

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

#### Twenty-fifth Session

*Virtual, 31 May – 8 June 2021*

### PROPOSED DRAFT GUIDANCE ON PAPERLESS USE OF ELECTRONIC CERTIFICATES (Revision of the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates – CXG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

#### Comments at Step 3 in reply to CL 2021/16/OCS-FICS

Comments of Argentina, Australia, Canada, Chile, Cook Islands, Cuba, Ecuador, Egypt, European Union, Iraq, Mexico, Morocco, New Zealand, Peru, Thailand, United States of America, FAO

#### GENERAL COMMENTS

Comment	Author
Australia has no comments on this circular letter.	<b>Australia</b>
New Zealand thanks the working group Chair and co-chair for their work in revising the Guidelines and their consideration of the comments on the draft since the last meeting of CCFICS.  New Zealand considers the revised draft to be generally in good shape and following consideration by CCFICS25 can support the progression of the revised guidelines in the Codex Step process.	<b>New Zealand</b>
The European Union and its Member States (EUMS) would like to thank the Netherlands and Australia for leading the electronic working group developing the proposed draft guidance on electronic certification.  The EUMS support the proposed draft guidance as presented in Appendix 1 of CX/FICS 21/25/5. It provides useful guidance for competent authorities when implementing a transition to paperless exchange of official certificates.	<b>European Union</b>  Mixed Competence  European Union Vote
Require to amend the legislation to enable use of electronic as for country position.	<b>Cook Islands</b>
Thailand wishes to express our appreciation to Chair (Netherland) and Co-Chair (Australia) for the continuation of the effort in preparing the revised draft Guideline, amidst the global pandemic challenge.  In general, we view that most of the potential focus areas identified in the TORs for the EWG have been properly accommodated in the revised Draft Guidelines. Nevertheless, the aspect on “specific provision clarifying the handling of electronic certificates in situation as export/import rejection and/or redirection/re-consignment of goods in transit” is still lacking and remains to be added to the revised Draft Guidelines.  Further to above, we also request the clarifications on  (1) The format used for presenting the hyperlinks to assess the excel and pdf files in Annex I and the excel file in Section 8 of Annex II, should the hyperlinks be embedded as in the current draft OR the full printed documents to be integrated to the relevant sections of the Guidelines; and  (2) The inconsistent uses of terminology.  a. Should the term “exporter or their agent” as in paras 37, 44, 48 of the Main Guidelines and the term “exporting business operator” used in para 12.1 of Annex II provide	<b>Thailand</b>

<p>the same meaning. If so, we would prefer using the term “exporter or their agent” throughout the document.</p> <p>b. Should the terms “electronic certificate” and “electronic official certificate” be interchangeably used. For the reason of consistency, the term “electronic certificate” should be used throughout the document as its meaning is already well-defined.</p>	
Argentina generally agrees with the proposed draft.	<b>Argentina</b>
Ecuador appreciates the work done in connection with the “Proposed Draft Guidance on Paperless Use of Electronic Certificates (Revision of the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates)”. The country does not have any comments to submit this time and agrees with moving forward with the development of a preliminary text about consolidated guidance on equivalence.	<b>Ecuador</b>
<p>Par. 26</p> <p>Better wording</p> <p>... the competent authority must ensure that there is adequate oversight of the third party, including... [<i>Translator’s note: The proposed change does not alter the meaning of the English version.</i>]</p> <p>Par. 16, bullet 3</p> <p>- the exporting country’s animal health status, if it may affect the safety of the food; and [<i>Translator’s note: The proposed change does not alter the meaning of the English version.</i>]</p> <p>Better wording</p>	<b>Mexico</b>
The United States appreciates the efforts by the co-chairs to consider and respond to previous comments provided on the Proposed Draft Guidance on Paperless Use of Electronic Certificates (Revision of the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates – CXG 38-2001). The United States has a few additional comments below.	<b>USA</b>
Cuba is thankful for the opportunity to submit comments on CL 2021/16/OCS-FICS. Comments on the Proposed Draft Guidance on Paperless Use of Electronic Certificates (Revision of the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates [CXG 38- 2001]) and considers that the amendments proposed to the text of the Guidelines and Annexes I and II are adequate.	<b>Cuba</b>
<p>Chile is thankful for the text prepared by the electronic working group chaired by the Netherlands and co-chaired by Australia.</p> <p>Given our general and specific comments, we consider that the proposed draft requires substantive improvements, so that it can be a useful tool for countries, especially for developing ones.</p> <p>In our view, the document structure still needs to be improved. One proposal would be to include all definitions in one single section, since the way in which they are currently presented makes the text too confusing.</p> <p>It is necessary to add a number of definitions so that the content of the document can be understood, especially Annex II.</p>	<b>Chile</b>

### SECTION 3 - DEFINITIONS

<b>Cetificates</b>	
Egypt proposes to keep the current definition of the certificate without any additions.	<b>Egypt</b>
<p>Argentina considers that there is a substantive difference between the English and Spanish versions and that the version in Spanish should be modified in order to clarify its intent.</p> <p>The English version says: certificate: are those signed (manually or electronically) paper or electronic documents, which describe and attest to attributes of consignments of food destined for international trade.</p> <p>The Spanish version should say: Certificados: Son aquellos documentos en formato electrónico o impresos en papel, firmados manual, holográfica o electrónicamente que</p>	<b>Argentina</b>

describen y hacen constar las características del envío de alimentos destinados al comercio internacional. [ <i>English: Certificates are those manually, holographically or electronically signed paper or electronic documents, which describe and attest to attributes of consignments of food destined for international trade.</i> ]	
<p><b><u>Cetificates</u></b></p> <p>For the text in the Definitions section:</p> <p>It would be useful to include the definition of “food”, which already exists, since this guidance will be used by other people apart from experts in food and safety. We thus propose to add the following:</p> <p>“Food means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs.” (Codex Procedure Manual).</p> <p>For the section underlined that is subject to comments:</p> <p>We do not agree with the text “signed (manually or electronically)”, since in the case of electronic certificates, it could be enough to prove that the certificate has a valid origin. The requirement of the signature depends on the receiving country. We suggest deleting the crossed out phrase and adding the word “document”. The definition would read as follows:</p> <p>Certificates are those paper or electronic documents which describe and attest to attributes of consignments of food destined for international trade.</p>	<b>Chile</b>
<p><b>Certificates</b> are those <u>signed (manually or electronically)</u> paper or electronic documents which describe and attest to attributes of consignments of food destined for international trade.</p> <p>To complete the definition according to the text in English. [<i>Translator’s note: The proposed change does not alter the meaning of the English version.</i>]</p>	<b>Mexico</b>
<b>Electronic signature</b>	
<p>Egypt proposes a new legal drafting:</p> <p>Electronic signature: means data in electronic form (any electronic figure placed on an official certificate takes the form of letters, numbers, symbols, signals and has a unique character) that allows for the identification of the certifying officer and to indicate the signatory’s approval of the information contained in the (official) certificate.</p>	<b>Egypt</b>
<p><b><u>Electronic signature</u></b> means data in electronic form in, affixed to or logically associated <del>with, with the (official) official</del> certificate, which may be used to identify the certifying officer and to indicate the signatory’s approval of the information contained in the <del>(official) official</del> certificate.</p> <p>The United States suggests deleting the comma following “with” and the parentheses around “official”.</p>	<b>USA</b>
<b>Electronic signature</b> - What is meant by “logically associated with” in a senses which is different from “affixed to”?	<b>FAO</b>
<b>Electronic signature</b> - New Zealand supports the inclusion of this definition We suggest that it is not necessary to have brackets around the word 'official'. The brackets should be removed in both instances and the word 'official' retained.	<b>New Zealand</b>
<b>Paperless exchange of official certificates</b>	
Do we need a definition for this?	<b>FAO</b>
<p>Argentina suggests making changes to this definition, which we believe are necessary for greater clarity.</p> <p>Paperless exchange of official certificates is the act of official competent authorities or official certifying bodies mutually agreeing on the acceptance of the electronic transmission of data about certain goods and providing, receiving and archiving the identified information and relevant attestations required by the importing country in electronic form.</p>	<b>Argentina</b>

<p>Argentina would like to include, after CONSIGNMENT the following definition: BATCH means the set of goods covered by a certificate, identified by a number of complementary data which correspond to the document as a whole (exporter, importer, place of loading, etc.).</p>	<b>Argentina</b>
<p><b><u>Paperless exchange of official certificates is the act of competent authorities or certifying or inspection bodies providing, receiving and archiving the identified information and relevant attestations required by the importing country in electronic form.</u></b></p> <p>Inspection bodies also carry out conformity assessments of inspected products and provide this information with a certain specification.</p>	<b>Peru</b>
<p><b>Single Window</b></p>	
<p>Single Window is a facility which provides services including submission of data and information by the parties involved in trade and transport to fulfil all import, export, and transit related regulatory requirements and enables a single and synchronous processing of data and information.</p>	<b>Egypt</b>
<p>The United States suggests deleting "and enables a single and synchronous processing of data and information".</p> <p>Rationale: This clause is not included in the UN/CEFACT Rec 33 reference. We have made this comment previously and continue to view this text as unnecessary.</p>	<b>USA</b>
<p>We would like some clarification of what is meant by single window exactly. As it is currently written, it implies that the single window is a global clearing house for the exchange of data and information for all countries. In most cases it is more limited, in the sense of a facility established BY A COUNTRY which enables etc. We would suggest to add "national" before single windows and that would clarify.</p>	<b>FAO</b>
<p>We suggest amending Section 4, Principle F.</p> <p>Principle F</p> <p>The following changes to paragraphs 29 and 30 are suggested:</p> <p>29. Where paperless exchange of certificates is under consideration the exporting and importing countries should ensure appropriate controls, infrastructure and capability are in place:</p> <ul style="list-style-type: none"> <li>- to facilitate the trustworthy paperless exchange of official certificates;</li> <li>- for competent authorities or officially recognized bodies to issue and/or receive certificate information and attestations in electronic form.</li> <li>- to generate, maintain, make available and validate the official certificate that is exchanged.</li> <li>- to exchange messages between officials involved in certification.</li> <li>- and adequate information technology mechanisms for data retention and archiving.</li> </ul> <p>30. When the reception of the electronically exchanged data of the issued certificates is validated</p> <ul style="list-style-type: none"> <li>- the competent authority or officially recognized body of the importing country becomes the custodian holder of the issued certificate after acknowledging that it is received.</li> <li>- the competent authority of the exporting country maintains the status of the exchanged certificate and shares the actual status with the exporting applicant of the involved certificate.</li> </ul> <p>43. The electronic systems that are used for paperless exchange of official certificates should:</p> <ul style="list-style-type: none"> <li>– be based on or be able to interoperate with internationally recognized data and message standards such as those published by UN/CEFACT14 for electronic SPS certificates exchanged between government border authorities (UN/CEFACT eCert SPS data standard and message structure). The importing and exporting countries will need to agree on the certificate data elements (identifying information and relevant attestations required by the importing country) and structured data to be exchanged.</li> <li>– facilitate use of available technologies for information exchange to generate direct communication between officials;</li> </ul>	<b>Argentina</b>

<p>- ensure the technology that generates, maintains, makes available and validates the issuance of this certificate and prevents any alteration by a non-approved party after issuing, maintaining the integrity of the information.</p> <p>– ensure verify information authentication;</p> <p>44. The issuing competent authority or officially recognized body should notify the exporter or their legal representative when the certificate has been issued for its electronic transmission and, if required, provide information about the status of its exchange.</p> <p>Originals</p> <p>46. When countries use paperless exchange official certificates, the importing country's competent authorities or officially recognized bodies should ensure that the importer/consignee or their legal representative provide the necessary evidence to identify the certified batch for official controls to be carried out.</p> <p>Revocation of certificates</p> <p>48. When, for good and sufficient reason including errors, there is cause to revoke a certificate, the exporting competent authority should revoke the original certificate as soon as possible and notify the exporter or their agent in hard copy or by electronic means of the revocation. The notice should reference the number of the original certificate to which the revocation refers and provide all particulars regarding the consignment and the reason(s) for the revocation. In the situation that the certificate is already in the hands of the importing country the issuing authority should be notified by electronic means or in hard copy and should receive confirmation that the involved original paper certificate has been destroyed or the electronic certificate is marked as revoked.</p>	
<p><b>Single Window</b> - Single Window: is a facility which enables a single submission of data and information by the parties involved in trade and transport to fulfil all import, export, and transit, payment, loading and dispatch related regulatory requirements, in addition to a single and synchronous processing of data and information.</p>	<p><b>Argentina</b></p>

## SECTION 8 – DESIGN OF OFFICIAL CERTIFICATES

<p><b>Para 22 bullet 7</b></p>	
<p>Egypt proposes to add:</p> <p>in case a Single Window system is in use by the competent authority also enable paperless exchange by submission and/or transmission through the involved system of the competent authority.</p>	<p><b>Egypt</b></p>
<p>We find this bullet rather confusing as a stand alone. We would understand it as to be the natural ending of bullet 2 above that could be complemented by "whether or not the certificate is transmitted via a single window", but would appreciate clarification.</p>	<p><b>FAO</b></p>
<p>- <i>in case-cases where a Single Window system is in use by the competent authority authority, also enable-be in a format that enables paperless exchange by submission and/or transmission through the involved system.</i></p> <p>New Zealand supports inclusion of a bullet relating to Single Window systems. To ensure it is clear that this point relates to the use of a 'standard' format' and fits with the capot we suggest the point is amended to read:</p> <p>"in cases where a Single Window system is in use by the competent authority, also be in a format that enables paperless exchange</p>	<p><b>New Zealand</b></p>
<p>- <i>be formatted to enable paperless exchange by submission/transmission through in case-a Single Window system when such a system is in-use-used by the competent authority also enable paperless exchange by submission and/or transmission through the involved systemauthority.</i></p> <p>to align with the format of other bullets</p>	<p><b>Canada</b></p>

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

PRINCIPLE F, Paragraph 29	
29. The United States recognizes that the edits to the existing guidance should be limited to modifications related to paperless certification; however, assurances that "appropriate controls, infrastructure, and capability" should be in place for all certificates issued, not just for paperless certification. This terminology is also used in the new proposed Paragraph 42. We defer to the Committee whether this needs to be addressed at this time.	<b>USA</b>
Paragraph 29 - The competent authorities of the importing and exporting countries must appoint an official interlocutor on both sides, and set up a cell / point of contact responsible for communication between the two competent authorities, concerning the processing of requests for additional information, fraudulent certificates... - Establish and agree on the means of communication between the official interlocutors and the cells / points of contact	<b>Morocco</b>
Paragraph 29 We wonder if "exchange" is the word to be used as it involves a two ways transfer of documents. should't we rather use the word "transmission" instead of "exchange"?	<b>FAO</b>
Paragraph 29 - PRINCIPLE G: Revocation of certificates Paragraph 48 [...] In the situation that the certificate is already under the responsibility of the importing country the issuing authority by electronic means or in hard copy and should receive confirmation that the involved original paper certificate has been destroyed or the electronic certificate is marked as revoked. We consider that there is an error in this part of the paragraph with regard to who revokes a certificate. In Argentina's opinion, an issued certificate is revoked by the issuing authority of the exporting country. Therefore, if the authority of the exporting country decides to revoke a certificate which is already in the hands of the importing country's authority, it is the latter that must be notified about the revocation, rather than the country which issued the certificate. This error is also found in the English version, since this paragraph says: "In the situation that the certificate is already under the responsibility of the importing country by electronic means or in hard copy and should receive confirmation that the involved original paper certificate has been destroyed or the electronic certificate is marked as revoked." In addition, this confusion becomes evident upon review of the text of the Excel file linked to the document, called "Description for the CODEX reference data model". The "CODEX GUIDELINE" tab coincides with Argentina's line of reasoning: 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. [...] A copy of the revocation should be provided to the appropriate food control authority of the importing country if the consignment has been exported." In view of the above, we suggest correcting paragraph 48 as follows: [...] "In the situation that the certificate is already under the responsibility of the importing country, the latter should be notified of the revocation by electronic means or in hard copy and should receive confirmation that the involved original paper certificate has been destroyed or the electronic certificate is marked as revoked."	<b>Argentina</b>
Paragraph 29 <u>- for competent authorities (or the certifying body recognized by the competent authority) to provide and/or receive certificate information and attestations in electronic form.</u> The United States notes the definition under Section 3 refers to "competent authority, including by a certifying body recognized by the competent authority". This appears to be a drafting issue throughout the document and needs to be addressed. We have provided suggest edits for consideration.	<b>USA</b>
PRINCIPLE F Paragraph 30	

<p><u>Paragraph 30</u></p> <p>The United States notes there is inconsistency in terminology related to “exporting agent”, “the exporter or their agent”, and “the exporting business operator”. By introducing different terms that are not clearly defined, there is potential confusion. While the United States prefers the “exporter or their agent”, we suggest the Committee consider this issue as we finalize the document.</p>	USA
<p><u>Paragraph 30</u></p> <p>we are not sure of what "maintains the status" means - is this meaning "maintaining the electronic record"?</p>	FAO
<p>PRINCIPLE G, <b><i>Paperless exchange of official certificates (annex II). Paragraph 43</i></b></p>	
<p>Egypt proposes to add:</p> <p>ensure message authentication and end to end encryption;</p>	Egypt
<p>We would suggest to reverse the order of the two sentences: importing/exporting countries agree on the data elements, and then this agreement should be using the UN/CEFACT standards. The countries agreement should come first.</p>	FAO
<p><u>– be based on or be able to interoperate with internationally recognized data and message standards such as those published by UN/CEFACT<sup>12</sup> for electronic SPS certificates exchanged between government border authorities (UN/CEFACT eCert SPS data standard and message structure). The importing and exporting countries will need to agree on the certificate data elements (identifying information and relevant attestations required by the importing country) and messages to be exchanged; [Translator’s note: The proposed change does not alter the meaning of the English version.]</u></p>	Peru
<p><u>– facilitate use of available technologies for message exchange to expedite direct communication between officials.;</u></p> <p>Is the term "message exchange" referring to a different process from the "paperless transmission"? If not, we would suggest to keep this as simple as possible.</p>	FAO
<p><b><i>Paperless exchange of official certificates (annex II). Paragraph 43</i></b></p>	
<p>The United States notes there is inconsistency in terminology related to “exporting agent”, “the exporter or their agent”, and “the exporting business operator”. By introducing different terms that are not clearly defined, there is potential confusion. While the United States prefers the “exporter or their agent”, we suggest the Committee consider this issue as we finalize the document.</p>	USA
<p>Is "where appropriate "needed? we cannot see a situation when it wouldn't be appropriate to inform the exporter of the paperless certificate.</p> <p>We suggest to delete "where appropriate".</p>	FAO
<p><b>Presentation of original certificates, Paragraph 46</b></p>	
<p><u>46. When countries use paperless exchange of official certificates, the importing country's competent authorities should ensure that the importer/consignee or their representative provides necessary and appropriate details to the importing country's authority or the authority carrying out import controls on behalf of the importing country to allow the consignment identity to be verified against the exchanged certificate.</u></p>	Canada
<p><b>Revocation of certificates, paragraph 48</b></p>	
<p>electronic means or in hard copy and should receive confirmation that the involved original paper certificate has been canceled and amendment with another paper or the electronic certificate is marked as revoked.</p>	Iraq

#### ANNEX I GENERIC MODEL OFFICIAL CERTIFICATE

<p>This Annex is intended to provide additional guidance to competent authorities <i>for the paper version as well as for the electronic version</i> based on the principles set out in Section 4 and elaborating on the information provided in Sections 8 and 9. When model official certificates</p>	FAO
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<p>for specific purposes are otherwise established by <i>the</i> Codex Alimentarius <i>Commission</i>, countries should refer to such guidelines.</p> <p>Suggest replacing the italic words with "in designing either a paper or electronic version of a certificate"</p>	
<p><b><u>Explanatory notes on the reference data model (electronic version) of the generic model official certificate</u></b></p>	
<p><b><u>Explanatory notes on the reference data model (electronic version) of the generic model official certificate</u></b></p> <p>New Zealand supports the relocation of the data model for the generic modal official certificate into Annex I.</p> <p>New Zealand requests that there is further consideration of the way the text refers to the detail of the two documents - the Reference Data Model and - the descriptions for the Codex reference model.</p>	<p><b>New Zealand</b></p>
<p><u>The reference data model is an independent abstract model that organizes the data elements<sup>15</sup> of the generic model official certificate and how they relate to one another and to the particular and discrete units<sup>16</sup> of the generic model official certificate.</u></p> <p>Suggest to add that "the same data/information/elements in the paper version are all included in the electronic version".</p>	<p><b>FAO</b></p>
<p><u>Tab 1 of the model shows the existing Codex generic model official certificate and its data elements. Tab 2 provides a more detailed outline, as well as potential placement and representation of those data elements in an XML file. Tab 3 indicates the sources of code lists used for various data elements in the model.</u></p> <p>New Zealand notes that this paragraph is actually referring to the document descriptions for the Codex reference model rather than the Reference Data Model and that the tabs in the descriptions for the Codex reference model are not numbered, or ordered, in the way suggested by the text.</p> <p>New Zealand suggests renaming/reordering the tabs in the Reference Data Model file to align with the description provided in this paragraph.</p>	<p><b>New Zealand</b></p>
<p><u>The reference data model is represented on the first page in the file below called 'Reference Data Model'.</u></p> <p>New Zealand notes that within the Reference Data Model there are explanatory notes regarding the content of each page. New Zealand suggests that the wording in the text of Annex I is aligned more closely with these. In particular New Zealand believes the use of the word "extinctions" should be avoided as this is not well understood or defined in the document.</p>	<p><b>New Zealand</b></p>
<p><u>The second page in the file called 'Reference Data Model' shows a more detailed data model <del>completed with practical extinctions that are identified to date and are which includes additional data elements</del> used in existing exchanges between competent authorities.</u></p> <p>New Zealand suggests edits to better align this description with the explanatory notes in the file.</p>	<p><b>New Zealand</b></p>
<p><u><del>These extinctions are a high-level tool intended. This information is provided to assist countries' information-technology and policy experts to become aware of available practical solutions for issues beyond the generic reference model and do not have any standardizing or prescriptive character</del></u></p> <p>New Zealand suggests edits to better align this description with the explanatory notes in the file.</p>	<p><b>New Zealand</b></p>

## **ANNEX II PAPERLESS EXCHANGE OF OFFICIAL CERTIFICATES**

	<p>The United States notes there is inconsistency in terminology related to "exporting agent", "the exporter or their agent", and "the exporting business operator". By introducing different terms that are not clearly defined, there is potential confusion. While the United States prefers the "exporter or their agent", we suggest the Committee consider this issue as we finalize the document.</p>	<p><b>USA</b></p>
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<b>Title</b>	we suggest the replacement of "exchange "by "transmission" for the reasons explained above.	<b>FAO</b>
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### SECTION 1 INTRODUCTION

<b>1</b>	1. The United States suggests deleting the reference to the concept of the legality of paperless certification. Rationale: This implies a legal framework is a pre-requisite for a country to engage in this trade facilitating measure which may or may not be the case.	<b>USA</b>
<b>1</b>	1. Suggest to add "for both countries", to avoid this becoming an imposition by one country	<b>FAO</b>
	<u><i>Countries are encouraged to review and update their legislative and administrative requirements to remove barriers that may prevent the future adoption of electronic certification systems, for example removing a requirement to accept or exchange certificates only in paper form.2. Competent authorities <del>may decide to should</del> implement paperless exchange of official certificates, when technically and legally feasible.</i></u>  New Zealand suggest the addition of a new paragraph 1 – to clearly reinforce the expectation that Codex members should take all reasonable steps to facilitate the transition to the paperless exchange of official certificates, including if necessary the review of national legislation. As a consequence of this new opening paragraph New Zealand also suggests that the beginning of paragraph 2 should be amended to clearly support this first statement. As currently drafted the paragraph does not make it clear that both 'legal and technical feasibility' can change if government agree to do so.	<b>New Zealand</b>
<b>3</b>	3. We are not totally clear as to what "message exchanges" refer to- is it the certificate transmission, messages associated with the certificate, or something else?	<b>FAO</b>
<b>5</b>	<u><i>5. This annex provides guidance for use by competent authorities of both importing and exporting countries to ensure an effective, efficient and consistent approach for paperless exchange of official certificates by applying an electronic certification mechanism based on international standards and recommendations, <del>like UN/CEFACT SPS standardized language, structure and exchange protocols, and the Base Information Package for electronic Licenses, Permits, Certificates and Other kinds of the World Customs Organisation Data Model. (WCO DM).</del></i></u>  New Zealand suggests that the description of the scope should stop after 'international standards and recommendation'. The rest of the paragraph should be moved to a footnote - "For example, UN/CEFACT SPS standardized language ..."	<b>New Zealand</b>

### SECTION 3 DEFINITIONS

<b>Electronic certificate</b>  We suggest the Definition "Electronic certificate" should be relocated to be under Section 3 of the Main Guidelines, noting that the first introduction of this term is in para 48 of the Main Guidelines.	<b>Thailand</b>
<b>Non-repudiation service</b>  From our view, this definition is too general and seems not to provide any specific association with the element/aspect to be involved with the transition to paperless exchange and the term "Non-repudiation service" is only used in para 8.2 Section 4 of Annex II.  In order to avoid any confusion, we recommend to remove this definition and include the clear and comprehensive provision clarifying "non-repudiation service" in para 8.2 of Annex II instead.	<b>Thailand</b>

### SECTION 4 – TRANSITION TO PAPERLESS EXCHANGE OF OFFICIAL CERTIFICATES

7. We would suggest to remove the reference to "import and export procedures" as it is unclear as to why would a country implement import and export procedures within their own national borders.	<b>FAO</b>
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7. New Zealand suggests that the words 'the relevant' is inserted after 'implemented' in the first line. This change is suggested to clarify that it is not necessary to have completed implementation of all the aspects listed prior to commencing discussions and trials between trading partners that support the development and operation of the capabilities necessary for a completed transition to full paperless exchange of official certificates.	<b>New Zealand</b>
8. We suggest to add "Where a national single window exists, or is being created" at the beginning of the last sentence, as otherwise it assumes that all countries have single windows.	<b>FAO</b>
8.1.1 We question if this paragraph and the next are within the scope of this guidance document on certification, as digitalizing inspection protocols goes much further beyond paperless transmission of certificates.	<b>FAO</b>
8.1.2 Same observation as above.	<b>FAO</b>
8.2 We wish to seek a greater clarification on relevant international standards recommendations and guidance for the four elements and protocols to be considered, noting that no reference cited for "1. end-to-end communication" and "3. non-repudiation service".  Referring to our comment in Annex II Section 3, we also suggest the inclusion of clear and comprehensive provision clarifying "non-repudiation service" in relevant part of this para.	<b>Thailand</b>
<u>8.2 The non-repudiation service (including certifying officer identity and digital signature<sup>24</sup>)</u>  New Zealand suggests that the brackets including the text and footnote are deleted.  The term 'non-repudiation' is already defined in the guidance and the text of 8.2 already states that international standards, recommendations and guidance should be followed therefore there is no need to add any further detail as proposed in brackets and the associated footnote.  Additionally as noted in the covering Agenda paper (CX/FICS 21/25/5), under 'Conclusions' digital signatures are not the only way to achieve non-repudiation.	<b>New Zealand</b>
<u>8.2 Lodging them with a Single Window system<sup>22</sup>.</u>  suggest modifying by adding "a national single window system, where it exists"	<b>FAO</b>
<u>8.2 Single Window Interoperability<sup>23</sup></u>  Suggest adding "National" before single windows	<b>FAO</b>
<u>9.2. Paper versions of the certificates <del>should stay</del> can continue to be issued in parallel to the electronic exchange until both the importing and exporting country are satisfied that.</u>  The United States does not support that paper versions should stay in parallel to the electronic exchange. The United States has suggested edits that provides the option to continue to issue paper certificates.  Rationale: As drafted, this creates an unnecessarily burdensome requirement, noting this is a decision between the importing and exporting countries.	<b>USA</b>
- Set up a communication channel between the administrators of the two systems, as well as the procedures to be followed in the event of a problem during the exchange between systems, by defining the responsibilities on both sides for the reestablishment of the exchange.	<b>Morocco</b>
10 We request a clarification whether the three mechanisms mentioned in sub-bullets 1) to 3) of para 10 (i.e. Web service interface, Simple Mail Transfer Protocol and a central hub) cover all up-to-date solutions in delivering electronic certificates with security features.	<b>Thailand</b>
<u>13. Countries may consider to move directly from paper official certificates to paperless government-to-government electronic data exchange. Where the exporting country has capacity to produce electronic official certificates but not to exchange data electronically, the involved exporting competent authority may propose for consideration by an importing country to use paper certificates or digital images of certificates with electronic signatures to produce electronic official certificates as an incremental step towards paperless electronic data exchange. In either case, the exporting competent authority may provide the importing</u>	<b>New Zealand</b>

<p><u>country or other interested parties as needed, with the following options to retrieve certificate information:</u></p> <p>New Zealand suggest the addition of some words in the second sentence to clarify that this additional information relates to when an exporting can produce an electronic certificate but is not able to exchange that data electronically.</p>	
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**SECTION 8 –EXAMPLES OF DATA MODELING THE GENERIC MODEL OFFICIAL CERTIFICATE**

<p>[Explanatory notes on the reference data model (electronic version) of the generic model official certificate]</p> <p>The United States is not clear about the placement of the explanatory notes on the reference data model in relation to Annex II, Section 8. The United States has previously questioned whether this highly technical example is appropriate for this guidance. While we agree the technical content is helpful, it will not be possible to maintain up-to-date guidance in this fast-moving field. As an alternative, CCFICS could consider including this as an informational document on the Codex website.</p>	<p><b>USA</b></p>
<p><u>15. Another example of an electronic certificate for food that is aligned with the reference data model in Annex I of this guidance is the CODEX Derived Information Package (DIP) in the World Customs Organisation Data Model<sup>27</sup> (WCO DM). The Codex DIP is a specific Derived Information Package and a subset of the WCO DM.</u> [Translator’s note: The proposed change does not alter the meaning of the English version.]</p> <p>Translation of acronyms</p>	<p><b>Mexico</b></p>