

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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ORGANIZATION



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Agenda Item 3 (a)

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

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**PROPOSED DRAFT REVISION OF THE GUIDELINES FOR GENERIC OFFICIAL
CERTIFICATE FORMATS AND THE PRODUCTION AND ISSUANCE OF CERTIFICATES
(CAC/GL 38-2001)**

(N05-2005)

At Step 3

(Prepared by the United States with the assistance of Angola, Argentina, Australia, Belgium, Canada, Chile, Costa Rica, European Community, Finland, France, Ghana, India, Indonesia, Iran, Ireland, Italy, Japan, Kenya, Madagascar, Malaysia, Nepal, Netherlands, New Zealand, Norway, Philippines, Republic of Korea, Romania, Rwanda, Spain, South Africa, Sudan, Switzerland, Thailand, United Kingdom, Venezuela, IDF, and OIE)

Governments and international organizations wishing to submit comments on the following subject matter are invited to do so **no later than 15 September 2006** to: Codex Australia, Australian Government Department of Agriculture Fisheries and Forestry GPO Box 858, Canberra ACT, 2601 (fax: 61.2.6272.3103; E-mail: codex.contact@affa.gov.au), with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, Via delle Terme di Caracalla, 00100 Rome, Italy (Fax No + 39.06.5705.4593; E-mail: codex@fao.org).

BACKGROUND

1. The Committee at its 13th Session (2004) considered a Discussion Paper on a proposed revision of the *Codex Guidelines for Generic Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) prepared by the United States, with the assistance of an electronic Working Group (India, Iran, the European Community and the Philippines)¹.

2. The Committee generally supported the proposal to initiate new work on the revision of the *Guidelines* (CAC/GL 38-2001) and suggested that among other things the revised *Guidelines* (CAC/GL 38-2001) should be outcome-focused, principles-based and less prescriptive than the current ones; clearly separate between mandatory and marketing requirements; provide for flexibility to resolve difficulties related to specific attestations while ensuring food safety; and, should provide for reducing the number of certificates while maintaining the link between a specific consignment and a specific certificate.

¹ ALINORM 05/28/30, paras 103-109.

3. The Committee agreed to recommend to the Codex Alimentarius Commission the revision of the Codex *Guidelines for Generic Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001)² and prepared a Project Document which stated that the main aspects of the work would be to revise the guidelines to:

- Make them more appropriate and flexible;
- Clarify when export certificates should be issued by competent authorities to assure product safety, and ensure fair trade practices, or when attestations are more appropriately provided by commercial entities;
- Cover situations when exporting country national legislation does not authorize the specific attestations requested by importing countries and that a certain level of flexibility by importing and exporting countries may be necessary to resolve difficulties associated with these problems;
- Indicate when certificates could be considered redundant;
- Clarify the Guidelines regarding the application of an export certificate to the shipment of multiple lots of the same product providing that information required by importing countries is still conveyed;
- Clarify the Guidelines to indicate that requests for proprietary information should relate directly to the need for official certification and that, if such information is requested, adequate means to protect such information shall be employed; and
- Recognize that there should be harmonized attestations for similar certification needs to prevent misunderstanding and mistakes and to develop specific attestation examples for common types of certifications.

4. The project document also noted that the *Principles for Electronic Certification*, if adopted by the Commission, would be incorporated in the revision of the *Guidelines* (CAC/GL 38-2001). The Commission adopted the *Principles* at its 28th Session (2005) and they are included in the revised text shown in Attachment 1.

5. CCFICS, at its 13th Session (2004), reconstituted the working group to revise the Guidelines if the Commission approved new work on the item.

6. The Codex Alimentarius Commission, at its 28th Session (2005), approved new work to revise the Codex *Guidelines for Generic Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001)³.

7. CCFICS, at its 14th Session (2005), considered a revised document developed by the Working Group. Numerous comments were submitted on the document and the Committee noted that it was not possible to review the document in detail due to time constraints. The Committee agreed to continue the Working Group⁴ and to further revise the document based on the comments received. The Committee also agreed to a physical meeting of the Working Group.

8. The Working Group, met in Brussels, June 27-29, 2006 at the kind invitation of the European Commission. The physical Working Group meeting was attended by sixty-seven participants representing 25 member countries, one regional economic integration member (the European Community), two international intergovernmental organizations, one international non-governmental organization and the Codex Secretariat. A list of participants can be found in Attachment 2.

² ALINORM 05/28/30, para. 109.

³ ALINORM 05/28/41, para. 93 and Appendix VIII, Job Code N05-2005.

⁴ Lead country United States with the assistance of Angola, Argentina, Australia, Belgium, Canada, Chile, Costa Rica, European Community, Finland, France, Ghana, India, Indonesia, Iran, Ireland, Italy, Japan, Kenya, Madagascar, Malaysia, Nepal, Netherlands, New Zealand, Norway, Philippines, Republic of Korea, Romania, Rwanda, Spain, South Africa, Sudan, Switzerland, Thailand, United Kingdom, Venezuela, IDF, and OIE.

9. The United States, as the lead country of the Working Group, had prepared and circulated electronically for comment to the Working Group a revised paper based on comments submitted to CCFICS at its 14th (2005) Session and the discussion that occurred at this Session. The Working Group considered this revised paper along with comments submitted electronically by Working Group members.

10. The revised paper had been reorganized substantially based on comments made at the 14th Session of CCFICS, principally realigning the text under the various principles.

11. The Working Group carried out a substantial revision of the revised text. The Working Group:

- Agreed that the text should clearly focus on the production and issuance of certificates and not on the process of certification and made substantive changes to the text to take this into account.
- Recognized that exporting countries may provide assurances through means other than consignment-by-consignment certificates, including the use of export lists, and making changes to the text accordingly.
- Recognized that official certificates could be used for food safety and ensuring fair practices in the food trade and included both concepts in the document.
- Rearranged and reworded and/or combined many of the principles for clarity and logic flow. The Working Group also made consequential changes to the organization of the text to take into account the rearrangement of the principles.
- Redrafted the definition of “Official Certificates” to encompass officially recognized certificates and deleted the definition for “Officially Recognized Certificates”.
- Considered the issue of fraudulent certificates a significant problem and agreed to add a substantive section on this issue. In this regard, the Working Group considered the difference between fraudulent certificates and invalid certificates. The Working Group agreed that the two situations were different and requested the Committee to consider whether there was a need to incorporate a section on invalid certificates.
- Recognized the use of attestations developed by other international intergovernmental standards bodies recognized under the WTO SPS Agreement.
- Discussed the inclusion of the provision for including a statement of origin on an official certificate in exceptional cases justified by immediate public health concerns. The Working Group noted the concerns of some participants, that such a provision was not needed, but agreed to retain the provision pending a more full discussion on the subject by the Committee.
- Agreed that the use of electronic certificates was an important matter and made several changes in the text to better accommodate the use of electronic certificates including some revisions to the Principles for Electronic Certification previously developed by CCFICS, adopted by the Codex Alimentarius Commission, and incorporated into the revised Guidelines.
- Agreed to incorporate the section on training under the Principle dealing with the role of the competent authority of the exporting country to be ultimately responsible for the certificates it issues, as this concept was included within this responsibility.
- Agreed to use the term “consignment” rather than “lot” throughout the text as it was more inclusive in terms of how food products are shipped. However, as there was no internationally recognised definition of “consignment” agreed to retain the proposed definition in square brackets for further consideration by the Committee.
- Discussed the concept of traceability/product tracing with respect to export certificates but agreed not to include this tool in the document.

RECOMMENDATION

12. The Committee is invited to consider the proposed draft revision to the Codex *Guidelines for Generic Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) at Attachment 1 with a view towards its further progression in the Codex Step Procedure.

Attachment 1**PROPOSED DRAFT REVISION TO THE
GUIDELINES FOR GENERIC OFFICIAL CERTIFICATE FORMATS
AND THE PRODUCTION AND ISSUANCE OF CERTIFICATES¹****(CAC/GL 38-2001)****(N05-2005)****SECTION 1 – PREAMBLE**

1. These guidelines recognize that the importing country's competent authority may, as a condition for clearance of consignments, require importers to present 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 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 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 standards, 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 the production and issuance of 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 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

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).

authority, including by a certifying body recognized by the competent authority to issue such certificates.

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 conveyed by the same means of transport and dispatched from the same exporting country or part of such country.]

SECTION 4 - PRINCIPLES

8. The following principles apply to the production and issuance of official certificates.
 - A. 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 form 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 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 CERTIFICATES

Principle A. 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. Certificates for products destined for international trade may be appropriate when it is possible that such products may be associated with food safety risks. .
10. Official certificates of products destined for international trade may be appropriate when:
 - Such food products or group of food products may present a food safety risk;
 - There is a potential for unfair trade practices; or
 - Compliance with respect to quality standards is required by the importing country.
11. Specific attestations and information related to the product identified in the certificate can provide assurances that the food or group of food products:

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).

- Complies with the food safety requirements of the importing country;
- Complies with requirements of the importing country related to fair practices in the food trade.

12. 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. 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.

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.

13. Alternative arrangements that provide equivalent assurances with respect to food safety or the prevention of economic fraud or deception should be considered.

14. 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.

15. 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.

16. As an alternative to consignment-by-consignment certificates, it may be appropriate to permit the use of a single certificate to cover multiple consignments. Such certificates may be appropriate when food is produced in a consistent manner, not subject to changes in the level of hazard for which the certificate is required, and not subject to compositional change. Multiple-consignment certificates should have a fixed duration. Importing and exporting countries should agree to the minimum attestations and information that are contained in such certificates.

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.

17. Official attestations and information should not be any more complex or detailed than is necessary to meet importing country requirements in regard to food safety and ensuring fair practices in the food trade.

18. 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 with the objective of reducing the need for extensive detail in certificates.

19. Official attestations and information should be clearly identified in the text of the certificate and not be any more complex or detailed 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:

- product conformity 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.

20. Commercial or marketing specifications, such as specific product attributes or conformance to importer specifications should not be required in official certificates.

21. 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.

22. 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.

23. 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 CERTIFICATES

Principle E. Official certificates, regardless of their form of transmission and their contents, should present information in a form that simplifies and expedites the clearance process while meeting the importing country’s requirements.

24. 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.

25. To the extent practicable, a standard format should be employed for 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.
- Be in a language or languages fully understood by the certifying officer (or accompanied by translations if required) 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.

⁴ When additional information is included on the certificate, it should be constructed in such a way that it is clear who should complete the various parts of the certificate (e.g. laboratory, producing establishment, certifying body)

26. The information related to⁵ the product being certified should be clearly documented on the certificate and should include as a minimum:

- nature of the food⁶;
- name of product⁷;
- quantity, in the appropriate units⁸;
- a description of the commodity and consignment to which the certificate uniquely relates, e.g., lot identifier, security seal number(s) or date coding;
- identity and, as appropriate, the name and address of the processor of the food and storage establishments and their approval number;
- name and contact details of the exporter or consignor;
- name and contact details of the importer or consignee;
- country of dispatch, and region in the case of country regionalization; and,
- country of destination, and region in the case of country regionalization.

SECTION 9—ISSUANCE OF 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.

27. Official certificates issued for the purposes of food safety and/or ensuring fair practices in the food trade 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.

28. The certifying body should:

- Be designated and adequately empowered by national/regional⁹ 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 requirements for further identity or authority; upon request;
- 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.

⁵ This information is not specific to food, as it constitutes the normal field of information contained in any Bill of Lading for transport vessels carrying product between countries. The shipping data on the official certification documentation provides a means of verifying details about the product.

⁶ The World Custom Organization classification should be used when possible.

⁷ Reference may be made to Codex standards.

⁸ Quantity should be in accordance with the International System of Units (Modern Metric System).

⁹ Regional refers to Regional Economic Integration Organisation (REIO) as defined by Article 2, Constitution of the Food and Agriculture Organization of the United Nations.

29. 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.

30. Certificates could 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.

31. 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;
- 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 information required by the importing country should be included on a single certificate, where possible, to avoid multiple or redundant certificates.

32. 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.

33. 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).

34. In case certificates are required from different bodies, a single competent authority may issue the certificate based on information received from other official bodies. Examples of such cases would be certification of animal health status and public health.

35. 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.

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

37. 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

38. Paper certificates should be issued and presented to the exporter or their agent as the original certificate.
39. Paper certificates should, to the extent practicable, be in compliance with the UN Layout Key for Trade Documentation (Recommendation No 1, ECE/TRADE/137).
40. 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.
41. 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 initialed or otherwise approved by the certifying body;
 - for multiple page certificates, it is clear that the pages constitute a single certificate (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 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 time for which the certificate will remain valid;
 - no portion of the certificate is left blank in a manner that would allow it to be amended.

Use of Electronic Certificates

41. 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/UNTDED¹⁰). 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;

¹⁰ 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

- 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.

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

Presentation of Original Certificates

42. 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.

Replacement of Certificates

43. Where, for any good and sufficient reason (such as loss of or damage to the certificate in transit or correction of details), a replacement certificate is issued by the certifying officer, it must be clearly marked "REPLACEMENT" or "IN LIEU OF," before being issued. A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed, and it should have the same content as the original. Where possible, the original certificate should be returned to the issuing authority.

44. When an electronic certificate is replaced, the replacement certificate should indicate that it is a replacement and should reference the number of the original certificate that it supersedes and the date the original was issued.

Revocation of Certificates

45. 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.

Fraudulent Certificates

<p><u>Principle H.</u> 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.</p>
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46. When a competent authority suspects 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 fraudulent certificate is purported to have originated. Additionally, the competent authority of the importing country should retain the associated consignment under its control, pending the outcome of the investigation.

47. Certifying bodies in the countries from which the 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.

48. 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. The product should be destroyed since destruction is a strong deterrent to future fraudulent activity.

49. 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.

Attachment 2

**LIST OF PARTICIPANTS
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LISTA DE PARTIPANTES**

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