

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Agenda Item 4

CX/FICS 00/4

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Eighth Session

Adelaide, Australia, 21 – 25 February 2000

PROPOSED DRAFT GUIDELINES AND CRITERIA FOR OFFICIAL CERTIFICATE FORMATS AND RULES RELATING TO THE PRODUCTION AND ISSUANCE OF CERTIFICATES

Governments and international organizations wishing to submit comments on the following subject matter are invited to do so **no later than 15 January 2000** to: Digby Gascoine, Director, Policy and International Division, Australian Quarantine and Inspection Service, GPO Box 858, Canberra ACT 2601, Australia (Telefax: +61.2.6272.3103; E-mail: codex.contact@affa.gov.au) with a copy to the Chief, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy.

Background

1. The 22nd Session of the Codex Alimentarius Commission agreed¹ that the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) should not undertake the elaboration of a generic official certificate applicable to a broad range of agricultural commodities *per se*, but requested it to consider a discussion paper addressing general guidelines and criteria for official certificates.
2. The sixth session of the CCFICS considered a discussion paper prepared by Australia on the Development of Guidelines and Criteria for a Generic Official Certificate Format. The Committee also decided to consider the paper prepared by Australia together with a discussion paper prepared by the United Kingdom on Rules Relating to the Production and Issuance of Certificates.²
3. The Committee agreed to recommend to the Executive Committee that work be started on Guidelines and Criteria for Official Certificate Formats based on commodity-specific certificates and incorporating Rules Relating to the Production and Issuance of Certificates. Subject to the Executive Committee's approval, the Committee requested the Delegations of Australia and the United Kingdom to jointly prepare a draft for consideration at the Committee's seventh session. The 45th session of the Executive Committee approved as new work the CCFICS proposal to develop the Guidelines.³

¹ ALINORM 97/37, paras. 140-141

² ALINORM 99/30, paras. 37-40

³ ALINORM 99/3, Appendix 3

4. The seventh session of the CCFICS agreed that the proposed draft *Guidelines and Criteria for Official Certificate Formats and Rules Relating to the Production and Issuance of Certificates* be revised by the United Kingdom and Australia with a view towards circulating the text for comments at Step 3.⁴

5. The proposed draft *Guidelines and Criteria for Official Certificate Formats and Rules Relating to the Production and Issuance of Certificates* prepared by Australia and the United Kingdom follows at Annex 1. In drafting this document particular attention was given to comments provided at the seventh session of the CCFICS.

6. It should be noted that paragraph 12 contains square bracketed text reflecting two different approaches to the issuance of certificates in relation to the time of departure of goods from the exporting country.

RECOMMENDATIONS

7. It is recommended that the committee consider the *Proposed Draft Guidelines and Criteria for Official Certificate Formats and Rules Relating to the Production and Issuance of Certificates* with a view to its advancement within the step process.

8. It is also suggested that the committee consider simplifying the title of the document to read: "*Proposed Draft Guidelines for Generic Official Certificate Formats and for the Production and Issuance of Certificates*".

⁴ ALINORM 99/30A, paras. 54-68

PROPOSED DRAFT GUIDELINES AND CRITERIA FOR OFFICIAL CERTIFICATE FORMATS AND RULES RELATING TO THE PRODUCTION AND ISSUANCE OF CERTIFICATES

At Step 3

OBJECTIVES

1. Certificates should contain essential information that meets the objectives of the importing country's quarantine and public health requirements. The level of information required should be adequate for the importing country's purpose and not impose unnecessary burdens on the exporting country or exporter, nor should there be a requirement for the disclosure of information that is commercial-in-confidence unless it is of relevance to public health.

PRINCIPLES

2. Certificates should be designed and utilised in a manner that:

- minimises the regulatory burden;
- maximises the efficient use of regulatory resources;
- simplifies and expedites the certification process;
- improves regulatory transparency;
- clarifies the responsibility of all parties;
- satisfies compulsory trade description requirements;
- provides for accurate identification of the consignment being certified;
- meets identified animal and plant health and public health standards; and,
- facilitates trade.

SCOPE

3. This guideline concerns the design and use of official certificates that attest to attributes of food presented for international trade. The rationale and requirements for export certification should be communicated in a transparent manner and consistently implemented in a non-discriminatory manner.

4. This guideline envisages the possible usage of paper and electronic forms of certification.

CRITERIA

Standard format

5. Official certificates should contain a declaration by the official, or officially recognised, certification body and be duly signed and sealed by an officer authorised for this purpose.

6. Official certificates should contain a clear reference to any regulations, standards or other requirements to which the certified product is required to conform.

7. Where official forms are produced in a physical form, the forms should occupy one sheet of paper or, where more than one page is required, either in such a form that any two or more pages are part of an integrated whole and indivisible sheet of paper or, where this is not possible, each individual sheet should be separately initialled by the certifying officer and/ or numbered so as to indicate it is a particular page in a finite sequence (for example page 2 of 4 pages).

8. Each form should have a unique identification number and be printed in an unambiguous style in a language, or languages, fully understood by the certifying officers and by the receiving authority. A record

of unique identification numbers assigned to batches of printed forms should be maintained by the competent authority and be able to be related to the distribution of the forms.

9. The certificate should clearly identify the certifying body with letterhead and/ or logo.
10. The certificate should clearly describe the commodity and consignment to which it uniquely relates.
11. The certificate should be printed with the required number of copies. Each copy should have some identifier that indicates the correct recipient of the particular copy; for example marking with the word “ORIGINAL” or “COPY” or “ DUPLICATE” as appropriate. Copies may be printed in a different colour to assist in their identification. There should be one Original certificate and at least one copy of the certificate with the identification number should be retained by the certifying authority.
12. [Certificates may be issued after goods have been exported, provided adequate measures are in place to ensure the consignment to which the certificate relates, is intact, identifiable and has not been modified or otherwise manipulated in any way. These measures may include the provision of documentation by another officially recognised body if the consignment has passed out of the control of the issuing authority.] / [No certificate may be issued after the consignment has left the control of the relevant authority except where, under exceptional circumstances, it may be possible to issue a certificate on the basis of assurances from an officially recognised body if the consignment has been under continuous official supervision during transport.]
13. The use of electronic means for the issue or transfer of certificates should be accepted where the integrity of the certification system has been assured to the satisfaction of the relevant authorities of both the importing and exporting country. The original certificate should always be available for presentation to the importing country's authorities on request. When electronic certificates are used, the importing country's inspectors should have electronic access to the certification details.

Details of the consignment

(NOTE: These details are not specific to food, as they constitute 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.)

14. The details of the product being certified must be clearly documented on the certificate. The product to be certified must be clearly identified with the following minimum information:
 - name of product
 - quantity, in the appropriate units, number and weight (or volume) of packages;
 - lot identifier or date coding;
 - port of entry into country of intended destination;
 - manufacturer (if appropriate). This may not always be possible if product is a compilation of various suppliers. However the company (or person etc) responsible for collating the products should be included where this is the case;
 - name and contact details of the importer (consignee);
 - name and contact details of the exporter (consignor);
 - nature of the food (using preferably internationally recognised nomenclature), and;
 - country of origin.

Statement of origin

15. The country of dispatch of the consignment should be specifically declared on the certificate.
16. Where the importing country requires a statement as to the origin of all ingredients in a product, the certificate should specify the origin of any ingredients sourced outside the exporting country.

Health attestations

17. The particular health attestations will be determined by the requirements of the importing country or the food export control system of the exporting jurisdiction and should be clearly identified in the text of the certificate and related regulatory standards. Such standards and related attestations should be based on sound science and may include but are not limited to:

- animal or plant health and public health status,
- product conformity with particular standards;
- the status (licensing details) of processing and/or packaging establishment in the exporting country;
- reference to any associated bilateral/multilateral agreement;
- temperature conditions recommended for the handling and transport of the product should be specified on the certificate.

Responsibilities of the certifying authority

18. The authority for official certification should be designated through related national legislation or regulation in a transparent manner and should be appropriate to particular attestations within a certificate.

19. The authorities should ensure that their procedures allow for the issue of the certificate in a timely manner so as to avoid unnecessary disruptions to trade.

20. The authorities should have in place an effective control system to prevent the fraudulent use of official certificates.

Responsibilities of certifying officers

21. Information to facilitate the correct completion of certificates should be available to all certifying officers and to the parties responsible for providing details for the inclusion in a certificate. This may be printed on the cover of the book of certificates.

22. The certifying officers should conform to the following:

- be fully conversant with the requirements of any regulations or standards that they are attesting to certify on the certificate;
- have access to a copy of regulations or standards that are referred to on the certificate or clear guidance notes issued by the competent authority explaining the criteria that the product must meet before being certified;
- certify that the official has read and understood the relevant regulations, standards or other requirements;
- have no conflict of interest in the commercial aspects of the consignment and be independent from the commercial parties;
- only certify matters which are within their own knowledge (or which have been separately attested to by another competent party); and
- only certify in respect of the circumstances known at the time of signing the document.

Instructions for commercial parties

23. The exporter (consignor) must ensure, wherever possible, that the product covered by the certificate maintains its integrity during transit to the country of destination.

24. The importer (consignee) must ensure that the product is presented to the importing country's authorities with the original certificate in accordance with the importing country's regulations.

Instructions for completing the form

25. Certificates should always be issued and presented, to the exporter or his/her agent, in the original.
26. A copy of the certificate (clearly marked “COPY” or “DUPLICATE”) should be provided to the competent authorities in both the exporting and importing countries, on request.
27. When signing a certificate, the 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 initialled and stamped by the certifying officer using the official stamp of the competent authority;
 - the certificate bears his/her signature, the name address and official position of the certifying officer in clear lettering and, where appropriate, his/her qualifications;
 - he/she has signed, stamped and completed any manuscript portions in a colour of ink which does not readily photocopy - ie: a colour other than black;
 - the certificate bears the date 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 completed by some person other than the certifying officer.

Replacement certificates

28. Where, for any good and sufficient reason (such as damage to the certificate in transit), a duplicate certificate is issued by the certifying officer it must be clearly marked “REPLACEMENT” before being issued.