

Aquatic Animal Health Standards Commission Report

New

October 2008

USA Comments

CHAPTER 1.3.2.

CERTIFICATION PROCEDURES

Article 1.3.2.1.

Protection of the professional integrity of the certifying official

Certification should be based on ~~the highest possible~~ codified or enforceable ethical and legal standards, ~~the most important a central element~~ of which is that the professional integrity of the *certifying official* must be respected and safeguarded.

It is essential ~~not~~ to include in ~~the any~~ requirements ~~additional specific matters that cannot~~ only those specific statements that can be accurately and ~~honestly validly~~ signed by a *certifying official*. For example, these requirements should not include certification of an area as being free from *diseases* that are not notifiable to the Competent Authority in that country, or the occurrence of which the signing *certifying official* is not necessarily informed about. Equally, to ask for certification for events that will take place after the document is signed is unacceptable when these events are not under the direct control and supervision of the signing *certifying official*.

Certification of freedom from *diseases* based on purely clinical freedom and ~~aquatic animal~~ population history is of limited value. This is also true of *diseases* for which there is no specific diagnostic test, or the value of the test as a diagnostic aid is limited.

~~The purpose of the note of guidance referred to in Article 1.3.1.1. is not only to inform the signing certifying official but also to safeguard professional integrity.~~

Rationale: These edits were made to provide better clarity. Specifically, unless such 'ethical standards' are described in this section, there may be confusion in referring to them in a context of 'the highest possible' or 'respected', which are cultural or otherwise relative terms.

Article 1.3.2.2.

Certifying officials

Certifying officials should:

1. be authorised by the *Competent Authority* of the *exporting country* to sign *international aquatic animal health certificates*;
2. only certify matters that are within their own knowledge at the time of signing the certificate, or that have been separately attested by another competent party authorised by the *Competent Authority* and for which supporting documentation has been provided;
3. sign only at the appropriate time certificates that have been completed fully and correctly; where a certificate is signed on the basis of supporting documentation, the *certifying official* should be in possession of that documentation before signing;
4. have no conflict of interest in the commercial aspects of the *aquatic animals* or *aquatic animal products* being certified and be independent from the commercial parties.

Rationale: Independent verification ability of the Competent Authority is necessary for such secondary certifications. This supporting documentation is important since the Competent Authority is ultimately responsible for the certification made under its name.

Article 1.3.2.23.

Procedures for the Preparation of international aquatic animal health certificates

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

1. Certificates should be designed so as to minimise the potential for fraud including use of a unique identification number, or other appropriate means to ensure security. Paper certificates should be ~~pre-printed, if possible on one sheet of paper, serially numbered, and issued by the *Competent Authority* on officially headed notepaper and, if possible, printed using techniques that prevent forgery.~~ bear the official identifier of the issuing *Competent Authority*. Each page of a multiple page certificate should bear the unique certificate number and a number indicating the number of the page out of the total number of pages. Electronic certification procedures should include equivalent safeguards.
2. They should be written in terms that are as simple, unambiguous and easy to understand as possible, without losing their legal meaning.
3. If so required, they should be written in the language of the *importing country*. In such circumstances, they should also be written in a language understood by the *certifying official*.
4. They should require appropriate identification of *aquatic animals* and *aquatic animal products* except where this is impractical (e.g. eyed eggs).
5. They should not require a *certifying official* to certify matters that are outside his/her knowledge or that he/she cannot ascertain and verify.
6. Where appropriate, they should be accompanied, when presented to the *certifying official*, by notes of guidance indicating the extent of enquiries, tests or examinations expected to be carried out before the certificate is signed.

7. Unless substitutions or other changes are acceptable to an importing country, their text should not be amended except by deletions that must be signed and stamped by the *certifying official*. The signature and stamp must be in a colour different to that of the printing of the certificate.
8. Only original certificates should be ~~are accepted able~~ accepted by the *importing country*.
9. Replacement certificates may be issued by a *Competent Authority* to replace original certificates that have been, for example, lost, damaged, contain errors, or where the original information is no longer correct. These ~~original certificates~~ replacements should be provided by the issuing authority and ~~These must~~ be clearly marked to indicate that they are replacing the original certificate. A replacement certificate should reference the number and the issue date of the certificate that it supersedes. The superseded certificate should be cancelled and where possible, returned to the issuing authority.

Rationale: For point 7, this edit was made based on the U.S. Competent Authority's experience with negotiating documents used in international trade.

For point 9, the first sentence states that replacement certificates may be issued to replace original certificates that contain errors. In that case, a replacement certificate will not be a duplicate, because the duplicate would contain the same errors. Instead, a replacement document would be issued that corrects the errors.

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