

CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP21/FICS

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX ALIMENTARIUS COMMISSION

Forty-fourth Session
8-13 November 2021

REPORT OF THE 25TH SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Virtual, 31 May – 8 June 2021

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SUMMARY AND STATUS OF WORK

Responsible Party	Purpose	Text/Topic	Code	Step	Para(s)
Members CCEXEC81 CAC44	Adoption	Draft principles and guidelines for the assessment and use of voluntary Third-Party Assurance (vTPA) programmes	N27-2017	8	37 and App. II
Members CCEXEC81 CAC44	Adoption	Proposed Draft Guidance on paperless use of electronic certificates (revised <i>Guidelines for Design, Production, Issuance and Use of Generic Official Certificates</i> (CXG 38-2001))	N26-2017	5/8	64 and App. III
CCEXEC81 CAC44 EWG Members CCFICS26	Approval/ Drafting/ Comments	Project document for new work on the development of guidance on the prevention and control of food fraud		1/2/3	101 and App. IV
EWGs CCFICS26	Drafting Discussion	Proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS)		2/3	84 (i) and (ii)
		Proposed draft consolidated Codex Guidelines related to equivalence		2/3	90
		Proposed Draft guidance on the prevention and control of food fraud		2/3	101 (ii)
Australia/Kenya CCFICS26	Comments Drafting Discussion	Review and update, Appendix A - the list of emerging global emerging issues			114 (i)
Australia, Canada and Singapore CCFICS26	Drafting Discussion	Discussion paper on "Use of remote audit and verification in regulatory frameworks"			114 (iv)
USA and UK	Drafting Discussion	Discussion paper on review and update of the " <i>Principles for Traceability/Product Tracing as a Tool Within a Food Inspection and Certification System</i> (CXG 60-2006)"			114 (v)

LIST OF ABBREVIATIONS

CAC	Codex Alimentarius Commission
CCEXEC	Executive Committee of the Codex Alimentarius Commission
CCFICS	Codex Committee on Food Import and Export Inspection and Certification Systems
CL	Circular Letter
CRD	Conference Room Document
EWG	Electronic Working Group
FAO	Food and Agriculture Organization of the United Nations
CXG	Codex Guidelines
IPPC	International Plant Protection Convention
IWG	In-session Working Group
NFCS	National Food Control Systems
OIE	International Organisation for Animal Health
SPS	Sanitary and Phytosanitary
STDF	Standards and Trade Development Facility
TBT	Technical Barriers to Trade
PWG	Physical Working Group
vTPA	Voluntary Third-Party Assurance
WCO	World Customs Organization
WHO	World Health Organization
WTO	World Trade Organization
WG	Working Group

INTRODUCTION

1. The Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) held its twenty-fifth session virtually, on 31 May and 1, 2, 3, 4 and 8 June 2021, at the kind invitation of the Government of Australia. Ms Fran Freeman, former First Assistant Secretary, Exports and Veterinary Services Division, Department of Agriculture, Water and the Environment, Australia, served as Chairperson for the session. The Chairperson was assisted by Ms. Sriram-Prasad Usha, Director, Codex Contact Point, Australia. The session had over 600 registrants representing 88 Member Countries, one Member Organization (European Union) and 20 Observers of international governmental (IGOs), non-governmental organizations (NGOs) and United Nations agencies. The full list of participants is contained in Appendix I.

OPENING OF THE SESSION¹

2. Ms. Lyn O'Connell, Deputy Secretary, Department of Agriculture, Water and the Environment, Australia, delivered a message acknowledging the First Nations people as the custodians of the land on which the meeting was being chaired.
3. The Hon. David Littleproud MP, Minister for Agriculture, Drought and Emergency Management, Australia, opened the meeting and welcomed participants to CCFICS25. He expressed Australia's commitment to the work of Codex and in particular, the scientific work aimed at ensuring international food trade continues to prosper.
4. Ms. Catherine Bessy, Food Safety Officer, Food Systems and Food Safety Division of the Food and Agriculture Organization of the United Nations (FAO), Ms. Haruka Igarashi, Technical Officer, Department of Nutrition and Food Safety, World Health Organization (WHO), and Mr. Guilherme da Costa Junior, Chairperson of the Codex Alimentarius Commission (CAC) also addressed the Committee.

Division of competence²

5. CCFICS25 noted the division of competence between the European Union (EU) and its Member States, according to paragraph 5, Rule II, of the Rules of Procedure of the Codex Alimentarius Commission (CAC).

ADOPTION OF THE AGENDA (Agenda item 1)³

6. CCFICS25 adopted the Provisional Agenda as the Agenda of the Session with the following additions under Agenda Item 9 (Emerging issues and future directions of CCFICS):
 - Use of ICT tools in regulatory frameworks – proposed by Australia and presented in CRD6.
 - Developing guidance on traceability/product tracing - proposed by the United States of America and the United Kingdom and presented in CRD11.
7. Furthermore, under Agenda Item 6, the Committee agreed to consider the updated version of Appendix I to document CX/FICS 21/25/6 as outlined in CRD4 and prepared by the Electronic Working Group (EWG)'s Co-Chairpersons New Zealand, Chile and United States of America.
8. The CCFICS Chairperson proposed to hold virtual In-session Working Groups (IWGs) to help consensus building on specific items as needs be.

MATTERS ARISING FROM CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES (Agenda item 2)⁴

9. CCFICS25 noted that matters referred were for information and that the respective issues would be covered under the relevant Agenda Items.

INFORMATION ON ACTIVITIES OF FAO AND WHO AND OTHER INTERNATIONAL ORGANISATIONS RELEVANT TO THE WORK OF CCFICS (Agenda item 3)⁵

FAO and WHO

10. The representative of FAO introduced document CX/FICS 21/25/3 and drew the attention of the Committee to the current revision of the FAO Food Safety Strategy as a follow up to the International Food Safety Conference and Forum; the recent advances in work on antimicrobial resistance (AMR); the publication and use of the FAO/WHO food control assessment tool in Arabic, English, French, Russian and Spanish; and the current activities on food fraud.

¹ CRD18

² CRD1 (Annotated Agenda – Division of competence between the European Union and its Member States)

³ CX/FICS 21/25/1, CRD 4 (New Zealand, Chile and United States of America); CRD6 (Australia); CRD11 (USA and UK)

⁴ CX/FICS 21/25/2; CRD14 (India)

⁵ CX/FICS 21/25/3; CX/FICS 21/25/3 Add.1; CX/FICS 21/25/3 Add.2; CRD14

11. The representative of WHO informed that the 1st draft of the WHO Global Strategy for Food Safety, developed with the advice of the Technical Advisory Group (TAG), was available on the WHO website for public consultations until 18 June 2021. All relevant stakeholders, Member Countries and governmental institutions were invited to provide comments through this consultation.

Other International Organisations

12. The Representative of the World Customs Organisation (WCO) drew the attention of the Committee to WCO activities relevant to CCFICS as presented in document CX/FICS 21/25/3 add.2 Part A
13. The Committee also noted the information provided by the World Organization for Animal Health (OIE), the World Trade Organization (WTO) Sanitary and Phytosanitary (SPS) Committee, and the Standards and Trade Development Facility (STDF) on their activities relevant to its work, as presented in CX/FICS 21/25/3 Add.1 and CX/FICS 21/25/3 Add.2 Part A and Part B.

Conclusion

14. CCFICS25 thanked the international organizations for their updates and noted the information provided.

DRAFT PRINCIPLES AND GUIDELINES FOR THE ASSESSMENT AND USE OF VOLUNTARY THIRD-PARTY ASSURANCE (VTPA) PROGRAMMES (Agenda item 4)⁶

15. The United Kingdom, Chairperson of the EWG, introduced the item recalling that CCFICS24 (2018) had agreed to establish an EWG to consider comments submitted at Step 6 as well as outstanding issues (in square brackets), taking into account the comments made at the Session. The EWG had first considered the outstanding issues and the comments submitted at CAC42 (2019). Following the rescheduling of CCFICS25 in 2020, the EWG had embarked on the task to consider the comments submitted at Step 6 and those submitted to the re-scheduled CCFICS25. The EWG had also held a webinar (March 25, 2021) to provide an update on the status of the work.
16. The EWG Chairperson clarified that based on the analysis of the comments received, the EWG Co-Chairpersons:
 - Noted the broad support for the work and made editorial revisions to the text to enhance consistency of the terminology and clarity;
 - Updated the definitions section to remove the dictionary definitions and streamlined reference to ISO texts;
 - Made notes of comments relevant to the Spanish version of the text; consolidated and removed duplicative text in the section on “Policy Options”; and
 - Renumbered the entire text to improve consistency.
17. To ensure transparency, a comprehensive EWG report was prepared detailing how issues were resolved. The outcome of the webinar assisted to further clarify the few outstanding issues in the draft guidelines.
18. The EWG Chairperson finally noted that the interest in the work had grown since CCFICS24 such that STDF and the United Nations Industrial Development Organization (UNIDO) were already undertaking some pilot projects on vTPA, and the WTO SPS Committee had held a thematic workshop on the same topic.
19. Mexico as a Co-Chairperson noted that there was general consensus on the text although there were some concerns around the use of the term “significant risk”.
20. The CCFICS Chairperson thanked the EWG Co-Chairpersons for progressing the work and proposed that the meeting consider the draft guidelines section by section, and that discussions should focus on outstanding issues and any points that required clarification.

Discussion

21. CCFICS25 agreed to the proposal of the Chairperson to consider the draft guidelines section by section, made editorial changes and clarified the issues on respective draft provisions as highlighted in the paragraphs below.

Editorial changes to Spanish and French documents

22. The Codex Secretariat clarified that translation and language-related issues should be submitted in writing to the Codex Secretariat, and that these would be considered when the text was being finalised before publishing.

⁶ CX/FICS 21/25/4; CX/FICS 21/25/4 Add.1; CRD3 (Report and record of the CCFICS vTPA webinar); CRD7 (Dominican Republic, European Union, Indonesia, Morocco and Nigeria); CRD12 (African Union); CRD13 (Mali); CRD14 (India).

Definitions

23. It was proposed that terminologies used in the draft guidelines should make reference to existing Codex definitions and where they did not exist, the latest ISO terminologies should be used with minimal changes.

Accreditation

24. It was noted that the ISO Standard 17000:2020 was the source for the definition of the term “accreditation” and that the ISO definition did not include “certification”. To ensure consistency with ISO/IEC 17000:2020, the word “certification”, which had been added, was deleted from the definition.

Certification body:

25. CCFICS25 agreed to delete the “*Note: For the purposes of this document, the term “certification body” has the same meaning as “conformity assessment body”*”, based on the explanation that the definition for a certification body was derived from ISO/IEC 17065, and that this standard recognised that a certification body is one type of third-party conformity assessment bodies.

Principles

Principle 7

26. The title of the principle was amended to read “Avoiding burdens on food business operators” as this would ensure clarity, consistency and use of the same terminology to refer to food business operators (FBOs) throughout the text.
27. Concerning the proposal to include vTPA owners under this principle so that they too avoided burdens on businesses, the EWG Chairperson explained that the guidelines made clear that participation by FBOs in vTPA programmes is voluntary and that these are governed by commercial contracts that businesses opt into when they agree to become a Member.

Principle 8

28. CCFICS25 agreed to the proposal to delete Principle 8 (Rights and Obligations) noting that this principle is relevant to countries irrespective of Codex texts and that there was no added value for its inclusion.
29. A Member noted that it was necessary to retain Principle 8 in the document, noting that third party assurance bodies have responsibility to comply to both national and international rights and obligations. In response, the EWG Chairperson noted that the guidelines were for use by competent authorities and that vTPA owners were commercial entities.

Roles, Responsibilities and Relevant activities

Competent Authorities

30. CCFICS25 discussed the roles, responsibilities and relevant activities of the Competent Authorities, and clarified the following provisions:
- Provision (a) – Deleted the phrase “and authorised by relevant national legislation” noting that this was a repetition and clarified that the mandate of competent authorities was derived from applicable regulations, i.e. “*Have statutory responsibilities for regulatory requirements set down in the NFCS, as recommended in CXG 82-2013*”.
 - Provision (c) – Rephrased and simplified the provision to enhance consistency of terminology with the *Principles and Guidelines for the National Food Control Systems (CXG 82-2013)*, by replacing “delivery” with “establish and implement” i.e. “*Establish and implement regulatory controls, including frequency/intensity, and enforcement action for all FBOs regardless of whether a FBO participates in a vTPA programme.*”
 - Provision (f) – Exchanged views on the possibility of including management of conflict of interest by a competent authority. CCFICS25 noted that the provision as drafted provided good guidance on how a competent authority would recognise whether or not there was a conflict of interest and what it would do in case it was identified. It was also recognised that the provision was consistent with Principle 5 of CXG 82-2013, relating to conflict of interest. It was therefore agreed to retain the provision as initially proposed.
 - The provisions were renumbered to reflect the changes made.

Food business operators

31. Provision 2(b) – CCFICS25 considered the proposal to revise the provision by replacing “regulatory requirements” with “National Food Control System objectives/requirements”. The EWG Chairperson explained that NFCS objectives were not directed at FBOs in the same way as regulatory requirements are, and that

NFCS objectives are pitched at a higher/macro level. CCFICS25 agreed not to introduce the proposed changes.

Criteria to assess the credibility and integrity of vTPA programmes

Accreditation of certification bodies

32. CCFICS25:

- Made editorial corrections to provision 2(b) and 2(d) by replacing “certifying body” with “certification body”, consistent with the definitions;
- Deleted ISO/IEC 17011 from footnote 5 associated to provision 2(d), consistent with the definition of certification body and inserted the reference to ISO/IEC 17011 in footnote 6 associated with provision 1(d).

Data sharing and information exchange

33. An Observer expressed concern that the wording of the provision requiring the vTPA owner to directly communicate with a competent authority was strong and could potentially cause a conflict of interest especially in situations where the non-conformity was associated with poor quality or adulteration.
34. The EWG Chairperson explained that the provision would apply only in exceptional circumstances rather than being the norm; and it was a generally good practice to insert in the arrangement this kind of requirement where the Competent Authority has chosen to use information/data from vTPA programmes. No changes were made to the text.

Regulatory approaches for the use of vTPA programme information/data

Policy options

35. Provision 2(a) – CCFICS25 clarified that the relevant regulatory requirements were related to food safety and fair practices in food trade; and inserted the following statement at the end of the provision “in relation to food safety and fair practices in food trade”.
36. The CCFICS Chairperson noted that all outstanding issues had been resolved and the draft guidelines were ready for final adoption, and thanked the EWG Chairperson and Co-Chairpersons, and CCFICS in general, for finalising the text.

Conclusion

37. CCFICS25 agreed to forward the draft Principles and Guidelines for the Assessment and use of voluntary Third-Party Assurance (vTPA) programmes to CAC44 for adoption at Step 8 (Appendix II).

PROPOSED DRAFT GUIDANCE ON PAPERLESS USE OF ELECTRONIC CERTIFICATES – (Revision of the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CXG 38-2001)*) (Agenda item 5)⁷

38. The Netherlands, as Chairperson of the EWG, introduced the item recalling that CCFICS23 had recommended that the Committee undertake the development of guidance material for implementation of paperless electronic certification by amending and completing the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CXG/GL 38-2001)*. The new work was approved by CAC40 (2017). CCFICS24 had agreed to return the proposed draft guidance on paperless use of electronic certificates to Step 2 for redrafting, by the EWG, taking into account comments received. When CCFICS25 was postponed from 2020 to 2021, the EWG continued the work further concentrating on the comments received in 2020 and published in document CX/FICS 20/25/5. In response to comments received in the last months prior to CCFICS25 and published as addendum documents to CX/FICS 21/25/5, the EWG Co-Chairpersons developed an updated version of the proposed draft guidance as contained in CRD5. The changes that had been incorporated and highlighted concerned, in particular sections 3, 8 and 9 and annexes I and II.
39. The CCFICS Chairperson thanked the EWG Co-Chairpersons for progressing the work and highlighted that the COVID-19 pandemic had illustrated the importance of paperless use of electronic certificates and the urgency to complete the revision of the guidelines. She proposed that the meeting consider the draft guidelines section by section, and that discussions should focus on outstanding issues and any points that required clarification. CCFICS25 agreed to use CRD5 as a basis for its discussion on this agenda item.

⁷ CX/FICS 25/21/5; CX/25/21/5 Add.1; CX/25/21/5 Add.2; CRD5 (Netherlands and Australia); CRD10 (El Salvador); CRD12 (African Union); CRD14 (India); CRD15 (Malaysia); CRD16 (Argentina); CRD17 (Senegal); CRD19 (Netherlands and Australia)

Discussion

40. Following a thorough initial discussion, it was noted that there were a number of technical issues that required clarification, and the CCFICS Chairperson proposed that the discussion continue in a IWG with the view to improve clarity and consistency in the text, address outstanding issues, and propose compromise amendments prior to continuing the discussion in plenary. A report of the IWG, CRD19, served as the basis for the continued discussion in plenary.
41. In respect of CRD19, the EWG Chairperson explained that the text under revision kept already existing text for paper certificates intact; that the existing text applied to any category of certificate; and that the discussion should focus only on the proposed changes introduced for paperless exchange.
42. CCFICS25 discussed proposed amendments, endorsed editorial changes where necessary, and reached consensus on the following:
43. CCFICS25 reaffirmed that translation issues related to the French and Spanish versions of the document would be handled as agreed under paragraph 22 (Agenda Item 4).
44. CCFICS25 agreed to amend the body text and annexes where needed to more accurately reflect the roles of certifying bodies and competent authorities by inserting the words “or certifying bodies” after “competent authorities”.

Body text

Section 3 – Definitions

45. CCFICS25 endorsed the definitions and made the following decisions and observations:
 - Electronic Signature – inserted a footnote to clarify that the definition is adapted from UN CITRAL guidance, as it this would provide more information to potential users of the guidelines should need arise.
 - To not include a definition for either “Lot” nor “Food” noting that these terms require no additional consideration for paper or paperless exchange of certificates. Further, the Codex Procedural Manual (PM) contained a horizontal definition for food, which was used by all Codex Committees.
 - Single window: Made an editorial change on the footnote associated with the definition, i.e. “Footnote 5”.

Section 9 – Issuance and receipt of official certificates

Principle F

46. Paragraph 30, point 2: Inserted a footnote to clarify the term “status of the exchanged certificate”.

Principle G

47. Paragraph 48: Clarified the provision that the certifying body should be the one notifying the importing competent authority that the involved original certificate had been made invalid.

Annex I

Scope:

48. Inserted the word “equivalent” to clarify that the electronic version of the certificate should be the same as the paper version, noting the view of the Chairperson of the EWG, that it was not necessary to amend sections of the document that were common to both paper and paperless certificates.

Explanatory notes on the reference data model (electronic version) of the generic model official certificate:

49. Endorsed the editorial changes and deleted the text “The generic model official certificate and the reference data model will be periodically reviewed by CCFICS to ensure its continued usefulness to countries developing or implementing paperless exchange of electronic certificates” as the guidance is directed to competent authorities and individual Members would be responsible for raising the need for any updates to ensure future alignments.
50. A Member requested clarification on how electronic certificates would apply in situations where a consignment contained different food items, i.e., would such consignments be issued with a single certificate or multiple certificates? Australia as the EWG Co-Chairperson explained that attestations were based on bilateral agreements, including issues such as whether to certify mixed food consignments with single certificate or with multiple certificates. The EWG Co-Chairperson reiterated that whatever is carried out using a paper certificate also applied to paperless certificates.

Annex II

Section 1 – Introduction

51. Paragraph 1 and 2: Noted that the two paragraphs were rephrased to simplify them and to provide better clarification, and thus endorsed the changes.

Section 4 - Transition to paperless exchange of official certificates

52. Paragraph 7: Inserted the word “the relevant” before internal capabilities in the first sentence to provide more clarity “.
53. Paragraph 8.1.1: Deleted the words “including inspections” as the wording “export procedures and protocols” was considered appropriate.
54. Paragraph 9.2: Replaced “have to” with “may” in the introduction to make the provision less prescriptive.

Section 7- Additional functionalities to retrieve certificate information

55. Paragraph 13, Point 1: Replaced “Lawful accessibility” with “authorized access” to provide better clarity.

Section 8 - Examples of data modeling the generic model official certificate

56. Paragraph 15, Point 1: Deleted the phrase “called eFood certificate” from the first sentence and edited the name of the link.
57. Some members expressed concern on the inclusion of the examples of data modelling (e.g. UN/CEFACT eCert SPS) in the guidelines stressing that maintenance of such examples would be a challenge, and that instead this information could instead be posted on the Codex website.
58. It was explained that UN/CEFACT was a standard setting agency under the auspices of the United Nations, and that the example provided a good guidance for countries, that should be include in the document. The UN CEFACT methodology had been in use for many years and was not likely to change in the foreseeable future.

Overall comments

59. The Chairperson of CCFICS noted that all outstanding issues had been addressed and consensus reached, and that the proposed draft guidance was ready to advance in the Codex step process, consequently, she proposed that the revised *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001) be forwarded to CAC44, for adoption at Step 5/8.
60. Chile, The Dominican Republic, Indonesia, Kenya and Malaysia, did not support the advancement to Step 5/8 of the guidance and expressed concern, mentioning that they would like to have more time for a more detailed review of the document, especially on technical aspects related to the technology used for the use of paperless electronic certificates before final adoption.
61. The Co-Chairperson of the EWG clarified that adoption of the revised Guidelines at Step 5/8 did not oblige countries to move to paperless certification.
62. The other Members were of the opinion that the document was ready to be forwarded for adoption at Step 5/8, noting that:
- all the outstanding issues had been resolved and consensus on the text had been achieved;
 - in light of the COVID-19 pandemic, the topic was urgent and according to the Codex Strategic Plan 2020-2025 Goal 1, Codex should address current, emerging and critical issues in a timely manner; and
63. It was emphasised that there was time and opportunity to better understand the technical requirements of the Guidelines prior to CAC44.

Conclusion

64. CCFICS25 agreed to forward the proposed draft guidance on paperless use of electronic certificates (revised *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001)) to CAC44 for adoption at Step 5/8 (Appendix III).

PROPOSED DRAFT GUIDELINES ON RECOGNITION AND MAINTENANCE OF EQUIVALENCE OF NATIONAL FOOD CONTROL SYSTEMS (NFCS) (Agenda item 6)⁸

65. New Zealand, as Chairperson of the EWG, summarized the relevant background of this Agenda Item noting that discussions of this subject dated back to CCFICS21 (2014), and since then the Committee had so far held: two intersessional physical working group (PWG) meetings; four rounds of EWG meetings, and one virtual working group meeting. CCFICS24 (2018) had returned the proposed draft guidelines on recognition and maintenance of equivalence of NFCS to Step 2 for redrafting to take into account the comments made and/or submitted at the session, and had established an EWG to undertake the task.
66. The Chairperson and Co-Chairpersons had reviewed all of the comments submitted at the session and prepared a conference room document, CRD4, highlighting the proposed changes, in particular the relationship between the guidance and the following World Trade Organization (WTO) Agreements: Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement). The EWG Chairperson emphasized that it was important to note that the draft guidance attempted to provide practical guidance to countries on considering how the different ways their respective NFCSs address consumer health protection whilst ensuring fair trade practices, and how they could potentially reduce trade impediments and lead to more efficient use of resources by both importing and exporting countries. The EWG Chairperson finally proposed that the meeting consider using CRD4 for discussion.
67. The United States of America, Co-Chairperson of the EWG, supported the proposal to use CRD4 as a basis for the discussion.
68. The Chairperson of CCFICS proposed that CCFICS25 should first hold a general discussion and then consider CRD4 section by section, and that delegates should seek to achieve consensus in order to narrow the existing gaps between current views.

Discussion

69. CCFICS25 held a general discussion, noting the relevance and complexity of this work, and that it was important to maintain the considerable progress that had been made since CCFICS24. However, differences remained on a number of outstanding matters.
70. The following general views were expressed by Members:
- The equivalence process needed to appropriately balance the rights of both exporting and importing countries.
 - The concept of equivalence as laid down in the WTO SPS and TBT Agreements required clarification and it was important that food safety measures and technical regulations be clearly distinguished.
 - There needed to be an agreed understanding of how equivalence in NFCS be considered in the context of WTO SPS and TBT Agreements.
 - The sovereign rights of importing countries to set their own import requirements need to be respected.
 - The preamble could be simplified.
71. The Committee noted that the SPS and TBT Agreements were unique, separate and different, but with some similarities.
72. CCFICS25 commenced consideration of the proposed draft guidelines section by section (CRD4). However, the above general views continued to be raised throughout the discussion.
73. The EWG Chairperson reminded delegates that the approved project document formed the basis for the ongoing work and it explicitly stated that the work would cover the dual mandate of Codex, consumer health protection and fair practices in food trade.
74. CCFICS25 initiated a discussion and attempted to redraft parts of the text including:
- i) Amending the title of the section by deleting the word "Introduction", deleting the first and second paragraphs, which were no longer essential to the guidance and rearranging the paragraphs to ensure the desired logical flow of concepts.
 - ii) Revising the preamble to reflect the fact that the WTO SPS and TBT Agreements both contained the concept of equivalence whilst having some similarities and differences.

⁸ CX/FICS 21/25/6; CX/FICS 21/25/6 Add.1; CX/FICS 21/25/6 Add.2; CRD2 (report of the informal working group meeting); CRD4 (New Zealand, Chile and United States of America); CRD12 (African Union); CRD14 (India); CRD16 (Argentina); CRD21 (Revised Report of in-session working group).

- iii) Aligning one paragraph with the text used in the approved project document: “The proposed guidelines when completed are intended to be read in conjunction with the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CXG 26-1997), and the *Guidelines for Food Import Control Systems* (CXG 47-2003)”.
75. The Chairperson of CCFICS noted the limited progress made in plenary and therefore proposed that an IWG be convened to address the unresolved issues and suggest amendments that could help reach consensus. She informed the Committee that a request had been made to the Chairperson of CCFL, Ms Kathy Twardek, to assist in consensus building during the IWG. The EWG Chairperson and Co-Chairpersons would chair the IWG.
76. CCFICS25 considered the report of the IWG as contained in CRD21, exchanged general views and noted that whilst progress had been made, the fundamental differences still existed in a number of areas including:
- The articulation of WTO SPS and TBT provisions as they applied to equivalence assessments;
 - The roles and obligations of exporting and importing countries needed to be further elaborated taking into account the principles of transparency, fair treatment, and non-discrimination;
 - The balance of the rights of importing versus exporting countries needed to be carefully examined to avoid unnecessary burdens imposed on an importing country, and hence a balance was required in this respect.
 - The proposed steps should not impede a country from making a request for equivalence from another country and there should be flexibility when implementing the steps.
77. The CCFICS Chairperson acknowledged that some progress had been made, but the proposed draft guidelines would need further redrafting and clarification to resolve fundamental differences.
78. There were mixed views on whether the proposed draft should be returned to Step 2 for redrafting, or forwarded to CAC44 for adoption at Step 5.
79. Delegations noted that the IWG did not review the entire CRD4 text and that the Committee did not have sufficient time to review the whole text from the IWG (CRD21).
80. Delegations supporting progressing the work to Step 5 noted that the issues relating to WTO SPS and TBT Agreements should not stop the work progressing and that these issues could be addressed at the next step.
81. Delegations in favour of returning the draft guidelines to Step 2 for redrafting acknowledged the progress made so far, but highlighted that the proposed draft guidelines needed to be carefully reviewed to ensure that all the concerns had been addressed.
82. The Chairperson noted that there was no consensus on how to proceed and therefore proposed that the proposed draft guidelines be returned to Step 2/3 for redrafting and circulation for comments.
83. Chile noted that they would be stepping down as Co-Chairperson of this EWG and for the work on consolidation of Codex Guidelines related to Equivalence (Agenda item 7). In response to the Chairperson seeking nominations for additional Co-Chairpersons for this item and agenda item 7, Kenya agreed to take on the role of Co-Chairperson alongside the United States of America for both pieces of work.

Conclusion

84. CCFICS25 agreed to:
- i. Return the proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems to Step 2/3 for redrafting and to clarify the issues raised at CCFICS25 and circulation for comments.
 - ii. Establish an EWG, chaired by New Zealand and co-chaired by the United States and Kenya, working in English only, to progress the work taking into account comments submitted and discussed at CCFICS25. The report of the EWG should be submitted at least three months prior to the next session.
 - iii. Request an extension for completion of the work to CCFICS26.

PROPOSED DRAFT CONSOLIDATED CODEX GUIDELINES RELATED TO EQUIVALENCE (Agenda item 7)⁹

85. The CCFICS Chairperson drew the attention of the Committee to the written comments in document CX/FICS 21/25/7 noting that there was general agreement on all aspects related to the proposed work on consolidation

⁹ CX/FICS 21/25/7; CX/FICS 21/25/7 Add.1; CX/FICS 21/25/7 Add.2; CRD16 (Argentina); and CRD17 (Senegal).

of Codex guidelines related to equivalence. However, the major issue that the Committee should address was whether this work could proceed in parallel with the finalisation of Agenda Item 6. She then invited the EWG Chair to introduce the item and the relevant recommendations.

86. New Zealand as the EWG Chairperson, introduced the item, recalling that following the rescheduling of CCFICS25 in 2020, the EWG continued its work to analyse the comments submitted in response to CL 2020/03 FICS. Based on the analysis, the EWG had made progress on the identification and assessment of Codex texts relevant to equivalence as well as the proposed outline for a single consolidated Codex text on equivalence. The EWG recommended that the work should proceed using a stepwise process and that its completion would require finalisation of the ongoing work on the Codex guidelines on recognition and maintenance of equivalence of NFCS.
87. The EWG Co-Chairpersons, Chile and the United States of America, underlined that the recommendations of the EWG was a consensual position of the outcome of the EWG.
88. Taking into consideration the recommendations in the EWG report and the views expressed by the EWG Chairperson and Co-Chairpersons, the Committee agreed to progress the work noting that its completion would first require the finalization of the ongoing work developing draft guidelines on recognition and maintenance of equivalence in NFCS.
89. In addition, as noted in Paragraph 83, Chile informed the Committee of their intention to step down as Co-Chairperson of this EWG, and Kenya was subsequently nominated as Co-Chairperson along with the United States of America.

Conclusion

90. CCFICS25 agreed to:
 - i. Progress the work on the proposed draft consolidated Codex guidelines related to equivalence as outlined in CX/FICS 21/25/7.
 - ii. Establish an EWG chaired by New Zealand and co-chaired by the United States and Kenya, working in English only, to progress the work on the draft consolidated Codex guidelines on equivalence. The Report of the EWG should be submitted at least three months prior to CCFICS26.

DISCUSSION PAPER ON ROLE OF CCFICS WITH RESPECT TO TACKLING FOOD FRAUD IN THE CONTEXT OF FOOD SAFETY AND FAIR PRACTICES IN FOOD TRADE (Agenda item 8)¹⁰

91. The United States of America, as Chairperson of the EWG introduced the item, and recalled that CCFICS24 had agreed to establish an EWG to consider the role of CCFICS with respect to tackling the challenge of food fraud in the context of food safety and fair practices in food trade. The task of the EWG was to conduct a comprehensive analysis of existing relevant Codex texts within and outside of CCFICS and to propose new work, within the scope and mandate of CCFICS for consideration at CCFICS25. The EWG used a questionnaire to gather information that was used to develop the discussion paper and to frame the scope of the potential new work. Furthermore, a comprehensive review of the Codex texts related to food fraud was also undertaken and it was recognised that food fraud was already covered in a variety of Codex texts including *Codex Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions* (CXC 20-1979 rev.); traceability concepts in *Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System* (CXG 60-2006); and *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001).
92. Following the rescheduling of CCFICS25 from 2020 to 2021, the EWG continued its work by analysing the comments submitted in reply to CL 2020/41, updating the discussion paper accordingly, and streamlining the scope of the potential new work. The EWG identified a number of potential areas for inclusion under the scope, i.e. definitions for key food fraud terms; roles and responsibilities of industry and government entities when addressing food fraud; guidance on modernization of NFCSs to address food fraud and intentional adulteration; identification of technology and tools that can be used by competent authorities and industry to detect acts of fraud; and review and update, as appropriate, existing Codex texts relevant to CCFICS's mandate.
93. The EWG Co-Chairpersons, the European Union, the Islamic Republic of Iran, and China, noted that: discussions on food fraud had been ongoing over several session of CCFICS; the topic was complex and needed to be addressed carefully; and it was timely for Codex to react to this global challenge.

¹⁰ CX/FICS 21/25/8; CRD8 (Dominican Republic, European Union, Morocco, Nigeria and Thailand); CRD12 (African Union); CRD13 (Mali); CRD14 (India); CRD15 (Malaysia), CRD20 (report of IWG).

94. The CCFICS Chairperson noted that there was strong interest in food fraud both within Codex and beyond and that CCFICS should seek to agree on the project document with a view to promptly starting new work on this important topic.

Discussion

95. CCFICS25 first held a general discussion focusing on the issues raised in the discussion paper, acknowledged the support to undertake new work on food fraud and noted the following views:

- The scope of the work should be clear, concise and within the mandate of CCFICS and should address the dual mandate of Codex, i.e. protecting consumer health and ensuring fair practices in food trade;
- The scopes of other Codex committees would need to be taken into account to avoid overlap of work, and there should be close coordination with such committees;
- There were existing texts in CCFICS where food fraud is mentioned, e.g. CXG 60-2006 and CXG 38-2001, and it was important that the scope of the new work did not overlap with other Codex texts;
- There may be a need to revise and update various CCFICS texts, such as CXG 60-2006 and CXG 38-2001 but that this could be done in a second stage of work by the Committee;
- Food fraud was an emerging area that needed careful examination as it also involved criminal activities, which were beyond the remit of CCFICS.
- The definition of food fraud could capture the issue of intentional adulteration;
- The need to include tools which already included 'technology';
- The guidance on food fraud should not increase the burden for food manufacturers and competent authorities nor cause trade barriers.

96. CCFICS25 considered the draft project document, noted that various aspects required further clarification, and agreed to the proposal of the CCFICS Chairperson to convene an IWG to carefully review the project document with a view to improve clarity taking into account the views expressed in paragraph 95 above.

97. A revised project document prepared by the IWG, CRD20, served as the basis for the continued discussion in plenary. CCFICS25 endorsed all the proposed changes in the project document and further agreed on the following:

Title

- a) Amended the title to include the word "control" noting that work should not be limited to prevention only and it was important to include aspects related to the control of food fraud.

Purpose and scope of the proposed guidance

- b) Deleted the reference to "technology" as "tools" sufficed and endorsed the proposed scope.

The main aspects to be covered

- c) Confirmed that the work would include identifying texts under the mandate of CCFICS that may require review and update at a later stage, and
- d) Identification of areas of the NFCS guidance that may need to be updated or amended as a result of this work.

An assessment against the Criteria for the Establishment of Work Priorities

- e) Noted that work already undertaken by other international organizations should not be limited to those identified in the project document, but could be extended to other organisations should information become available, and therefore agreed to insert the words "but not limited to" in paragraph (c).

98. One Member acknowledged that during the work of the EWG on food fraud, some Members had raised issues on how to manage some categories of food products that are less prone to cause health risks, but nevertheless needed to be controlled in a food fraud perspective. Notably, some Codex Members found it challenging to identify those products that are less likely to cause negative health effects and to define relevant management measures. The Member therefore proposed to prepare a discussion paper on the elaboration of an indicative list of products that can be exempted of a health certificate, and proposed relevant management measures, to be presented at CCFICS26.

99. CCFICS25 noted that the scope of the proposed new work on food fraud was sufficiently wide and could then include the issues raised in paragraph 98 and therefore there would be no need for separate work at present.

100. CCFICS also noted the importance of keeping other relevant Codex committees informed about the work of CCFICS on food fraud.

Conclusion

101. CCFICSS25 agreed to:
- i. Start the new work and forward the project document on the development of guidance on the prevention and control of food fraud to CAC44 for approval (Appendix IV)
 - ii. Establish an EWG, chaired by the United States of America and co-chaired by China, EU, Iran and United Kingdom, working in English and Spanish, subject to approval of the new work, to prepare proposed draft guidance on the prevention and control of food fraud for circulation for comments and for consideration at CCFICSS26; and that:
 - a. The EWG may meet prior to CCFICS26 to address any outstanding issues
 - b. The report of the EWG should be submitted at least three months before the next session.
 - iii. To keep other relevant Codex Committees informed of the progress of the new work.

REVIEW AND UPDATE OF APPENDIX A - THE LIST OF EMERGING GLOBAL ISSUES (Agenda item 9)¹¹

102. Australia introduced the discussion paper, prepared with Canada, highlighting that emerging global issues continue to be an important factor for CCFICS to consider, particularly in relation to the impact on approaches and technologies applied in NFCs. It was underlined that the purpose of this agenda item was to facilitate a strategic, outward looking discussion by routinely undertaking a global scan, identifying potential future issues, challenges and advancements in order to ensure that CCFICS is strongly positioned to flexibly consider new work or revisions of Codex standards in identifying and prioritising areas of future work. CCFICS would need to take into account the differing needs and capabilities of Members and the need for future guidance to accompany the fundamental components of NFCs, as well as the inclusion of new approaches or technologies.
103. It was recommended that CCFICS:
- note the list of emerging global issues as contained in Appendix A;
 - continue to have the list as a standing agenda item for future CCFICS meetings;
 - continue to rotate the custodianship of Appendix A among Members on a meeting-by-meeting basis to ensure its ongoing relevance; and
 - issue a CL prior to CCFICS26 seeking input from Members on emerging global issues to be included in Appendix A.
104. It was also recommended that CCFICS consider the proposed process for prioritising new work as entailed in Appendix B. It was further noted that the document was intended to provide flexibility to Members in prioritising how the Committee navigated new work proposals without implementing an onerous process for the custodian and Committee Members. The document provided ideas for new work proposals should CCFICS find space on its agenda and provided a way forward if faced with the need to prioritise multiple new work proposals. It also did not preclude new work being brought forward for consideration where there is an urgent and unanticipated need, nor did it preclude pre-existing issues in Appendix A from being removed should the Committee decide to do so.

Discussion

105. CCFICS25 noted:
- a. The broad support for keeping Appendix A as a standing agenda item for CCFICS, but that it should be limited to issues within the remit of CCFICS's mandate and not include issues that are already addressed by another Codex Committee or Task Force.
 - b. The need to update the list of emerging issues, also in light of the experiences gained from the COVID-19 pandemic, and that use of Information and Communication Technology (ICT) tools was of increasing importance.
 - c. That Members could give input to Appendix A leading up to CCFICS26.
 - d. That Appendix A could be amended to better emphasize CCFICS relevance.

¹¹ CX/FICS 21/25/9; CRD6 (Australia); CRD9 (Dominican Republic, European Union, Nigeria); CRD11 (United States of America and United Kingdom), CRD15 (Malaysia).

- e. That with reference to paragraph 5 in Appendix B, clarification was sought on how Appendix C and new work proposals fit with Appendices A and B.
 - f. That the criterion “Impact on trade facilitation” could be deleted from Section 7 of Appendix B as the criterion “Impact on fair trade practices” was sufficient and keeping both could cause confusion.
 - g. That a working group meeting be held prior to the next CCFICS session to address Appendix A and the prioritization of new work in order to provide recommendations to the plenary.
106. The delegation of India expressed its intent to develop a discussion paper along with a project document on guidance on appeals mechanism in the context of rejection of imported food for consideration by CCFICS26, which was welcomed by CCFICS25.

Discussion papers on potential new work proposals

Use of ICT tools in regulatory frameworks (CRD6)

107. Australia introduced CRD6 on use of ICT tools in regulatory frameworks, an issue that had become ever more important during the COVID-19 pandemic which had altered the trading landscape and accelerated the development and utilisation of alternative verification measures and an increased uptake of new technologies in this regard. Despite its challenges, the pandemic also presented an opportunity to drive positive long-term change to support resilient and adaptable global food supply chains. In addition, food regulators needed to harness opportunities in using, for example, remote audit procedures and technologies to undertake verification in food supply chains and ICT tools had been an essential support to alternative verification measure in this environment. As countries around the world took up these new tools at various paces, it was important for CCFICS to consider whether regulators need additional guidance to support the uptake and implementation of new verification methods in NFCSs. It was recommended that CCFICS agree to establish an EWG to develop a discussion paper on the use of ICT tools in regulatory frameworks, with the possibility of also developing a new work proposal for presentation at CCFICS 26.
108. Following discussion on the nature of this work, the Committee noted that the title of the work could be amended to “Use of remote audit and verification in regulatory frameworks”.
109. CCFICS25 expressed strong support for the proposal particularly in light of the COVID-19 pandemic. Canada and Singapore expressed interest in being Co-Chairpersons of the EWG that would develop the discussion paper on use of ICT tools in regulatory frameworks.

Guidance on traceability and product tracing (CRD11)

110. The United States of America introduced the discussion paper, prepared with the United Kingdom and contained in CRD11. They referred to the existing Codex document on principles for traceability and product tracing as a tool within food inspection and certification systems (CXG 60-2006), which provided a set of principles as a tool for use by competent authorities. However, this document did not provide further information on traceability and product tracing as part of the NFCS. As the document was approved in 2006 and reflected the thinking at that time, it would be timely, given current emerging practises that better support public health protection and efficient use of resources, to revisit the document to ensure the scope and content were fit for purpose.
111. Traceability provided an important step in protecting public health and maintaining fair practices in food trade, and emerging technologies provided an opportunity to provide even greater consumer protection through end-to-end traceability and product tracing, including allowing for more rapid identification of food that could cause public health concerns, thus allowing for more timely removal from the supply chain and preventing illness. Moreover, end-to-end traceability and product tracing would also improve the ability of food business operators to target affected food products, thus reducing food waste and reducing economic harm to the food industry.
112. Although the discussion paper for food fraud mentioned traceability, this and product tracing were important in many other contexts beyond food fraud and should therefore be a standalone work. It was recommended that CCFICS establish an EWG to consider whether the principles for traceability and product tracing as a tool within a food inspection and certification system need to be revised and updated and that the EWG report to CCFICS with their recommendations. As part of the EWG work, it was also recommended opportunities for information gathering be taken by engaging with technology providers and industry to learn about traceability, product tracing and emerging technologies.
113. CCFICS25 expressed support for the proposal for a discussion document on traceability and a possible project document to be presented at CCFICS26.

Conclusion

114. CCFICS25 agreed:
- i. That Australia and Kenya will be the custodians of Appendix A of the paper on “Emerging issues and future direction of CFICS” in CX/FICS 21/25/9, with the responsibility for preparing an updated document taking into account discussions at the current session, as well as the comments solicited through the CL; and submit a report, including an updated list of emerging issues, to CCFICS26 for consideration.
 - ii. To request the Codex Secretariat to issue a CL requesting inputs from Members on emerging global issues to be included in Appendix A.
 - iii. To retain Appendix B as an internal document for CCFICS that may be updated based on experience gained from its use.
 - iv. To establish an EWG, chaired by Australia and co-chaired by Singapore and Canada, to develop a discussion paper on “Use of remote audit and verification in regulatory frameworks” with the possibility of also developing a new project document based on the input from CCFICS25 for consideration by CCFICS26.
 - v. To establish an EWG, chaired by the United States of America and co-chaired by the United Kingdom, to develop a discussion paper with the possibility of developing a new project document to consider whether the *Principles for Traceability/Product Tracing as a Tool Within a Food Inspection and Certification System* (CXG 60-2006) needs to be revised and updated, and report their recommendations to CCFICS26.

OTHER BUSINESS (Agenda item 10)

115. The Chairperson informed the meeting that she will be stepping down as the Chairperson of CCFICS after CAC44 and that First Assistant Secretary, Exports and Veterinary Services Division, Department of Agriculture, Water and the Environment, Australia. Ms. Nicola Hinder will take over as Chairperson of CCFICS.
116. The Committee expressed gratitude to Ms. Fran Freeman for her excellent leadership and wished her the very best in her new endeavours.

DATE AND PLACE OF THE NEXT SESSION (Agenda item 11)

117. The Chairperson informed that CCFICS26 was tentatively scheduled to be held in 18 months (November 2022), subject to confirmation by the Host Government in consultation with the Codex Secretariat.

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Appendix II**DRAFT PRINCIPLES AND GUIDELINES FOR THE ASSESSMENT
AND USE OF VOLUNTARY THIRD-PARTY ASSURANCE PROGRAMMES****(Final Adoption at Step 8)****A: PREAMBLE**

1. Food business operators (FBOs) have the primary role and responsibility for managing the food safety of their products and for complying with regulatory requirements relating to food under their control. Competent Authorities require FBOs to demonstrate that they have effective controls and procedures in place to protect the health of consumers and ensure fair practices in food trade. Many FBOs use quality assurance systems, including voluntary third-party assurance (vTPA) programmes to reduce supply chain risks and confirm food safety outcomes.
2. The Codex Principles and Guidelines for National Food Control Systems¹² foresee competent authorities taking into account quality assurance systems in their national food control system (NFCS). Competent authorities may choose to do this by establishing an arrangement with a vTPA owner to use the information/data generated by vTPA programme to support their regulatory controls. In any case, they should satisfy themselves that any information/data they intend to use is both reliable and fit for purpose.
3. These guidelines are intended to assist competent authorities in their consideration of vTPA programmes. They provide a framework and criteria for assessing the integrity and credibility of the governance structures of vTPA programmes and the reliability of information/data generated by such programmes to support NFCS objectives. When carrying out such an assessment, competent authorities should be guided by their intended use of the vTPA programme information/data and should only apply assessment criteria that are relevant to that purpose.
4. Reliable vTPA programme information/data may be used in general to better risk-profile sectors, and in some circumstances individual FBOs. This may lead to smarter data-driven prioritisation of official resources, while FBOs participating in robust vTPA programmes may benefit through an appropriate risk-based reduction in the frequency/intensity of regulatory controls e.g. inspection, sampling. Conversely, poorly performing FBOs, or sectors, may be subject to increased official regulatory controls based on trends identified through the information/data shared by the vTPA owner.

B: SCOPE

5. These guidelines are intended to assist competent authorities within their national boundaries in the effective assessment and transparent use of reliable vTPA programme information/data in support of their NFCS objectives.
6. The guidelines focus on the structure, governance and components of vTPA programmes that align with and support NFCS objectives relating to protecting consumer health and ensuring fair practices in food trade.
7. The guidelines do not oblige competent authorities to use vTPA programme outcomes nor do they mandate the use of vTPA programme information/data from FBOs i.e. emphasising that the decision to use vTPA programme information/data by the competent authority is voluntary.
8. The guidelines do not apply to official inspection systems or official certification systems administered by government agencies having a regulatory or enforcement jurisdiction, nor officially recognised inspection or certification bodies¹³ that certify to a regulatory standard for which compliance is mandatory.
9. The guidelines are not intended to apply to private standards that are the subject of commercial contractual arrangements between buyers and sellers, nor do they apply to components of vTPA programmes which are outside the scope or requirements of the competent authority.
10. These guidelines do not constitute approval, recognition or endorsement of vTPA programmes. Competent authorities may choose approaches other than those described in these guidelines when considering how to take into account vTPA programmes information/data in their risk-based targeting of regulatory controls.

¹²CXG 82-2013: Principles and Guidelines for National Food Control Systems.

¹³CXG 20-1995: Principles for Food Import and Export Certification.

C: DEFINITIONS¹⁴

For the purposes of this document, the following definitions apply:

Assessment: A process of determining the presence or absence of a certain condition or component, or the degree to which a condition is fulfilled. (CXG 91-2017)

Accreditation: third party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific tasks. (Adapted from ISO/IEC 17000:2020)

Accreditation body: authoritative body that performs accreditation (Adapted from ISO/IEC 17000:2020)

Audit: is a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives. (CXG 20-1995)

Certification body: Third party conformity assessment body operating certification services. (Adapted from: ISO/IEC 17065:2012).

Conformity assessment: demonstration that specified requirements are fulfilled. (Adapted from ISO/IEC 17000:2020)

Governance: the processes and arrangements through which organizations are administered, in particular how they are directed, controlled and led including the way management systems are structured and separated to avoid potential conflicts.

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. (CXG 20-1995)

Review: verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfilment of specified requirements. (Adapted from ISO/IEC 17000:2020)

Specified requirement: need or expectation that is stated. (Adapted from ISO/IEC 17000:2020)

vTPA Standard: specified requirements contained in the vTPA programme.

Voluntary Third-Party Assurance Programme: An autonomous scheme comprising of the ownership of a standard that may utilise national/international requirements; a governance structure for certification and conformity assessment that provides for periodic onsite audits of FBO operations for conformity with the standard, and in which FBO participation is voluntary.

vTPA Owner: Person or organisation responsible for developing and maintaining a specific vTPA programme. (Adapted from ISO IEC 17065:2012)

D: PRINCIPLES

11. When considering the potential role of vTPA programmes and the potential contribution their information/data may make to FBO compliance with regulatory requirements and broader NFCS objectives, competent authorities should be guided by the following principles:

Principle 1 Planning and decision making

- Competent authorities retain discretion whether and how to consider information/data from vTPA programmes in their regulatory oversight, inspection and control framework, planning and decision-making process.

Principle 2 Role and responsibilities

- Competent authorities remain responsible for maintaining appropriate oversight of the implementation of regulatory requirements and controls including enforcement actions regardless of the participation of FBOs in vTPA programmes.

¹⁴ Based (in part) on EN ISO/IEC 17000 'Conformity assessment – Vocabulary and general principles'

Principle 3 Transparency of policies and processes

- Any arrangement to use vTPA programme information/data to support NFCS objectives, including the assessment criteria, should be based on transparent policies and processes in line with Principle 3 of CXG 82-2013¹⁵.

Principle 4 Regulatory framework

- The vTPA standard, its audit and inspection does not replace regulatory requirements or controls carried out by the competent authority and could be complementary to the regulatory controls.

Principle 5 Proportionality

- The depth and extent of any assessment of the vTPA programme should be commensurate with the intended use of the vTPA programme information/data.

Principle 6 Confidentiality

- Competent authorities should ensure the confidentiality of information/data shared by vTPA owners in line with the relevant legal requirements in their countries.

Principle 7 Avoiding burdens on food business operators

- The processes and policies of the competent authority to make use of vTPA programme information/data should not directly or indirectly mandate additional requirements, costs or restrictions on FBOs over and above regulatory requirements.

E: ROLES, RESPONSIBILITIES AND RELEVANT ACTIVITIES

12. The roles and responsibilities of all participants along the food chain should not change as a result of any decision by a competent authority to take account of reliable vTPA programme information/data in their NFCS relating to protecting the health of consumers and ensuring fair practices in the food trade.

1) Competent Authorities

- a. Have statutory responsibilities for regulatory requirements set down in the NFCS, as recommended in CAC/GL 82-2013.
- b. May consider using information/data generated by vTPA programmes to support meeting the objectives of their NFCS.
- c. Establish and implement regulatory controls, including frequency/intensity, and enforcement action for all FBOs regardless of whether a FBO participates in a vTPA programme.
- d. Should clearly describe the use of a vTPA programme information/data within their NFCS.
- e. Should ensure any arrangements to use vTPA programme information/data is fully transparent.
- f. Should have mechanisms in place to verify the continued credibility and reliability of vTPA programme information/data.
- g. Should recognize potential conflicts of interest and their impact on the reliability of the information/data of the vTPA programme.
- h. Should maintain the confidentiality of information/data shared by the vTPA owner, according to the legislative framework of the country.

2) Food Business Operators (FBOs)

- a. Have the primary role and responsibility for managing the food safety of their products and for complying with regulatory requirements relating to food under their control.
- b. Need to demonstrate that they have effective controls and procedures in place to address regulatory requirements.
- c. May elect to participate in vTPA programmes to meet business needs, demonstrate conformity with relevant food safety standards, and provide independent assurance of the integrity of their products or production systems to relevant stakeholders.
- d. Owns the information/data generated by the vTPA programme.

¹⁵All aspects of a national food control system should be transparent and open to scrutiny by all stakeholders, while respecting legal requirements to protect confidential information as appropriate. Transparency considerations apply to all participants in the food chain and this can be achieved through clear documentation and communication.

- e. Has no conflicts of interest with the operation of the vTPA programme.

3) Voluntary Third-Party Assurance Owners

- a. Are responsible for implementing the governance arrangements of a vTPA programme, which may include utilising national/international standards and independent accredited audit and certification.
- b. Are accountable to participating FBOs to disclose the potential sharing of information/data generated by the vTPA programme with competent authorities.
- c. Have mechanisms to share information/data with the competent authority, according to the process established by the vTPA owners and the competent authority.
- d. Have policies and processes when sharing vTPA programme information/data with competent authorities such as notification to the FBO.
- e. Have policies and processes to alert the competent authority of any significant public health risks or consumer deception associated with non-conformities by the FBO(s).
- f. Have policies and processes in place to protect against potential conflicts of interest between vTPA owners, auditors and FBOs, and be able to demonstrate adherence to data protection obligations.

F: CRITERIA TO ASSESS THE CREDIBILITY AND INTEGRITY OF vTPA PROGRAMMES

13. Competent authorities that choose to use information/data from vTPA programmes to inform their NFCS should satisfy themselves that the vTPA programme information/data can be trusted and is fit for purpose. In order to do this, they may carry out a full or partial assessment of the credibility and integrity of the vTPA programme, commensurate with their intended use of the vTPA programme information/data. When carrying out such an assessment, competent authorities should select the criteria below that are appropriate to the extent of their intended use of the vTPA programme as a start point for this assessment and ensure that the vTPA programme has implemented them in a comprehensive way to assure successful outcomes.

1) Governance Arrangements

- a. Are the governance arrangements and responsibilities within the vTPA programme clearly defined and documented?
- b. Are the oversight arrangements structured to avoid potential conflicts of interest?
- c. Does the vTPA programme have management controls to ensure consistent and effective implementation and maintenance?
- d. Does the vTPA programme have an accreditation arrangement with an accreditation body with international standing¹⁶, recognition and credibility? If not, how does the vTPA owner ensure that certification bodies have the capacity and competency to perform effectively?"

2) Accreditation of Certification Bodies

- a. Does the vTPA programme have an independent process to ensure the use of appropriately accredited certification bodies?
- b. Is the certification body accredited for the vTPA programme according to the relevant accreditation standard?
- c. Is the accreditation of certification bodies for the vTPA programme subject to a periodic review and renewal?
- d. Does the accreditation body assess the certification body for the vTPA programme using relevant and internationally recognized standards¹⁷?

3) Standard Setting Process

- a. Do the vTPA owners set their own standards or utilise national or international standards for assurance?
- b. To what extent are the vTPA standards consistent with Codex or other relevant international standards and/or applicable national regulatory requirements?

¹⁶ For example, the International Accreditation Forum (IAF) and the International Laboratory Accreditation Co-operation (ILAC), ISO/IEC 17011.

¹⁷ Examples include: ISO/IEC 17020, ISO/IEC 17065 or ISO/IEC 17021-1 supplemented with ISO/TS 22003

- c. Do the vTPA standards contain specified requirements to protect consumers in relation to food safety and fair practices in food trade?
- d. Have the vTPA standards been developed through a transparent consultative process with relevant experts and stakeholders reflecting the range of business processes within the target sector?
- e. Are the vTPA standards open, transparent in governance and subject to continuous improvement by regular review to keep them up to date?
- f. Are the vTPA standards written in a way that they can be assessed for conformity?

4) Conformity Assessment

- a. Does the vTPA programme have written procedures on frequency, methodology, announced and unannounced audits and competency requirements for certification bodies?
- b. Does the vTPA programme require a conformity assessment against the standard on a defined regular basis, e.g. annual audit of participating FBOs following an appropriate quality assurance framework?
- c. Does the vTPA programme have procedures in place to ensure that auditors have and maintain the required auditor competence?
- d. Does the vTPA programme have a transparent system to identify FBOs that conform to the standard (e.g. certification)?

5) Responses to Non-Conformity

- a. Do the vTPA programme governance arrangements include clearly defined procedures for dealing with non-conformities against the vTPA programme standards, failures to implement corrective actions to rectify non-conformities, and other situations where sanctions (e.g., withdrawal of certification of the FBO) might be required?
- b. Do the governance arrangements include a system for review of audit reports, review of decisions relating to non-conformities, potential use of sanctions, and a procedure for appeal?

6) Data Sharing and Information Exchange

- a. Is there an up-to-date list of participating FBOs (including their status) that are certified or verified as conforming to the vTPA standard, and is this information available to the competent authority? Is the information available in the public domain, for example through a publicly accessible database?
- b. Subject to national privacy legislation, does the vTPA owner inform the competent authority immediately when they become aware of a significant risk to public health or consumer deception?
- c. Does the vTPA owner have permission to share FBO information/data with competent authorities and is this in accordance with national data protection obligations?
- d. Does the vTPA owner inform competent authority of any FBO that ceases to participate either directly or via a web-accessible platform?
- e. Does the vTPA owner agree to notify the competent authority of any changes made to the vTPA programme, including but not limited to: the standard, governance, certification, information sharing and accreditation arrangements?
- f. Does the vTPA owner share information/data relating to conformity with the standard where the standard aligns with regulatory requirements to inform the NFCS?
- g. If the data available is in electronic form are there adequate arrangements for maintaining the security of the data?
- h. Does the vTPA owner have a protocol in place for information/data retention?

G: REGULATORY APPROACHES FOR THE USE OF vTPA PROGRAMME INFORMATION/DATA

14. This section provides examples of process considerations and policy options available for competent authorities when they establish arrangements with vTPA owners to use information/data from vTPA programmes. It also contains examples of the practical uses that can be made by competent authorities of vTPA programme information/data to support their NFCS objectives.

1) Process considerations

- a. Information/data from a vTPA programme may be considered for use by a competent authority after an appropriate assessment of the vTPA programme's credibility and integrity as informed by the criteria in this guidance.
- b. Competent authorities need only apply relevant assessment criteria commensurate with their intended use of vTPA programme information/data.
- c. Where there is a positive assessment outcome, the competent authority may choose to enter into an arrangement with the vTPA owner by mutual consent.
- d. Where an arrangement is in place between a competent authority and a vTPA owner, the vTPA owners should establish processes for the sharing of relevant information/data with the competent authority and processes for handling findings of non-conformities, including alerting the competent authority of any significant public health risk or consumer deception.
- e. Competent authorities should have transparent procedures to verify the reliability of the vTPA programme information/data that they intend to use.
- f. Competent authorities may choose to set up regular meetings, or other communication channels, with the vTPA owner in order to analyse the information/data shared to look for trends. The competent authority may consider the need for any intervention.
- g. Competent authorities may compare relevant regulatory audit data with that generated by the vTPA audits to verify consistency and reliability.
- h. In addition to specific and critical information detailed in an arrangement between the competent authority and the vTPA owner, there should be routine information exchanged to demonstrate that the vTPA programme continues to operate in line with its agreed governance.
- i. Where competent authorities choose not to enter into an arrangement with the vTPA owner they may access the information/data directly from the FBO.
- j. The competent authority should identify the information/data from the vTPA programme audits that are of most value to support its NFCS objectives and agree upon the access arrangements for those elements.

2) Policy options

- a. In order to validate the suitability of an assurance system, including a review of the vTPA programme governance arrangements and their operation, the competent authority may consider the value of comparing the vTPA standards with relevant international standards and/or relevant national regulatory requirements in relation to food safety and fair practices in food trade.
- b. As many vTPA standards include requirements that go beyond food safety and consumer protection into supplier preferences, the competent authority should focus on the regulatory requirements that protect the health of consumers in relation to food safety and ensuring fair practices in food trade.
- c. Competent authorities may choose to verify the reliability of vTPA programme information/data through for example a comparison of conformity data from the vTPA programme with their official compliance information/data.
- d. Competent authorities may reduce the intensity and/or frequency of official inspection where there is verification through their official data that participation in a vTPA programme is achieving similar or higher levels of compliance with relevant regulatory requirements.
- e. The suitability and extent to which competent authorities use vTPA programme information/data will be determined by the depth of any assessment of the integrity and credibility of the vTPA programme.
- f. Audit information/data generated by the vTPA programme and FBO certification status may be used to help determine the food safety or consumer deceptions risks associated with the participating FBOs, to inform NFCS planning and adjust frequency or intensity of regulatory oversight, and hence, help prioritise resources to higher risk areas.
- g. vTPA programme information/data indicating a trend could be used to target specific interventions such as focused inspections, targeted sampling and testing, or national training/information programs where the vTPA programme information/data helps identify a systemic issue.

Appendix III**PROPOSED DRAFT GUIDANCE ON PAPERLESS USE OF ELECTRONIC CERTIFICATES**

(Revision of the Guidelines for Design, Production, Issuance and use of Generic Official Certificates (CXG 38-2001))¹⁸

(For Adoption at Step 5/8)

Proposed revisions highlighted in yellow

SECTION 1 – PREAMBLE

1. These guidelines recognize that the importing country's competent authority may, as a condition for clearance of food presented for international trade, require official certificates issued by or with the authority of the exporting country's competent authority.
2. These guidelines are not intended to encourage or mandate the use of official certificates for food presented for international trade or to diminish the trade facilitating role of commercial or other types of certificates, including third party certificates that are not issued by, or with the authority of, the government of the exporting country.
3. These guidelines recognize that while official certificates may help importing countries to achieve their objectives relating to food safety and ensuring fair practices in the food trade there may also be other approaches, which can complement or substitute for official certificates, e.g., establishment listing.

SECTION 2 – SCOPE AND OBJECTIVES

4. These guidelines provide guidance to countries on the design, production, issuance and use of official certificates to attest that food presented for international trade has met the importing country requirements relating to food safety, and/or ensuring fair practices in the food trade.
5. These guidelines provide assistance in identifying the information and attestations that can be provided by competent authorities.
6. These guidelines are equally applicable to official certificates regardless of the mode of transmission, e.g. paper or electronic.
7. These guidelines do not deal with matters of animal and plant health unless directly related to food safety. However, it is recognized that, in practice, a single official certificate may contain information relevant to several matters (e.g., food safety and animal and plant health).

SECTION 3 – DEFINITIONS

Certificates are those **signed (manually or electronically)** paper or electronic documents, which describe and attest to attributes of consignments of food destined for international trade.

Certification is the procedure by which official certification bodies or officially recognized certification bodies provide written or equivalent assurance that food 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 online inspection, auditing of quality assurance systems, and examination of finished products¹⁹.

Official certificates are certificates issued by, or under the control of the exporting country's competent authority, including by a certifying body recognized by the competent authority to issue such certificates.

Certifying bodies are official certification bodies and officially recognized certification bodies²⁰.

Certifying officers are officers authorized or recognized, by the exporting country's competent authority, to complete and issue official certificates.

¹⁸ These Guidelines should be read in conjunction with the *Codex Guidelines for the Design, Operation, Assessment, and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997), particularly Section 7, certification systems. Reference should also be made to Codex-developed model certificates.

¹⁹ *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995).

²⁰ Recognition of certification bodies is addressed under Section 8 – Official Accreditation of the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 261997).

Electronic signature means data in electronic form in, affixed to or logically associated with, the official certificate, which may be used to identify the certifying officer and to indicate the signatory's confirmation of the information contained in the official certificate.²¹

Consignment means a defined collection of food products normally covered by a single certificate.

Paperless exchange of official certificates is the act of competent authorities or certifying bodies providing, receiving and archiving the identified information and relevant attestations required by the importing country in electronic form.

Single Window is a facility providing trade facilitation that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements²². Individual data elements should only be submitted once electronically.

SECTION 4 – PRINCIPLES

8. The following principles apply to the design, production, issuance and use of official certificates.

- A. 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.
- B. Exporting countries may provide assurances through means other than consignment- by-consignment certificates, as appropriate.
- C. 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.
- D. The rationale and requirements for specific attestations and identifying information should be communicated to exporting countries in a consistent and transparent manner and be applied by the importing country in a non-discriminatory manner.
- E. Official certificates regardless of their mode of transmission and their contents, should present information in a form that simplifies and expedites the clearance process while meeting the importing country requirements.
- F. The competent authority of the exporting country is ultimately responsible for any certificate it issues or authorizes to be issued.
- G. All relevant attestations and identifying information required by the importing country should be included on a single official certificate, where possible, to avoid multiple or redundant certificates.
- H. Competent authorities should take appropriate action to prevent the use of fraudulent certificates and should assist, as appropriate, in the timely investigation of such use.

SECTION 5 – USE OF OFFICIAL CERTIFICATES

Principle A

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.

9. Specific attestations and information related to the product identified in the certificate can provide assurances that the food or group of food products:

- complies with the food safety requirements of the importing country; and
- complies with requirements of the importing country related to fair practices in the food trade.

10. It may be the case that national legislation does not authorize an exporting country's competent authority to issue the certificate required by the importing country. Such information should be communicated to the importing country. In such instances, the importing country should consider the need to provide flexibility to allow such assurances to be provided by alternative means so long as food safety and fair practices in food trade are assured.

²¹ Definition of electronic signature has been adapted from UNCITRAL guidance.

²² See, the United Nations Economic Commission for Europe Recommendation on Establishing a Single Window (Recommendation 33, ECE/TRADE/352), Article 10 (4) of the World Trade Organization's Trade Facilitation Agreement and WCO Single Window Compendium.

SECTION 6 – ALTERNATIVES TO THE USE OF OFFICIAL CERTIFICATES

Principle B

Exporting countries may provide assurances through means other than consignment- by-consignment certificates, as appropriate.

11. Alternative arrangements that provide equivalent assurances with respect to food safety or ensuring fair practices in the food trade should be considered.
12. In some circumstances, an importing country may agree to accept from an exporting country a listing of establishments that meet the specific requirements of the importing country. This listing may be used to accomplish the same objectives as consignment-by-consignment certificates, recognizing that the importing country may still need additional information (e.g., mode of transport) for each consignment.
13. The mechanisms and criteria for establishing, maintaining and reviewing such lists should be made transparent by the exporting country and agreed to by the importing country.
14. Recognising that a consignment is normally covered by a single official certificate, it is also possible for certain certificates to apply to multiple consignments if agreed by the importing country. In such cases multiple consignment certificates should have a fixed duration.

SECTION 7 – EXTENT OF INFORMATION, TRANSPARENCY AND NON-DISCRIMINATION

Principle C

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.

15. The particular official attestations and information to be included on a certificate will be determined by the requirements of the importing country. Importing countries should make use of international standards, if available, with the objective of reducing the need for extensive detail in certificates.
16. Official attestations and information should be clearly identified in the text of the certificate and not be any more complex or detailed or onerous for the exporting country than is necessary to meet the objectives of the importing country's food inspection and certification system. Such attestations may include, but are not limited to:
 - compliance with particular standards, production or processing requirements, if relevant;
 - the status (e.g., licensing details) of production, processing, packaging and/or storage establishments in the exporting country;
 - the exporting country's animal health status, if it may affect the safety of the food;
 - and – reference to any associated bilateral/multilateral agreement.
17. Commercial or marketing specifications, such as specific product attributes or conformance to importer specifications should not be required in official certificates.
18. A consignment consisting of a food sample intended for evaluation, testing or research in the importing country should be clearly identified according to its intended use. It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.

Principle D

The rationale and requirements for specific attestations and identifying information should be communicated to exporting countries in a consistent and transparent manner and be applied by the importing country in a non-discriminatory manner.

19. In establishing requirements for certificates, importing countries should ensure that criteria will apply equitably to all exporting countries in order to avoid arbitrary or unjustifiable discrimination.
20. Competent authorities of the importing country should, on request, communicate to the exporting country the requirements for the official attestations and information in certificates and their rationale.

SECTION 8 – DESIGN OF OFFICIAL CERTIFICATES

Principle E

E. Official certificates regardless of their mode of transmission and their contents, should present certificate data elements in a form that simplifies and expedites the clearance process while meeting the importing country requirements.

21. The design and utilization of official certificates should:

- simplify and expedite the clearance of the consignment at the point of entry or the point of control;
- provide for accurate identification of the consignment being certified and the parties involved in the production and issuance of the certificate;
- facilitate the importing country's assessment of the validity of the certificate; and
- minimize the potential for fraud.

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

- clearly identify the certifying body and any other relevant parties involved in the production and issuance of the certificate²³;
- be designed so as to minimize the potential for fraud including use of a unique identification number, or other appropriate means to ensure security (for example, use of watermark paper or other security measures for paper certificates, use of secure lines and systems for **paperless exchange of certificates**);
- clearly describe the commodity and consignment to which the certificate relates;
- contain a clear reference to those official requirements for which the certificate was issued;
- contain attestations by the official or officially recognized certifying body which relates to the consignment described on that certificate and should not be required to be endorsed/re-certified after they are issued; and
- be in a language or languages fully understood by the certifying officer in the exporting country, in transit countries where appropriate, by the receiving authority in the importing country or those countries in which the inspection of the food takes place. Where required the certificates can be accompanied by official translations.
- **be formatted to enable paperless exchange by submission/transmission through a Single Window system when such a system is used by the importing or exporting countries.**

23. The information related to the product being certified should be clearly documented on the certificate and should include as a minimum the following. It may also include additional information as agreed to by the importing and exporting country:

- nature of the food²⁴;
- name of product²⁵;
- quantity, in the appropriate units²⁶;
- a description of the commodity and consignment to which the certificate uniquely relates, e.g., lot identifier, means of transport, security seal number(s) or date coding;
- identity and, as appropriate, the name and address of the producer/manufacturer of the food and/or storage establishments and their approval number;
- name and contact details of the exporter or consignor;

²³ When additional information is required on the certificate, it should be constructed in such a way that it is clear who has provided the various parts of the certificate (e.g. laboratory, producing establishment, certifying body).

²⁴ The World Custom Organization's *International Convention on the Harmonized* should be used when appropriate. When species identification is needed, the Linnaeus classification should be used.

²⁵ Reference should be made to Codex standards if available.

²⁶ Quantity should be in accordance with the International System of Units (Modern Metric System).

- name and contact details of the importer or consignee;
- country of dispatch²⁷, or part of the country where these relate to specific attestations; and
- country of destination²⁸.

SECTION 9 – ISSUANCE AND RECEIPT OF OFFICIAL CERTIFICATES (RESPONSIBILITY OF CERTIFYING OFFICERS, SECURITY AND PREVENTION OF FRAUD)

Principle F

The competent authority of the exporting country is ultimately responsible for any certificate it issues or authorizes to be issued.

24. Official certificates as issued, are ultimately the responsibility of government authorities, while recognizing that it is the food production sector that is fundamentally responsible for food safety and the prevention of fraud and deception as it relates to food in international trade.

25. The certifying body should:

- be designated and adequately empowered by national/regional²⁹ mandate in a transparent manner to provide the particular attestations required in an official certificate;
- have its designation/ empowerment recognized as sufficient by governments, alleviating the need for any additional endorsement/re-certification of the certificates they issue;
- provide information relating to its official empowerment to the importing country upon request;
- ensure that its procedures allow for the issue of official certificates in a timely manner so as to avoid unnecessary disruptions to trade;
- have in place an effective system to minimize, to the extent practicable, the fraudulent use of official certificates; and
- have in place an effective and timely training program for its certifying officers.

26. If the competent authority of the exporting country has legislative authority to utilize third party certification bodies and has authorized a third party body to issue certificates on its behalf, the competent authority must ensure that there is adequate oversight of the third party, including auditing arrangements.

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

28. Certifying officers should:

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

²⁷ ISO country codes may be used.

²⁸ ISO country codes may be used.

²⁹ Regional refers to Regional Economic Integration Organisation (REIO) as defined by Article 2, Constitution of the Food and Agriculture Organization of the United Nations.

– only certify to the circumstances that can be verified, directly or by documentation provided, including conformity with production requirements and any other specified requirements between production and date of issue of the certificate.

29. Where paperless exchange of certificates is under consideration, the exporting and importing countries should ensure appropriate controls, infrastructure and capability are in place:

- to facilitate the trustworthy paperless exchange of official certificates;

- for competent authorities or certifying bodies to provide and/or receive certificate information and attestations in electronic form.

- to generate, maintain, make available and validate the official certificate that is exchanged.

- to exchange messages between officials involved in certification.

- for adequate data retention and archiving.

30. Where paperless exchange of certificates is in place

- the competent authority of the importing country becomes the custodian of the issued certificate after acknowledging that it is received.

- the competent authority or certifying body of the exporting country maintains the status³⁰ of the exchanged certificate and shares the actual status with the exporter or their agent who applied for the certificate.

Principle G

All relevant attestations and identifying information required by the importing country should be included on a single official certificate, where possible, to avoid multiple or redundant certificates.

31. Requests for certificates should minimize to the extent possible the need for redundant or duplicative certificates. Examples of such situations include: (1) multiple certificates with similar attestations are required by different agencies within an importing country; (2) multiple certificates are required for different attributes when a single attestation would suffice; and, (3) multiple certificates with similar attestations are required from different certifiers within the exporting country.

32. When a certificate requires multiple attestations (e.g., food safety, animal health and/or plant health) standard attestations developed by organizations recognized in the World Trade Organization (WTO) Sanitary and Phytosanitary Agreement (SPS) may be used (i.e., Codex, OIE, IPPC).

33. In case certificates are required from different bodies, a single competent authority may issue the certificate based on information received from other official bodies. An example of such cases would be attestations of animal health status and public health matters on the same certificate.

34. In instances where the importing country requests that an official certificate contain proprietary information, such requests should be confined to the need to ensure the product meets food safety requirements and to ensure fair practices in the food trade. If such information is requested, adequate means to protect the proprietary nature of such information shall be employed and communicated to the exporter.

35. Commercially sensitive information such as contract numbers and bank arrangements should not be included in official certificates.

36. Where, in exceptional cases justified by documented public health problem, the importing country requires assurance that an ingredient originating from a specified country (or countries) is not contained in the exported food; such attestations should be included in the certificate. When the country or countries have managed the risk based on science and the measures implemented to address the hazard are satisfactory to the importing country, the use of these attestations should be discontinued.

Use of paper certificates

37. Paper certificates where used should be issued and presented to the exporter or their agent as the original certificate.

38. Paper certificates should, to the extent practicable, be in compliance with the UN Layout Key for Trade Documentation (Recommendation No 1, ECE/TRADE/137).

³⁰ The status is the identification of where the certificate is in its lifecycle. The different kind of status can be found in the Business Requirement Specification of UN/CEFACT eCert.

39. A copy of the original certificate (clearly marked as such) should be kept by the certifying body in the exporting country and be provided, on request, to the competent authority in the importing country, or in a country carrying out import controls on behalf of the importing country.

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

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

Paperless exchange of official certificates (annex II).

41. A decision to implement paperless exchange of official certificates should take into account the availability of the required infrastructure and capabilities of involved countries and include a contingency plan to ensure disruption to trade is minimal in the event of system failure.

42. Competent authorities that have reached agreement about paperless exchange of official certificates should ensure their infrastructure and administrative systems adequately support such exchanges.

43. The electronic systems that are used for paperless exchange of official certificates should:

- be based on or be able to interoperate with internationally recognized data and message standards such as those published by UN/CEFACT³¹ for electronic SPS certificates exchanged between government border authorities (UN/CEFACT eCert SPS data standard and message structure). The importing and exporting countries will need to agree on the certificate data elements (identifying information and relevant attestations required by the importing country) and messages to be exchanged;
- facilitate use of available technologies for message exchange to expedite direct communication between officials;
- ensure the technology that generates, maintains, makes available and validates the issuance of this certificate and prevents any alteration by a non-approved party after issuing; and.
- ensure message authentication.

44. The certifying body should notify the exporter or their agent when the certificate has been issued for a consignment and where appropriate be informed about the status of a certificate that is exchanged paperless.

Presentation of original certificates

45. In the case of paper certificates, the importer or consignee is responsible for ensuring that the product and the original certificate, in accordance with the importing country's requirements, is presented to the importing country's authorities or to the authorities in a country carrying out import controls on behalf of the importing country.

46. When countries use paperless exchange of official certificates, the importing country's competent authorities should ensure that the importer/consignee or their representative provides necessary and appropriate details to the importing country's authority or the authority carrying out import controls on behalf of the importing country to allow the consignment identity to be verified against the exchanged certificate.

³¹ The United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) is a subsidiary, intergovernmental body of the United Nations Economic Commission for Europe (UNECE) Committee on Trade, mandated to develop a programme of work of global relevance to achieve improved worldwide coordination and cooperation in these areas of trade facilitation recommendations and electronic business standards (<https://www.unece.org/cefact/>)

Replacement of certificates

47. Replacement certificates may be issued by a competent authority to rectify certificates that have been for example, lost, damaged, contain errors, or where the original information is no longer correct. These certificates must clearly indicate that they are replacing the original certificate. A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed. The original certificate should be cancelled and in case of hard copy, where possible, returned to the issuing authority.

Revocation of certificates

48. When, for good and sufficient reason, there is cause to revoke a certificate, the certifying body should revoke the original certificate as soon as possible and notify the exporter or their agent in hard copy or by electronic means of the revocation. The notice should reference the number of the original certificate to which the revocation refers and provide all particulars regarding the consignment and the reason(s) for the revocation. In the situation that the certificate is already under the responsibility of the importing country, the certifying body should notify the importing competent authority by electronic means or in hard copy that the involved original certificate has been made invalid.

Principle H

Competent authorities should take appropriate action to prevent the use of fraudulent certificates and should assist, as appropriate, in the timely investigation of such use.

Fraudulent certificates

49. When a competent authority suspects on reasonable grounds that an official certificate may be fraudulent, because of deliberate misrepresentation or other criminal activity, it should immediately commence an investigation and involve the certifying body of the country from which the suspected fraudulent certificate is purported to have originated. Considerations should also be given to notify any third country that may have been implicated. Additionally, the competent authority should retain the associated consignment under its control, pending the outcome of the investigation.

50. Certifying bodies in the countries from which the suspected fraudulent certificate is purported to have originated should cooperate fully with the investigation of the competent authority of the importing country. If the certificate is found to be fraudulent, every effort should be made by the competent authorities to identify those responsible so that appropriate action can be taken according to national/regional law.

51. The product relating to fraudulent certificates should be considered to be in violation of the importing country's requirements since the precise condition of the product is unknown. Destruction of the product is one of the measures that can be implemented since destruction is a strong deterrent to future fraudulent activity.

52. Competent authorities in importing countries should maintain current records of certificates from certifying bodies in pertinent exporting countries, including, in relation to paper certificates, copies of official stamps and marks.

GENERIC MODEL OFFICIAL CERTIFICATE

Scope of the Annex

This Annex is intended to provide additional guidance to competent authorities **for the paper version as well as for the equivalent electronic version** based on the principles set out in Section 4 and elaborating on the information provided in Sections 8 and 9. When model official certificates for specific purposes are otherwise established by **the** Codex Alimentarius **Commission**, countries should refer to such guidelines.

Although certificates are primarily focused on sanitary aspects, they may also address aspects relating to fair practices in the food trade where these matters are certified by the certifying bodies.

This model certificate could cover multiple products in a single certificate.

Explanatory notes on the **paper version of the** generic model for an official certificate

General:

The certificate should be completed in a legible manner.

If the consignee, point of entry, or transport details change after the certificate has been issued, it is the responsibility of the importer to advise the competent authority of the importing country. Such a change should not result in a request for a replacement certificate to be issued.

The model certificate as it appears includes numbers designed to facilitate establishing a link between a particular section and the corresponding explanatory note. It is not intended that these numbers appear in the actual certificates issued by the certifying body.

Specific:

Certificate type: the certificate should be marked with “ORIGINAL”, “COPY” or “REPLACEMENT” as appropriate.

Country: name of the country that issues the certificate possibly accompanied by a logo or a letter head. The objective is to clearly identify the country having the responsibility of issuing the certificate.

- 1. Consignor/Exporter:** name and address (street, town and region/province/state, as applicable) of the natural or legal person or entity who sends the consignment.
- 2. Certificate number:** this identification number should be unique for each certificate and authorized by the competent authority of the exporting country. For multiple page certificates, see paragraph 38 of document CAC/GL 38-2001.
- 3. Competent Authority:** name of the Competent Authority of the country responsible for certification.
- 4. Certifying Body:** name of the Certifying Body when it is different from the Competent Authority.
- 5. Consignee/Importer:** name and address of the natural or legal person or entity to whom the consignment is shipped in the country of destination, at the time the certificate is issued.
- 6. Country of origin³²:** name of the country in which the products were produced, manufactured or packaged.
- 7. Country of destination³³:** name of the country of destination of the products.
- 8. Place of loading:** name of a seaport, airport, freight terminal, rail station or other place at which goods are loaded onto the means of transport being used for their carriage.
- 9. Means of transport:** air/ship/rail/road/other, as appropriate and the identification (name or number) of these if available, or relevant documentary references.
- 10. Declared point of entry:** if required and available the name of the point of entry authorised by the competent authority of the importing country and, its UN/LOCODE (refer to the United Nations Code for Trade and Transport Locations).

³² ISO Code: the two letter country codes, in compliance with the international standard (ISO 3166 alpha-2), could be used.

³³ See Note 32 above

- 11. Conditions for transport/storage:** appropriate temperature category (ambient, chilled, frozen) or other requirements (e.g. humidity) for transport/storage of the product.
- 12. Total quantity:** in appropriate units of weight or volume for the whole consignment.
- 13. Identification of container(s)/Seal number(s):** identify the containers and seal numbers where applicable or if known.
- 14. Total number of packages:** total number of packages for all products in the consignment.
- 15. Identification of food product(s):** give the descriptive information specific to the product or products to be certified.

Where appropriate: nature of the food (or description of the commodity), commodity code (HS code), species, intended purpose, producer/manufacturer, approval number of establishments (slaughterhouse, production plant, store (cold store or not)), region or compartment of origin, name of the product, lot identifier, type of packaging, number of packages, net weight per type of product.

- **Nature of the food (or description of product):** description of the product(s) precise enough to allow the product(s) to be classified in the World Customs Organisation's Harmonised System, including the commodity code (HS code) where appropriate
- **Intended purpose (or Food products certified for):** the end use of the product should be specified in the certificate (e.g. direct human consumption, further processing, and trade samples).

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

- **Region or compartment of origin:** if applicable: This is only for products affected by regionalisation measures or by the setting up of approved zones or compartments.
- **Type of packaging:** identify the type of packaging of products as defined in Recommendation No. 21 of UN/CEFACT (United Nation Centre for Trade Facilitation and Electronic Business).

16. Attestations: information indicating compliance with the relevant regulation(s) of the importing or exporting countries in accordance with the recommendations, as appropriate, of the Codex Alimentarius Commission.

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.

There may be other attestations covering different issues (cf. paragraph 7 of document CAC/GL 38-2001).

17. Certifying officer: name, official position, official stamp (optional), date of signature and signature. Certificates should be issued in accordance with section 9 of document CAC/GL 38-2001.

GENERIC MODEL OFFICIAL CERTIFICATE

COUNTRY

CERTIFICATE TYPE

1. Consignor/Exporter:		2. Certificate number:			
		3. Competent authority:			
		4. Certifying body:			
5. Consignee/importer:					
6. Country of origin:				ISO Code:	
7. Country of destination:				ISO Code:	
8. Place of loading:					
9. Means of transport			10. Declared point of entry:		
11. Conditions for transport/storage:			12. Total quantity*		
13. Identification of container(s)/Seal number(s);			14. Total number of packages:		
15. Identification of food products (as described below multiple lines may be used for multiple products)					
No.	Nature of the food, commodity code (HS code) where appropriate		Species*		Intended purpose
No.	Producer/Manufacturer	Approval number of establishments*		Region or compartment of origin	
No.	Name of the product	Lot Identifier*	Type of packaging	Number of packages	Net weight
16. Attestations:					
17. Certifying officer:					
Name:		Official position:			
Date:		Signature:			
Official Stamp:					

The Generic Model Official Certificate should be read in conjunction with the explanatory notes.

*If required

Explanatory notes on the reference data model (electronic version) of the generic model official certificate

The reference data model is an independent abstract model that organizes the data elements³⁴ of the generic model official certificate and how they relate to one another and to the particular and discrete units³⁵ of the generic model official certificate.

Through this link the **[description for the CODEX reference data model](#)** as well as the more detailed version can be accessed.

The tab GENERIC CODEX MODEL in the description shows the existing Codex generic model official certificate and its data elements. The tab CODEX GUIDELINE provides a more detailed outline, as well as potential placement and representation of those data elements in an XML file. The tab generic reference document indicates the sources of code lists used for various data elements in the model.

The reference data model is represented on the first page in this link called '**[Reference Data Model](#)**'.

The second page in the file called 'Reference Data Model' shows a more detailed data model which includes additional data elements used in some existing exchanges between competent authorities.

This additional information is provided to assist countries' information-technology and policy experts to become aware of available practical solutions for issues beyond the generic reference model and do not have any standardizing or prescriptive character

The generic reference model also allows mapping of the generic model official certificate using other international standards.

The reference data model is not intended to prescribe a particular approach to structuring or requiring any data element, including example placement and representation in the model. Countries may include additional, different, or fewer data elements, using the UN/CEFACT SPS standardized language, structure and exchange protocols, when bilaterally agreed between the competent authorities of the importing and exporting country.

³⁴ Data elements of the certificate are units of data which have precise meaning

³⁵ Data mapping is the process to integrate a wide variety of data

ANNEX II**PAPERLESS EXCHANGE OF OFFICIAL CERTIFICATES****SECTION 1 – INTRODUCTION**

1. When countries or competent authorities are interested in paperless exchange of official certificates, they should review legislation and associated administrative processes as necessary to facilitate paperless exchange.

2. Competent authorities or certifying bodies may consider implementing paperless exchange of official certificates, when technically feasible.

3. For application in message exchanges in accordance with international standards additional examples of data modelling the Codex generic model official certificate (Annex I) are provided.

4. Exchanges of certificates via national single windows can help facilitate coordination with other border agencies involved in the clearance of the certified consignment.

SECTION 2 – SCOPE

5. This annex provides guidance for use by competent authorities or certifying bodies of both importing and exporting countries to ensure an effective, efficient and consistent approach for paperless exchange of official certificates by applying an electronic certification mechanism based on international standards and recommendations.

6. It should guide competent authorities or certifying bodies in implementing paperless exchange of official certificates without mandating the use of specific concepts for electronic certification mechanisms to achieve such exchanges.

SECTION 3 – DEFINITIONS

Electronic certificate is the digital representation (including images where necessary) of the wording and data describing and attesting to attributes of a consignment of food destined for international trade, transmitted by authenticated and secure electronic means from the exporting country's competent authority or certifying body to the importing country's competent authority.

Non-repudiation service is an information and communications technology for generating, maintaining, making available and validating the issuance of an official certificate in order to provide assurance to a receiving party that the certificate was issued.

Section 4 – TRANSITION TO PAPERLESS EXCHANGE OF OFFICIAL CERTIFICATES

7. Competent authorities or certifying bodies should have implemented the relevant internal capabilities and established internal information technology, data security protocols and digitized import and export procedures at the national level prior to pursuing bilateral/multinational arrangements for paperless exchange of official certificates.

8. The digitization at the national level should be covered by the following considerations.

8.1 In collaboration with information technology experts, competent authorities or certifying bodies should review together with the public and private stakeholders the existing processes at national level for providing and/or receiving official certificates. This should include identification of the data elements involved. Consideration should also be given to facilitating the exchange of official electronic certificates via a single window.

8.1.1. Exporting countries should consider digitizing their export procedures and protocols and how the data elements of their export certificates³⁶ are processed and how they are organized and relate to one another³⁷.

8.1.2. Importing countries should consider digitizing their import procedures and protocols and how the data elements of their import certificates³⁸ are used in their import protocols.

8.2. In this process the systems, data elements and protocols that are selected to be involved in the paperless exchange of official certificates should follow where considered appropriate, relevant international standards, recommendations and guidance for:

³⁶ According to the principles set out in Section 4 and elaborating on the information provided in Sections 8 and 9 of this guidance

³⁷ According to Annex I of this guidance

³⁸ According to the principles set out in Section 4 and elaborating on the information provided in Sections 8 and 9 and Annex I of this guidance

1. The end-to-end communication
2. The message language, structure and exchange protocols³⁹
3. The non-repudiation service⁴⁰
4. Lodging them with a Single Window system⁴¹.

9. The digitization at the bilateral/multinational level should be covered by the following considerations

9.1 Exporting and importing countries should coordinate to identify:

1. The essential data elements needed for issuance and receipt of electronic certificates between the two countries;
2. Connection protocol responsible for the end-to-end communication
3. Paperless exchange protocols, considering each country's information technology or data management and security requirements, to ensure mutual confidence in a secure and authenticated transmission of electronic certificates.
4. Single Window Interoperability⁴²

9.2. As negotiated between competent authorities, paper versions of the certificates may stay in parallel to the electronic exchange for a transitional period until both the importing and exporting country are satisfied that:

1. The connectivity of their respective systems is reliable for the full scope of official certificate clearance activities (e.g. acceptance, rejection, or replacement) and types of acknowledgement agreed;
2. The integrity, authenticity and security of the exchange meets agreed criteria; and
3. Understandings are in place as to how business continuity will be dealt with should anything affect the system to system exchange.

SECTION 5 – EXISTING MECHANISMS TO RETRIEVE CERTIFICATE INFORMATION

10. The mechanisms below are the electronic certification solutions identified to date, each delivering electronic certificates in a specific format together with dedicated security features.

1. The electronic certification system of the importing competent authority retrieves (“pulls”) or receives (the information having been “pushed”) certificates data directly from the electronic certification system of the exporting competent authority or certifying body through a web service interface (e.g. Simple Object Access Protocol [SOAP]).
2. The electronic certification system of the exporting competent authority or certifying body provides certificates, to the competent authority or certifying body of the importing country through Simple Mail Transfer Protocol (SMTP).
3. The electronic certification system of the importing competent authority receives certificates data from the electronic certification system of the exporting competent authority or certifying body through a central hub.

11. The mechanisms above do not exclude exchanges of electronic representations of certificates (e.g. secured PDF format) and future evolved electronic certification mechanisms which competent authorities or certifying bodies consider suitable to meet their requirements.

SECTION 6 – ROLES AND RESPONSIBILITIES

12. Paperless exchange of official certificates between exporting and importing countries using UN/CEFACT eCert SPS data standard and message structure presents the following responsibilities of involved competent

³⁹ UN/CEFACT eCert SPS data standard and message structure and WCO Data Model Information Package for License, Permit and Certificate of Origin (CODEX Derived IP)

⁴⁰ The non-repudiation service may be implemented through a digital signature which is a mathematical scheme for verifying the authenticity of digital messages or documents. A valid digital signature, where the prerequisites are satisfied, gives a recipient very strong reason to believe that the message was created by a known sender (authentication), and that the message was not altered in transit (integrity).

⁴¹ UN/CEFACT Recommendation 33 and WCO Single Window Compendium.

⁴² UN/CEFACT Recommendation 36 and WCO Single Window Compendium.

authorities, certifying bodies and business operators.

12.1. The competent authority or certifying body of the exporting country makes available the issued official certificate to the importing competent authority and confirms to the exporter or their agent the status the official certificate that is exchanged paperless to enable business communications about the official certificate. The exporter or their agent can inform the importing business operator of the existence of the approved official certificate and its identity (e.g. certificate number) and other relevant information contained in the electronically exchanged certificate.

12.2. The competent authority of the importing country becomes the custodian of the issued official certificate as soon as the certificate is properly received and should confirm⁴³ to the exporting competent authority or certifying body that the official certificate has been received.

12.3. The competent authority of the importing country may receive electronically from the importing business operator information (e.g. certificate number and date of issuance) necessary to link the import application as required by the competent authority to the official certificate.

SECTION 7 – ADDITIONAL FUNCTIONALITIES TO RETRIEVE CERTIFICATE INFORMATION

13. Countries may consider to move directly from paper certificates to paperless government-to-government electronic data exchange. Where the exporting country has capacity to produce electronic certificates, but not to exchange data electronically, the involved exporting competent authority or certifying body may propose for consideration by an importing country to use paper certificates or digital images of certificates with electronic signatures to produce electronic certificates as an incremental step towards paperless electronic data exchange. In either case, the exporting competent authority or certifying body may provide the importing country or other interested parties as needed, with the following options to retrieve certificate information:

1. the use of secured technology as a means to provide authorities with authorized access to information about certified shipments (viewer).
2. to provide a service, for example a dedicated website, to enable authorities involved in border clearance or transit to verify certificate information which is issued through its electronic certification system (verification tool).

14. The importing competent authority, where agreed, may authorise the exporting competent authority or certifying body to use the secured database of the importing country in which the certifying official of the exporting country can insert the certificate information.

SECTION 8 –EXAMPLES OF DATA MODELING THE GENERIC MODEL OFFICIAL CERTIFICATE

15. The generic reference model (from Annex I of this guidance) can be used for further mapping into a XML⁴⁴ data model and XML schema (XSD⁴⁵) of the data elements.

- a. The data model⁴⁶ below, using UN/CEFACT methodology, is the result of the mapping using UN/CEFACT eCert SPS data standard and message structure and an example of an electronic certificate for food.
- b. Another example of an electronic certificate for food that is aligned with the reference data model in Annex I of this guidance is the CODEX Derived Information Package (DIP) in the World Customs Organisation Data Model⁴⁷ (WCO DM). The Codex DIP is a specific Derived Information Package and a subset of the WCO DM.

16. None of the models in this section limit or restrict the ability to include additional data, using a wider capability of the UN/CEFACT eCert SPS data standard and message structure, when bilaterally agreed between the competent authorities or certifying bodies of the importing and exporting country. Examples of using this wider capacity are amongst others displayed on the second page of the file called 'Reference Data Model' in Annex I of this guidance.

⁴³ in case of UN/CEFACT SPS standardized exchange protocols the receiving infrastructure will automatically generate this

⁴⁴ Extensible Markup Language (XML) is the way the computer text is processed through a set of rules for encoding documents in a format that is both human-readable and machine-readable

⁴⁵ XML Schema (XSD) is a recommendation of the World Wide Web Consortium (W3C) and specifies how to formally describe the elements in an Extensible Markup Language (XML) document

⁴⁶ [Link for an electronic certificate using UN/CEFACT methodology](#)

⁴⁷ The World Customs Organisation Data Model (WCO DM) includes LPCO Base Information Package (BIP) that describes the use of the WCO DM for electronic Licenses, Permits, Certificates and Other kinds including a Food Safety Certificate.

Appendix IV**PROJECT DOCUMENT FOR THE DEVELOPMENT OF CODEX GUIDANCE ON THE PREVENTION AND CONTROL OF FOOD FRAUD
(For approval)****1. Purpose and scope of the proposed guidance**

The purpose of the work is to provide guidance to competent authorities of importing and exporting countries and industry on the prevention and control of food fraud to protect the health of consumers and ensure fair practices in the food trade. The scope of the guidance is to develop definitions for key food fraud terms consistent with the Codex dual mandate, the roles and responsibilities of competent authorities and food businesses, and the cooperation and exchange of information between importing and exporting countries in situations where food fraud has been identified. This includes the identification of key elements of a national food control system related to tools, countermeasures, and controls that contribute to international harmonization and collaboration on the prevention and control of food fraud.

2. Relevance and timeliness

The increasing complexity of food systems and increasing global trade in food makes food chains more vulnerable to food fraud. Protecting the global food supply is a common goal for food control authorities to protect public health and to prevent economic loss and trade disruption. Incidents of food fraud can cause disruption in trade, as well as public health risk(s), since the adulterants may be unsafe, unconventional, unexpected and/or uncontrolled when added to food. Government oversight, controls and good manufacturing practices by food business operators (FBOs) are important to avoid an environment of vulnerability for the food system and to maintain consumer confidence in the safety and quality of the foods purchased. Food fraud can be prevented or minimized using the controls and countermeasures available to countries' national food control systems or by adopting new measures, if necessary. The industry is responsible for knowing their supply chains and having control measures in place to tackle food fraud, while the government has a regulatory oversight and a role in increasing awareness of food fraud, building partnerships and collaborating with industry, academia, and other government departments to prevent and manage food fraud.

Codex work to address food fraud is considered a timely endeavor as many global initiatives are underway to help combat food fraud. While several existing Codex texts already address fraudulent activities and provide tools for members wishing to manage potentially fraudulent activity, the development of definitions in relation to food fraud will be beneficial in reducing the variability, inconsistency and confusion that has arisen related to current food fraud initiatives. There is therefore widespread support for developing a Codex guideline specifically on food fraud. Noting the economic drivers of food fraud, it will also address the linkages between food safety and food fraud.

3. The main aspects to be covered

The work will include the development of guidance on food fraud, with a view of improving risk management activities and the exchange of information between competent authorities and other relevant government agencies related to the prevention of food fraud that may impact the health and safety of the consumer and/or disruption of trade. The guidance should also include the following elements: (1) Definitions for key food fraud terms for the purpose of this new work; (2) Roles and responsibilities of competent authorities and food businesses when addressing food fraud; (3) Cooperation and exchange of information between importing and exporting countries in situations where food fraud has been identified; and (4) Guidance on how countries can address food fraud within their national food control systems.

The work will include a review of existing CCFICS texts to identify where necessary areas of the National Food Control Systems may need updating or amending.

4. An assessment against the Criteria for the Establishment of Work Priorities

The proposal is consistent with the criteria as follows:

General Criterion:

The proposed new work will contribute to consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries, thus meeting the general criterion of consumer protection.

The guidance will be developed to provide flexibility in its application by countries with differing levels of development of national food control systems.

Criteria Applicable to General Subjects:**a) *Diversification of national legislations and apparent resultant or potential impediments to international trade***

Countries are increasingly developing guidance in the area of food fraud. Development of Codex guidance in this area should assist in obtaining international harmonization of nationally developed guidance in this area.

b) *Scope of work and establishment of priorities between the various sections of work*

Refer to Scope above.

c) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)*

Work in the area of food fraud is widespread in multinational forums, seeking to address concerns arising from the increasing awareness of deceptive practices. Many organizations and governments are embracing the need for definitions, guidance, development of food fraud prevention programs, tools, and training activities, including but not limited to: Food and Agriculture Organization of the United Nations (FAO); Global Food Safety Initiative (GFSI); Institute of Food Technologists-Global Food Traceability Center (GFTC/IFT); International Association for Food Protection—Food Fraud Professional Development Group (IAFP/PDG); International Life Sciences Institute (ILSI); The International Criminal Police Organization (INTERPOL); and the United Nations Interregional Crime and Justice Research Institute (UNICRI).

d) *Amenability of the subject of the proposal to standardisation*

The Committee believes that the guidelines can be developed to address the issues identified.

e) *Consideration of the global magnitude of the problem or issue*

The Committee has assessed that there is currently a burden imposed on importing and exporting countries due to a lack of definitions and practical international guidance in this area.

5. Relevance to Codex strategic objectives

The proposed work is directly related to the purpose of the Codex Alimentarius Commission, according to its statutes, to protect the health of the consumers and ensure fair practices in the food trade. Further, the work relates to the first Strategic Goal of the Codex Alimentarius Commission's Strategic Plan 2020-2025 to "address current, emerging and critical issues in a timely manner", and is consistent with Objective 1.2 "identify needs and emerging issues". This guidance is relevant to the needs of the Members and will improve the ability of Codex to develop standards proactively identify emerging issues and member country needs and, where appropriate, develop relevant food standards". It is also consistent with Objective 4.2 "Increase sustainable and active participation of all Codex Members" through participation in the work of CCFICS and the related working groups.

6. Information on the relation between the proposal and other existing Codex documents

The Committee's comprehensive review of existing Codex texts illustrates that food fraud is already covered in a variety of Codex documents. The Codex *Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions* (CXC 20-1979) contains basic principles relating to preventing trade in unsafe, adulterated, out of date, or otherwise unsatisfactory food. Food fraud as it pertains to improper, inaccurate, false or misleading labelling is addressed in relevant Codex standards. For example, the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) and the *General Standard for the Labelling of Food Additives when sold as such* (CXS 107-1981) prohibit false, misleading or deceptive labelling for foods and food ingredients. Therefore, labelling that is inaccurate would already be addressed by existing Codex standards. Further, several existing CCFICS texts provide tools for members wishing to manage potentially fraudulent activity. Examples include the key elements of a national food control system found in the *Principles and Guidelines for National Food Control Systems* (CXG 82-2013); the traceability concepts found in the *Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System* (CXG 60-2006); utilization of *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001) to prevent fraudulent certificates; and exchange of information between national governments found in *Principles and guidelines for the exchange of information between importing and exporting countries to support the trade in food* (CXG 89-2016), all of which could be relevant in instances of fraud detection. The new guidance to be developed on addressing food fraud should also ensure adherence to those other existing Codex texts, so that food fraud is prevented, or detected and dealt with accordingly.

7. Identification of any requirement for and availability of expert scientific advice

Not required.

8. Identification of any need for technical input to the standard from external bodies so that this can be planned for:

Not required at this time.

9. Completion of the new work and other conditions

Subject to the Codex Alimentarius Commission approval at its 44th Session in 2021, it is expected that the new work can be completed within two or three sessions of CCFICS, should it continue to meet as currently scheduled, i.e., approximately every 18 months.