

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

ALINORM 07/30/30

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirtieth Session

Rome, Italy, 2 – 7 July 2007

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

Mar del Plata, Argentina, 6 -10 November 2006

Note: This report includes Codex Circular Letter CL 2006/51-FICS

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CL 2006/51-FICS
November 2006

To: Codex Contact Points
Interested International Organizations

From: Secretary,
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00153 Rome, Italy

Subject: **Distribution of the Report of the Fifteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (ALINORM 07/30/30)**

The report of the Fifteenth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems will be considered by the 30th Session of the Codex Alimentarius Commission (Rome, Italy, 2-7 July 2007).

MATTERS FOR ADOPTION BY THE 30TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposed draft revision of the Guidelines for Generic Official Certificate Formats and the Design, Production, Issuance and Use of Certificates, advanced to Steps 5/8 of the Codex Procedure, with the omission of Steps 6 and 7 (ALINORM 07/30/30, Appendix II). See also para. 39 of this report.

Governments and interested international organizations in observer status with Codex are invited to comment on the above document and should do so in conformity with the Uniform Procedure for the Elaboration of Codex Standards and Related Texts (see *Codex Alimentarius Procedural Manual*). Comments should be forwarded to the Secretary, Codex Alimentarius Commission, Viale delle Terme di Caracalla, 00153 Rome, Italy (fax +39 06 57054593; e-mail codex@fao.org), ***preferably by e-mail, not later than 31 March 2007.***

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SUMMARY AND CONCLUSIONS

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

Matters for Adoption by the 30th Session of the Commission

The Committee:

- Agreed to advance the renamed proposed draft Guidelines for Generic Official Certificate Formats and the Design, Production, Issuance and Use of Certificates to Steps 5/8, with the omission of Steps 6 and 7, for adoption by the 30th Session of the Commission (see para. 39 and Appendix II).

Matters of Interest to the 30th Session of the Commission

The Committee:

- In view of the several attestations that may be included in a food certificate e.g. animal health and/or plant health attestations, and of the possible inconsistencies among these attestations, recommended that the Codex Alimentarius Commission coordinate its work on certificates with OIE and IPPC and other organisations as appropriate (see para. 40);
- Agreed to return the proposed draft Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification to Step 2 for redrafting by a physical Working Group, led by the United States, comments at Step 3 and consideration by its next session (see para. 59).

Matters of Interest to other Committees

Codex Committee on General Principles

The Committee:

- forwarded the following to the 24th Session of CCGP for its consideration:
 - Codex should encourage member countries to further implement the provisions in existing CCFICS texts related to the “*subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable*”;
 - Codex should encourage FAO and other international organizations to give priority to providing technical assistance to member countries with insufficient capacity for establishing and implementing food import and export control systems;
 - Codex should encourage those member countries with insufficient control systems to give priority in their capacity building/technical assistance needs assessments to the issue of import control systems.

Codex Committee on Milk and Milk Products

- The Australian Secretariat to the CCFICS prepare a working document on the consistency of the draft *Model Export Certificate for Milk and Milk Products* with the result of the revision of the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance* (CAC/GL 38-2001) for consideration at its next session (see para. 7);

Others Matters

The Committee agreed that:

- Generally supported Recommendation (1) of the report of the electronic Working Group on the issue referred to by the 22nd Session of the Codex Committee on General Principles (CCGP), to identify the specific provisions that may need to be amended or added and to submit specific proposals for new work. It agreed at its next Session to take into account the outcomes of discussion of the 24th Session of CCGP (2-6 April 2007) on the revision of the Codex *Code of Ethics for International Trade in Foods* (CAC/RCP 20-1979) (see para. 62) and could not reach consensus on Recommendation (3) concerning the establishment of a general principle along the following line “A country should not export or re-export food to a country if this food is generally recognized dangerous, unfit for human consumption, adulterated, or misleading to the consumers” (see para. 64);
- The Delegation of New Zealand prepare a comprehensive discussion paper, to justify the need for the revision of the Codex *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995) and the Codex *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997) and to identify the elements of the two documents to be revised, for consideration at its next session (see para. 70);
- The Delegation of Australia prepare a comprehensive discussion paper identifying areas where guidance for national food inspection systems was needed and providing scope, justification and rationale for new work, for consideration at its next session (see para. 73);
- An electronic Working Group, led by Australia, prepare a comprehensive discussion paper on the scope, justification and rationale for new work on the development of Guidelines for the Conduct of Foreign Audit Team Inspections, for consideration at its next session (see para. 75);
- The Delegation of Norway prepare a discussion paper on the need for further guidance on traceability/product tracing (see para. 77).

LIST OF ABBREVIATIONS USED IN THIS REPORT

| | |
|---------|--|
| CAC/GL | Codex Alimentarius Commission / Guidelines |
| CCFICS | Codex Committee on Food Import and Export Inspection and Certification Systems |
| CCGP | Codex Committee on General Principles |
| CCMMP | Codex Committee on Milk and Milk Products |
| CL | Circular Letter |
| CRD | Conference Room Document |
| FAO | Food and Agriculture Organization of the United Nations |
| INFOSAN | International Food Safety Authority Network |
| IPPC | International Plant Protection Convention |
| ISO | International Organization for Standardization |
| UNTDDED | United Nations Trade Data Elements Directory |
| OIE | World Organisation for Animal Health |
| SPS | Sanitary and Phytosanitary Measures (WTO Agreement) |
| WHO | World Health Organization |
| WTO | World Trade Organization |

INTRODUCTION

1. The Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) held its 15th Session in Mar del Plata, Argentina, from 6 to 10 November 2006 at the kind invitation of the Government of Argentina in cooperation with the Government of Australia. Mr Gregory Read, Executive Manager, Australian Quarantine and Inspection Service, Australian Government Department of Agriculture, Fisheries and Forestry chaired the Session. The Session was attended by delegates from 47 Member countries and 1 Member organization and 3 Observers from international governmental and non-governmental organizations. The list of participants, including the Secretariat, is given in Appendix I to this report.

2. Mr Fernando Nebbia, Undersecretary for Agriculture, Fisheries and Food Policies welcomed the participants on behalf of the Government of Argentina. Mr Nebbia thanked the Government of Australia through the Chairperson for the opportunity to host the meeting in Argentina and for the assistance of the Australian secretariat during the organisation. Mr Nebbia referred to the challenges posed to producers and governments by the sustained growth of international food trade and the higher expectations of consumers concerning safety and quality of food. He stressed the importance of the work of Codex in international harmonisation and the necessity to create policies as well as legal, administrative and technical instruments to allow governments to respond to growing demands, to ensure safety and to avoid or reduce fraudulent and unfair practices. He said further that it was crucial to adopt adequate measures to fulfil the dual objective of Codex without introducing unnecessary or arbitrary measures which would constrain developing countries possibilities to develop in local and international commerce. He urged Codex members to finalise negotiations on determination of equivalence of sanitary measures. He recalled that fundamentally this was a request from developing countries and that the final document should effectively facilitate international food trade. Finally Mr Nebbia urged Codex members to adopt the necessary measures to reduce and avoid fraudulent importations and false certifications of food that could generate risks for the health of consumers as well as serious problems for producers and governments that had to deal with the consequences.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

3. The Committee adopted the Provisional Agenda as its Agenda for the Session.
4. The Committee agreed to discuss under Agenda Item 5 (Other Business and Future Work) proposals for new work presented by New Zealand in CRD 3 and Australia in CRD 11.
5. The Committee noted the division of competence between the European Community and its Member States, presented by the Delegation of the European Community as CRD 1, according to Rule II.5 of the Rules of Procedure.

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES AND TASK FORCES (Agenda Item 2)²

Matters arising from the 29th Session of the Codex Alimentarius Commission and the 22nd Session of the Codex Committee on General Principles (CCGP)

6. The Committee noted the decisions of the 29th Session of the Codex Alimentarius Commission concerning the adoption of texts and recommendations submitted by its 14th session as well as the conduct of the critical review by the Executive Committee. The Committee also noted the decision of the Codex Committee on General Principles to suspend work on the revision of the Codex *Code of Ethics in International Trade in Foods* (CAC/RCP 20-1979) until its next session to await the outcome of discussions in the CCFICS (see Agenda Item 4).

¹ CX/FICS 06/15/1 (Provisional Agenda); CRD 1 (Division of Competence between the European Community and its Member States).

² CX/FICS 06/15/2; CRD 8 (Comments of India); CRD 9 (Comments of European Community); CRD 10 (Comments of OIE).

Matters referred from the 7th Session of the Codex Committee on Milk and Milk Products (CCMMP)

7. In response to a request from the 7th Session of the Codex Committee on Milk and Milk Products (CCMMP) to comment on the consistency of the draft *Model Export Certificate for Milk and Milk Products* with the Codex *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001), the Committee agreed that, since the committee was currently considering a revision to the CAC/GL 38-2001, the Australian Secretariat to the CCFICS prepare a working document for its next session, taking into account the comments contained in CRD 9 and CRD 10 and the results of the revision to CAC/GL 38-2001. In this way the reply from the CCFICS could be transmitted to the CCMMP in time for its next session in 2008.

PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 4 (Agenda Item 3)

PROPOSED DRAFT REVISION OF THE GUIDELINES FOR GENERIC OFFICIAL CERTIFICATE FORMATS AND THE PRODUCTION AND ISSUANCE OF CERTIFICATES (Agenda Item 3a)³

8. The Chairperson of the Working Group, the Delegation of the United States, introduced the document and explained that the physical Working Group, which met in Brussels (Belgium) in June 2006, had significant discussion on the Guidelines and had agreed on a number of points. These included: the recognition and agreement that certificates could be used for both food safety and ensuring fair practices in food trade and the inclusion of both concepts in the document; the agreement that the guidelines should clearly focus on the production and issuance of certificates and not on the process of certification; the recognition that exporting countries might provide assurance through means other than consignment-by-consignment certificates that accomplish the same objectives as certificates and the inclusion of a new Principle to this effect; the recognition that the issue of fraudulent certificates is a significant one and the addition of a substantive section on this subject. It was also noted that the physical Working Group began to consider the difference between fraudulent certificates and invalid certificates and, because it did not have time to discuss it fully, additional consideration should be given by the Committee.

9. In noting that comments submitted were in support of the document and that detailed discussion was needed on specific points, the Committee agreed to consider the document paragraph by paragraph.

Specific Comments

10. The Committee, in addition to some minor editorial changes, including amendments to the French and Spanish translations, agreed to the following:

Title

11. The Committee agreed to amend the title to read “Guidelines for Generic Official Certificate Formats and the Design, Production, Issuance and Use of Certificates” in order to better reflect the scope and content of the guidelines.

Section 1 – Preamble

12. In noting that throughout the document both terms “official certificate” and “certificate” were used interchangeably to refer to official certificate and that different definitions for both term were included, the Committee agreed to add “official” to “certificate” throughout the text when it was referring specifically to official certificate.

13. In paragraph 1, the Committee changed “consignment” with “food presented in international trade” to be consistent with the definition of consignment (see Section 3).

Section 2 – Scope and Objective

14. In paragraph 4, “standards” was deleted because it placed a potential restriction on the use of the Guidelines and to emphasize that official certificates attest that food meet importing country requirements related to food safety rather than food safety standards.

³ CX/FICS 06/15/3; CX/FICS 06/15/3-Add. 1 (Comments of Argentina, Canada, New Zealand, the United States and the World Organization for Animal Health (OIE)); CX/FICS 06/15/3-Add. 2 (Comments of Malaysia and Mexico); CRD 4 (Comments of Thailand); CRD 6 (Comments of Japan); CRD 8 (Comments of India); CRD 9 (Comments of European Community).

15. In paragraph 6, “production and issuance of” was deleted because it was deemed unnecessary.

Section 3 – Definitions

16. The Committee noted that in the document certificates were coupled with consignments; that the definition of “consignment” included too many details, such as means of transport, country of dispatch, etc., which might limit the scope of the definition of “consignment”; and that paragraph 16 contained provisions for the use of single certificates to cover multiple consignments. Therefore, it was agreed to remove the square brackets and to amend the definition for consignment to read “Consignment means a defined collection of food products normally covered by a single certificate” in order to make it simpler and to allow for more flexibility in the scope and use of certificates, including certificates for multiple consignments.

Section 4 – Principles

17. Paragraph 8 was amended to align it with the revised title of the guidelines. In Principle E “form” was changed with “mode” for consistency with text in paragraph 6.

Section 5 – Use of Certificates

18. Paragraphs 9 and 10 were deleted because their content was already covered in paragraph 11 (renumbered 9).

19. The Committee considered a proposal to add a footnote to the second bullet of paragraph 11 (renumbered 9) providing examples of fair trade practices in the food trade to clarify that “fair trade practice” encompassed food quality aspects. In recognising that fair practice in food trade was a concept well understood among countries, the Committee did not support the proposal and kept the paragraph unchanged. The Delegations of the European Community and of Norway expressed their reservation to this decision.

20. In paragraph 12 (renumbered 10) a new sentence was added on the communication of information to the importing country.

Section 6 – Alternatives to Use of Certificates

21. The Committee amended the last part of paragraph 13 (renumbered 11) to read “... or ensuring fair practices in the food trade” for consistency with Codex language and terminology.

22. It added “recognising that the importing country may still need additional information (e.g. mode of transport) for each consignment” at the end of paragraph 14 (renumbered 12) to clarify that information on the details of the consignment might still be required when no certificate is provided.

23. For consistency with the new definition for consignment (see Section 3), paragraph 16 was replaced with a new paragraph 14 that reads “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

24. The Committee deleted paragraph 17 as its content was already covered by paragraph 19 (renumbered 16) and added to the second sentence of paragraph 18 (renumbered 15) “if available” for clarity.

25. In paragraph 19 (renumbered 16), language was added to specify that attestation and information required by the importing country should not be onerous for exporting countries. In the first bullet, the term “product conformity” was changed to “compliance” to avoid possible misinterpretation.

Section 8 – Design of Certificates

26. In paragraph 25 (renumbered 22), the Committee:

- Amended footnote 4 of the first bullet to read “When additional information is required on the certificate, it should be constructed in such a way that it is clear who has provided the information in the various parts of the certificate (e.g. laboratory, producing establishment, certifying body)” in order to clearly differentiate between the certifying body responsible for signing the certificate and the person(s) who had provided information to be included in the certificate;

- Clarified the fifth bullet to indicate that attestations by the official or officially recognised body should not be required to be endorsed/re-certified after they are issued;
- Deleted in the sixth bullet the text in parenthesis on translation of certificates and added a last sentence to indicate that an official certificate can be accompanied by an official translation and thus allowing more flexibility.

27. The Committee acknowledged that paragraph 26 (renumbered 23) contained a list of the essential/minimum information to be included in a certificate and that additional information might be included when agreed between importing and exporting countries. Therefore, it amended the chapeau of paragraph 26 (renumbered 23) to this effect. In addition, the Committee:

- In the first bullet, added to footnote 6 a sentence to indicate that the Linnaeus classification should be used for species identification, when needed;
- In the second bullet, amended footnote 7 to indicate that reference should be made to Codex standards, if available;
- In the third bullet, added “means of transportation” among the examples because this information was requested by a large number of countries;
- In the fifth bullet, replaced “processor” with “producer/manufacturer” for clarity;
- Added to the eighth bullet “or part of country where these relate to specific attestations” because this was important information in case of special situations affecting food export in country of dispatch;
- Added a footnote to “country of dispatch” in the eighth bullet and to “country of destination” in the ninth bullet to indicate that ISO country code might be used.

Section 9 – Issuance of Certificates (Responsibility of Certifying Officers, Security and Prevention of Fraud)

28. In paragraph 27 (renumbered 24), the Committee clarified that government authorities have responsibility for the content of the certificate as it was issued and not if it was altered later on. It deleted “issued for the purposes of food safety and/or ensuring fair practices in the food trade” as it was redundant.

29. The last part of the second bullet of paragraph 28 (renumbered 25) was revised to read “alleviating the need for any additional endorsement/recertification after they are issued” for consistency with the fifth bullet of paragraph 25 (renumbered 22).

30. The Committee noted the proposal of the World Organisation for Animal Health (OIE) to amend paragraph 29 (renumbered 26) by replacing “must ensure” with “should demonstrate to the importing country” in order to provide the importing countries with all the necessary guarantees to achieve safe trade. However, the Committee did not support the OIE proposal as it was of the opinion that the original wording, i.e. “must ensure” implied a broader concept encompassing the demonstration of third party oversight.

31. In the first sentence of paragraph 30 (renumbered 27), “could” was changed to “should normally” for clarity.

32. The last sentence of paragraph 34 (renumbered 31) was amended to read “An example of such cases would be attestations of animal health status and public health matters on the same certificate” for consistency with other parts of the document.

Use of Paper Certificate

33. The Committee added “where used” in paragraph 38 (renumbered 35) for clarity. In paragraph 41 (renumbered 38) the Committee: amended the third bullet to specify when translation is necessary; added to the fourth bullet “the official identifier of the competent authority”; and clarified the fifth bullet by referring to “period of time”.

Presentation of Original Certificate

34. At the beginning of paragraph 42 (renumbered 41), the Committee added “In the case of paper certificates” for clarity.

Replacement of Certificate

35. The Committee revised the entire paragraph 43 (renumbered 42) to:
- Specify when replacement certificates might be issued;
 - Indicate how a replacement certificate must be marked and which reference it should make to the original certificate; and
 - Provide for the cancellation of the original certificate and its return to the issuing authority.
36. Paragraph 44 was deleted because paragraph 45 (renumbered 43) applied to both paper and electronic certificates.
37. The Committee added a new subsection on “Invalid certificates” and a new paragraph 44 to clarify their nature and distinguish them from fraudulent certificates. The new paragraph also provides for notification of errors, issuance of replacement certificates and revocation of the certificate.

Fraudulent Certificate

38. In the first sentence of paragraph 46 (renumbered 45), the Committee specified that suspicion of fraudulent certificate should be on reasonable grounds. A new sentence was added to provide for notification to third countries. Paragraph 48 (renumbered 47) was amended to clarify that destruction of the product was one of the measures that could be implemented in the case of a fraudulent certificate.

Status of the proposed draft Revision of the Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates

39. The Committee agreed to advance the renamed proposed draft Guidelines for Generic Official Certificate Formats and the Design, Production, Issuance and Use of Certificates to Steps 5/8, with the omission of Steps 6 and 7, for adoption by the 30th Session of the Commission (see Appendix II).

40. The Committee, in view of the several attestations that may be included in a food certificate e.g. animal health and/or plant health attestations, and of the possible inconsistencies among these attestations, recommended that the Codex Alimentarius Commission coordinate its work on certificates with OIE and IPPC and other organisations as appropriate.

PROPOSED DRAFT APPENDICES TO THE GUIDELINES ON THE JUDGEMENT OF EQUIVALENCE OF SANITARY MEASURES ASSOCIATED WITH FOOD INSPECTION AND CERTIFICATION (Agenda Item 3b)⁴

41. The Chairperson of the Working Group, the Delegation of the United States, introduced the document and explained that the Working Group, which met in Brussels (Belgium) in June 2006, had revised the text considering a large number of key items. Based on the request of the Committee all previously-prepared annexes had been combined into a single annex and text on technical assistance had been included.

42. The Committee noted that although the Working Group had agreed on many points, a number of concerns remained. The Committee agreed to collect general comments on the entire document as well as specific comments on individual sections in order to give a refocused mandate to the Working Group with the objective to finalize the document by its next session.

General Comments

43. Many delegations felt that the document should concentrate on those areas where difficulties concerning equivalence determination occurred and where additional guidance was needed. It was recommended that the document:

- Should have stronger links with the parent document but not paraphrase it;
- Should follow the flow of parent document;

⁴ CX/FICS 06/15/4; CX/FICS 06/15/4-Add.1 (Comments of Argentina, Australia, Canada, New Zealand, the United States and the OIE); CX/FICS 06/15/4-Add. 2 (Comments of Malaysia and Mexico); CRD 5 (Comments of Thailand and Peru); CRD 6 (Comments of Japan); CRD 8 (Comments of India); CRD 9 (Comments of European Community).

- Should not re-interpret the parent document by creating new provisions but should describe the process/procedure to be followed in order to assist countries, in particular developing countries, seeking determination of equivalence.

44. Some delegations felt that the document should clarify whether it addressed equivalence determination of specific measures, groups of measures or systems and, if necessary, describe clearly the procedure to be followed in each case.

45. It was generally recognized that examples such as real case studies, where possible, especially in the section on an objective basis of comparison (OBC), were essential to assist countries to understand the process of equivalence determination.

46. Delegations raised the following points:

- The introduction should explain what triggered a request for equivalence;
- The term “sanitary measures” should be used consistently throughout the document;
- The document should clarify how countries should interact in the process of equivalence determination;
- The burden of determination of equivalence on importing countries should be considered, especially in situations where many requests are received and that countries might need to set priorities in accordance with paragraph 8 of CAC/GL 34-1999;
- The document should clarify how the final decision on equivalence was taken.

47. The Representative of WTO said that experience had shown that equivalence determination was much easier when product- or process-related and more difficult for systems. In the plant protection area there seemed to be numerous examples of recognition for single measures but not for systems. The OIE standards facilitated equivalence by identifying several alternative measures in each standard. Some specific examples had been provided to the SPS Committee, and these could be provided to the Working Group if this was helpful.

Specific Comments on Sections

Identifying which Measures are to be the Subject of an Equivalence Determination

48. Some delegations felt that there was need for further guidance on how to determine which measures would be the subject to an equivalence determination and how experience, knowledge and confidence could contribute to this process.

49. Delegations raised the following points:

- Recognition of equivalence of systems might need a new document and new terms of reference;
- Equivalence determination is not an isolated process and it might be difficult to look at specific requirements without looking at the system;
- For food safety it may be more pertinent to have equivalence of systems but there is still the need to identify the measures first;
- Which comes first, the identification of the measure(s) or their categorisation?;
- Other mechanisms could exist to achieve the same goals as equivalence;
- Guidance might be needed as to when it was preferable not to use equivalence;
- It is not appropriate to go into alternatives to equivalence in this document;
- The document should be put into a wider context. CAC/GL 34-1999 paragraph 11 refers to other means which can be used by countries not ready to enter into equivalence agreements. Areas outside the parent document could be identified;
- Before entering into active determination of equivalence importing and exporting countries should agree on a work programme.

50. The Representative of WTO stated that if an importing country is a WTO member, it has a legal obligation to enter into consultations with an exporting country (that is also a WTO member) seeking to establish equivalence. All WTO members also have the obligation to recognize equivalence if it can be demonstrated.

Establishing an Objective Basis of Comparison (OBC)

51. The establishment of an objective basis of comparison (OBC) was generally seen as an important element in the determination of equivalence where further guidance was needed.

52. Delegations raised the following points:

- The concept was still treated very theoretically in the document and it was not clear how to do this practically;
- Guidance on the relation between appropriate levels of protection (ALOP) and OBC could be useful as equivalence was the only Codex process relating measures and ALOP;
- To establish an OBC for systems was different than an OBC for specific requirements;
- To establish an OBC for quantitative measures such as maximum residue limits was different to qualitative measures;
- The different levels of experience of countries with equivalence determination should be taken into account;
- How to use experience, knowledge and confidence when determining OBC should be clarified;
- The OBC should be kept within the context of the measures;
- Experience knowledge and confidence is not a replacement for OBC;
- Working together on establishing an OBC builds a relationship and develops knowledge, experience and confidence;
- Existing equivalence agreements between the countries should build confidence in the capacity of the exporting country;
- There should be discussions on a soft approach, e.g. taking into account good regulatory practice.

Documentation for Determination of Equivalence of Measures

53. Delegations raised the following points:

- When requesting determination of equivalence, the exporting country should clearly identify what is the purpose e.g. to export a new product;
- The historical trade background and the history of compliance/non-compliance should be taken into account;
- Determination of equivalence was mainly a paper exercise taking into account experience, knowledge and confidence and site visits;
- Documentation should only be used to fill in the gaps in experience, knowledge and confidence;
- When accepting equivalence importing countries should be fully informed of implementation aspects which should be objectively demonstrated;
- A process on maintaining equivalence arrangements is necessary.

Technical Assistance with Respect to Equivalence Determinations

54. Delegations raised the following points:

- Technical assistance is outside the Codex mandate;
- Any texts on technical assistance should not duplicate work of other international organisations;

- The annex on technical assistance does not seem to be well integrated;
- Guidance on technical assistance is important but already sufficient as it is;
- The section on technical assistance should be integrated into the main document CAC/GL 53-2003, if possible;
- Include a case study to demonstrate how technical assistance can assist in determination of equivalence;
- Both importing and exporting countries in the process might need technical assistance;
- Using existing OBCs that have been used in other equivalence determinations to assist new determinations.

55. The Representative of WTO said that the SPS Committee guidelines and the SPS Agreement indicated that full consideration should be given to requests from developing countries for technical assistance including for equivalence. But there was no further work on equivalence in the SPS Committee that would duplicate Codex work.

Terms of reference of the Working Group

56. Some delegations noted the need to progress this work as quickly as possible. The Committee acknowledged that the scope of the document may need to be narrowed in order to progress the document in a timely manner. In order to make progress on this document, the Committee agreed to re-establish the physical Working Group, led by the United States⁵ with the following terms of reference.

57. The physical Working Group:

- Should refer to documents CX/FICS 15/06/4, Addenda 1 and 2 and CRDs 5, 6, 8 and 9 and the above discussion;
- Needs to establish further the upfront context of the document. The context of the document needs to address areas such as experience, knowledge, and confidence and its implications in determining which measures are accepted and which measures are to be the subject of an OBC. It also needs to address situations where an equivalence determination processes can be progressed more quickly than others contingent on the importing country's confidence and communication that exists with the exporting country;
- Needs to consider the CAC/GL 53-2003 reference to tiers of measures in the context of experience, knowledge and confidence and its linkage to qualitative and quantitative measures;
- Needs to identify good examples in regard to OBC. Examples in regard to developed and developing countries using OBCs would also be useful;
- Should have flexibility to either utilise the current document or seek to reference developed text to relevant areas in the parent document. New work is not to be repetitious of the paragraphs from the parent text. New work must also add significant value and explanation to the parent document text and have a practical application.

58. The Committee agreed that the lead country the United States would prepare a new version of the document based on the above for circulation prior to the meeting of the Working Group. The European Community offered to host the Working Group in Brussels in June 2007.

Status of the proposed draft Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification

59. The Committee agreed to return the proposed draft Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification to Step 2 for redrafting by a physical Working Group (see para. 56), comments at Step 3 and consideration by the next session.

⁵ With the assistance of Argentina, Australia, Brazil, Canada, Chile, China, Denmark, European Community, France, Greece, India, Indonesia, Italy, Japan, Kenya, Malaysia, Netherlands, New Zealand, Norway, Philippines, Republic of Korea, South Africa, Thailand and the WTO.

DISCUSSION PAPER ON QUESTIONS RELATED TO THE CODEX CODE OF ETHICS FOR INTERNATIONAL TRADE OF FOODS (Agenda Item 4)⁶

60. The Chairperson of the electronic Working Group (e-WG), the Delegation of Canada, introduced the document. The Committee noted that the e-WG on the issue of “*the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable*”, as referred to by the 22nd Session of the Codex Committee on General Principles (CCGP):

- Had concluded that if new work was required it should fall within the CCFICS mandate;
- Could not reach consensus on whether the existing CCFICS texts adequately respond to the question and on whether CCFICS texts respond to the problems faced by countries with insufficient capacity to carry out imported food controls;
- Had agreed that CCFICS was not the appropriate body to provide technical assistance or capacity building and that international organizations, such as the FAO, WHO, the STDF and others, were better placed to provide such assistance to member governments to remedy the problems of insufficient capacity to carry out imported food controls.

61. The Committee considered the three recommendations of the e-WG, as contained in Attachment 1 to CX/FICS 06/15/5.

62. While acknowledging the views of some delegations that existing CCFICS texts were sufficient to provide guidance to countries on the re-export of food, the Committee generally supported Recommendation (1) on the need to ask members to identify the specific provisions that may need to be amended or added and to submit specific proposals for new work. It agreed at its next Session to take into account the outcomes of discussion of the 24th Session of CCGP (2-6 April 2007) on the revision of the *Codex Code of Ethics for International Trade in Foods* (CAC/RCP 20-1979).

63. The Committee endorsed Recommendation (2) to forward the following to the 24th Session of CCGP for its consideration:

- (a) Codex should encourage member countries to further implement the provisions in existing CCFICS texts related to the “*subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable*”;
- (b) Codex should encourage FAO and other international organizations to give priority to providing technical assistance to member countries with insufficient capacity for establishing and implementing food import and export control systems;
- (c) Codex should encourage those member countries with insufficient control systems to give priority in their capacity building/technical assistance needs assessments to the issue of import control systems.

64. The Committee could not reach consensus on Recommendation (3) concerning the establishment of a general principle along the following line “*A country should not export or re-export food to a country if this food is generally recognized dangerous, unfit for human consumption, adulterated, or misleading to the consumers*”, as suggested by some e-WG participants.

65. Some delegations supported the establishment of such a principle because they felt that CCFICS texts did not fully address the issue of export or re-export of unsafe or unsuitable food and that it was necessary to establish a clear principle aiming at protecting countries with insufficient control capacity from unsafe exports of food products. They were of the view that the principle should be included in a revised version of the *Codex Code of Ethics for International Trade in Foods*; however, in view of the lack of consensus in CCGP concerning the revision of the Code, they suggested to incorporate the principle in Section 3 of the *Codex Principles for Food Import and Export Certification and Inspection* (CAC/GL 20-1995).

⁶ CX/FICS 06/15/4; CRD 2 (Comments of Canada); CRD 9 (Comments of European Community).

66. Other delegations were not in favour of the establishment of such a principle and pointed out that the major issue was the country's lack of infrastructure/capacity or implementation and not the absence of Codex guidance. They were concerned that the establishment of this principle might discriminate between imported and domestic products and might transfer the responsibilities to protect the health of the consumers to the exporting countries. These delegations were of the opinion that further addition to the existing regulations concerning the exchange of food might limit the right of countries to ensure their own level of protection.

67. In view of the lack of consensus on this matter, the Committee did not take any decision on this recommendation.

OTHER BUSINESS AND FUTURE WORK (Agenda Item 5)

FUTURE WORK

*New Zealand proposals for new work*⁷

68. The Committee noted the proposals for new work presented by the Delegation of New Zealand on the revision of the Codex *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995) and the Codex *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997).

69. Some delegations did not support the proposals because the document prepared by New Zealand did not provide adequate justification nor a clear indication of the problems and did not identify the scope of the revisions. In addition no specific problems on the implementation of this document had been reported so far. Other delegations were in support of the proposals. They felt that these texts should be updated to take into account recent Codex developments, changes in the understanding and use of terms such as inspection, and changes in the interpretation of Codex guidelines due to the entry into force of WTO Agreements.

70. There was no consensus to start new work, however the Committee agreed to request the Delegation of New Zealand to prepare a comprehensive discussion paper, to justify the need for the revision of the two documents and to identify the elements of the two documents to be revised, for consideration at its next session, including project proposals for new work if appropriate. It was also agreed that the discussion paper could address the discussion on the Code of Ethics (see Agenda Item 4).

*Australia proposals for new work*⁸

71. The Delegation of Australia introduced two proposals for new work.

Review of the Terms of Reference of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)

72. The Committee acknowledged the importance of guidance for national food inspection systems. However, some delegations were of the opinion that the current CCFICS Terms of Reference did not need to be modified as they were sufficiently broad to deal with aspects of national/domestic food control systems. It was also noted that some current CCFICS texts, such as the Codex *Guidelines for Food Import Control Systems* (CAC/GL 47-2003), already covered aspects of national food control systems. Thus, it was recommended that the revision of the Terms of Reference should only be considered if required by the new work. In this regard, it was pointed out that the document prepared by Australia was too concise and did not sufficiently justify and scope new work on the development of guidance for national food inspection systems.

73. Therefore, the Committee agreed to request the Delegation of Australia to prepare a comprehensive discussion paper identifying areas where guidance was needed and providing scope, justification and rationale for new work and, if necessary, including a project document, for consideration at its next session.

⁷ CRD 3 (Proposals for New Work, prepared by New Zealand).

⁸ CRD 11 (Proposals for New Work, prepared by Australia).

Development of Guidelines for the Conduct of Foreign Audit Team Inspections

74. The Committee expressed general support for the proposal in view of the increasing use of foreign audit inspections and considered it would be very useful to collect in a single document relevant provisions contained in various CCFICS texts and to develop principles and purposes of such visits. It was observed that “audit” and “inspection” were not equally understood by countries and that the guidelines should also aim at clarifying their meaning and scope.

75. Therefore, the Committee agreed to establish an electronic Working Group, led by Australia⁹, to prepare a comprehensive discussion paper on the scope, justification and rationale for new work. It was also agreed that the discussion paper should include an outline of the Guidelines and a project document, for consideration at its next session.

OTHER BUSINESS

76. The Committee agreed to the proposal of the Delegation of Norway to prepare a discussion paper on the need for further guidance on traceability/product tracing. In this regard, some delegations were in favour of the development of further guidance, while others considered this premature because more experience was needed with the recently adopted Codex *Principles for Traceability/Product Tracing as a Tool within a Food Import and Export Inspection and Certification System* (CAC/GL 60-2006).

77. The Representative of WHO provided an update on the International Food Safety Authority Network (INFOSAN).

DATE AND PLACE OF NEXT SESSION (Agenda Item 6)

78. The Committee noted that its 16th Session was tentatively scheduled to be held from 26 to 30 November 2007, subject to further discussion between the Codex and Australian Secretariats.

⁹ With the assistance of Argentina, Brazil, Canada, China, Czech Republic, European Community, Germany, Kenya, Japan, Malaysia, New Zealand, Norway, Philippines, Spain, Sweden, Switzerland, Thailand and United States. It was agreed that the electronic Working Group would work in English only.

SUMMARY STATUS OF WORK

| Subject Matter | Step | Action by: | Document Reference (ALINORM 07/30/30) |
|--|------|---|--|
| Proposed draft Guidelines for Generic Official Certificate Formats and the Design, Production, Issuance and Use of Certificates (N05-2005) | 5/8 | Comments 30 th CAC | Para. 39 and Appendix II |
| Proposed draft Appendix to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification (N04-2004) | 2/3 | Physical Working Group Comments 16 th CCFICS | Para. 59 |
| Discussion Paper on the consistency of the draft <i>Model Export Certificate for Milk and Milk Products</i> with the proposed draft Guidelines for Generic Official Certificate Formats and the Design, Production, Issuance and Use of Certificates | - | Australian Secretariat 16 th CCFICS | Para. 7 |
| Discussion Paper on the for the revision of the <i>Codex Principles for Food Import and Export Inspection and Certification</i> (CAC/GL 20-1995) and the <i>Codex Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems</i> (CAC/GL 26-1997) | - | New Zealand 16 th CCFICS | Para. 70 |
| Discussion Paper identifying areas for guidance for national food inspection systems | - | Australia 16 th CCFICS | Para. 73 |
| Discussion Paper on the development of Guidelines for the Conduct of Foreign Audit Team Inspections | - | Electronic Working Group 16 th CCFICS | Para. 75 |
| Discussion Paper on the need of guidance on traceability/product tracing | - | Norway 16 th CCFICS | Para. 76 |

Appendix I

**LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS
LISTA DE PARTICIPANTES**

CHAIRPERSON/PRÉSIDENT/PRESIDENTE

Mr Greg Read

Executive Manager

Australian Government Department of Agriculture, Fisheries and Forestry
Australian Quarantine and Inspection Service

Exports and Corporate Division

GPO Box 858

CANBERRA ACT 2601

AUSTRALIA

Phone: +61 2 6272 3594

Fax: +61 2 6272 4112

Email: gregory.read@daff.gov.au

ANGOLA

Simao Homar

Coordinador de Subcomité de Inspección

Codex – Angola

Phone: 2449 236 08488

Fax: 2442 222 337294

Email: homar64@yahoo.com.br

Maria Linda Alfredo

Médica Veterinaria

Jefe de Sección Salud Pública

Ministerio del Interior

Luanda, Angola

Phone: 912454209 / 924370050

Fax: 244 – 222449592

Email: lilialfredotiti@hotmail.com.br

ARGENTINA - ARGENTINE

Gabriela Alejandra Catalani

Coordinadora del Punto Focal del CODEX

Secretaría de Ganadería Pesca y Alimentos

Ministerio de Economía y Producción

Paseo Colón 922

Buenos Aires, Argentina

Phone: +54 11 4349 2549

Fax: +54 11 4349 2244

Email: gcatal@mecon.gov.ar

Fernando Lavaggi

Ingeniero Agrónomo

Servicio Nacional de Sanidad y Calidad Agroalimentaria

(SENASA)

Paseo Colon 367-5 Piso – CP

Capital Federal 1063, Argentina

Phone: +54 11 4121 5172

Fax: +54 11 4121 5175

Email: flavaggi@senasa.gov.ar

Luis Eduardo Echaniz

Coordinación de Relaciones Internacionales

SENASA

Paseo Colón 367 5º Piso

1063 Buenos Aires, Argentina

Phone: +54 11 41215334

Fax: +54 11 4121 5360

Email: eechaniz@senasa.gov.ar

Marina Cifuentes

Asesora Técnica

Punto Focal – Contact Point

Codex Alimentarius Argentina

Secretaría de Ganadería Pesca y Alimentos

Ministerio de Economía y Producción

Paseo Colón 922

Buenos Aires, Argentina

Phone: +54 11 4349 2747

Fax: +54 11 4349 2244

Email: mcifue@mecon.gov.ar

Nicolás Winter

Asesor Técnico

Punto Focal – Contact Point

Codex Alimentarius Argentina

Secretaría de Ganadería Pesca y Alimentos

Ministerio de Economía y Producción

Paseo Colón 922

Buenos Aires, Argentina

Phone: +54 11 4349 2549

Fax: +54 11 4349 2244

Email: nwinter@mecon.gov.ar

Oscar Lernoud

Médico Veterinario

SENASA

Paseo Colón 367 5º Piso

1063 Capital Federal, Argentina

Phone: +54 11 4121 5291

Fax: +54 11 4121 5162

Email: olenourd@senasa.gov.ar

Estela Camauer

Instituto Nacional de Alimentos – Inal
Estados Unidos 25
Ciudad Autonoma de Buenos Aires
Phone: +54 11 4340 0800 Int 3533
Fax: +54 11 4340 0800 Int 3533
Email: meauer@yahoo.com.ar

Juan Ramón Ibáñez

Ingeniero Agrónomo
Servicio Nacional de Sanidad y Calidad Agroalimentaria
(SENASA)
Paseo Colon 367 - 5 Piso - CP
Capiral Federal 1063, Argentina
Phone: +54 11 4121 5172
Fax: +54 11 4121 5175
Email: jibanez@senasa.gov.ar

Pablo Vittori

Coordinador de Certificaciones
SENASA
Buenos Aires, Argentina
Phone: +54 11 4121-5485
Email: exportaciones@senasa.gov.ar

Roberto Urrere

Regulatory Affairs
CIL-Representante no Gubernamental
Tacuarí 202
Buenos Aires, Argentina
Phone: +54 11 47485350
Email: roberto.urrere@sancor.com.ar

Armando Allinghi

CIAFA-Representante no Gubernamental
Responsable de Área de Agroquímicos
Av. Rivadavia 1367 7º piso B
1033 – Capital Federal
Buenos Aires, Argentina
Phone: + 54 11 4381 2742
Fax: +54 11 4383 1562
Email: allinghi@ciafa.org.ar

AUSTRALIA - AUSTRALIE**Mark Schipp**

General Manager
Australian Government Department of Agriculture,
Fisheries and Forestry
Australian Quarantine & Inspection Service
Technical Standards Branch
GPO Box 858
Canberra ACT 2601, Australia
Phone: +61 2 6272 5254
Fax: +61 2 6272 4389
Email: mark.schipp@daff.gov.au

Claire Pontin

General Manager
Food Standards Australia New Zealand
Food Safety & Services Branch
PO Box 7186
Canberra BC ACT 2610, Australia
Phone: +61 2 6271 2202
Fax: +61 2 6271 2261
Email: claire.pontin@foodstandards.gov.au

AUSTRIA - AUTRICHE**Dieter Jenewein**

c/o Ministry for Health and Woman
Radetzkystr. 2
Vienna A-1220, Austria
Phone: +43 1 0664 839 8030
Email: dieter.jenewein@ages.at

BELGIUM – BELGIQUE – BÉLGICA**Léonard Bosschaert**

International Affairs
Federal Agency for the Safety of the Food Chain
Avenue Bolivar 30
1000 Brussels, Belgium
Phone: +32 2 208 3884
Fax: +32 2 208 3823
Email: leonard.bosschaert@afscs.be

BRAZIL – BRÉSIL - BRASIL**Sergio Viana Carvalho**

Second Secretary
Ministry of External Relations
Esplanada dos Ministerios, Bloco H, Anexo I, Sala 531
Brasilia DF, Brazil
Phone: +55 61 3411 6369
Fax: +55 61 3226 3255
Email: sviana@mre.gov.br

Sara Fabiana Bittencourt de Aguiar

Specialist in Regulation and Sanitary Monitoring
National Health Surveillance Agency
SEPN Q.511 Bloco A, Ed. Bittar II/ 2 Andar
Brasilia DF 70 750 - 541, Brazil
Phone: +55 61 3448 6280
Fax: +55 61 3448 6274
Email: sara.aguiar@anvisa.gov.br

Rosane Franklin

Specialist in Regulation and Sanitary Monitoring
National Health Surveillance Agency
SEPN Q.511 Bloco A, Ed. Bittar II/ 2 Andar
Brasilia DF 70 750 - 541, Brazil
Phone: +55 61 3448 6278
Fax: +55 61 3448 6274
Email: rosane.maria@anvisa.gov.br

Maria Angelica Riveiro de Oliveira

Veterinary Officer
 Ministry of Agriculture, Livestock and Food Supply
 Esplanada dos Ministerios, Bloco D, Anexo A, Sala 443
 Brasilia DF 70043 900, Brazil
 Phone: +55 61 3218 2438
 Fax: +55 61 3218 2727
 Email: riveiro@agricultura.gov.br

Rosana Vasconcelos

Inspector
 Ministry of Agriculture, Livestock and Food Supply
 Esplanada dos Ministerios, Bloco D, Anexo B, Sala 337
 Brasilia DF 70043 900, Brazil
 Phone: +55 61 3218 2323
 Fax: +55 61 3226 9842
 Email: rosanar@agricultura.gov.br

Gabriel A. Torres

Veterinary
 Ministry of Agriculture, Livestock and Food Supply
 Esplanada dos Ministerios-Bloco "D"-Anexo "A"
 Sala 320 Brasilia DF 70043 900, Brazil
 Phone: +55 61 3218 2236
 Fax: +55 61 3226 3446
 Email: gabrieltorres@agricultura.gov.br

CANADA - CANADÁ**Mary Ann Green**

Director, Fish, Seafood and Production Division
 Canadian Food Inspection Agency
 159 Cleopatra Drive
 Ottawa K1A 0Y9, Canada
 Phone: + 613 221 7136
 Fax: + 613 228 6648
 Email: greenma@inspection.gc.ca

Thomas Feltmate

Manager Food Safety Risk Analysis Unit
 Canadian Food Inspection Agency
 3851 Fallowfield Road
 Ottawa K2H 8P9, Canada
 Phone: +613 228 6698 Ext 5982
 Fax: + 613 228 6675
 Email: tfeltmate@inspection.gc.ca

CHILE - CHILI**Antonieta Urrutia-Anabalon**

Ing Agrónomo Asuntos Internacionales
 Servicio Agrícola y Ganadero-Min. Agricultura
 Av Bulnes 140
 Santiago, Chile
 Phone: + 56 2 3451 585
 Fax: + 56 2 3451578
 Email: antonieta.urrutia@sag.gob.cl

Jorge Soto

Ing Comercial
 Depto Comercio Exterior – Min Economía
 Teatinos 120
 Santiago, Chile
 Phone: + 56 2 4733 447
 Fax: + 56 2 4733 427
 Email: jsoto@economia.cl

CHINA - CHINE**Deliang Tang**

Official
 General Administration of Quality Supervision,
 Inspection and Quarantine of the People's Republic of
 China (AQSIQ)
 N° 9 Madian East, Haidian District
 100088 Beijing, China
 Phone: +86 10-82262018
 Fax: +86 10-82260175
 Email: tangdl@aqsiq.gov.cn

Yong Liu

Official
 Shandong Entry & Exit Inspection and Quarantine Bureau
 N°2 Zhongshan Road, Qingdao
 266001 Qingdao, China
 Phone: +86 13505329565
 Fax: +86 53280886190
 Email: liuyong65@yahoo.com

Encheng Chen

Official
 Certification and Accreditation Administration of P. R.
 China
 N° 9 Madian East, Haidian District
 100088 Beijing, China
 Phone: +8610 82262709
 Fax: +8610 82260827 8610
 Email: chenec@cnea.gov.cn

Li Yang

Senior Researcher
 China National Institute of Standardization
 N° 4 Zhichun Road Haidian District
 100088 Beijing, China
 Phone: +8610 88811646
 Fax: +8610 58811642
 Email: yangli@cnis.gov.cn

Jianjun Li

Oficial
 General Administration of Quality Supervision,
 Inspection and Quarantine of the People's Republic of
 China (AQSIQ)
 N° 9 Madian East, Haidian District
 100088 Beijing, China
 Phone: +861082262439
 Fax: +861082260621
 Email: ljjj@aqsiq.gov.cn

CUBA**Gabriel Lahens Espinosa**

Director of Technical Regulations and Quality
 Ministerio de Comercio Exterior
 Infanta N° 16 Esquina 23, Vedado, Habana, Cuba
 Phone: +537 5504 54
 Fax: +537 5504 61
 Email: gabriel.lahens@mincex.cu

CZECH REPUBLIC – RÉPUBLIQUE TCHÈQUE – REPÚBLICA CHECA**Světlana Bicková**

Officer
 Czech Agriculture and Food Inspection Authority
 (CAFIA)
 Květná 15 60300
 Brno, Czech Republic
 Phone: +420 543 540 249
 Fax: +420 543 540 210
 Email: svetlana.bickova@szpi.gov.cz

DENMARK - DANEMARK - DINAMARCA**Erik Engelst Petersen**

Veterinary Officer
 Danish Veterinary and Food Administration
 Morkhoj Bygade 19
 DK-2860
 Soborg, Denmark
 Phone: +45 33 95 62 00
 Fax: +45 33 95 66 80
 Email: eep@fvst.dk

DOMINICA - DOMINIQUE**Nadia Pacquette-Anselm**

Technical Officer
 Dominica Bureau of Standards
 9 Great Marlborough, 1015 P.O Box
 Roseau, Dominica
 Phone: +767 448-1685
 Fax: +767 449-9217
 Email: npanselm@dominicastandards.org /
info@dominicastandards.org

DOMINICAN REPUBLIC – RÉPUBLIQUE DOMINICAINE – REPÚBLICA DOMINICANA**Milagros Mejia**

Gerente Normas e Incentivos
 Centro de Exportacion e inversion de la Republica
 Dominicana (CEI-RD)
 Av 27 de Febrero esq Av Gregoria Luperon
 Santo Domingo, Dominican Republic
 Phone: +1 809 530 5505 Ext 318
 Fax: +1 809 537 8816
 Email: milagros.mejia@cei-rd.gov.do

ECUADOR - ÉQUATEUR**Ana Correa**

Mnisterio de Comercio Exterior
 Industrialización Pesca y Competitividad
 Phone: +59 32 2554 260
 Fax: +59 32 2554 260
 Email: ascorrea@micip.gov.ec

EUROPEAN COMMUNITY (MEMBER ORGANIZATION) – COMMUNAUTÉ EUROPÉENNE (ORGANISATION MEMBRE)– COMUNIDAD EUROPEA (ORGANIZACIÓN MIEMBRO)**Jerome Lepeintre**

Administrator
 European Commission
 Health and Consumer Protection Directorate-General
 (SANCO)
 F101 2/62 1040
 Brussels, Belgium
 Phone: +32 2 299 3701
 Fax: +32 2 299 85 66
 Email: jerome.lepeintre@ec.europa.eu

Didier Carton

European Commission
 Health and Consumer Protection Directorate-General
 (SANCO)
 1040 B232 3/71
 Brussels, Belgium
 Phone: +32 2 295 18 04
 Fax: +32 2 299 85 66
 Email: didier.carton@ec.europa.eu

FINLAND – FINLANDE - FINLANDIA**Hentriikka Kontio**

Veterinary Counsellor
 Ministry of Agriculture and Forestry
 Department of Food and Health
 PO Box 30 00023 Government
 Helsinki, Finland
 Phone: +358 9 1605 2432
 Fax: +358 9 1605 2779
 Email: hentriikka.kontio@mmm.fi

Leena Eerola

Veterinary Officer
 Ministry of Agriculture and Forestry
 Department of Food and Health
 PO Box 30 00023 Government
 Helsinki, Finland
 Phone: +358 9 1605 2943
 Fax: +358 9 1605 2779
 Email: leena.eerola@mmm.fi

Philip Landon

Administrator
 General Secretariat of the Council of the European Union
 Rue de la Loi 175
 Brussels B-1048, Belgium
 Phone: +32 - 2 281 4966
 Fax: +32 - 2 281 7928
 Email: philip.landon@consilium.europa.eu

FRANCE - FRANCIA**Catherine Chapoux**

Adjointe au Chef du Bureau des Accords Multilatéraux
 Sanitaires ou Phytosanitaires
 Direction Générale de L'Alimentation / Ministère de
 l'Agriculture et de la Pêche
 251 rue de Vaugirard
 75732 Paris CEDEX 15, France
 Phone: +33 01 49 55 84 86
 Fax: +33 01 49 55 44 62
 Email: catherine.chapoux@agriculture.gouv.fr

Roseline Lecourt

Ministère de l'Economie des Finances et de l'Industrie
 DGCCRF- Télédéc 051, 59 boulevard Vincent Auriol
 Paris 75703 CEDEX 13, France
 Phone: +33 1 44 97 34 70
 Fax: +33 1 44 97 30 37
 Email: roseline.lecourt@dgccrf.finances.gouv.fr

GERMANY – ALLEMAGNE - ALEMANIA**Marie Luise Trebes**

Federal Ministry of Food, Agriculture and Consumer
 Protection
 PO Box 14 02 70
 Bonn 53107, Germany
 Phone: +49 228 529 3394
 Fax: +49 228 529 4942
 Email: 315@bmelv.bund.de

Antje Jaensch

Scientific Officer
 Federal Office of Consumer Protection and Food Safety
 (BVL)
 Mauerstr. 39- 42
 Berlin 10562, Germany
 Phone: +49 1888 444 10611
 Fax: +49 1888 444 10699
 Email: antje.jaensch@bvl.bund.de

GREECE – GRÈCE - GRECIA**Vasileios Kontolaimos**

Legal Advisor
 Ministry of Rural Development and Food
 29 Acharnon Street
 Athens 10439, Greece
 Phone: + 30 21 08 250307
 Fax: + 30 21 0825 4621
 Email: cohalka@otenet.gr

GUYANA**Marilym Collins**

Director Food and Drugs
 Food and Drug Department, Ministry of Health Guyana
 Mudlot Kingston
 Georgetown, Guyana
 Phone: +592 225 6482
 Fax: +592 225 4249
 Email: fooddrug@networksgy.com

INDIA - INDE**Dinesh Sharma**

Joint Secretary
 Ministry of Commerce
 Udyog Bhawan
 Maulana Azad Road
 New Delhi – 110011, India
 Phone: + 91-11-23061837
 Fax: + 91-11-23061837
 Email: dineshsharma@nic.in

Sanjay Dave

Director
 Agri. Products Export Dev. Authority
 (Ministry of Commerce)
 3 SIRI Institutional Area
 NCUI Building
 New Delhi – 110016, India
 Phone: + 91-11-26513162
 Fax: + 91-11-26519259
 Email: director@apeda.com

INDONESIA - INDONÉSIE**Sri Irawati Susalit**

Director for Food Product Standardization
 National Agency for Drug and Food Control
 Jl. Percetakan Negara N° 23
 10561 Jakarta, Indonesia
 Phone: +62-21-42875584
 Fax: +62-21-42875780
 Email: iras48@yahoo.com

Sukiman Said Umar

Director for Food Inspection and Certification
 National Agency for Drug and Food Control
 Jl. Percetakan Negara N° 23
 10561 Jakarta, Indonesia
 Phone: +62-21-4241781
 Fax: +62-21-4253856
 Email: ssaidumar@yahoo.com

Dewi Gustina Tobing

Counsellor
 Indonesian Embassy, Bs. As.
 Mariscal Ramón Castilla
 Buenos Aires, Argentina
 Phone: +54 11 48072211
 Fax: +54 11 48024448
 Email: dewitob2000@yahoo.com

Alamsyah Tamala

Second Secretary
 Indonesian Embassy, Bs. As.
 Mariscal Ramón Castilla
 Buenos Aires, Argentina
 Phone: +54 11 48072211
 Fax: +54 11 48024448
 Email: syahalam08@yahoo.com

IRELAND – IRLANDE - IRLANDA**Paula Barry Walsh**

Senior Superintending Veterinary Officer
 Department of Agriculture and Food
 Agriculture House, Kildare Street, Dublin 2, Ireland
 Dublin, Ireland
 Phone: +353 1 6072648
 Fax: +353 1 6789733
 Email: paula.barrywalsh@agriculture.gov.ie

Nóirín O'Gorman

Senior Technical Executive
 Food Safety Authority of Ireland
 Abbey Court
 Lower Abbey Street
 Dublin 1, Ireland
 Phone: +353 1 81 71372
 Fax: +353 1 81 7 1272
 Email: nogorman@fsai.ie

ITALY – ITALIE - ITALIA**Ciro Impagnatiello**

Ministero delle Politiche Agricole Alimentari e Forestali
 Via XX Settembre, 20
 00187 Roma, Italy
 Phone: +39.06.46656046
 Fax: +39.06.4880273
 Email: c.impagnatiello@politicheagricole.it

JAPAN – JAPON - JAPÓN**Ryosuke Ogawa**

Director
 International Affairs Division, Food Safety and Consumer
 Affairs Bureau
 Ministry of Agriculture, Forestry and Fisheries
 1-2-1 Kasumigaseki, Chiyoda-ku
 Tokyo 100 8950, Japan
 Phone: +81 3 5512 2291
 Fax: +81 3 3507 4232
 Email: ryosuke_ogawa@nm.maff.go.jp

Kazuko Fukushima

Assistant Director
 Office of International Food Safety
 Department of Food Safety
 Ministry of Health Labour and Welfare
 1-2-2 Kasumigaseki Chiyoda-ku
 Tokyo 100 8916, Japan
 Phone: +81 3 3595 2326
 Fax: +81 3 3503 7965
 Email: fukushima-kazuko@mhlw.go.jp

Toshitaka Higashira

Section Chief
 Inspection and Safety Division
 Department of Food Safety, Pharmaceutical and Food
 Safety Bureau
 Ministry of Health Labour and Welfare
 1-2-2 Kasumigaseki Chiyoda-ku
 Tokyo 100 8916, Japan
 Phone: +81 3 3595 2337
 Fax: +81 3 3503 7964
 Email: higashira-toshitaka@mhlw.go.jp

Dou Ozaki

Associate Director
 International Division Affairs, Food Safety and Consumer
 Affairs Bureau
 Ministry of Agriculture, Forestry and Fisheries
 1-2-1 Kasumigaseki Chiyoda-ku
 Tokyo 100 8950, Japan
 Phone: +81 3 5512 2291
 Fax: +81 3 3507 4232

Yasuki Matsui

Section Chief
 Office of Quarantine Station Administration
 Department of Food Safety
 Ministry of Health and Labour and Welfare
 1-2-2 Kasumigaseki Chiyodo-ku
 Tokyo 1008916, Japan
 Phone: +81 3 3595 2333
 Fax: +81 3591 8029
 Email: matsui-yasuki@mhlw.go.jp

KENYA**James Karitu**

Assistant Director of veterinary Services
 Ministry Of Livestock and Fisheries Dev
 00625, Kangemi, Nairobi, Kenya
 Phone: +245-20-6750642
 Fax: +254-20-631273
 Email: ngandukaritu@yahoo.com

LITHUANIA –LITUANIE - LITUANIA**Arturas Bagotyrius**

Deputy Director
 State Food and Veterinary Service
 Republic of Lithuania
 Siesiku 19
 Vilnius LT 07170, Lithuania
 Phone: +370 5 249 1655
 Fax: +370 5 240 4362
 Email: abagotyrius@vet.lt

MADAGASCAR**Francis Hervé Rakotondravony**

President
 COMITE NATIONAL DU CODEX ALIMENTARIUS
 (CNCA)
 Laboratoire de Control dus Pesticides Service de la
 Protection dus Vegetaux Br. 1042
 Nanisana – Antananarivo, Madagascar
 Phone: + 261 2022 40209
 Email: spcplabo@wanadoo.mg
francis_rakotondravony@prpv.org

MALAYSIA – MALAISIE - MALASIA**A'Aisah Senin**

Principal Assistant Director
 Food Safety and Quality Division, Ministry of Health
 Level 3, Block E7, Parcel E, Federal Government
 Administration Centre
 Putrajaya 62590, Malaysia
 Phone: +603 8883 3516
 Fax: +603 8889 3815
 Email: aisah@moh.gov.my

Rozita Baharuddin

Head, Quality Control Unit
 Malaysian Palm Oil Board (MPOB)
 Lot 6, SS6 Jalan Perbandaran, Kelana Jaya
 Petaling Jaya 47301, Selangor, Malaysia
 Phone: +603 7800 2956
 Fax: +603 7806 1485
 Email: rozita@mpob.gov.my

Moktir Singh

Veterinary Officer
 Department of Veterinary Services
 Wisma Tani, Podium Block 1A, Lot 4G1, Precinct 4
 Federal Government Administration Centre
 Putrajaya 62630, Malaysia
 Phone: +603 8870 2123
 Fax: +603 8888 5755
 Email: moktir@jph.gov.my

Wee Bee Wah

Deputy Director
 Food Safety and Quality Division, Ministry of Health
 Level 3, Block E7, Parcel E, Federal Government
 Administration Centre
 Putrajaya 62590, Malaysia
 Phone: +603 8883 3509
 Fax: +603 8889 3815
 Email: weebeewah@yahoo.co.uk

MEXICO – MEXIQUE - MÉXICO**Guillermo Arroyo**

Gerente de Seguimiento de Programas Especiales
 Comision Federal Para la Proteccion Contra Riesgos
 Sanitarios
 Monterrey 33 Col Roma
 Mexico D.F 06700, Mexico
 Phone: +52 55 5080 5262
 Fax: +52 55 5514 1407
 Email: garroyo@salud.gob.mx

Marcela Fuentes

Director of Inspection in Airports , Ports and Borders
 Agricultural Department (SAGARPA/SENASICA)
 Municipio Libre #377 Piso 7-A Col
 Santa Cruz Atoyac 03310, Mexico
 Phone: +52 55 5905 1000 Ext 51009
 Fax:
 Email: eic.dgif@senasica.sagarpa.gob.mx

Silvia Hernandez

Subdirectora Ejecutiva de Importaciones Y
 Exportaciones
 Comision Federal Para la Proteccion Contra Riesgos
 Sanitarios Secretaria de Salud
 Monterrey 33 Colonia Roma
 Mexico D.F 06700, Mexico
 Phone: +52 55 5208 0915
 Fax: +52 55 5080 5200 Ext 1001
 Email: shrivera@salud.gob.mx

NETHERLANDS – PAYS BAS – PAÍSES BAJOS**Hans Jeuring**

Senior Public Health Officer
 Food and Consumer Product Safety Authority
 PO Box 19506
 2500 CM The Hague, Netherlands
 Phone: +31 70 4484808
 Fax: +31 70 4484061
 Email: hans.jeuring@vwa.nl

Ludo Vischer

Policy Coordinator
 Ministry of Agriculture, Nature and Food Quality
 Department of Food Quality and Animal Health
 PO Box 20401
 The Hague 2500 EK, Netherlands
 Phone: +31 70 378 5336
 Fax: +31 70 378 6141
 Email: l.w.a.vischer@minlnv.nl

**NEW ZEALAND – NOUVELLE-ZÉLANDE –
NUEVA ZELANDIA****Cherie Flynn**

Senior Programme Manager (Policy)
 New Zealand Food Safety Authority
 Telecom Network House, South Tower
 66-86 Jervois Quay
 Wellington, New Zealand
 Phone: +64 4 463 2572
 Fax: +64 4 463 2583
 Email: cherie.flynn@nzfsa.govt.nz

Bill Jolly

Deputy Director (Export Standards)
 New Zealand Food Safety Authority
 PO Box 2835
 Wellington, New Zealand
 Phone: + 64 4 463 2621
 Fax: + 64 4 463 2675
 Email: bill.jolly@nzfsa.govt.nz

NORWAY – NORVÈGE - NORUEGA**Lennart Johanson**

Deputy Director General
 Norwegian Ministry of Fisheries and Coastal Affairs
 PO Box 8118 Dep
 Oslo NO-0032, Norway
 Phone: +47 2224 2665
 Fax: +47 2224 5678
 Email: Lennart.Johanson@fkf.dep.no

Lena Brungot

Advisor
 Norwegian Food Safety Authority
 National Fish and Seafood Centre
 Felles Postmottak PO Box 383
 Brumunddal N2321, Norway
 Phone: + 47 41 47 92 66
 Fax: + 47 55 21 57 07
 Email: lena.brungot@mattilsynet.no

Oddbjrg Ingeline Minos

Legal Coordinator
 Norwegian Food Safety Authority
 Mattilsynet Head Office
 Felles Postmottak PO Box 383
 Brumunddal N 2381, Norway
 Phone: +47 232 16800
 Fax: + 47 2321 7001
 Email: odimi@mattilsynet.no

PARAGUAY**Jorgelina Brizueta de Heisecke**

Asunción de Paraguay, Paraguay
 Fax: + 591 21 582161
 Email: jorgelinaheisecke@hotmail.com

PHILIPPINES - FILIPINAS**Gilberto Layese**

Director
 Bureau of Agriculture and Fisheries Product Standards
 BPI Compound Viayas Ave, Diliman
 Quezon City, Philippines
 Phone: +632 920 6131/6133
 Fax: +632 920 6134
 Email: bafps@yahoo.com

Consuelo Baltazar

Supervising Aquaculturist
 Bureau of Fisheries and Aquatic Resources
 PCA Compound, Elliptica Road
 Quezon City 1101, Philippines
 Phone: +632 929 9597
 Fax: +632 929 8074
 Email: cbaltazar2005@yahoo.com

REPUBLIC OF KOREA – RÉPUBLIQUE DE CORÉE – REPÚBLICA DE COREA**Song-Boo Koh**

Deputy Director
 Korea Food and Drug Administration
 5 Nokbun-dong Eunpyeong-gu
 Seoul 122 704, Republic of Korea
 Phone: +82 2 380 1317
 Fax: +82 2 380 1320
 Email: kohsb@kfda.go.kr

Hae Jin Chang

Senior Researcher
 Ministry of Health and Welfare
 Government Complex, Joong Ang Dong 1
 Gwacheon Si
 Gyeonggi-do
 427 721 Kyoung Gi Do, Republic of Korea
 Phone: +82 31 440 9116
 Fax: +82 31 440 9119
 Email: hjjang@mohw.go.kr

Yoon- Suk Jung

Inspector
 National Fisheries Products Quality Inspection Service
 192-7 Jungsan dong Ilsandong-gu
 Goyang City 411 312public of Korea
 Phone: +82 31 976 2754
 Fax: +82 31 976 2756
 Email: jungyoonsuk@hanmail.net

Kyu Kim

Assistant Director
 Ministry of Agriculture and Forestry
 Gwacheon Government Complex
 Jungangdong-1
 Gwacheon 427 719, Republic of Korea
 Phone: +82 2 500 1727
 Fax: +82 2 504 6659
 Email: kimk@maf.go.kr

Kwang- Hee Lim

Deputy Director
 Ministry of Maritime Affairs and Fisheries
 140-2 Gye-dong Jongro-gu
 Seoul 110 793, Republic of Korea
 Phone: +82 2 3674 6922
 Fax: +82 2 3674 6919
 Email: peslim@hanmail.net

Ahn Hee Nah

Deputy Director
 Korea Food and Drug Administration
 5 Nokbun-dong Eunpyeong-gu
 Seoul 122 704, Republic of Korea
 Phone: +82 2 352 3115
 Fax: +82 2 352 4606
 Email: nah7915@kfda.go.kr

ROMANIA – ROUMANIE - RUMANIA**Ivanescu Marinela**

Deputy Director
Hygiene and Veterinary Public Health Institute
Campul Mosilor No. 5 Sector 2
Bucharest 021201, Romania
Phone: +40 021 252 4651
Fax: +40 021 252 0061
Email: iispv@b.astral.ro

SAMOA**Seuseu Joseph Tauati**

Principle Quarantine Officer, Quarantine Division
Ministry of Agriculture and Fisheries
PO Box 1874
Apia, Samoa
Phone: +685 20924
Fax: +685 20103

SLOVENIA – SLOVÉNIE - ESLOVENIA**Anita Zupan Polajnar**

Inspector, Veterinary Administration
Ministry of Agriculture, Forestry and Food
Parmova 53
Ljubljana SI 1000, Slovenia
Phone: +386 1 300 1331
Fax: +386 1 300 1356
Email: anita.zupan-polajnar@gov.si

SOUTH AFRICA – AFRIQUE DU SUD - SUDÁFRICA**Billy Malose Makhafola**

Assistant Director
National Department of Agriculture
Private Bag 343
Pretoria 0001, South Africa
Phone: +27 012 319 6023
Fax: +27 012 319 6055
Email: BillyM@nda.agric.za

Deon Jacobs

Senior Inspector
South African Bureau of Standards
PO Box 615
Rondebosch, Cape Town 7701, South Africa
Phone: +27 21 681 6768
Fax: +27 21 681 6703
Email: jacobsdc@sabs.co.za

Gideon Joubert

Technical Specialist
South African Bureau of Standards
Private Bag X 191
Pretoria 0001, South Africa
Phone: +27 12 428 6086
Fax: +27 12 428 6466
Email: joubergj@sabs.co.za

Rakesh Singh

Chief Quality Inspector
National Department of Agriculture
Private Bag X07, Point
Durban 4069, South Africa
Phone: +27 31 3372 755
Fax: +27 31 3682 408
Email: rakeshs@nda.agric.za

SPAIN – ESPAGNE - ESPAÑA**Almudena de Arriba Hervás**

Tecnico Superior de Sandidad Exterior
Ministerio de Salud y Consumo
Paseo del Prado 18-20
Madrid 28071, Spain
Phone: +34 91 596 1347
Fax: +34 91 5962047
Email: aarriba@msc.es

Pilar Comendador

Agregada Comercial
Oficina Económica y Comercial de España en Buenos Aires
Avda. L.N Alem, 690-6 C
Buenos Aires 1001 AAO, Argentina
Phone: +54 43 1149 44/45/46
Fax: +54 43 1266 19
Email: pcomendador@mcx.es / buenosaires@mcx.es

Paloma Cervera Lucini

Jefe Servicio Control Oficial
Agencia Española de Seguridad Alimentaria
C/ Alcalá 56
Madrid 28071, Spain
Phone: +34 91 338 08 97
Fax: +34 91 338 02 38
Email: pcervera@msc.es

SWEDEN – SUÈDE - SUECIA**Ylva Noren**

Senior Administrative Officer
Ministry of Agriculture
Stockholm SE – 10333, Sweden
Phone: +46 8 405 1106
Fax: +46 8 405 4970
Email: ylva.noren@agriculture.ministry.se

Lars-Borje Croon

Chief Government Inspector
National Food Administration
SE-751 26
Uppsala, Sweden
Phone: +46 18 17 55 64
Fax: +46 18 10 58 48
Email: lbc@slv.se

SWITZERLAND – SUISSE - SUIZA**Jürg Rüfenacht**

Head Import and Veterinary Border Inspections
 Swiss Veterinary Office
 Schwarzenburgstrasse 155
 3003 Bern, Switzerland
 Phone: +41 31 323 3033
 Fax: +41 31 323 8656
 Email: juerg.ruefenacht@bvvet.admin.ch

**TANZANIA, UNITED REPUBLIC OF – TANZANIE,
 RÉPUBLIQUE-UNIE DE – TANZANÍA,
 REPÚBLICA UNIDA DE**

Rehema Shemhina

Environmental Health Officer
 Tanzania Food and Drugs Authority
 77150 D' Salaam, Tanzania
 Phone: +255222452108
 Fax: +255222450743
 Email: rehemas@hotmail.com
rehema.shemhina@tfda.or.tz

THAILAND – THAÏLANDE – TAILANDIA**Somchai Charnnarongkul**

Deputy Secretary General
 National Bureau of Agricultural Commodity and Food Standards
 4th Floor, Ministry of Agriculture and Cooperatives, 3
 Rajdamnern Nok Avenue
 Bangkok 10200, Thailand
 Phone: +66 2 280 3882
 Fax: +66 2 280 3886
 Email: somchaic@acfs.go.th
 Alternate email: tosomechai@yahoo.com

Usa Bamrungbhuet

Standards Officer Office of Commodity and System Standards
 National Bureau of Agricultural Commodity and Food Standards
 4th Floor, Ministry of Agriculture and Cooperatives
 3 Rajdamnern Nok Avenue
 Bangkok 10200, Thailand
 Phone: +66 2 280 3883
 Fax: +66 2 280 3899
 Email: usa@acfs.go.th
usa_bam@hotmail.com

Nakorn Harnkrivilai

Assistant Secretary General
 Thai Frozen Foods Association
 92/6 6th Floor Thani 2, North Sathorn Road
 Bangkok 10500, Thailand
 Phone: +66 2 235 5622-4
 Fax: +66 2 235 5625
 Email: thai-frozen@thai-frozen.org.th

Suwimon Keerativiriyaporn

Senior Food Technologist
 Samutsakorn Fish Inspection Centre
 PO Box 39 Amphur Muang
 Samutsakorn 7400, Thailand
 Phone: +66 34 857 282
 Fax: +66 34 857 192
 Email: suwimonk@ji-net.com

Pranee Srisomboon

General Manager
 Thai Food Processors Association
 170/21-22 9th Floor, Ocean Tower 1 Building
 New Ratchadaphisek Road, Klongtoey
 Bangkok 10110, Thailand
 Phone: +66 2 261 2684-6
 Fax: +66 2 261 2996-7
 Email: thaifood@thaifood.org

Malinee Subvanich

General Secretary
 Thai Food Processors Association
 170/21-22 9th Floor, Ocean Tower 1 Building
 New Ratchadaphisek Road, Klongtoey
 Bangkok 10110, Thailand
 Phone: +66 2 261 26846
 Fax: +66 2 261 29967
 Email: thaifood@thaifood.org

**UNITED STATES OF AMERICA – ÉTATS-UNIS
 D'AMÉRIQUE – ESTADOS UNIDOS DE AMÉRICA**

Catherine Carnevale

Director, International Affairs Staff
 U.S Food and Drug Administration
 5100 Paint Branch Parkway
 College Park, MD 20816, United States of America
 Phone: +1 301 436 1723
 Fax: +1 301 436 2618
 Email: catherine.carnevale@fda.hhs.gov

Edith Kennard

Staff Officer
 U.S. Codex Officer/FSIS/USDA
 1400 Independence Avenue SW
 Washington D.C. 20250, United States of America
 Phone: +1 202 720 5261
 Fax: +1 202 720 3157
 Email: edith.kennard@fsis.usda.gov

Mary Stanley

Director
 United States Department of Agriculture
 Food Safety and Inspection Service
 Office of International Affairs
 1400 Independence Avenue SW Room 2137 South
 Washington DC 20250-3700, United States of America
 Phone: +1 202 720 0287
 Fax: +1 202 720 6050
 Email: mary.stanley@fsis.usda.gov

Audrey Talley
Deputy Director
Office of Food Safety and Technical Services FAS/USDA
1400 Independence Avenue SW
Washington D.C 20250, United States of America
Phone: +1 202 720 9408
Fax: +1 202 690 0677
Email: talley@fas.usda.gov

Michael Wehr
Codex Program Coordinator
U.S Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20816, United States of America
Phone: +1 301 436 1724
Fax: +1 301 436 2618
Email: michael.wehr@fda.hhs.gov

Peggy Rochette
Senior Director of International Policy
Food Products Association
1350 I Street NW
Washington D.C. 20005, United States of America
Phone: +1 202 639 5921
Fax: +1 202 639 5932
Email: prochette@fpa-food.org

VANUATU

Tekon Timothy Tumukon
Principal Plant Protection Officer
Department of Livestock and Quarantine Services
Private Mail Bag 095
Port Vila, Vanuatu
Phone: +678 23 519
Fax: +678 23 185
Email: tumukontt@gmail.com

**INTERNATIONAL GOVERNMENTAL ORGANIZATIONS
ORGANISATIONS GOUVERNEMENTALES INTERNATIONALES
ORGANIZACIONES GUBERNAMENTALES INTERNACIONALES**

WORLD TRADE ORGANIZATION (WTO) – ORGANISATION MONDIALE DU COMMERCE (OMC) – ORGANIZACIÓN MUNDIAL DEL COMERCIO (OMC)

Gretchen Heimpel Stanton
Senior Counsellor
Agriculture and Commodities Division
Rue de Lausanne 154
CH-121 Geneva 21, Switzerland
Phone: +41 22 / 739 50 86
Fax: +41 22 / 739 57 60
Email: gretchen.stanton@wto.org

**INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS
ORGANISATIONS NON-GOUVERNEMENTALES INTERNATIONALES
ORGANIZACIONES INTERNACIONALES NO GUBERNAMENTALES**

ASOCIACION LATINOAMERICANA DE AVICULTURA (ALA)

J. Isidro Molfese
ALA - Asociación Latinoamericana de Avicultura
Acre 441 - 3F
Buenos Aires C1426BSE, Argentina
Phone: +54 11 4774 4770
Email: molfese@ciudad.com.ar

INTERNATIONAL DAIRY FEDERATION (IDF)

Thomas Kutzemeier
Managing Director and Secretary General
German Dairy Association
Meckenheimer Allee 137
Bonn D-53115, Germany
Phone: +49 228 98 2430
Fax: +49 228 98 24 320
Email: th.kutzemeier@vdm-deutschland.de

CODEX SECRETARIAT – SECRÉTARIAT DU CODEX – SECRETARÍA DEL CODEX

Tom Heilandt
Senior Food Standards Officer
Joint FAO/ WHO Food Standards Programme
Food and Agriculture Organisation
Viale delle Terme di Caracalla
Rome 00153, Italy
Phone: +39 06 5705 4384
Fax: +39 06 5705 4593
Email: tom.heilandt@fao.org

Annamaria Bruno
Food Standards Officer, Food and Nutrition Division
Joint FAO/ WHO Food Standards Programme
Food and Agriculture Organisation
Viale delle Terme di Caracalla
Rome 00153, Italy
Phone: +39 06 5705 6254
Fax: +39 06 5705 4593
Email: annamaria.bruno@fao.org

WHO PERSONNEL – PERSONNEL DE L' OMS – PERSONAL DE LA OMS

Margaret Miller
Scientist
World Health Organisation
20, Appia
Geneva 1211, Switzerland
Phone: +41 22 791 1979
Fax:
Email: millerma@who.int

**ARGENTINIAN SECRETARIAT – SECRETARIAT
ARGENTIN – SECRETARÍA ARGENTINA**

Paula Florencia Fredes

Asesora Técnica
Punto Focal – Contact Point
Secretaría de Ganadería Pesca y Alimentos
Ministerio de Economía y Producción
Paseo Colón 922
Buenos Aires, Argentina
Phone: +54 11 4349 2747
Fax: +54 11 4349 2244
Email: pfrede@mecon.gov.ar

Gustavo Javier Aguirre

Secretaría de Ganadería Pesca y Alimentos
Ministerio de Economía y Producción
Paseo Colón 922
Buenos Aires, Argentina
Phone: +54 11 4349 2727
Fax: +54 11 4349 2244
Email: gjagui@mecon.gov.ar

**AUSTRALIAN SECRETARIAT – SECRETARIAT
AUSTRALIEN – SECRETARÍA AUSTRALIANA**

Ann Backhouse

Manager
Australian Government Department of Agriculture,
Fisheries and Forestry
Product Safety and Integrity Branch
Product Integrity, Animal and Plant Health Division
GPO Box 858
Canberra ACT 2601, Australia
Phone: +61 2 6272 5962
Fax: +61 2 6272 3103
Email: ann.backhouse@daff.gov.au

Rose Hockham

Assistant Manager
Australian Government Department of Agriculture,
Fisheries and Forestry
Product Integrity and Safety Branch
Product Integrity, Animal and Plant Health Division
GPO Box 858
Canberra ACT 2601, Australia
Phone: +61 2 6272 5060
Fax: +61 2 6272 3103
Email: rose.hockham@daff.gov.au

Appendix II**PROPOSED DRAFT REVISION TO THE
GUIDELINES FOR GENERIC OFFICIAL CERTIFICATE FORMATS AND DESIGN,
PRODUCTION, ISSUANCE AND USE OF CERTIFICATES¹****(CAC/GL 38-2001)****(N05-2005)****At Step 5/8****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 importers to present 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 their 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 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 on-line inspection, auditing of quality assurance systems, and examination of finished products.²

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.

¹ 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.

² *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995).

Certifying bodies are official certification bodies and officially recognized certification bodies³.

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

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

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.

³ Recognition of certification bodies is addressed under Section 8 - Official Accreditation of the *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* (CAC/GL 26-1997).

SECTION 6 - ALTERNATIVES TO 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 may be described using a term such as "trade sample." It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.

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. 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.

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 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 parties involved in the production and issuance of the certificate⁴;
- 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 electronic 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.

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 food⁵;
- Name of product⁶;
- Quantity, in the appropriate units⁷;
- 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;

⁴ 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).

⁵ The World Custom Organization classification should be used when appropriate. When species identification is needed, the Linnaeus classification should be used.

⁶ Reference should be made to Codex standards if available.

⁷ Quantity should be in accordance with the International System of Units (Modern Metric System).

- Name and contact details of the exporter or consignor;
- Name and contact details of the importer or consignee;
- Country of dispatch⁸, or part of the country where these relate to specific attestations; and
- Country of destination⁹.

SECTION 9 - ISSUANCE 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/regional¹⁰ legislation or regulation 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;

⁸ ISO country codes may be used.

⁹ ISO country codes may be used.

¹⁰ 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 attest to matters that are within their own knowledge (or have been separately attested to by another competent party); and
- 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.

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.

29. 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.

30. 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).

31. 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.

32. 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.

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

34. Where, in exceptional cases justified by immediate public health concern, 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

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

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

37. 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.

38. 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.

Use of Electronic Certificates

39. Where export certificates are exchanged electronically between the competent authorities of the exporting and importing countries, the system should:

- Consider data elements and message structure such as those set/ratified by the United Nations Centre of Trade Facilitation and Electronic Commerce for electronic certificates exchanged between government border authorities (refer ISO/UNTDED¹¹). The importing and exporting countries will need to agree on the data elements to be exchanged;
- Consider application of available technologies for data message exchange in such a way as to ensure that data exchange options support business continuity;
- Assure integrity of the certification system during the exchange of electronic data to protect against fraud, infection from viruses and other malicious software and to maintain system integrity. Examples of security measures which may be considered include:
 - digital authentication certificates
 - encryption
 - controlled and audited access
 - firewalls
- Include a mechanism to control and protect system access against unauthorized entry. This will require the competent authorities of both the exporting and importing countries to agree on access rights, including the officials authorized to access the system;
- Include technical or procedural mechanisms to prevent the fraudulent reuse of electronic certificates;
- Take into account the limitations of infrastructure and capabilities of developing countries; and
- Include a contingency plan to ensure disruption to trade is minimal in the event of system failure.

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

Presentation of Original Certificates

41. 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. In the case of electronic certificates, the importer/consignee or their representative should supply the importing country authority with sufficient details concerning the consignment to allow its identity to be established against the details contained in the certificate.

¹¹ The UNTDED (United Nations Trade Data Elements Directory) contains descriptions of all elements by number and short description plus attributes (www.unece.org/etrades/codesindex.htm). As an example, DE1004 is a "Document/Message Number". A similar identification in X12 is 324 "Purchase Order Number", including XML data elements contained within the business requirement specifications of the export certification - Trade/CEFACT/2005/36

Replacement of Certificates

42. 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 be clearly marked to 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 where possible, returned to the issuing authority.

Revocation of Certificates

43. When, for good and sufficient reason, there is cause to revoke a certificate, the certifying body should revoke the original certificate as soon as possible and notify the exporter or their agent in hard copy or by electronic means of the revocation. The notice should reference the number of the original certificate to which the revocation refers and provide all particulars regarding the consignment and the reason(s) for the revocation. A copy of the revocation should be provided to the appropriate food control authority of the importing country if the consignment has been exported. An electronic notification should be made to the control authority of the importing country for those countries using electronic certificates. Where the consignment has been provided with a paper certificate, the original certificate should be returned to the issuing authority, if possible.

Invalid certificates

44. Despite efforts to prevent errors, official certificates may inadvertently contain incorrect or incomplete information or attestations. Upon discovery of this the export country's certifying body or the importing country's competent authority should notify one another. In such cases the certifying body should, in a timely fashion issue a replacement certificate as described in paragraph 42 or revoke the certificate as described in paragraph 43, as appropriate.

Fraudulent Certificates

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.

45. 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.

46. 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.

47. 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.

48. 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.