test results. Validated analytical methods should be used wherever available.

42. Inspection systems' laboratories should apply the principles of internationally accepted quality assurance techniques to ensure the reliability of analytical results[36].

Personnel

43. Official inspection services should have, or have access to, a sufficient number of qualified personnel as appropriate in areas such as: food science and technology, chemistry, biochemistry, microbiology, veterinary science, human medicine, epidemiology, agronomic engineering, quality assurance, audit and law. Personnel should be capable and appropriately trained in the operation of food inspection and control systems. They should have a status which ensures their impartiality and have no direct commercial interest in the products or establishments being inspected or certified.

SECTION 7 - CERTIFICATION SYSTEMS

44. An effective certification system depends on the existence of an effective inspection system as described above in Section 6.

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35 ALINORM 97/30, Appendix 2

36 The Codex Committee on Methods of Analysis and Sampling is studying a series of internationally recommended documentation on quality assurance systems for laboratories. The complete reference will be included in the final version of these guidelines.

45. Demand for certification should be justified by risk to health or risk of fraud or deception . Alternatives to certification should be considered wherever possible, in particular where the inspection system and requirements of an exporting country are assessed as being equivalent to those of the importing country. Bilateral or multilateral agreements, such as mutual recognition agreements or pre-certification agreements, may provide for dispensing with certification and/or the issuance of certificates which were previously required in certain cases.

46. Certification should provide assurance of the conformity of a product or batch of products, or that a food inspection system conforms to specified requirements, and will be based, as appropriate, on :

- regular checks by the inspection service;
- analytical results;
- evaluation of quality assurance procedures linked to compliance with specified requirements;
- any inspections specifically required for the issuance of a certificate.

47. Competent authorities should take all necessary steps to ensure the integrity, impartiality and independence of official certification systems and officially-recognized certification systems. They should ensure that personnel empowered to validate certificates are appropriately trained and fully aware, if necessary from notes of guidance, of the significance of the contents of each certificate which they complete.

48. Certification procedures should include procedures to ensure the authenticity and validity of certificates at all the relevant stages and to prevent fraudulent certification. In particular, personnel:

- should not certify matters without their personal knowledge or which cannot be ascertained by them;
- should not sign blank or incomplete certificates, or certificates for products which have not been produced under appropriate control programmes. Where a certificate is signed on the basis of another supporting document, the person signing the certificate should be in possession of that document;
- should have no direct commercial interest in the products being certified.

SECTION 8 - OFFICIAL ACCREDITATION

49. Countries may officially accredit inspection or certification bodies to provide services on behalf of official agencies.

50. To be officially accredited, an inspection or certification body must be assessed against objective criteria and must comply at least with the standards set out in these guidelines, particularly in relation to the competence, independence and impartiality of personnel.

51. The performance of officially accredited inspection or certification bodies should be regularly assessed by the competent authority. Procedures should be initiated to correct deficiencies and, as appropriate, enable withdrawal of official accreditation.

SECTION 9 - ASSESSMENT AND VERIFICATION OF INSPECTION AND CERTIFICATION SYSTEMS

52. A national system should be subject to audit separate from routine inspection. Inspection and certification services should be encouraged to carry out self-evaluation or have their effectiveness evaluated by third parties.

53. Self-assessment or third-party audits should be carried out periodically at various levels of the inspection and certification system, using internationally-recognized assessment and verification procedures. The inspection services of a country may undertake self-assessment for such purposes as assuring the adequacy of consumer protection and other matters of national interest, improving internal efficiency or facilitating exports.

54. A prospective importing country may undertake a review with the agreement of the exporting country of the inspection and certification systems of an exporting country as part of its risk analysis process, with a view to determining requirements for imports from that country. Periodic assessment reviews may be appropriate following the commencement of trade.

55. For the purpose of assisting an exporting country to demonstrate that its inspection or certification systems is equivalent, the importing country should make readily available adequate information on its system and its performance.

56. Exporting countries should be able to demonstrate adequate resources, functional capabilities and legislative support in addition to effective administration, independence in the exercise of their official function and, where relevant, performance history.

57. Guidelines on procedures for conducting an assessment and verification of the systems of an exporting country by an importing country are in the Annex.

SECTION 10 - TRANSPARENCY

58. Consistent with the principles on transparency contained in the *Principles for Food Import and Export Inspection and Certification*[1], and in order to promote consumer confidence in the safety and quality of their food, governments should ensure that the operations of their inspection and certification systems are as transparent as possible, while respecting any legitimate constraints of professional and commercial confidentiality and avoiding the creation of new barriers to trade by giving a misleading impression of the quality or safety of imported products in comparison with domestic products.

ANNEX

GUIDELINES ON PROCEDURES FOR CONDUCTING AN ASSESSMENT AND VERIFICATION BY AN IMPORTING COUNTRY OF INSPECTION AND CERTIFICATION SYSTEMS OF AN EXPORTING COUNTRY

1. Introduction

1.1 Assessment and verification should concentrate primarily on effectiveness of the inspection and certification system in operation in the exporting country rather than on specific commodities or establishments.

1.2 Assessment and verification may be conducted by officials of the importing country. The subject of assessment and verification may be an exporting country's inspection and certification infrastructure, or a specific inspection and certification regime applied to a single producer or group of producers.

2. Preparation

2.1 Those responsible for conducting the audit should prepare a plan that covers the following points:

- the subject, depth and scope of the audit and the standards or requirements against which the subject will be assessed;
- the date and place of the audit, along with a timetable up to and including the issue of the final report;
- the identity of the auditors including, if a team approach is used, the leader;
- the language(s) in which the audit will be conducted and the report issued;
- a schedule of meetings with officials and visits to establishments, as appropriate;
- confidentiality requirements.

2.2 This plan should be reviewed in advance with representatives of the country and, if necessary, the organization(s) being audited.

2.3 Where different authorities of an importing country have jurisdiction over different aspects of food control in the importing country, such authorities should coordinate their conduct of an audit in order to avoid any duplication of visits in the assessment of the exporting countries' inspection and certification infrastructure.

3. Opening Meeting

An opening meeting should be held with representatives of the exporting country, including officials responsible for the inspection and certification programmes. At this meeting the auditor will be responsible for reviewing the audit plan and confirming that adequate resources, documentation, and any other necessary facilities are available for conducting the audit.

4. Examination

This may comprise both the examination of documentary material and an on-site verification.

4.1 Document Review

The document review may consist of a preliminary review of the national food inspection and certification system, with emphasis on the implementation of elements of the system of inspection and certification for commodity(ies) of interest. Based upon this preliminary review, the auditors may examine inspection and certification files relevant to these commodities.

4.2 On-site Verification

4.2.1 The decision to proceed to this step should not be automatic but should be based upon a variety of factors such as risk assessment of the food commodity(ies), history of conformity with requirements by the industry sector or exporting country, volume of product produced and imported or exported, changes within a country's infrastructure, changes to the food inspection and certification systems, and training (theoretical and practical) of inspectors.

4.2.2 On-site verification may involve visits to manufacturing facilities and food handling or storage areas to check on compliance with the information contained in the documentary material referred to in 4.1.

4.3 Follow-up Audit

Where a follow-up audit is being conducted in order to verify the correction of deficiencies, it may be sufficient to examine only those points which have been found to require correction.

5. Working Documents

5.1 Forms for reporting assessment findings and conclusions should be standardized as much as possible in order to make the approach to audit, reporting and assessment more uniform and efficient. The working documents also include any checklists of elements to evaluate. Such checklists may cover:

- legislation and policy;
- establishment structure and working procedures;
- the adequacy of inspection and sampling coverage and inspection standards;
- sampling plans and results;
- certification criteria;
- compliance action and procedures;
- reporting and complaint procedures;
- training of inspectors.

6. Closing Meeting

A closing meeting should be held with representatives of the exporting country, including officials responsible for the inspection and certification programmes. At this meeting the auditor will be responsible for presenting the findings of the audit as well as, where appropriate, an analysis of conformity. The information should be presented in a clear, concise manner so that the conclusions of the audit are clearly understood. If possible, an action plan for correction of any deficiencies should be agreed.

7. Report

The draft report of the audit should be forwarded to the appropriate authorities in both countries as soon as possible. It should include a report of the audit findings with supporting evidence for each conclusion, along with any details of significance discussed during the closing meeting. The final report should incorporate the comments by the appropriate authorities of the exporting country.

8. Frequency of auditing

The potential importing country shall decide the frequency of auditing in agreement with the exporting country. Factors to be taken into account include the findings of previous audits and the existence and effectiveness of self-audit systems or third party audit of the exporting country's control systems.

ANNEX 1

CRITERIA FOR A GENERIC CERTIFICATE FOR THE EXPORT OF FOOD AND FOOD PRODUCTS

Scope

1. Certificates may be issued for a variety of purposes to satisfy specific market requirements. These might include provisions for minimal acceptable quality, freedom from contaminants or specific limits for contaminants, additives or residues of agricultural and veterinary chemicals, or that products were produced, handled, processed or transported under sanitary conditions meeting the requirements of the importing country, or those requirements of the exporting country if these were previously determined to be equivalent under an equivalence or other agreement.

2. Certificates have taken many forms depending of the needs of the end-user. They may be product specific covering a commodity area, or cover one or a number of conditions, such as:

- health or sanitary requirements;
- quality or grade;
- origin;
- statement of content, for example, residue limit of a certain compound, or food additive;
- disease free status;
- composition or process requirements; or
- religious requirements.

However, all of these issues may be adequately covered in a multi-purpose certificate which covers all the areas common to the needs of trading countries and provide for the inclusion of specific issues.

3. The certificate is the outcome of, firstly, ascertaining the relevant requirements of the importing country and, secondly providing a mechanisms to verify that the consignment conforms to those requirements at the time of certification. The requirements for a certification system to fulfil these functions comprise:

- government arrangements, including health, environment, endangered species, etc.;
- exporter to importer contractual arrangements;
- legal responsibility;
- management of resources, documentation, communication and review mechanisms.

4. The following criteria focus solely on the issue of the physical certificate for purposes of government to government undertakings, or the discharge of international obligations.

Criteria for certificates

5. All certificates contain fields of information about the identity of the product, the lot size and other essential details that will enable ready identification of the lot during initial or documentary checks by either customs or import inspection authorities, and certain data that enables the certificate

to be authenticated. Such information normally required on certificates may be summarised under the following groupings:

Description of the Consignment

6. This information covers a number of fields on the certificate which assists in the identification of the product at any stage of export or import. This should include at least:

a. Name and address of the exporter/consignor (person or company that is marketing the goods). This information may be used by the official certification agency, or officially recognised certification agency, which will require this information for traceback and audit purposes. It may include a local exporter's agent or shipper where an international company with a foreign address is nominated as the exporter.

b. Name and address of the consignee (person or company to whom the goods are being delivered or sold).

c. Transport details. This includes the mode of transport, the carrier (vessel or aircraft) identification, the port of loading, and the date of departure.

d. Declared point of entry. The final destination of the goods should be stated.

e. Distinguishing marks. Markings on containers should be included where they assist in identifying the consignment. Shipping container numbers and container seal numbers are also valid identifiers of consignments and may be included where known.

f. Number and type of packages.

g. A description of the goods including, for example, species, presentation, type of treatment, etc. Additional information in relation to, for example, types of treatments, should appear in a separate field, see i. below.

h. The total quantity that accurately reflects the lot size.

i. Other information. This may include information necessary for the importing country that does not form part of the description of the goods such as details of treatment of product, producing establishments, botanical names of plants, etc.

Country of origin

7. This should reflect the place of production or, in the case of a processed food, the place where the product status changed[37].

Attestation

8. This field provides for certifying the sanitary or phytosanitary status of the goods described in the certificate.

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37 *Codex General Standard for the Labelling of Prepackaged Foods*, Section 4.5, Codex Stan 1-1985 (Rev 1-1991); published in the *Codex Alimentarius Volume 1A,* Rome 1995.

9. In addition to the identification of the data related to the shipment, a certificate is a legal document that specifies the lot is in conformity or meets:

a. the specified food and/or production standards required by the importing country;

b. provisions of bilateral or multilateral agreements between the importing and exporting countries; and

c. in the absence of such provisions, the standards and requirements as agreed upon, with emphasis on the use of standards and codes of practice of the Codex Alimentarius Commission[38].

With regard to these points reference should be made to Article 6 of the *Code of Ethics for International Trade in Food*[39].

Declaration

10. This should include the name of the government organisation, or its delegate, the country of issue, the official seal or stamp, and the signature of the inspector or qualified official representing the competent authority or its delegate.

Certificate identity/authenticating data

11. The certificate should display sufficient information in terms of discreet identity to enable its authenticity to be validated, such as:

a. The name of the official agency and the country that issues the certificate.

b. Certificates should also carry a unique reference, either numerical or alpha-numerical, that enables easy identification, trace back, audits, and recordkeeping.

Model certificate

12. A suggested model certificate, based on the United Nations Layout Key, and incorporating the relevant elements of the IPPC draft certificate and the proposed model certificate being developed by CCFFP, is at Annex 2. This provides an example of a layout that incorporates all of the information fields covered above.

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38 CX/FFP 96/2, Annex I (Draft Model Certificate for the Certification of Fish and Fishery Products).

39 CAC/RCP 20-1979, Rev 1 (1985), published in the *Codex Alimentarius Volume 1A*, Rome 1995.

ANNEX 2

MODEL CERTIFICATE

<table>
<tr><td colspan="2">Exporter/Consignor</td><td colspan="2">Certificate No

TITLE

Name and address of issuing authority</td></tr>
<tr><td colspan="2">Consignee</td><td colspan="2">Country of origin of goods</td></tr>
<tr><td></td><td>Port of Loading</td><td colspan="2" rowspan="3"></td></tr>
<tr><td>Vessel/Aircraft</td><td>Date of Departure</td></tr>
<tr><td>Port of discharge</td><td>Final destination (if on carriage)</td></tr>
<tr><td>Identification
Shipping marks,

Container Number
Seal Number</td><td>No and kind of packages</td><td>Description of goods</td><td>Quantity</td></tr>
<tr><td colspan="4">Details of Producing Establishments</td></tr>
<tr><td colspan="4">Details of Treatment</td></tr>
<tr><td colspan="4">Attestation</td></tr>
<tr><td colspan="3">DECLARATION

Dated at ..... (place)

on .....(date).

_____ _____
Signature of Signing Officer Printed Name</td><td>Seal</td></tr>
</table>