



Electronic sanitary and phytosanitary certification in agricultural trade

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RELEVANT AGREEMENTS





**WTO Agreement on the Application of Sanitary and
Phytosanitary Measures (SPS Agreement)**

WTO Agreement on Trade Facilitation



Development of SPS measures: key principles

- SPS measures should *inter alia* be:
 - non-discriminatory
 - transparent
 - not more trade-restrictive than necessary
 - science-based (risk assessment)

Scientific justification - Harmonization

Article 3

Standard-setting organizations

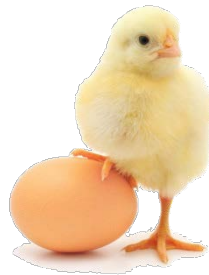
food safety

C O D E X
ALIMENTARIUS
International Food Standards



animal health

Oie



plant health



Codex = Joint FAO/WHO Codex Alimentarius Commission
OIE = World Organization for Animal Health
IPPC = International Plant Protection Convention (FAO)



Enforcement/implementation of SPS measures – Annex C

- Members required to avoid unnecessary trade disruption and transaction costs for traders when performing control, inspection and approval procedures
 - no undue delays;
 - information requirements limited to what is necessary;
 - non-discriminatory fees (not higher than actual cost of service),
 - non-discrimination in siting of facilities and selection of samples;
 - procedure to review complaints, take corrective action, etc.

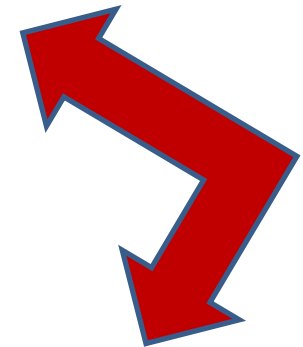
SPS Annex C closely linked to TFA



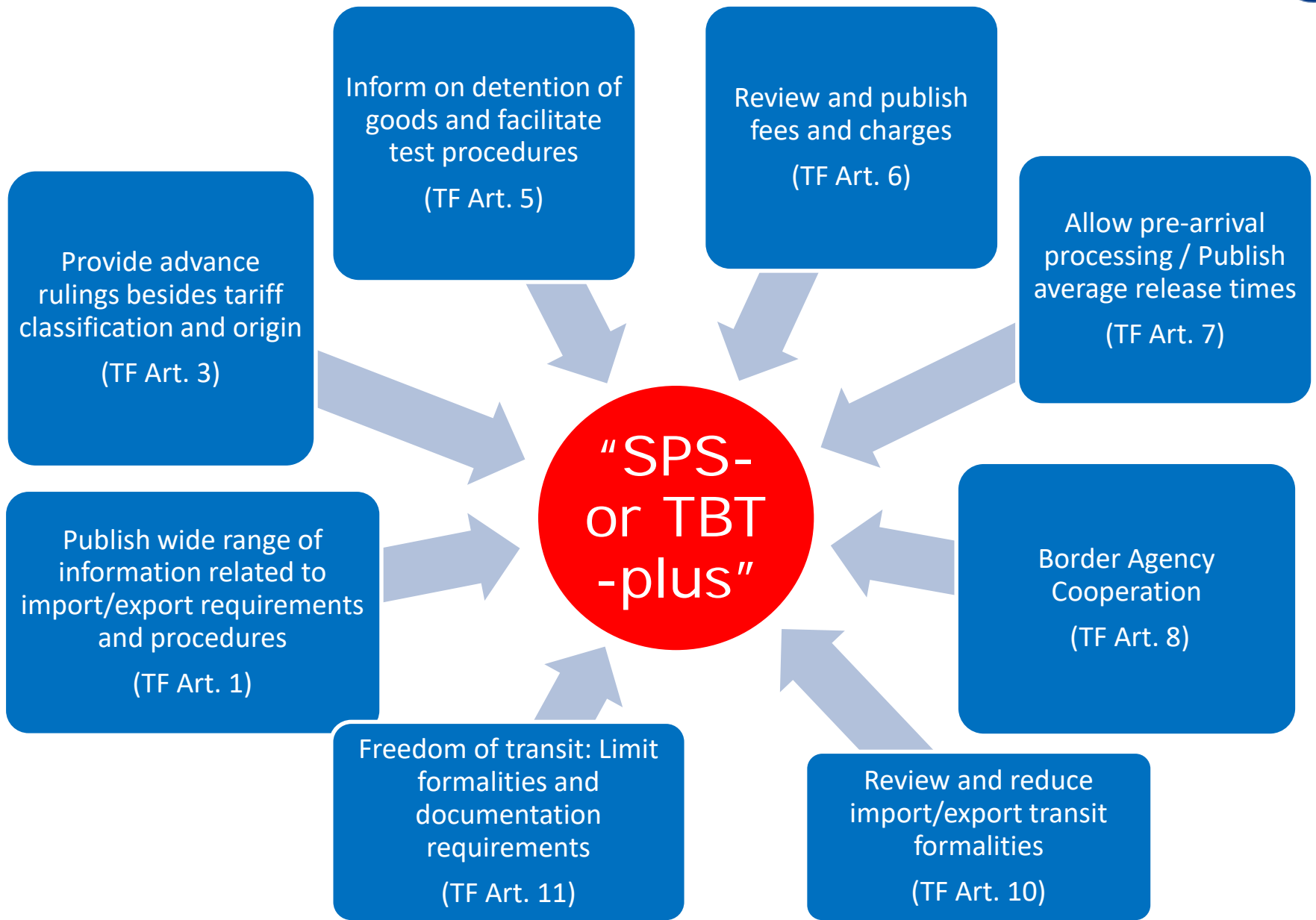
TFA Final Provisions: paragraph 6

“nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the TBT and SPS Agreements.”

BUT.....



some TFA provisions may be "SPS-plus" or "TBT-plus"
adding obligations going beyond SPS & TBT Agreements





Role of SPS certification

SPS certificates are used to attest that consignments meet the import requirements.

YET

Fraudulent SPS certificates are still a major concern in international trade:

- **Undermine the reputation of the competent authority of the exporting country**
- **Enhance the risk of spreading of pests and diseases**



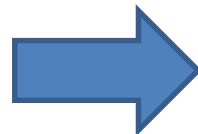
What is an electronic SPS certificate?

Electronic SPS Certification is the authenticated, non-repudiative and secure electronic transmission of sanitary and phytosanitary certification data, including the certifying statement, from the competent authority of the exporting country to the competent authority of the importing country.

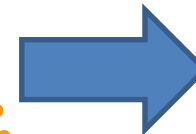
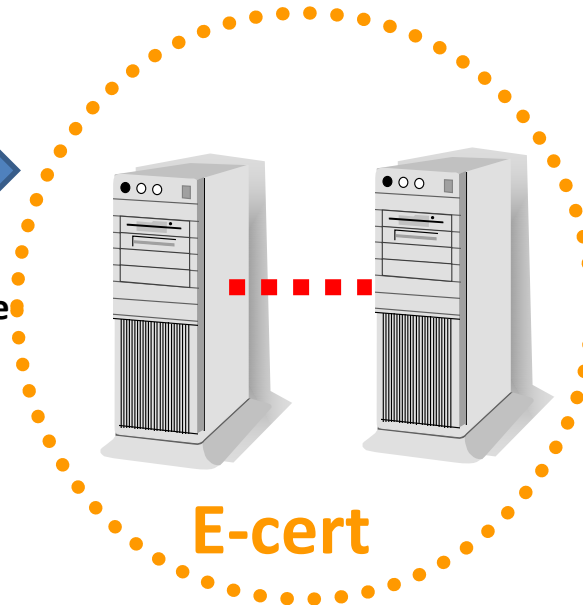
EXPORTING COUNTRY COMPETENT AUTHORITY



Certification process
Inspection procedure,
testing,...



Sending
certificate



Receiving
certificate



Import procedures
Inspection,
release,...



Advantages of electronic certification

Integrity

- Electronically secured certificates
- Cross-checking in real time
- Single national register of certificates

Efficiency

- Online application and processing
- Faster processing through pre-validation
- Faster processing cuts clearance time

Security & compliance

- Very difficult to forge
- Improved compliance with policies and procedures
- Online verification for third parties / importing nations

Productivity

- Single view of all relevant information
- Searchable database with all certificates
- Simple maintenance of forms



International standards applicable to import/export certification

OIE animal health code

Art. 5.2.1. Protection of the professional integrity of the certifying veterinarian

Art. 5.2.2. Certifying veterinarians

Certifying veterinarians should:.....

Art. 5.2.3. Preparation of international veterinary certificates

Certificates should be drawn up in accordance with the following principles:.....

Art. 5.2.4. Electronic certification



Art. 5.2.4. Electronic certification

“Certification may be provided by **electronic documentation** sent directly from the Veterinary Authority of the exporting country to the Veterinary Authority of the importing country.

The Veterinary Authority should have in place systems for **the security of electronic certificates against access by unauthorised persons or organisations.**

The certifying veterinarian should be officially responsible for the **secure** use of his/her **electronic signature**”



International standards applicable to import/export certification

Codex Alimentarius

Codex guideline **CAC/GL 38-2001**: Guideline for design, production, issuance and use of generic official certificates (**Sections 2, 3, 4, 8 and 9**)

› Certificates:

- ➔ Are defined as paper or electronic documents
- ➔ Are applicable regardless the mode of transmission (paper or electronic)
- ➔ Should meet the requirements of the importing country

› Issuance of official certificates

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

› Use of electronic certificates

2016 : Codex Committee on Food Import and Export Inspection and Certification Systems (**CCFICS**) created an e-WG on electronic certification



International standards applicable to import/export certification

International Plant Protection Convention

- IPPC (Article IV (2), Article V and Annex)
- ISPM 7 and ISPM 12

*“When electronic phytosanitary certificates are issued, the certification data should be authenticated by the issuing NPPO. **This authentication process is equivalent to the signature of the authorized public officer and stamp**, seal or mark. Authenticated electronic certification data is equivalent to the completed paper document of the phytosanitary certificate for export “*



Fraudulent phytosanitary certificates (ISPM 12)

Fraudulent phytosanitary certificates typically include those:

- issued on non-authorized forms*
- not dated, stamped, marked or sealed, and signed by the issuing NPPO*
- issued by persons who are not authorized public officers.*

Fraudulent phytosanitary certificates are invalid.

*The NPPO issuing phytosanitary certificates should have safeguards against their falsification. **In the case of electronic phytosanitary certification, safeguards against falsification are an element of the electronic certification mechanism.** The NPPO of the exporting country should take corrective action when notified of a non-compliance.*



Implementation: What guidance are countries receiving on the “how to?”



**Ongoing discussion at the WTO
related to e-commerce: An
opportunity to address the issue of
mutual recognition of e-signatures /
authentication?**

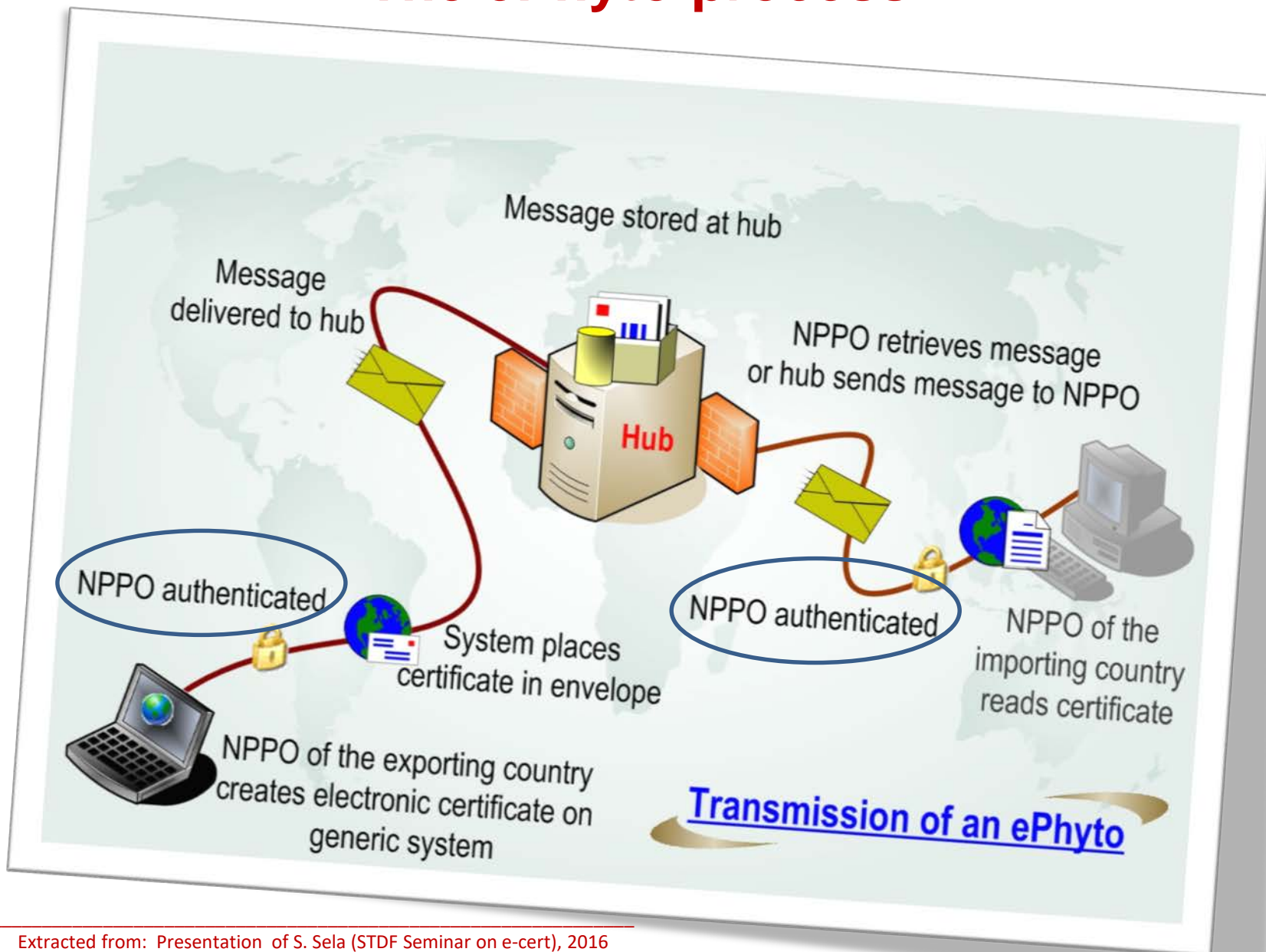


IPPC project on electronic phytosanitary certification (ePhyto): does it address authentication, integrity and non-repudiation challenges?

- A global initiative led by the International Plant Protection Convention (IPPC)
- Establish a ePhyto Solution comprised of a **Hub** and a **Generic National System** (a simple web-based system to produce certificates)
- ePhyto once established and accessible to all Contracting Parties should enable them to communicate phytosanitary assurances in a modern, cost effective and globally harmonized way



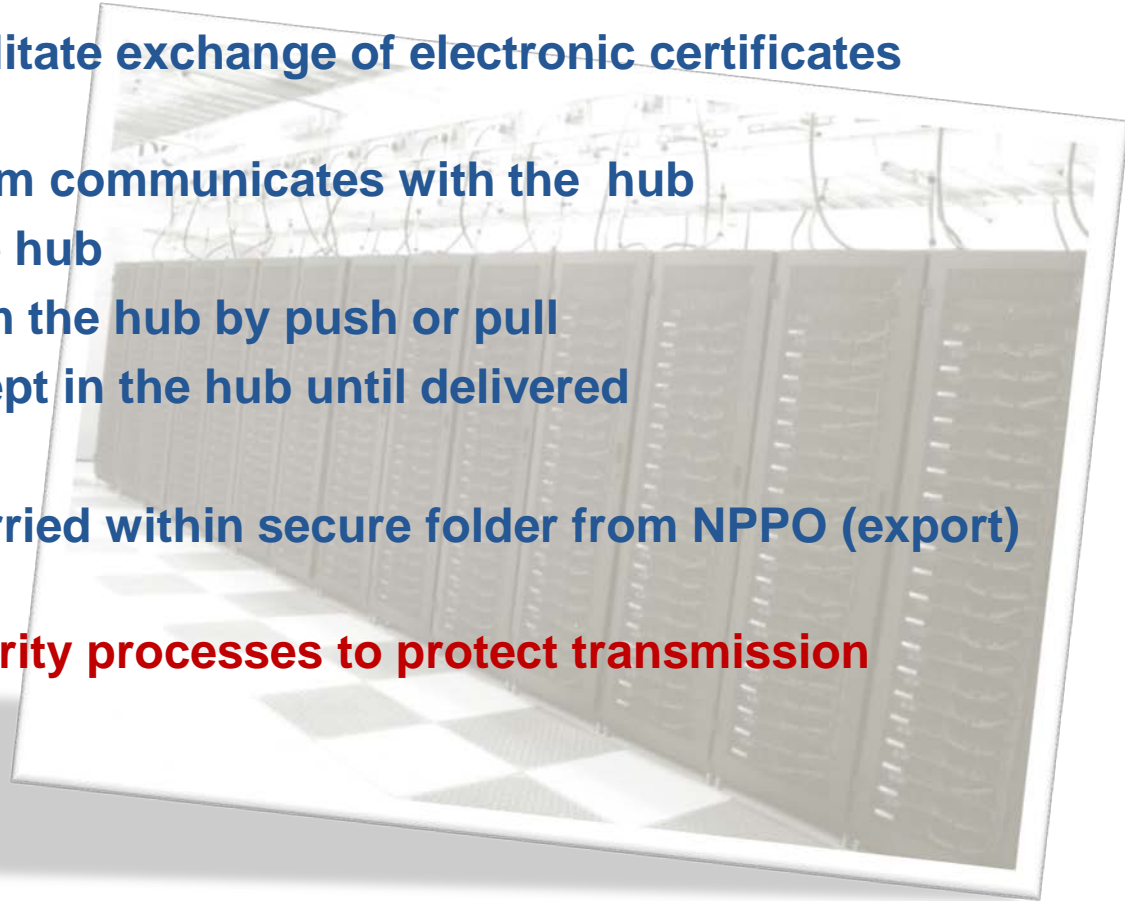
The ePhyto process





The hub

- Centralized server to facilitate exchange of electronic certificates between NPPOs.
- Generic or national system communicates with the hub
- Pushes certificates to the hub
- Receives certificates from the hub by push or pull
- ePhyto messages only kept in the hub until delivered
- Secure NPPO access
- Electronic certificates carried within secure folder from NPPO (export) to hub to NPPO (import)
- **Uses internet based security processes to protect transmission**
- Highly configurable





Conclusion

Additional guidance may be required to promote best practices in electronic signature, encryption, and authentication to facilitate implementation of SPS-related electronic certification standards



Thank you for your attention

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