



APEC EXPORT CERTIFICATION WORKSHOP

BRINGING OUR DISCUSSIONS TOGETHER

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Framework for Workshop

The efficient movement of food between economies with the minimum requirements necessary to ensure the protection of the importing economy's consumers and plant and animal health.



2010 Survey Discussion

- Is export certification about right?
 - Some cases yes, some cases no. In some cases have parallel systems (govt – govt, industry)
- Are there unnecessary requirements- often yes
- Trust is critical factor- without trust the importing economy may default to a system with more certification than might otherwise be necessary
- Use of certificates needs to be based on true risk and true performance
- Existing international guidance often lacks sufficient detail
- A valuable exercise may be a detailed internal review of practices - ask why are we conducting a specific activity- if there is no clear cut reason can activities could be reduced by a substantial percentage.



Observations

Purpose and Objectives of Export Certificates, Types, Rationales, Formats, Verification of Attestations, Codex Guidance

- Noted increase in requirements for certificates and attestations- and questioned whether this increase is needed
- Need to carefully consider the purpose of official certificates- to document that consignments are produced under production and/or processing controls that have been determined to be essential
- Noted the need to carefully consider the level of prescriptiveness- can we approach from an outcomes-based perspective?
- Noted the need to reduce duplication, streamline approach to certification when possible- including harmonized formats and use of electronic certificates
- Recalled the Codex guidance on certification and certificates including principles and generic format
- NZ presented several concepts for consideration and possible endorsement by the Workshop.



NZ Concepts

- Official Certificates may be required where a material difference in the level of protection achieved exists between countries and the risks cannot be effectively managed through commercial assurances.
- Consideration should be given as to whether multiple types of assurances can be combined on a single certificate.
- The addition of simplified statements as to the consignment also meeting the requirements of one or more third countries can facilitate subsequent certification from the first importing country.



Observations

In Regards to Impact of Knowledge, Confidence and Experience on Certification Requirements

- Knowledge, confidence and experience can be a valuable concept when considering the nature and extent of export certification that may be required by the importing country.
- Objective criteria are needed and care needs to be taken to avoid having developing economies feel disadvantaged.
- Extent of guidance we have in use of knowledge, confidence, and experience is limited- additional may be needed.
- Such guidance might assist an importing country assess performance risk vs. the level of assurance required.
- Internationally, we tend to overcomplicate the level of certification required, by not separating actual level of assurance required from prescriptive requirements.



Observations

Industry's Programs to Assure Food Safety Through Commercial Channels

- Food safety management involves a comprehensive system with interaction between multiple entities- regulatory agencies, the scientific community, and consumers
- Food Safety is incorporated into fundamental product design (risk assessment) and HACCP operational systems (risk management)
- Food safety is a basic responsibility across the company at all levels
- Regulatory requirements are the minimal requirements to be met - corporate food safety requirements are normally both more extensive and often more stringent
- Corporate requirements integrate both food safety and quality specifications
- Certification issues: infringement on proprietary information; per shipment/per lot certification vs. multiple shipment or systems-based approach; difficult to certify (biotechnology foods, irradiation); lack of knowledge of certification requirements and product hold at port of import); unnecessary certificates.
- Need to carefully consider what ought to be provided via commercial certification vs. what is appropriate for governments to provide.



Observations

Country's Experiences with Export Certificates

- Broad spectrum of programs, procedures and processes.
- Multitude of identified issues/challenges associated with certification programs
 - Lack of harmonization of certificates for same certification purpose
 - Frequent changes/modifications of certificates and/or certification requirements
 - Redundancies in required certificates
 - Certifications that are viewed as unnecessary
 - Multiple certifications/certificates/attestations for same product
 - Language requirements
 - Information on certificates often too extensive
 - Difficulty to include multiple products on one certificate
 - Difficulty in rectifying errors
 - Communication with competent authorities can be difficult
 - Certification is resource intensive- both re: personnel and documentation



Observations

Country's Experiences with Export Certificates

- Recommendations
 - Move towards a systems control approach rather than reliance on certification
 - Move towards electronic certification systems
 - Move towards harmonized certificate format
 - Move towards multiple attestations (food safety/animal health/plant health) on a single certificate



Observations:

Use of other assurances; avoiding redundancies Risk in relation to certification; Simplification and streamlining

- Need to decide how to provide assurances – border vs. pre-border checks; Need to decide where to put resources. Not just at border. Systems must be risk based. Leverage whenever possible. Needs to take into account of roles of both government and industry (producers/processors, importers, exporters).
- Pre-border programs to provide assurances can be multiple: systems recognition, supplier verification programs, use of third parties, establishment registration, importer qualification programs, audits/inspections, mandatory certification.
- Pre-border activities must take into account a number of considerations: assurance of controls of exporting countries, food business controls and oversight, product mix and associated risks, overall integration of assurances- both in-country and border.
- Look at mechanisms of providing assurances as a “tool-box” where you can choose what works best for your situation- taking into account these considerations. Likely a mix of government and industry programs. The pieces must fit together.
- Actual mix of assurances (pre-border, border) is likely to be country-specific and product specific.
- Need to formalize arrangements; options include agreements (re: Codex guidance); establishment lists, use of certificates.
- Implementation needs to be clear and transparent.
- Implementation should minimize duplication of activities (e.g., inspection) – LEVERAGE is key; should be cooperative between parties, and maintainable.



Observations

Roundtable Question: Official Certificates should only be required when a material difference in public, animal or plant health exists between the parties

- Material difference would need to be defined- material difference may in some cases be global in nature but likely would be specific between trading partners.
- Material difference would need to be verified via audits or some other form of verification.
- Priority lists of countries/economies would probably need to be developed- could be lengthy process.
- Minimal level of trade may be required as a pre-requisite.
- Importer registration and facility listing could be required.
- Legislative restrictions may be an impediment to change.
- Laboratory capacity and accountability would be involved.
- If equivalence (or some form of systems recognition) involved, this could be both a facilitating and complicating factor- if equivalence involves only a standard/measure/group of measures, the situation is simplified.



Observations

Roundtable Question: How do we minimize the need for certificates?

- Change the paradigm/change the thought process— why is certification required or used? Is there a better way of providing assurances. What should be certified by governments and what can be done via buyer/seller?
- Establish trust and confidence in national food supply system and develop performance standards to provide objective basis of performance.
- Encourage the use of existing international standards/guidance to provide a basis of assurance; identify where international standards/guidance is needed/where gaps exists.
- Apply the appropriate level of risk: APEC could develop a list of products/risks and recommend whether/when certification is required.



Observations

Roundtable Question: How do we minimize the number of prescriptive attestations appearing on official certificates?

- Align with Codex guidance.
- Use a risk-based approach; only require attestations commiserate with risk.
- Capacity to verify requirement should be a pre-requisite to developing/implementing certification requirements.
- Utilize knowledge, experience and confidence with trading partner to reduce need for certification/attestations. Trust between countries re: the capability of the national food control systems is critical.
- Single window concept can facilitate certification and accompanying attestations.
- Use of generic names and Codex can simplify attestations.
- Use of third parties or commercial attestations can ease burden on regulators by limiting the need for govt-to-govt attestations.



Observations

How can we encourage use of the Codex Generic Model Official Certificate and existing Codex Standards?

- Begin with your own agency/ministry.
- Outreach and discuss- both internally and bilaterally.
- Incorporate use of generic certificate in bilateral or multilateral negotiations when opportunity arises (e.g., FTAs).
- Further encourage APEC economies to utilize Codex generic model certificate.
- Engage customs officials in use of Codex guidance/including use of generic certificates.
- Increase use of electronic certification with application of Codex generic certificate as base format.
- Develop sample certificates/attestations for use as guidance models.
- Encourage industry support and advocacy for use of Codex generic certificate (and overall use of Codex standards).



Observations

What themes have you heard this morning and afternoon that we might wish to discuss in more depth at this meeting?

- What more could be done to encourage acceptance of the Codex generic certificate template?
- Expand guidance on the use of knowledge, experience and confidence.
- Expand guidance on product risk and need for certification.
- Consider how to truly move towards use of a single certificate.
- Consider how to develop and encourage use of a common nomenclature for certificates.
- Consider downstream requirements to fulfill requirements (costs/resources)- how to maximize cost/benefit.
- Further consider concepts put forward by New Zealand.



Roundtable: 1. What have we learned from our discussions? New Questions; Questions answered

- Holding importers responsible for requirements
- How to ensure greater coordination and integration among multiple agencies including customs?
- Economies really need to work towards limiting or eliminating certificates
- How much certification is currently used?
- There is no harmonization with respect to export certificates
- Broad lack of acceptance of Codex standards
- Too much certification is being required
- Certification is too complex for risk associated with the product
- We have similar goals in ensuring public and animal health...



Roundtable: 2. How can governments work together and with industry to utilize certificates and certification appropriately and efficiently

- Trust and confidence: create a common language and understanding on part of both parties; clear roles and responsibilities; capacity building; consumer groups play a role as industry and government work together
- Common goals, consider resources, utilize Codex standards
- Extending coordination to trading partners
- Focus on high risk commodities to provide harmonized assurances
- Industry engagement: what can and should be provided to ensure traceability and regulators can review and use as appropriate.



Roundtable: 3. How might APEC economies minimize the need for official certificates

- Work towards systems recognition (comparability)- based on risk- result in bilateral agreements that would waive certificates.
- Strengthen pre-border activities such as audits to reduce need for certificates
- Undertake inventory of certificates, identify which are redundant, determine clear purpose statement for remaining certificates
- Develop a discussion paper on how to decouple commercial use of official certificates from government for same
- Develop a principle paper that all APEC economies can agree to – appropriate attestations; ways to simplify certificates; ways to facilitate trade; highlight the use of electronic certificates.
- Project on performance-based outcomes be prepared and sent to CCFICS
- Do another survey that would include industry
- Do another case study on a commodity other than wine.
- Knowledge of the control systems and third countries and trust in governments and industry.
- The work of APEC sets the mood or tone to approach commercial partners and third countries to recognize your control system and eventually eliminate certificates
- Building common framework to identify broad risk profiles that might take into country's infrastructure, companies and commodities and these risk profiles might justify the reason for a certificate (benchmark). Ask why.
- Support building a simplified certification structure into MRA, MOUs
- Support developing a common language that would facilitate an e-cert approach
- Develop a model APEC certificate including model attestations- e.g., free sale, animal health, onward certification



Way Forward

- All delegates in this forum should be ambassadors to their own government
- Develop action plan
- A retrospective review of the certification requirements as identified by industry and regulators; priorities based on science and risk.
- Develop electronic certification standard package of information
- Identify the core elements for SPS text in FTAs and other agreements
- Broaden the scope of this group to include OIE, IPPC and WCO
- Utilize e-working group to progress projects/discussion papers
 - Electronic certification standard package
 - Retrospective review of the certification
 - Building a common framework to identify broad risk profiles
 - Work towards a model APEC certificate including model attestations on animal health, free sale, and onward certification
 - **Develop a principles paper that all APEC economies can agree to: appropriate attestations, ways to simplify certs, certificate minimization, knowledge/experience/confidence, ways to facilitate trade, and that would also highlight the use of electronic certification.**