

# codex alimentarius commission



FOOD AND AGRICULTURE  
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Agenda Item 4 b)

CX/FFP 03/5

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FISH AND FISHERY PRODUCTS

Twenty-sixth Session

Ålesund, Norway, 13 - 17 October 2003

### PROPOSED DRAFT MODEL CERTIFICATE FOR FISH AND FISHERY PRODUCTS (OTHER CERTIFICATES)

#### GOVERNMENT COMMENTS AT STEP 3 (Canada, United States of America)

#### CANADA

Canada is pleased to offer the following comments on CL 2002/20-FFP, *Proposed Draft Model Certificates for Fish and Fishery Products (other certificates)*.

#### General Comment:

1. Canada continues to support the "*Proposed Draft Model Certificates for Fish and Fishery Products*" since it reflects the principles established by the CCFICS such as in the "*Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38)*."

#### Specific Comments:

#### Section 5.2.1 - Reference Number

2. **1<sup>st</sup> sentence:** With respect to the clause "*Reference number should be unique . . . of the exporting country,*" Canada wishes to note that:

- Since the initial draft of the model certificates for fish and fishery products, the "*Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates*" (CAC/GL 38) has developed and used the term "identification number" for certificates and this does not correspond with "reference number" used in the model certificates for fish and fishery products; and
- The CCFICS norm (CAC/GL 38) specifies that "each certificate should have a unique identification number" which differs from the proposed text which states that the "reference number should be unique for each consignment."

Therefore, for consistency with CCFICS text adopted, Canada recommends that:

- the 1<sup>st</sup> sentence should be amended as follows: “**Identification Number should be unique for each certificate and should be maintained and assigned by the competent authority of the exporting country**”; and
- the term “*reference number*” or “*certificate number*” be replaced with “**identification number**” in the draft model certificates for fish and fishery products (Annex I to IV).

3. **2<sup>nd</sup> sentence:** With respect to the clause “*Where more than one certificate is issued . . . as stipulated in 5.1.3 . . . identical reference number,*” Canada notes that section 5.1.3 refers to the term “*Model Statement Document.*” For clarity and to ensure consistency with the text of this document, we recommend that the sentence be revised as follows:

“Where a **model statement document** is issued for a consignment as stipulated in 5.1.3, it should reference the **identification number of the primary sanitary/inspection certificate.**”

### **Section 5.2.2 - Country of Dispatch**

4. For the purposes of certification, Canada believes that the “*country of dispatch*” should designate the “**name of the country of the competent authority which has jurisdiction over the production establishment.**” The competent authority of the exporting country executes various functions to assure production of fish and fishery products that comply with relevant requirements. These functions include (but not limited to): the delivery of the fish inspection program (i.e. certification, inspections, audits, etc.), enforcement of national legislation, and the maintenance of approved establishments list(s), etc.

### **Model Inspection Certificate (Annex II)**

5. Canada is of the view that the use of telephone and fax number specified in the introduction box should be optional. If used, we are of the opinion that the telephone and fax number should reference the official inspector and not the competent authority.

### **Model Statement Documents (Annex III and Annex IV)**

6. Canada recognizes that the risk of fraud to certificates should be minimized and tracking of certificates should be maintained. Currently the model statement documents include the clause “*As Addendum to Sanitary/Inspection Certificate no.:*” and this information is important for assuring connection and authenticity with the primary sanitary/inspection certificate. However, the model sanitary and inspection certificate does not have a clear link to indicate that the addendum model statement document was issued. This could make the tracing of this addendum model statement document problematic. To strengthen the linkage between primary sanitary/inspection certificate and the addendum model statement document, Canada proposes the following:

- Add and use an identification number field in the model statement documents;
- The sanitary and inspection certificate should reference the identification number of the model statement document. A suggested addition to the sanitary and inspection certificate could be as follows: “**Addendum Statement Identification Number (if known at time of issue):**”

7. Canada is of the opinion the detail in the model statement documents should be limited to essential inspection information concerning the consignment. This would help encourage their use by member countries. To this end, we have the following comments:

#### **Attestation**

Canada would like to clarify the need for the statement, “*One of the main tasks of (Name of the Inspection Body) for fish and fishery products is to guarantee the wholesomeness and good quality of fish and fishery products exported from (Name of Country).*” Because of the broad nature of this statement, we suggest its deletion.

#### **Inclusion of the Signature of Director General and Head of Division**

Canada would like to clarify the need of the signatures of the Director General of the Competent Authority and Head of the Division in the model statement documents. The inclusion of signatures of Director General and Head of Division is not consistent with the sanitary and inspection certificates which only requires the signature of the official inspector. We therefore suggest

deleting the signatures of Director General of the Competent Authority and Head of the Division.

8. Canada recalls that at the 25<sup>th</sup> Session of the CCFFP, the Committee decided to replace the term “inspection body” with “certifying body” since the latter term was already defined in Codex. An editorial review of the proposed draft model inspection certificate (Annex II) and the model statement documents (Annex III and IV) should be conducted to ensure consistency with the decision of the Committee.

## UNITED STATES

In response to CL 2002/20-FFP, June 2002, the United States respectfully submits the following comments on the following Step 3 document the Proposed Draft Model Certificate for Fish and Fishery Products (other certificates).

To place these comments in context, it should be recalled that at the 25<sup>th</sup> Session of the Committee on Fish and Fishery Products, the United States and other nations expressed the view that, to the extent that certificates are used in international trade to accompany shipments of fish and fishery products, they should essentially attest that the processor is in good regulatory standing with the competent regulatory authority in that country as of the time when the products are produced. Certificates that make this attestation should be regarded as “default” certificates because they should be the certificates that are normally used in international trade.

By contrast, certificates that make any other type of attestation presumably would have to be based on sampling and analysis of the lot or lots in every shipment being exported to the country requiring the certificate, a potentially expensive and resource-intensive proposition. Requiring sampling and analysis of every shipment as a matter of routine would pose at least three major problems in addition to the expense:

(1) It would undermine the significance that Codex generally, and the Codex Committee on Fish and Fishery Products in particular, has placed on the development and implementation of HACCP systems. As we know, while HACCP systems can employ sampling and analysis as part of the verification principle, HACCP was originally applied to food to prevent hazards from occurring in a manner that avoids costly testing regimes.

(2) To the extent that such testing were to involve quality issues in addition to safety, it would risk diverting scarce public health resources away from the safety priorities of the regulatory system of the exporting country. For that reason, extensive quality testing of every shipment, to the extent that it is done at all, should be a private matter between commercial buyers and sellers and not the responsibility of the taxpayers of the exporting country (unless the exporting country voluntarily decides to assume such a burden).

(3) It would appear to be a technical barrier to trade. The United States is not aware of any country that, as a matter of routine, requires regulatory sampling and analysis of every shipment of product that is domestically produced for domestic consumption. To require such a regime of international trading partners, therefore, would be a requirement imposed on imports that is not imposed on domestic product.

The only circumstance that the United States can envision that might justify testing every shipment would be an unusual occurrence or phenomenon, such as a nuclear accident, where the safety of the products in the shipment could not be ensured in any other way, at least initially.

The “inspection” certificate and accompanying “statements” relating to testing for specific hazards, at step 3, fall within the category of certificates that should be used, if at all, only under unusual circumstances. For that reason, the United States recommends that the Section 5.1.2, Annex II “inspection” certificate be abandoned and that the Annexes III and IV, “statement” documents be available as attachments to the “sanitary” certificates now at step 5, for use in unusual situations involving safety. This use should be for no longer than is reasonably necessary, as agreed to by the countries in question.

As currently drafted the “inspection” certificate, Annex II attests that the products in the lot or lots in question adhere to the relevant Codex standard for that product. As we know, Codex standards for fish and fishery products involve a range of characteristics and attributes, many of which, such as weights, counts, etc., relate to quality and not to safety. To be able to attest on a certificate to all of the characteristics and attributes found in a Codex standard could involve a considerable effort, expense, and delay, at least over the long run. Moreover, it is hard to imagine the relevance of most of the results of such testing to the unusual circumstances for which an “inspection” certificate should be reserved. Many of the matters covered in Codex standards are matters of routine trade, and could not possibly relate to urgent and unusual public health situations warranting extraordinary attestations accompanying all shipments. For ordinary matters, it should be sufficient that the certificate attest to the fact that the products were produced under a HACCP and sanitary program in accordance with the relevant Codex code of practice.

The other principal concern of the United States relates to the entities in an exporting country that may or may not issue or sign certificates. (If the recommendation of the United States is adopted and the “inspection certificate” is abandoned, this concern would relate solely to the “sanitary” certificates now at Step 5.) The United States urges that the Committee allow sufficient flexibility for the competent authority in a country to delegate the issuance – including the signing – of certificates to other entities that are capable of performing this function (See CAC/GL 38-2001, Guidelines For Generic Official Certificate Formats And The Production And Issuance Of Certificates, Section 1 - Preamble). In smaller countries or countries with a relatively few producers that export fish and fishery products, the issuance and signing of certificates might be relatively easily performed by a single entity. However, in larger countries with a relatively large number of producers that are geographically scattered, some in remote locations, it can be essential that the competent authority be able to delegate this function. The delegation must include the ability to sign the certificate as well as to perform the functions, such as inspection, that would allow for the certificate to be signed. It would defeat the efficiencies inherent in the delegation if a competent authority still had to sign and issue the certificates after the initial work was performed by another entity. While it is true that the importing country would have to accept certificates that were not always signed by the same entity in the exporting country, the importing country could easily match the signing entity against a list of such entities provided by the competent authority. The inconvenience should be minor, at most. The documents of the Codex Fish and Fishery Products Committee should make it clear that this kind of arrangement is acceptable, as should the definitions of the various entities, e.g., “competent authority,” “certifying bodies.”