



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

Twenty-Third Session

DISCUSSION PAPER ON THE USE OF ELECTRONIC CERTIFICATES BY COMPETENT AUTHORITIES
AND MIGRATION TO PAPERLESS CERTIFICATION

(Prepared by the Netherlands and Australia)

Background

1. During the 22nd Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS22), 6-12 February 2016, the Committee considered a proposal prepared by the Netherlands to develop guidance on the possible use of electronic certificates by competent authorities as well as the migration to paperless certification.
2. The Committee was supportive of the paper and recognised the need for better guidance material to assist the understanding of the competent authority(ies) on how to implement a paperless exchange of export certificates.
3. Competent authorities in a number of countries have made significant progress towards the implementation of paperless exchanges supporting trade of agriculture and food commodities. These early adopters of electronic certification exchanges have recognised the need for reference material to support implementation activities.
4. Developing international agreed guidance would provide individual countries the dedicated assistance they need to consider the use of electronic exchanges to support regulatory activities at the border with a view to removing paper documents.
5. The Committee agreed that an electronic working group (EWG), co-chaired by the Netherlands and Australia, should perform a gap analysis of current Codex texts, and a technology review of this topic as well as explore resource requirements for procedural concepts of paperless electronic certification. The electronic working group was tasked with revising the discussion paper and drafting a project plan for consideration of CCFICS23.
6. 31 members, 2 observers and 4 international organisations registered as participant of the EWG. The EWG used forum.codex-alimentarius.net as a platform for seeking input and discussion on paperless electronic certification.

Discussion

7. This discussion paper recognizes the importance of official guarantees from exporting countries to importing countries and the increasing role that electronic certification solutions play in providing these assurances. This discussion paper also recognizes the various methods and technologies that support the electronic availability and exchange of official certificates.
8. In view of the increasing use and availability of electronic certificate information it is important at the international level to have a mutual understanding of paperless certification and the relevant agreed principles. Codex guidance material would support implementation activities and contribute to harmonization of the exchanges and protocols resulting in improved connectivity between systems that bear up paperless procedures for regulatory activities at the border, which ultimately should enable participation of all countries.
9. Abandoning the paper certificate is not happening just by declaring electronic equivalent to paper. International guidance on the development of up-to-date procedural systems to ensure the secure use of electronic certificates will be needed to facilitate elimination of requirements for paper certificates.

10. A survey was distributed to EWG members seeking information about electronic certification (eCert) in their countries and the level of readiness to adopt paperless systems. The survey also sought to identify information gaps with regards to the use of the United Nations Centre of Trade Facilitation and Electronic Commerce (UN/CEFACT) Data Standard and Message Structure for SPS Certification. A total of 20 responses were received.

11. Three distinct groups emerged in terms of progress in adoption of electronic certification: (i) a group of using electronic certification solutions (including paperless procedures), (ii) a group developing exchanges but still reliant on paper certificates and (iii) those that are starting to consider adoption and is assessing its preparedness and gaps.

12. The survey confirmed members' support for electronic certification and their interest in benefitting from the experience of early adopters. The need for standard guidance is largely supported by those countries that are yet to implement an electronic certification system, while standardisation of the exchange mechanism is a priority for the early adopters.

13. One common element is (preparation of) the use of the United Nations Centre of Trade Facilitation and Electronic Commerce (UN/CEFACT) Data Standard and Message Structure for SPS Certification to exchange electronic certificates.

14. For common understanding and interpretation of exchange mechanisms as well as mapping of the data fields contained in the generic model official certificate a technical review is needed, where exploration of resource requirements for procedural concepts of paperless electronic certification will improve consistency in procedures.

15. There is guidance material available, but to consult one would need to know the specific and different sources in order to have the capability to translate these materials for implementation of paperless electronic certification in import and export procedures for food.

16. Codex guidance should cover the needs of countries regardless of their stage of development and take into account their limitations of infrastructure and capabilities. As for implementation, most early adopters are keen to share their experiences and provide bilateral technical assistance to potential exchange partners. Codex guidance would support technical assistance by ensuring consistency and common understanding and interpretation of exchange mechanisms as well as the structured use of data fields.

Recommendation

17. It is proposed that CCFICS undertake the development of guidance material for implementation of paperless electronic certification by amending and complementing the *Codex Guidelines for Design, Production, Issuance and use of Generic Official Certificates* (CAC/GL 38-2001).

PROJECT DOCUMENT

Revision of Codex Guidelines for Design, Production, Issuance and use of Generic Official certificates (CAC/GL 38-2001)

1. Purpose and scope of the proposed standard

The purpose and scope of the work is to develop a framework with guidance to assist the competent authority(ies) to develop and implement paperless electronic certification exchanges in food. Harmonized guidance would allow broader participation and promote consistency and simplify the development process for countries developing electronic certification solutions. The guidance can further help to evaluate the design and appropriate adjustment of required certification information and solutions that facilitate paperless electronic certification. The guidance would not be mandating a particular electronic certification system but functioning as a help to develop and modernize procedural systems that support the electronic availability as well as exchange of certificates in a consistent manner with a view to removing the requirement for paper certificates.

2. Relevance and Timeliness

This proposal relates to the Codex *Guidelines for Design, Production, Issuance and use of Generic Official Certificates* (CAC/GL 38-2001), and would support common understanding and implementation of paperless electronic certification.

An increasing number of countries are developing or have introduced electronic certification solutions. In recognising the increasing use and availability of electronic certificate information, guidance will facilitate countries to profit from existing experiences and benefits and help to cover the risks using electronic exchanged certificates instead of paper certificates.

Common understanding of, as well as adequate definition of electronic certificate exchanges with a view to removing paper certificates will help countries to efficiently invest resources in certification systems, where better guidance will encourage inclusion of more countries that use harmonised protocols and exchanges.

3. The main aspects to be covered

The work would result in additional guidance to underpin the ability of the competent authority(ies) to engage in paperless exchange of electronic certificates with multiple partners.

Development of key definitions relating to procedural systems that facilitate paperless electronic certification in order to assist consistency in understanding and interpreting requirements for exchange mechanisms as well as the electronic certificates.

With regard to the exchange of certificate information the work will also take into account the UN/CEFACT standards, International Organisation for Standardisation (ISO) codes as well as UNTDED (United Nations Trade Data Elements Directory) for data elements.

The guidance would take into account and be sufficiently flexible for different countries having systems at different stages of development, depending on their national circumstances.

The work will be assimilated with work in this area by international organisations like IPPC, OIE and WTO.

4. Assessment against the *Criteria for the Establishment of Work Priorities*

General Criterion: *Consumer protection from the view of health, food safety, ensuring fair practices in food trade and taking into account the identified needs of developing countries.*

The proposed work on guidance on paperless electronic certification is to assist countries in protecting their consumers from the point of view of health, food safety, ensuring fair practices in the food trade by promoting consistency and providing simplification of the development process of modernized procedural systems using paperless electronic certificate information.

The result of the work will enable countries to self-evaluate the dimensions of their capacity to adopt paperless electronic certification which contributes to increased consumer protection. The needs of developing countries will be taken into account by recognising that electronic certification and certification solutions in different countries may be at different stages of development.

Broader participation and promoting consistency and simplification of the development process for countries developing electronic certification solutions is relevant for import and export procedures worldwide.

a) Diversification of national legislations and apparent resultant or potential impediments to international trade:

In general national legislations require paper certificates at the border as well as for legal issues related to import. National legislations may need to be amended to allow exclusive use of electronic certificates as a means to clear products at import. Additional guidance by Codex might assist countries in amending their legislation to support the use of electronic certificates with a view to remove paper.

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

Development of definitions to assist consistency in interpretation and implementation of requirements to facilitate paperless exchange of electronic certificates. Consistency in understanding and interpretation will be assisted by mapping of the electronic certificate data fields with the Codex generic model official certificate.

Codex work will focus on defining requirements for paperless exchanges of electronic certificates and the mapping of data fields to the generic model certificate.

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

With regard to the exchange of certificate information the work will also take into account the UN/CEFACT standards, International Organisation for Standardisation (ISO) codes as well as UNTDED (United Nations Trade Data Elements Directory) for data elements.

Concerning electronic phytosanitary certificates IPPC has undertaken work. International standards and recommendations applied in the work by IPPC which are relevant for the work on paperless exchange of electronic certificates by Codex will be respected and where applicable implemented

The Terrestrial and Aquatic Animal Health Codes of the World Organisation for Animal Health (OIE) both include a chapter 5.2. "Certification procedures" that includes an article titled Electronic certification. This article was last amended in 2014. The OIE is undertaking some preliminary work to collate activities currently being undertaken by relevant international organisations and some countries regarding e-certification but has no immediate plans to review Chapter 5.2. of the two Codes

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

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

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

Major concern is that deficiencies in Codex guidance on paperless electronic exchanges will exclude countries on the basis of ability to invest in various solutions making it unnecessarily difficult for developing countries.

Codex guidance on paperless certification is an essential contribution to global standardisation of paperless exchange of certificate information.

5. Relevance to Codex strategic objectives

The proposed work directly relates to Codex Strategic Goal 1: Promoting sound regulatory frameworks. Guidance on paperless electronic certification provides the basis for countries to undertake systematic self-evaluation of electronic certification capability and supports the electronic availability as well as exchange of certificate data for food in a consistent manner with the goal of removing the need for paper certificates.

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

Guidance on electronic certificate exchanges with a view removing paper certificates is not covered in existing CCFICS documents. Paperless electronic certification is about the use of the data elements contained in CAC/GL 38-2001. Equivalency between paper and electronic generic official certificates is consistent with the guidance in CAC/GL 38-2001.

In other Codex documents (*Principles for Food Import and Export Inspection and Certification CAC/GL 20-1995; Guidelines for Food Import Control Systems (CAC/GL 47-2003); Model Certificate for Fish and Fishery*

Products (CAC/GL 48-2004); *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008)) there is reference to CAC/GL 38-2001.

Guidance on paperless electronic certification supports and simplifies certification validity as mentioned in the *Principles for Food Import and Export Inspection and Certification* (CAC/GL 20-1995).

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

None anticipated.

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

None anticipated.

9. Proposed timeline for completion of the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the timeframe for developing a standard should normally not exceed five years

Subject to the Codex Alimentarius Commission approval at its 40th Session in 2017, it is expected that the work can be completed in two to three years, depending on the future schedule of CCFICS meetings:

- Consideration at Step 3 by CCFICS24: 2018
- Adoption of the revised Guidelines for design, production, issuance and the use of generic official certificates at Step 5/8: 2019