

CHAPTER 5.1.

GENERAL OBLIGATIONS RELATED TO CERTIFICATION

Article 5.1.1.

A combination of factors should be taken into account to facilitate *international trade* in *aquatic animals* and *aquatic animal products*, without incurring unacceptable *risks* to human and *aquatic animal* health.

Because of differences between countries in their *aquatic animal* health situations, various options are offered by the *Aquatic Code*. The *aquatic animal* health situation in the *exporting country*, in the *transit country* or *countries* and in the *importing country* should be considered before determining the requirements for trade. To maximise harmonisation of the *aquatic animal* health aspects of *international trade*, *Competent Authorities* of Member Countries should base their import requirements on the OIE standards.

These requirements should be included in the certificates drawn up in accordance with the model *international aquatic animal health certificates* provided for in Chapter 5.11.

Certification should be exact and concise, and should clearly address the requirements of the *importing country*. For this purpose, prior consultation between *Competent Authorities* of *importing* and *exporting countries* may be necessary. This consultation helps to determine the exact requirements of the certification.

Certificates should be issued and signed by a single competent official authorized by the *Competent Authority* to perform inspections, and endorsed through signature and/or official stamp of the *Competent Authority*. The certification requirements should not include conditions for *diseases* that are not transmitted by the *commodity* concerned. The certificate should be signed in accordance with the provisions of Chapter 5.2.

When officials of a *Competent Authority* wish to visit another country for matters of professional interest to the *Competent Authority* of the other country, the latter should be informed prior to any such visit. This visit should be mutually agreed upon between *Competent Authorities*.

Article 5.1.2.

Responsibilities of the importing country

- 1) The import requirements included in the *international veterinary certificate* should assure that *commodities* introduced into the *importing country* comply with the standards of the OIE. *Importing countries* should align ~~restrict~~ their requirements with ~~to~~ those recommended in the relevant standards of the OIE necessary to achieve the national appropriate level of protection. If there are no such standards or if the country chooses a level of protection requiring measures these are stricter than the standards of the OIE, these ~~they~~ should be based on an import *risk analysis*.
- 2) The *international aquatic animal health certificate* should not include requirements for the exclusion of *pathogenic agents* or *aquatic animal diseases* that are present in the *importing country* and are not subject to any official control programme, ~~except when the strain of the pathogenic agent in the exporting country is of significantly higher pathogenicity and/or has a larger host range~~. The measures imposed on imports to manage the *risks* posed by a *pathogenic agent* or *aquatic animal disease* should not be stricter ~~require a higher level of protection than those that provided by measures~~ applied as part of the official control programme operating within the *importing country*.
- 3) The *international aquatic animal health certificate* should not include measures against *pathogenic agents* or *diseases* that are not OIE listed, unless the *importing country* has demonstrated through an import *risk analysis*, carried out in accordance with Section 2, that the *pathogenic agent* or *disease* poses a significant *risk* to the *importing country*.
- 4) The transmission of the requirements of the *importing country* or certificates from the *Competent Authority* of the *importing country* and the communication of import requirements to persons other than the *Competent Authority* of another country necessitates that copies of these documents be also sent to the *Competent Authority* of the *exporting country*. This important procedure avoids delays

and difficulties that may arise between traders and *Competent Authorities* when the authenticity of the certificates or permits is not established.

The transmission of this information is the responsibility of *Competent Authorities* of the *exporting country*. However, it can be issued by private sector *veterinarians* at the place of origin of the *commodities* when this practice is the subject of appropriate approval and authentication by *Competent Authorities*.

- 5) Situations may arise that result in changes to the consignee, identification of the means of transportation, or *frontier post* after a certificate is issued. If it is determined that these do not change the *aquatic animal* health or public health status of the consignment, then they should not prevent the acceptance of the certificate.

Article 5.1.3.

Responsibilities of the exporting country

- 1) An *exporting country* should, on request, supply the following to *importing countries*:
 - a) information on the aquatic animal health situation and national aquatic animal health information systems to determine whether that country is free or has *zones* or *compartments* free from *listed diseases*, and on the pathway followed to achieve *disease freedom* e.g. historical freedom, absence of *susceptible species* or *targeted surveillance*, including the regulations and procedures in force to maintain the free status;
 - b) regular and prompt information on the occurrence of *listed diseases*;
 - c) details of the country's ability to apply measures to control and prevent *listed diseases*;
 - d) information on the structure of the *Competent Authority* and the authority that they exercise;
 - e) technical information, particularly on biological tests and vaccines applied in all or part of the country.
- 2) *Competent Authorities* of *exporting countries* should:
 - a) have official procedures for the authorisation of *certifying officials*, defining their functions and duties as well as conditions of oversight and accountability, including possible suspension and termination of the authorisation;
 - b) ensure that relevant instructions and training are provided to *certifying officials*;
 - c) monitor the activities of the *certifying officials* to verify their integrity and impartiality.
- 3) The *Competent Authority* of the *exporting country* is ultimately accountable for certification used in *international trade*.

Article 5.1.4.

Responsibilities in case of an incident related to importation

- 1) *International trade* involves a continuing ethical responsibility. Therefore, if within a reasonable period subsequent to an export taking place, the *Competent Authority* becomes aware of the appearance or reappearance of a *disease* that has been specifically included in the *international aquatic animal health certificate* or other *disease* of potential epidemiological importance to the *importing country* there is an obligation for the *Competent Authority* to notify the *importing country*, so that the imported *commodities* may be inspected or tested and appropriate action be taken to limit the spread of the *disease* should it have been inadvertently introduced.
- 2) If a *disease* condition appears in imported *aquatic animals* within a reasonable period after importation, the *Competent Authority* of the *exporting country* should be informed so as to enable an investigation to be made, because this may be the first available information on the occurrence of the *disease* in a previously free *aquatic animal* population. The *Competent Authority* of the *importing country* should be informed of the result of the investigation because the source of *infection* may not be in the *exporting country*.
- 3) If, after importation of *commodities*, a *disease* condition appears, within a reasonable period after importation, in *aquatic animals* in the *importing country*, the *Competent Authority* of the *exporting*

country should be informed so as to enable an investigation to be made, because this may be the first available information on the occurrence of the *disease* in a previously free *aquatic animal* population. The *Competent Authority* of the *importing country* should conduct trace back investigations because the source of *disease* may not be in the *exporting country*.

- 4) In case of suspicion, on reasonable grounds, that an *international aquatic animal health certificate* may be fraudulent, the *Competent Authority* of the *importing country* and *exporting country* should conduct an investigation. Consideration should also be given to notifying any third country(ies) that may have been implicated. All associated consignments should be kept under official control, pending the outcome of the investigation. *Competent Authorities* of all countries involved should fully cooperate with the investigation. If the *international aquatic animal health certificate* is found to be fraudulent, every effort should be made to identify those responsible so that appropriate action can be taken according to the relevant legislation.
-