



ΚΥΠΡΙΑΚΟ  
ΕΜΠΟΡΙΚΟ ΚΑΙ  
ΒΙΟΜΗΧΑΝΙΚΟ  
ΕΠΙΜΕΛΗΤΗΡΙΟ

Λευκωσία 21.6.2016

Προς: Όλα τα Μέλη  
Από: Τμήμα Υπηρεσιών και Εμπορίου  
Θέμα: Νέοι κανονισμοί εισαγωγής τροφίμων από τις αρχές Κίνας

Κυρίες, Κύριοι,

Σας αποστέλλουμε επιστολή από την Πρεσβεία της Κυπριακής Δημοκρατίας στο Πεκίνο σχετικά με τους νέους κανονισμούς εισαγωγής τροφίμων στην Κίνα, για ενημέρωση.

Με εκτίμηση

Χρίστος Πετσίδης  
Διευθυντής Υπηρεσιών και Εμπορίου



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ  
ΠΡΕΣΒΕΙΑ ΠΕΚΙΝΟΥ

Ημερομηνία: 30/5/2016

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ΜΕ ΚΡΥΠΤΟΓΡΑΦΙΚΟ  
ΣΥΣΤΗΜΑ

**ΕΝΗΜΕΡΩΣΗ: Γ3, Α**

**ΚΟΙΝΟΠΟΙΗΣΗ:** (Από Κέντρο)

- ΓΔ Υπουργείου Ενέργειας, Εμπορίου,  
Βιομηχανίας και Τουρισμού
- ΓΔ Υπουργείου Γεωργίας,  
Αγροτικής Ανάπτυξης και Περιβάλλοντος  
(Υπόψη Δ/ντριας Τμήματος Γεωργίας)
- ΜΑΕΕ

(μέσω ΓΔ ΥΠΕΞ)

Γενικό Διευθυντή  
Υπουργείου Εξωτερικών

**Θέμα: Νέοι Κανονισμοί εισαγωγής τροφίμων από τις αρχές Κίνας / Αντιδράσεις από ΕΕ**

Σύμφωνα με τους νέους κανονισμούς της Κίνας, οι οποίοι θα πρέπει να εφαρμοστούν **απαρέγκλιτα** από την 1<sup>η</sup> Οκτωβρίου 2017, αριθμός τροφίμων που θα εισάγονται θα πρέπει να συνοδεύονται από επίσημο πιστοποιητικό πιστοποίησης από το General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) της Κίνας, διαφορετικά δεν θα επιτρέπεται η εισαγωγή (βλ. σχετική επιστολή AQSIQ - Annex B). Όπως αναφέρεται στην επιστολή του το AQSIQ, οι νέοι κανονισμοί βασίστηκαν στον **Codex Alimentarius** καθώς και στη νέα Νομοθεσία της Κίνας για τους Κανόνες της ασφάλειας τροφίμων.

Από πλευράς ΕΕ, Πρέσβης Αντιπροσωπείας ΕΕ στο Πεκίνο, απέστειλε στον αρμόδιο Υπουργό της Κίνας επιστολή (βλ. Annex A), με την οποία επισήμως εξέφραζε τις ανησυχίες ΚΜ ΕΕ σχετικά με τους νέους κανονισμούς, χαρακτηρίζοντάς τους μεροληπτικούς, καθότι αφενός επιβάλλουν, έναν άνευ προηγουμένου, έλεγχο στις εισαγωγές, αφετέρου εφαρμόζεται έλεγχος που δεν ακολουθείται σε αντίστοιχα κινέζικα προϊόντα. Επίσης, το πιστοποιητικό (βλ. Annex Γ), χαρακτηρίστηκε από ΕΕ ως «μη πρακτικό», καθώς ζητείται να εφαρμόζεται μια σειρά από περίπλοκες διαδικασίες, από την παραγωγή στην κατανάλωση «στη βάση σχετικών κανόνων της Κίνας», χωρίς μάλιστα να δίδονται σαφείς επεξηγήσεις. Το πιστοποιητικό δηλαδή, όχι μόνο δεν θα διευκολύνει, αλλά αντίθετα θα είναι χρονοβόρο και εις βάρος της ασφάλειας των τροφίμων. Κλείνοντας την επιστολή, η ΕΕ ζητά από την κινέζικη πλευρά να συζητήσουν το θέμα με τις αρμόδιες αρχές, ούτως ώστε να εξευρεθεί μια πρακτική λύση.

Πέραν των πιο πάνω, επισυνάπτεται επιχειρηματολογία της ΕΕ, στη βάση του Codex Alimentarius έναντι των νέων κανονισμών Κίνας (Annex Δ), καθώς και οι Κατευθυντήριες Γραμμές CAC/GL 38-2001 (Annex Ε).

Ανθή Σπαθή  
Για Πρέσβη



**EUROPEAN UNION**

DELEGATION TO CHINA  
AGRI-SANTE Section

FAX

**Number of pages: 1+2=3**

**Date: 27 May 2016**

**To Ms ZHENG Chunjing**

**Fax: 010-8226 0401**

**(Division Director, International Cooperation Department, AQSIQ)**

**From: Mr Jerome LEPEINTRE**

**Tel: +8610 8454 8186**

**Fax: +8610 8454 8104**

**Subject: Transmission of the letter from EU Ambassador to Minister Zhi regarding the harmonised certificate issue**

Dear Ms ZHENG Chunjing,

Please kindly transmit the attached letter from Mr Hans Dietmar SCHWEISGUT, EU Ambassador to China, to Minister ZHI Shuping regarding the harmonised certificate issue.

Thanks in advance!

**Jerome LEPEINTRE**  
**Minister Counsellor**



EUROPEAN UNION

DELEGATION TO THE PEOPLE'S REPUBLIC OF CHINA AND MONGOLIA

The Ambassador

Beijing, 24 May 2016

Dear Minister Zhi Shuping,

On 25 April 2016 AQSIQ sent to several EU Member States an official note requesting the use of a harmonised certificate for the export to China of any type of foods not covered by specific certification requirements, including shelf stable, heat treated products such as biscuits, pasta or canned fruit. The implementation date of this measure is April 2016 with a transition period of 18 months. From November 2017, food products without official certificate, will not any longer be accepted for import into China. Those measures appear not to be in line with the joint commitment to improve confidence building between China and EU as agreed during the meeting you had with Commissioner Andriukaitis in November 2015.

AQSIQ claimed compliance of the measure with the *Codex Alimentarius* Guidelines for design, issuance and use of generic official certificates (CAC/GL 38-2001).

The EU has major concerns about the practicability of these certification requirements and about the conformity of the measure with general commitments regarding trade facilitation.

While the EU welcomes the development of a food safety law and import requirements into China which are based on international standards, the extension of formal certification to all, even very low, risk product is disproportionate and not justified. According to the *Codex* standard cited above, official certificates should only be required where attestations are essential to ensure food safety. It is generally accepted that there are broad categories of food, which can be considered intrinsically safe, for example products which are shelf-stable at ambient temperature, have undergone a complete cooking process in their manufacture and are securely packaged.

The certification requirements appear highly discriminatory because they impose official oversight over each and every consignment exported to China, with a level of control which would not be proportionate to the risk. In addition those measures would also not be applied to domestic products placed on the Chinese market, action that reinforces the perception of its discriminatory dynamic.

The required certification statements, as required, are simply impracticable, notably the requirement that products are under 'the supervision of the competent authority' throughout production, storage and transport, and 'meet the relevant food safety laws, regulations and standards of the People's Republic of China', without any specification of essential elements. It appears impossible to officially and truthfully certify these conditions – and for intrinsically safe products, there is also no need to do so.

The certification requirements would, in consequence, stand against the general objective of risk-proportionality and of minimising negative trade effects of the Sanitary and Phytosanitary measures applied.

The EU understands and fully respects the responsibility of AQSIQ to control the safety of imported food. The EU is one of the world's largest importer of food and the EU Commission has the same responsibility. Nonetheless, without compromising the safety of consumers, the EU exempted certain categories of food from official certification and border inspection, including those exported from China. Alcoholic beverages are generally exempt from sanitary certification. In cases where the EU requests official certificates for composite foods the certification statements are limited to those components of the product which are of animal origin (i.e. milk, fish or egg products) and requires that these components come from EU-eligible sources.

We will be happy to discuss the matter further with your services with the aim to identify a safe, yet practicable and more trade-friendly solution.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'HN CS', written in a cursive style.

Hans Dietmar Schweisgut

Minister Zhi Shuping  
General Administration of Quality Supervision, Inspection and Quarantine of the People's  
Republic of China  
9, Madiandonglu  
Haidian District,  
Beijing 100088  
People's Republic of China

(Unofficial translation)

Ref.: Zhi Jian Shi Wai Han (2016) No. 327

The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) presents its compliments to the Embassy of the Republic of Cyprus in Beijing and has the honour to kindly inform the latter of the following:

In accordance with Article 92 of the *Law of the People's Republic of China on Food Safety* (hereafter referred as "Food Safety Law"), as well as the Codex Alimentarius Commission's suggestions on the *Format of General Official Certificate and Guidance on Certificate Creating and Issuance*, the AQSIQ has decided to implement the following measures: any importers for food must submit the Certificate for Export of Food to the People's Republic of China accompanying the consignment, which is issued by the competent authorities of the exporting country/region, to the Inspection and Quarantine Authorities at the port of entry when the consignment arrives, in order to prove that the said consignment meets relevant food safety laws, regulations and standards requirements of the People's Republic of China. Sample of the said Certificate is attached herewith.

The abovementioned measures will be implemented step by step. Currently official Certificates issued to food exporting to China by your country according to relevant Chinese food safety laws and regulations or bilateral agreement, are still valid. As of 1 October 2017, health food, special dietary food, bakery and biscuits, candies and sweets, flavourings, drinks, alcohols, preserves, canned fruits that are exported to China, must be accompanied by official Certificate for export of food to China, issued by the competent authorities of the exporting country, and sample of the said Certificate should be confirmed by the AQSIQ. The abovementioned measures are implemented officially as of 20 April 2016 with a 18-month's transitional period. As of 1 October 2017, any import of the abovementioned food unaccompanied by Official Certificate confirmed by the AQSIQ, will not be allowed to enter China.

The AQSIQ has the honour to kindly request the esteemed Embassy to convey the aforesaid information to its competent authorities, and send the information regarding the Certificate issuing authority, sample of the seal of the issuing authority, etc. to the AQSIQ, so as to ensure a smooth bilateral food trade. For any queries, please do not hesitate to contact the Bureau of Import-Export Food Safety of the AQSIQ at the following contact points:

JIAO Yang, CAI Xianfeng

Tel: +86 10 84603870/82262025

The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) avails itself of this opportunity to renew to the Embassy of the Republic of Cyprus in Beijing the assurances of its highest consideration.

Beijing, 25 April 2016

To the  
Embassy of the Republic of Cyprus  
Beijing



附件：通用证书样本（中英文）

XXX国/地区向中华人民共和国出口食品证书 Certificate for Export of Food from XXX Country /Region to the People's Republic of China					
1. Certificate Number 证书编号:					
1. Name, Address of Exporter 出口商名称、地址:			2. Name, Address and Record No. of Importer/Consignee 进口商/收货人名称、地址:		
3. Exporting Country /Region 输出国/地区:			4. Competent Authority 主管当局*:		
5. Country /Region of Origin 原产国/地区:			6. Place of Loading 启运地:		
7. Means of Transport 运输方式:			8. Place of Destination 目的地:		
9. Name, Address, Approval No. (If Applicable) of Production and Processing Enterprise 生产加工企业名称、地址、注册号(如适用):					
10. Name of the Product, if Applicable 产品名称、品牌(如适用)	11. 规格 Specifications	12. Lot /Production Date/Best Before 批号/生产日期/保质期 (At least one option 至少选填一项)	13. Type of Packaging 包装方式	14. Number of Packages 包装数量	15. Net Weight 净重
16. 兹证明 I hereby certify that:					
1) 上述产品来自主管当局监管下的企业。The product(s) described above come(s) from (an) establishment(s) under the supervision of competent authority.					
2) 上述产品在卫生条件下生产、包装、储藏、和运输, 并置于主管当局监督之下。The product(s) described above was/were produced, packed, stored, and transported under sanitary condition, which were under the supervision of competent authority.					
3) 上述产品符合中华人民共和国相关食品安全法律法规和标准要求。The product(s) described above meet(s) relevant food safety law(s), regulation(s) and standard(s) requirements of the People's Republic of China.					
4) 上述产品适合人类食用。The product(s) described above is/are fit for human consumption.					



17. Signature officer 授权 Authorized officer 授权签字	18. Date of Signature 签字日期:	19. official Seal 官方图章:
20. Remark 备注:		

填写说明 Explanatory notes: 本证书不涉及动植物检疫要求。The Certificate does not deal with animal and plant quarantine requirements.

地方省、州级主管机构或国家级主管机构名称。Name of province/state/country competent authority.



## AQSIQ REQUEST TO USE A HARMONIZED CERTIFICATE TO EXPORT FOOD TO CHINA

AQSIQ recently sent to several EU Member States an official note requesting the use of a harmonised certificate in line with the Codex Alimentarius Guidelines for design, issuance and use of generic official certificates (CAC/GL 38-2001) for the export to China of nearly any type of foods. The implementation date of this measure is April 2016 with a transition period of 18 months. While the EU congratulates China for its implementation of this international standard (which was developed under the EU leadership), the EU wishes to draw China's attention on the fact that such a document should not be required for very low risk foods such as biscuits or candies. AQSIQ clarified that this certificate is applicable to any food product for which there is no negotiated specific certificate. The EU intends to cooperate with China in order to help Chinese legislation to focus control measures on the most risky products according to the risk analysis principles.

### Arguments (extracted from the Codex Guidelines)

1. These Codex Guidelines "are not intended to encourage or mandate the use of official certificates for food presented for international trade or to diminish the trade facilitating role of commercial or other types of certificates, including third party certificates that are not issued by, or with the authority of, the government of the exporting country."
2. These Codex guidelines "recognize that while official certificates may help importing countries to achieve their objectives relating to food safety and ensuring fair practices in the food trade there may also be other approaches, which can complement or substitute for official certificates, e.g., establishment listing."
3. Official certificates should be required only where attestations and essential information are necessary to ensure that food safety and/or fair practices in the food trade requirements are met.
4. It may be the case that national legislation does not authorize an exporting country's competent authority to issue the certificate required by the importing country. Such information should be communicated to the importing country. In such instances, the importing country should consider the need to provide flexibility to allow such assurances to be provided by alternative means so long as food safety and fair practices in food trade are assured.
5. Exporting countries may provide assurances through means other than consignment- by- consignment certificates, as appropriate.
6. Alternative arrangements that provide equivalent assurances with respect to food safety or ensuring fair practices in the food trade should be considered.
7. In some circumstances, an importing country may agree to accept from an exporting country a listing of establishments that meet the specific requirements of the importing country. This listing may be used to accomplish the same objectives as consignment-by-consignment certificates, recognizing that the importing country may still need additional information (e.g. mode of transport) for each consignment.

8. 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.
9. Importing countries should make use of international standards, if available, with the objective of reducing the need for extensive detail in certificates.
10. 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.
11. 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.
12. 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.

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## GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES<sup>1</sup>

CAC/GL 38-2001

### SECTION 1 – PREAMBLE

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1. These guidelines recognize that the importing country's competent authority may, as a condition for clearance of food presented for international trade, require importers to present official certificates issued by or with the authority of the exporting country's competent authority.
2. These guidelines are not intended to encourage or mandate the use of official certificates for food presented for international trade or to diminish the trade facilitating role of commercial or other types of certificates, including third party certificates that are not issued by, or with the authority of, the government of the exporting country.
3. These guidelines recognize that while official certificates may help importing countries to achieve their objectives relating to food safety and ensuring fair practices in the food trade there may also be other approaches, which can complement or substitute for official certificates, e.g., establishment listing.

### SECTION 2 – SCOPE AND OBJECTIVES

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4. These guidelines provide guidance to countries on the design, production, issuance and use of official certificates to attest that food presented for international trade has met the importing country requirements relating to food safety, and/or ensuring fair practices in the food trade.
5. These guidelines provide assistance in identifying the information and attestations that can be provided by competent authorities.
6. These guidelines are equally applicable to official certificates regardless of their mode of transmission, e.g., paper or electronic.

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<sup>1</sup> 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.

7. These guidelines do not deal with matters of animal and plant health unless directly related to food safety. However, it is recognized that, in practice, a single official certificate may contain information relevant to several matters (e.g., food safety and animal and plant health).

### SECTION 3 – DEFINITIONS

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**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.<sup>2</sup>

**Official certificates** are certificates issued by, or under the control of the exporting country's competent authority, including by a certifying body recognized by the competent authority to issue such certificates.

**Certifying bodies** are official certification bodies and officially recognized certification bodies.<sup>3</sup>

**Certifying officers** are officers authorized or recognized, by the exporting country's competent authority, to complete and issue official certificates.

**Consignment** means a defined collection of food products normally covered by a single certificate.

### SECTION 4 – PRINCIPLES

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8. The following principles apply to the design, production, issuance and use of official certificates.

- A. Official certificates should be required only where attestations and essential information are necessary to ensure that food safety and/or fair practices in the food trade requirements are met.
- B. Exporting countries may provide assurances through means other than consignment- by-consignment certificates, as appropriate.

<sup>2</sup> *Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995).*

<sup>3</sup> 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).*



- C. Attestations and information required by the importing country should be confined to essential information that is related to the objectives of the importing country's food inspection and certification system.
- D. The rationale and requirements for specific attestations and identifying information should be communicated to exporting countries in a consistent and transparent manner and be applied by the importing country in a non-discriminatory manner.
- E. Official certificates, regardless of their mode of transmission and their contents, should present information in a form that simplifies and expedites the clearance process while meeting the importing country requirements.
- F. The competent authority of the exporting country is ultimately responsible for any certificate it issues or authorizes to be issued.
- G. All relevant attestations and identifying information required by the importing country should be included on a single official certificate, where possible, to avoid multiple or redundant certificates.
- H. Competent authorities should take appropriate action to prevent the use of fraudulent certificates and should assist, as appropriate, in the timely investigation of such use.

#### SECTION 5 – USE OF OFFICIAL CERTIFICATES

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**Principle A**

**Official certificates should be required only where attestations and essential information are necessary to ensure that food safety and/or fair practices in the food trade requirements are met.**

9. Specific attestations and information related to the product identified in the certificate can provide assurances that the food or group of food products:
- complies with the food safety requirements of the importing country; and
  - complies with requirements of the importing country related to fair practices in the food trade.
10. It may be the case that national legislation does not authorize an exporting country's competent authority to issue the certificate required by the importing country. Such information should be communicated to the importing country. In such instances, the importing country should consider the need to provide flexibility to allow such assurances to be provided by alternative means so long as food safety and fair practices in food trade are assured.

## SECTION 6 – ALTERNATIVES TO USE OF OFFICIAL CERTIFICATES

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### Principle B

Exporting countries may provide assurances through means other than consignment- by-consignment certificates, as appropriate.

11. Alternative arrangements that provide equivalent assurances with respect to food safety or ensuring fair practices in the food trade should be considered.
12. In some circumstances, an importing country may agree to accept from an exporting country a listing of establishments that meet the specific requirements of the importing country. This listing may be used to accomplish the same objectives as consignment-by-consignment certificates, recognizing that the importing country may still need additional information (e.g. mode of transport) for each consignment.
13. The mechanisms and criteria for establishing, maintaining and reviewing such lists should be made transparent by the exporting country and agreed to by the importing country.
14. Recognising that a consignment is normally covered by a single official certificate, it is also possible for certain certificates to apply to multiple consignments if agreed by the importing country. In such cases multiple consignment certificates should have a fixed duration.

## SECTION 7 – EXTENT OF INFORMATION, TRANSPARENCY AND NON-DISCRIMINATION

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### Principle C

Attestations and information required by the importing country should be confined to essential information that is related to the objectives of the importing country's food inspection and certification system.

15. The particular official attestations and information to be included on a certificate will be determined by the requirements of the importing country. Importing countries should make use of international standards, if available, with the objective of reducing the need for extensive detail in certificates.
16. Official attestations and information should be clearly identified in the text of the certificate and not be any more complex or detailed or onerous for the exporting

country than is necessary to meet the objectives of the importing country's food inspection and certification system. Such attestations may include, but are not limited to:

- compliance with particular standards, production or processing requirements, if relevant;
- the status (e.g., licensing details) of production, processing, packaging and/or storage establishments in the exporting country;
- the exporting country's animal health status, if it may affect the safety of the food; and
- reference to any associated bilateral/multilateral agreement.

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

18. A consignment consisting of a food sample intended for evaluation, testing or research in the importing country should be clearly identified according to its intended use. It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.

**Principle D**

**The rationale and requirements for specific attestations and identifying information should be communicated to exporting countries in a consistent and transparent manner and be applied by the importing country in a non-discriminatory manner.**

19. In establishing requirements for certificates, importing countries should ensure that criteria will apply equitably to all exporting countries in order to avoid arbitrary or unjustifiable discrimination.

20. Competent authorities of the importing country should, on request, communicate to the exporting country the requirements for the official attestations and information in certificates and their rationale.

## SECTION 8 – DESIGN OF OFFICIAL CERTIFICATES

### Principle E

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

21. The design and utilization of official certificates should:

- simplify and expedite the clearance of the consignment at the point of entry or the point of control;
- provide for accurate identification of the consignment being certified and the parties involved in the production and issuance of the certificate;
- facilitate the importing country's assessment of the validity of certificate; and
- minimize the potential for fraud.

22. To the extent practicable, a standard format should be employed for official certificates. Certificates should:

- clearly identify the certifying body and any other parties involved in the production and issuance of the certificate<sup>4</sup>;
- be designed so as to minimize the potential for fraud including use of a unique identification number, or other appropriate means to ensure security (for example, use of watermark paper or other security measures for paper certificates use of secure lines and systems for electronic certificates);
- clearly describe the commodity and consignment to which the certificate relates;
- contain a clear reference to those official requirements for which the certificate was issued;
- contain attestations by the official or officially recognized certifying body which relates to the consignment described on that certificate and should not be required to be endorsed/re-certified after they are issued; and
- be in a language or languages fully understood by the certifying officer in the exporting country, in transit countries where appropriate, by the receiving authority in the importing country or those countries in which the inspection of the food takes place. Where required the certificates can be accompanied by official translations.

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<sup>4</sup> When additional information is required on the certificate, it should be constructed in such a way that it is clear who has provided the various parts of the certificate (e.g. laboratory, producing establishment, certifying body).



23. The information related to the product being certified should be clearly documented on the certificate and should include as a minimum the following. It may also include additional information as agreed to by the importing and exporting country:

- nature of the food<sup>5</sup>;
- name of product<sup>6</sup>;
- quantity, in the appropriate units<sup>7</sup>;
- a description of the commodity and consignment to which the certificate uniquely relates, e.g., lot identifier, means of transport, security seal number(s) or date coding;
- identity and, as appropriate, the name and address of the producer/manufacturer of the food and/or storage establishments and their approval number;
- name and contact details of the exporter or consignor;
- name and contact details of the importer or consignee;
- country of dispatch<sup>8</sup>, or part of the country where these relate to specific attestations; and
- country of destination<sup>9</sup>.

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

**Principle F**

**The competent authority of the exporting country is ultimately responsible for any certificate it issues or authorizes to be issued.**

24. Official certificates as issued, are ultimately the responsibility of government authorities, while recognizing that it is the food production sector that is fundamentally responsible for food safety and the prevention of fraud and deception as it relates to food in international trade.

25. The certifying body should:

- be designated and adequately empowered by national/regional<sup>10</sup> legislation or regulation in a transparent manner to provide the particular attestations required in an official certificate;

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<sup>5</sup> The World Custom Organization classification should be used when appropriate. When species identification is needed, the Linnaeus classification should be used.

<sup>6</sup> Reference should be made to Codex standards if available.

<sup>7</sup> Quantity should be in accordance with the International System of Units (Modern Metric System).

<sup>8</sup> ISO country codes may be used.

<sup>9</sup> ISO country codes may be used.

- have its designation/ empowerment recognized as sufficient by governments, alleviating the need for any additional endorsement/re-certification of the certificates they issue;
- provide information relating to its official empowerment to the importing country upon request;
- ensure that its procedures allow for the issue of official certificates in a timely manner so as to avoid unnecessary disruptions to trade;
- have in place an effective system to minimize, to the extent practicable, the fraudulent use of official certificates; and
- have in place an effective and timely training program for its certifying officers.

26. If the competent authority of the exporting country has legislative authority to utilize third party certification bodies and has authorized a third party body to issue certificates on its behalf, the competent authority must ensure that there is adequate oversight of the third party, including auditing arrangements.

27. Certificates should normally be issued prior to the consignment to which the certificate relates leaving the control of the certifying body. Certificates may be issued while consignments are in transit to or have arrived at the country of destination only when appropriate systems of control are in place in the exporting country to support this practice and the practice is agreed to by the importing country, and when applicable, to the transiting country.

28. Certifying officers should:

- be appropriately designated by the certifying body;
- have no conflict of interest in the commercial aspects of the consignment and be independent from the commercial parties;
- be fully conversant with the requirements to which they are attesting;
- have access to a copy of regulations or requirements that are referred to on the certificate or clear information and guidance notes issued by the certifying body or competent authority explaining the criteria that the product must meet before being certified;
- only attest to matters that are within their own knowledge (or have been separately attested to by another competent party); and
- only certify to the circumstances that can be verified, directly or by documentation provided, including conformity with production requirements and any other specified requirements between production and date of issue of the certificate.

**Principle G**

All relevant attestations and identifying information required by the importing country should be included on a single official certificate, where possible, to avoid multiple or redundant certificates.

29. Requests for certificates should minimize to the extent possible the need for redundant or duplicative certificates. Examples of such situations include: (1) multiple certificates with similar attestations are required by different agencies within an importing country; (2) multiple certificates are required for different attributes when a single attestation would suffice; and, (3) multiple certificates with similar attestations are required from different certifiers within the exporting country.

30. When a certificate requires multiple attestations (e.g., food safety, animal health and/or plant health) standard attestations developed by organizations recognized in the World Trade Organization (WTO) Sanitary and Phytosanitary Agreement (SPS) may be used (i.e., Codex, OIE, IPPC).

31. In case certificates are required from different bodies, a single competent authority may issue the certificate based on information received from other official bodies. An example of such cases would be attestations of animal health status and public health matters on the same certificate.

32. In instances where the importing country requests that an official certificate contain proprietary information, such requests should be confined to the need to ensure the product meets food safety requirements and to ensure fair practices in the food trade. If such information is requested, adequate means to protect the proprietary nature of such information shall be employed and communicated to the exporter.

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

34. Where, in exceptional cases justified by documented public health problem, the importing country requires assurance that an ingredient originating from a specified country (or countries) is not contained in the exported food; such attestations should be included in the certificate. When the country or countries have managed the risk based on science and the measures implemented to address the hazard are satisfactory to the importing country, the use of these attestations should be discontinued.

***Use of paper certificates***

35. Paper certificates where used should be issued and presented to the exporter or their agent as the original certificate.

36. Paper certificates should, to the extent practicable, be in compliance with the UN Layout Key for Trade Documentation (Recommendation No 1, ECE/TRADE/137).

37. A copy of the original certificate (clearly marked as such) should be kept by the certifying body in the exporting country and be provided, on request, to the competent authority in the importing country, or in a country carrying out import controls on behalf of the importing country.

38. When issuing a paper certificate, the certifying officer should ensure that:

- the certificate contains no deletions other than those required by the text of the certificate;
- any alterations of the certified information are initialized or otherwise approved by the certifying body;
- for multiple page certificates, it is clear that the pages constitute a single certificate including official translation(s) when appropriate (e.g., each page is numbered with the same unique certificate number so as to indicate it is a particular page in a finite sequence);
- the certificate bears the official identifier of the competent authority, signature, name and official position of the certifying officer (the signature may be hand written or a controlled facsimile signature);
- the certificate bears the date, expressed unambiguously, on which the certificate was signed and issued and, where appropriate, the period of time for which the certificate will remain valid; and
- no portion of the certificate is left blank in a manner that would allow it to be amended.

***Use of electronic certificates***

39. Where export certificates are exchanged electronically between the competent authorities of the exporting and importing countries, the system should:

- consider data elements and message structure such as those set/ratified by the United Nations Centre of Trade Facilitation and Electronic Commerce for electronic certificates exchanged between government border authorities (refer ISO/UNTDED<sup>11</sup>). The importing and exporting countries will need to agree on the data elements to be exchanged;

<sup>11</sup> 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](http://www.unece.org/etrades/codesindex.htm)). As an example, DE1004 is a "Document/Message Number". A similar identification in XI2 is 324 "Purchase Order Number".



- consider application of available technologies for data message exchange in such a way as to ensure that data exchange options support business continuity;
- assure integrity of the certification system during the exchange of electronic data to protect against fraud, infection from viruses and other malicious software and to maintain system integrity. Examples of security measures which may be considered include:
  - digital authentication certificates
  - encryption
  - controlled and audited access
  - firewalls
- include a mechanism to control and protect system access against unauthorized entry. This will require the competent authorities of both the exporting and importing countries to agree on access rights, including the officials authorized to access the system;
- include technical or procedural mechanisms to prevent the fraudulent reuse of electronic certificates;
- take into account the limitations of infrastructure and capabilities of developing countries; and
- include a contingency plan to ensure disruption to trade is minimal in the event of system failure.

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

***Presentation of original certificates***

41. In the case of paper certificates the importer or consignee is responsible for ensuring that the product and the original certificate, in accordance with the importing country's requirements, is presented to the importing country's authorities or to the authorities in a country carrying out import controls on behalf of the importing country. In the case of electronic certificates, the importer/consignee or their representative should supply the importing country authority with sufficient details concerning the consignment to allow its identity to be established against the details contained in the certificate.

***Replacement of certificates***

42. Replacement certificates may be issued by a competent authority to rectify certificates that have been for example, lost, damaged, contain errors, or where the

original information is no longer correct. These certificates must be clearly marked to indicate that they are replacing the original certificate. A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed. The original certificate should be cancelled and where possible, returned to the issuing authority.

***Revocation of certificates***

43. When, for good and sufficient reason, there is cause to revoke a certificate, the certifying body should revoke the original certificate as soon as possible and notify the exporter or their agent in hard copy or by electronic means of the revocation. The notice should reference the number of the original certificate to which the revocation refers and provide all particulars regarding the consignment and the reason(s) for the revocation. A copy of the revocation should be provided to the appropriate food control authority of the importing country if the consignment has been exported. An electronic notification should be made to the control authority of the importing country for those countries using electronic certificates. Where the consignment has been provided with a paper certificate, the original certificate should be returned to the issuing authority, if possible.

***Invalid certificates***

44. Despite efforts to prevent errors, official certificates may inadvertently contain incorrect or incomplete information or attestations. Upon discovery of this the export country's certifying body or the importing country's competent authority should notify one another. In such cases the certifying body should, in a timely fashion issue a replacement certificate as described in paragraph 42 or revoke the certificate as described in paragraph 43, as appropriate.

**Principle H**

**Competent authorities should take appropriate action to prevent the use of fraudulent certificates and should assist, as appropriate, in the timely investigation of such use.**

***Fraudulent certificates***

45. When a competent authority suspects on reasonable grounds that an official certificate may be fraudulent, because of deliberate misrepresentation or other criminal activity, it should immediately commence an investigation and involve the certifying body of the country from which the suspected fraudulent certificate is purported to have originated. Considerations should also be given to notify any third country that may

have been implicated. Additionally, the competent authority should retain the associated consignment under its control, pending the outcome of the investigation.

46. Certifying bodies in the countries from which the suspected fraudulent certificate is purported to have originated should cooperate fully with the investigation of the competent authority of the importing country. If the certificate is found to be fraudulent, every effort should be made by the competent authorities to identify those responsible so that appropriate action can be taken according to national/regional law.

47. The product relating to fraudulent certificates should be considered to be in violation of the importing country's requirements since the precise condition of the product is unknown. Destruction of the product is one of the measures that can be implemented since destruction is a strong deterrent to future fraudulent activity.

48. Competent authorities in importing countries should maintain current records of certificates from certifying bodies in pertinent exporting countries, including, in relation to paper certificates, copies of official stamps and marks.

## ANNEX

### GENERIC MODEL OFFICIAL CERTIFICATE

#### *Scope of the Annex*

This Annex is intended to provide additional guidance to competent authorities based on the principles set out in Section 4 and elaborating on the information provided in Sections 8 and 9. When model official certificates for specific purposes are otherwise established by Codex Alimentarius, countries should refer to such guidelines.

Although certificates are primarily focused on sanitary aspects, they may also address aspects relating to fair practices in the food trade where these matters are certified by the certifying bodies.

This model certificate could cover multiple products in a single certificate.

#### *Explanatory notes on the generic model for an official certificate*

##### General:

The certificate should be completed in a legible manner.

If the consignee, point of entry, or transport details change after the certificate has been issued, it is the responsibility of the importer to advise the competent authority of the importing country. Such a change should not result in a request for a replacement certificate to be issued.

The model certificate as it appears includes numbers designed to facilitate establishing a link between a particular section and the corresponding explanatory note. It is not intended that these numbers appear in the actual certificates issued by the certifying body.

##### Specific:

**Certificate type:** the certificate should be marked with "ORIGINAL", "COPY" or "REPLACEMENT" as appropriate.

**Country:** name of the country that issues the certificate possibly accompanied by a logo or a letter head. The objective is to clearly identify the country having the responsibility of issuing the certificate.



1. **Consignor/Exporter:** name and address (street, town and region/province/state, as applicable) of the natural or legal person or entity who sends the consignment.
2. **Certificate number:** this identification number should be unique for each certificate and authorized by the competent authority of the exporting country. For multiple page certificates, see paragraph 38 of document CAC/GL 38-2001.
3. **Competent Authority:** name of the Competent Authority of the country responsible for certification.
4. **Certifying Body:** name of the Certifying Body when it is different from the Competent Authority.
5. **Consignee/Importer:** name and address of the natural or legal person or entity to whom the consignment is shipped in the country of destination, at the time the certificate is issued.
6. **Country of origin<sup>10</sup>:** name of the country in which the products were produced, manufactured or packaged.
7. **Country of destination<sup>10</sup>:** name of the country of destination of the products.
8. **Place of loading:** name of a seaport, airport, freight terminal, rail station or other place at which goods are loaded onto the means of transport being used for their carriage.
9. **Means of transport:** air/ship/rail/road/other, as appropriate and the identification (name or number) of these if available, or relevant documentary references.
10. **Declared point of entry:** if required and available the name of the point of entry authorised by the competent authority of the importing country and, its UN/LOCODE (refer to the United Nations Code for Trade and Transport Locations).
11. **Conditions for transport/storage:** appropriate temperature category (ambient, chilled, frozen) or other requirements (e.g. humidity) for transport/storage of the product.
12. **Total quantity:** in appropriate units of weight or volume for the whole consignment.
13. **Identification of container(s)/Seal number(s):** identify the containers and seal numbers where applicable or if known.
14. **Total number of packages:** total number of packages for all products in the consignment.
15. **Identification of food product(s):** give the descriptive information specific to the product or products to be certified.

Where appropriate: nature of the food (or description of the commodity), commodity code (HS code), species, intended purpose, producer/manufacturer, approval number

<sup>10</sup> ISO Code: the two letter country codes, in compliance with the international standard (ISO 3166 alpha-2), could be used.

of establishments (slaughterhouse, production plant, store (cold store or not)), region or compartment of origin, name of the product, lot identifier, type of packaging, number of packages, net weight per type of product.

- **Nature of the food (or description of product):** description of the product(s) precise enough to allow the product(s) to be classified in the World Customs Organisation's Harmonised System, including the commodity code (HS code) where appropriate
- **Intended purpose (or Food products certified for):** the end use of the product should be specified in the certificate (e.g. direct human consumption, further processing, and trade samples).  
Where a certificate for trade samples is required, 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 samples". 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.
- **Region or compartment of origin:** if applicable: This is only for products affected by regionalisation measures or by the setting up of approved zones or compartments.
- **Type of packaging:** identify the type of packaging of products as defined in Recommendation No. 21 of UN/CEFACT (United Nation Centre for Trade Facilitation and Electronic Business).

16. **Attestations:** information indicating compliance with the relevant regulation(s) of the importing or exporting countries in accordance with the recommendations, as appropriate, of the Codex Alimentarius Commission.

Attestations should be the minimum required for the products certified to ensure food safety and fair practices in the food trade. Attestations should be applicable to the food products certified.

Non-applicable attestations should be excluded or deleted.

There may be other attestations covering different issues (cf. paragraph 7 of document CAC/GL 38-2001).

17. **Certifying officer:** name, official position, official stamp (optional), date of signature and signature.

Certificates should be issued in accordance with section 9 of document CAC/GL 38-2001.

**GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE  
OF GENERIC OFFICIAL CERTIFICATES (CAC/GL 38-2001)**

**LOGO/LETTERHEAD**

**GENERIC MODEL OFFICIAL CERTIFICATE**

**COUNTRY:**

**CERTIFICATE TYPE**

1. Consignor/Exporter:		2. Certificate number:			
		3. Competent authority:			
		4. Certifying body:			
5. Consignee/Importer:					
6. Country of origin:		ISO Code:			
7. Country of destination:		ISO Code:			
8. Place of loading:					
9. Means of transport:		10. Declared point of entry:			
11. Conditions for transport/storage:		12. Total quantity*			
13. Identification of container(s)/Seal number(s):		14. Total number of packages:			
15. Identification of food products as described below (multiple lines may be used for multiple products)					
No.	Nature of the food, commodity code (HS code) where appropriate	Species*	Intended purpose		
No.	Producer/Manufacturer	Approval number of establishments*	Region or compartment of origin		
No.	Name of the product	Lot Identifier*	Type of packaging	Number of packages	Net weight
16. Attestations:					
17. Certifying officer:					
Name:			Official position:		
Date:			Signature:		
Official Stamp:					

The Generic Model Official Certificate should be read in conjunction with the explanatory notes.

\* If required