

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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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.***

Contents

SUMMARY AND CONCLUSIONS	page ii
LIST OF ABBREVIATIONS	page iv
REPORT OF THE 15 TH SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS	page 1
SUMMARY STATUS OF WORK	page 12
	Paragraph
INTRODUCTION	1 - 2
ADOPTION OF THE AGENDA (Agenda Item 1)	3 - 5
MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES AND TASK FORCES (Agenda Item 2)	6 - 7
PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 4	
PROPOSED DRAFT REVISION OF THE GUIDELINES FOR GENERIC OFFICIAL CERTIFICATE FORMATS AND THE PRODUCTION AND ISSUANCE OF CERTIFICATES (Agenda Item 3a)	8 - 40
PROPOSED DRAFT APPENDICES TO THE GUIDELINES ON THE JUDGEMENT OF EQUIVALENCE OF SANITARY MEASURES ASSOCIATED WITH FOOD INSPECTION AND CERTIFICATION (Agenda Item 3b)	41 - 59
DISCUSSION PAPER ON QUESTIONS RELATED TO THE CODEX CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOODS (Agenda Item 4)	60 - 67
OTHER BUSINESS AND FUTURE WORK (Agenda Item 5)	68 - 77
DATE AND PLACE OF NEXT SESSION (Agenda Item 6).....	78
 <u>APPENDICES</u>	
APPENDIX I :LIST OF PARTICIPANTS	page 13
APPENDIX II : PROPOSED DRAFT GUIDELINES FOR GENERIC OFFICIAL CERTIFICATE FORMATS AND THE DESIGN, PRODUCTION, ISSUANCE AND USE OF CERTIFICATES (at Steps 5/8 of the Elaboration Procedure)	page 25

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

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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.