



**Asia-Pacific
Economic Cooperation**

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**Streamlining Export Certificate Requirements for
Food Products in the APEC Region: Facilitating
Trade and Improving Food Safety by Advancing
Science-Based International Standards**

Submitted by: United States



**7th Wine Regulatory Forum
Ha Noi, Viet Nam
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**Asia-Pacific
Economic Cooperation**



FSCF Food Safety
Cooperation Forum
PTIN Partnership Training
Institute Network

STREAMLINING EXPORT CERTIFICATE REQUIREMENTS FOR FOOD PRODUCTS IN THE APEC REGION:

*Facilitating Trade and Improving
Food Safety by Advancing
Science-based International
Standards*



Committee on Trade and Investment
Sub-Committee on Standards and Conformance
Food Safety Cooperation Forum – Partnership Training Institute Network

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1. WHY STREAMLINE EXPORT CERTIFICATE REQUIREMENTS?



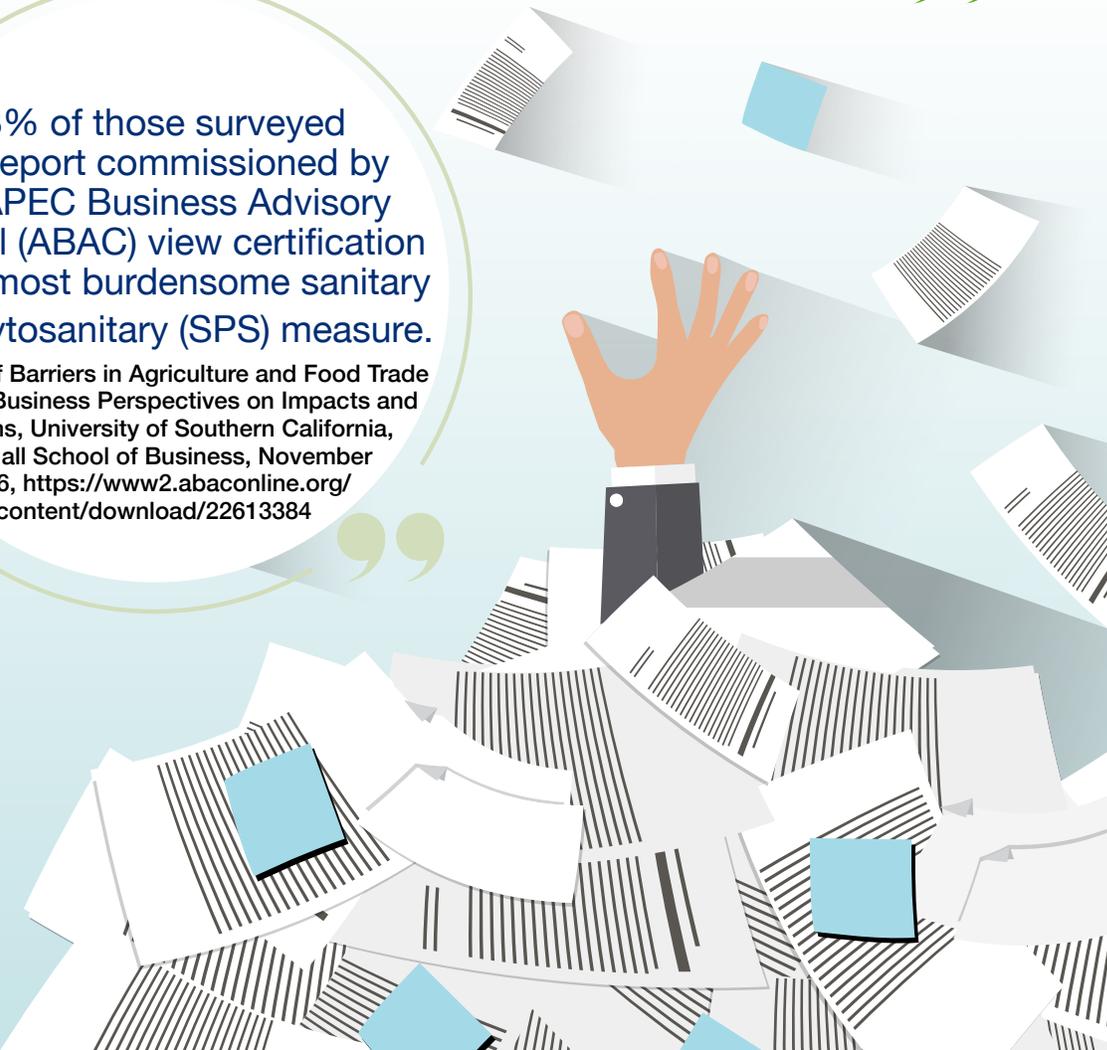
Certificate requirements only continue to grow. More than 80 different official certificates are being used in the APEC region, inhibiting the efficient movement of food between APEC economies.

- "2017 APEC Export Certificates Current State of Play"
analysis conducted using initial responses to the
2017 APEC Export Certificate Survey and publically available information.



53% of those surveyed in a report commissioned by the APEC Business Advisory Council (ABAC) view certification as the most burdensome sanitary and phytosanitary (SPS) measure.

- Non-Tariff Barriers in Agriculture and Food Trade in APEC: Business Perspectives on Impacts and Solutions, University of Southern California, Marshall School of Business, November 2016, <https://www2.abaconline.org/content/download/22613384>



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One producer of frozen processed foods explained that for a product like lasagna, each ingredient might need to have traceability and MRL documentation, which could result in over 200 pages of certification paperwork per shipment. The sheer volume of regulatory requirements – even if each individual measure is legitimate – can act as a burden on business.

- Non-Tariff Barriers in Agriculture and Food Trade in APEC: Business Perspectives on Impacts and Solutions, University of Southern California, Marshall School of Business, November 2016, <https://www2.abaonline.org/content/download/22613384>

“

U.S. exporters face tremendous complexity in complying with proliferating certificate requirements. Some of our member companies must obtain over 5,000 certificates (of free sale) per year for low risk processed products.

- The Grocery Manufacturers Association based in Washington, D.C.

”

“

At one point a government required BSE-free attestation for a fish product even though bovine spongiform encephalopathy (BSE) only exists in beef ruminants.

- APEC FSCF-PTIN Export Certificate Survey, 2009

”





As economies have increasingly focused on food safety, the number and complexity of certificate requirements for imported foods have expanded rapidly. While some science-based certificate requirements may be necessary to verify the safety of imported foods, this proliferation strains both governments' and companies' ability to comply with and enforce certificate requirements. Consistent, transparent, risk-based application of requirements would more efficiently protect public health and also facilitate trade in safe food products.



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This APEC initiative focuses on streamlining export certificates in response to APEC Leaders having called in 2011 for, in particular, the reduction of “unnecessary requirements in official export certificates for agricultural products.” APEC Leaders’ 2011 Statement also called for eliminating “requirements that are not based on science and essential to ensuring food safety.”

Nevertheless, the requirements for export certificates have grown more complex. There has been a growing trend of economies requiring duplicative, redundant, unavailable, and/or unnecessary export certificates and attestations. This creates compliance and enforcement burdens for governments and companies, can lead to unexpected costs and delays in shipping goods which affects access to safe food, and does not benefit public health if requirements are not based on risk. Streamlining science-based certificate requirements across the APEC region would facilitate trade in safe food and decrease costs for governments, businesses, and consumers.



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All APEC member economies are WTO members and are thus obligated to follow the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). The SPS Agreement sets out basic rules for food safety standards and notes that regulations must be based on science and applied only to the extent necessary to protect human, animal, or plant life or health. Official export certificates should only be required where attestations or essential information are necessary to ensure that food safety requirements and/or fair practices in the food trade are met. Where a food product has no or low risk to human health, it may not be necessary to require any certificate.



Examples of Commonly Required Documents



Economies (governments and private parties) apply these types of certificates in a variety of formats. The certificates are illustrative and are not meant to be definitive.

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2. WHY APEC?

Improving food safety while facilitating food trade has been a priority of APEC since 2007 when Australia and China established the **Food Safety Cooperation Forum (FSCF)**. The FSCF brings together food safety regulators from the APEC economies that share a commitment to improve food safety standards and regulatory systems in the APEC region by relying upon science-based international standards and best practices consistent with WTO Members' rights and obligations under both the SPS and TBT Agreements. Agreed priority work areas include food safety regulatory systems; inspection and certification systems; technical skills; information sharing; and communication networks.

Capacity building work is carried out through APEC-funded and other projects, including through the Partnership Training Institute Network (PTIN), a U.S. administered public-private partnership under the FSCF that brings together regulators, industry and academia to tackle food safety challenges (<http://fscf-ptin.apec.org/>). Export certificates have been a focus since 2010 when the first export certificate roundtable was held in Australia on the margins of the **Codex Committee on Food Import Export Inspection and Certification Systems**.



Improving food safety while facilitating food trade has been a priority of APEC since 2007 when Australia and China established the Food Safety Cooperation Forum (FSCF).



The goal is to facilitate a dialogue among APEC member economies, including government officials, industry and academia, on the appropriate use of science-based export certificates and how they can best be used to ensure food safety and facilitate the trade of safe food products. A subsequent workshop in 2012 and the establishment of electronic working groups have yielded data on the use of certificates by APEC economies and input on essential tools for aligning certificate requirements.

The effort fully aligns with the direction by APEC Leaders (2011 Statement) to “reduce unnecessary requirements in official export certificates for agricultural products and seeking, where appropriate, to eliminate requirements that are not based on science and essential to ensuring food safety;”

The work was elevated further in 2013 when the FSCF endorsed a multi-year initiative to achieve alignment by 2020 in selected areas of food safety standards and regulatory procedures as directed by APEC Ministers under the APEC Regulatory Cooperation Plan. FSCF economies agreed to implement an Export Certificate Roadmap along with another on Pesticide Maximum Residue Limits.

Export certificates have also been a focus of the Wine Regulatory Forum (WRF). In 2016, the Sub-Committee on Standards and Conformance (SCSC) endorsed the WRF’s APEC Model Wine Certificate which consolidates the Certificate of Origin, Certificate of Authenticity/Free Sale, and the Certificate of Health/Sanitation into a single certificate. It is intended to be used only by economies where export certification is currently required and is not to be used to impose requirements where none currently exist.

The APEC Model Wine Certificate will provide cost savings to APEC economies in reduced staff-time currently devoted to processing unnecessary and/or duplicative export certificates for wine without jeopardizing public health or safety. Noting that some APEC economies do not require export certificates for wine, consolidation of existing export certificate requirements is considered by the WRF as the first step towards future elimination of export certificates for wine among all economies.

There is ongoing interest among some APEC economies in expanding work into additional sector models such as for dairy.



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3. CERTIFICATE REQUIREMENTS IN APEC: LANDSCAPE AND CHALLENGES

More than 80 different official certificates are being used in the APEC region, according to publically available information, inhibiting the efficient movement of food between APEC economies.

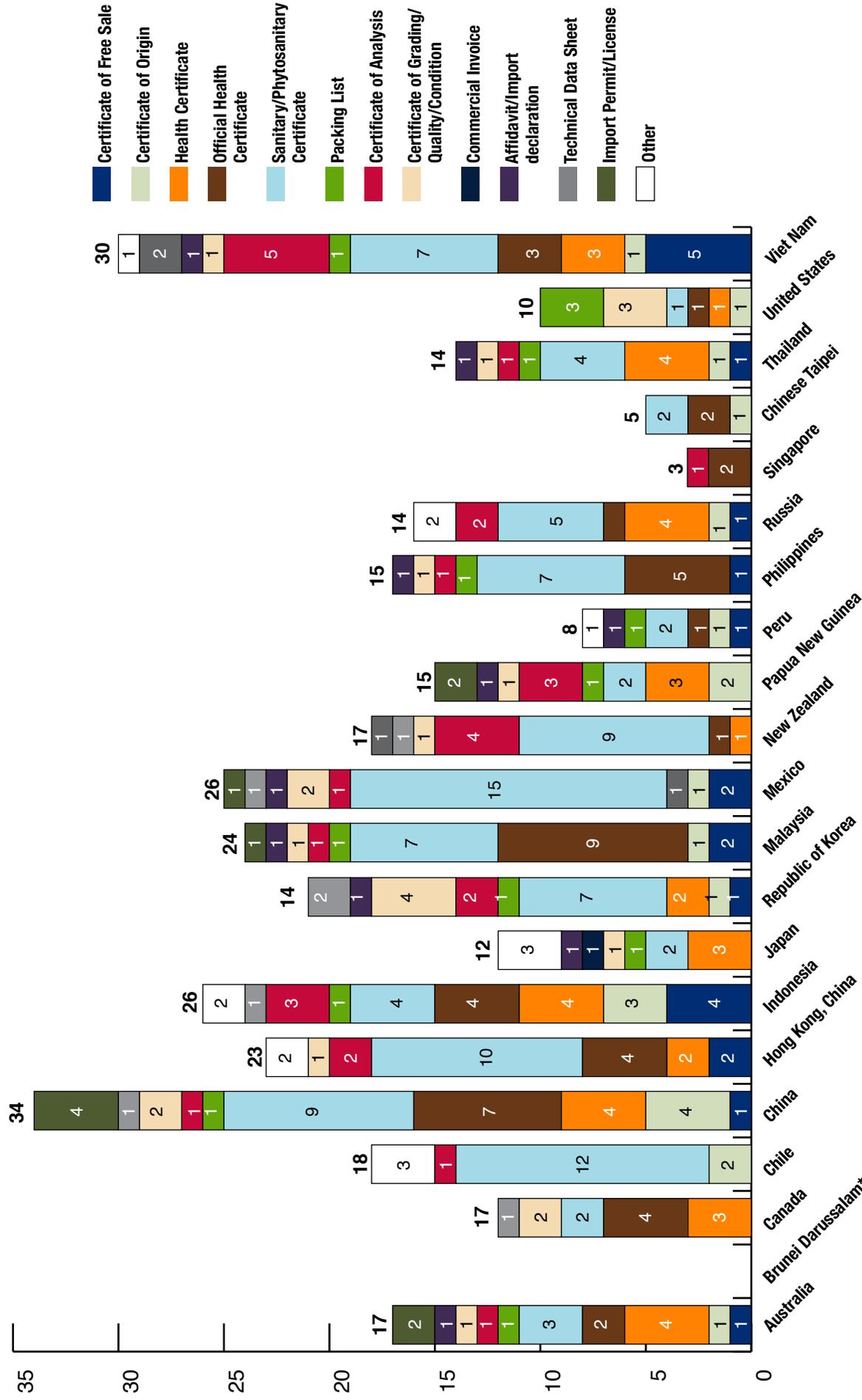
In 2009 an APEC Export Certificate Survey was conducted, showing a wide range in the number and types of export certificates required. (see link <http://fscf-ptin.apec.org/export-certificate>)

Certificate requirements only continue to grow. From 2008 to 2016, a significant number of APEC economies undertook broad food safety regulatory changes. These changes often included changes to certificate requirements impacting virtually all commodity sectors. Any process or procedure change can result in increasing costs and burden on regulators in both the importing and exporting economies as well as to the impacted foreign and domestic industry sectors. Such changes often create a ripple effect on the entire supply chain resulting in businesses needing to modify their internal and external processes and procedures to adjust to a new regulatory climate. It is critical that major regulatory reviews and changes be based on science and done in a transparent and consultative manner in order to ensure that the importing party's appropriate level of protection can be achieved and understood by all stakeholders. More information on food safety regulatory changes across the APEC region from 2008-2016 may be found in the Additional Resources section.



Certificate requirements only continue to grow ... any process or procedure change can result in increasing costs and burden on regulators in both the importing and exporting economies as well as the impacted foreign and domestic industry sectors ... It is critical that major regulatory reviews and changes be based on science and done in a transparent and consultative manor.

2009 APEC Export Certificate Requirements



*Brunei Darussalam information unavailable

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4. GOOD PRACTICES FOR DESIGNING AND IMPLEMENTING SCIENCE-BASED CERTIFICATION REQUIREMENTS

Through work completed and underway in FSCF and PTIN, we are moving toward common understanding and application of good practices for designing and implementing science-based certificate requirements.

The following table summarizes selected good practices consistent with Codex principles for certification; illustrative benefits to consumers, governments, and traders; and identifies progress and gaps in implementing these good practices in the APEC region.

GOOD PRACTICE	BENEFITS	OUTLOOK IN APEC REGION
Apply general good regulatory practices (GRP) to food safety and certificate requirements	GRPs contribute directly to trade, investment, job creation, and sustained economic growth in the APEC region	Positive – economies have committed to advance GRP work and food safety has been highlighted as an important sector for application of GRP principles.
Use consistent terminology	Minimizes confusion and facilitates communication	Positive – FSCF PTIN has produced a dictionary of common export certificate terms that can be updated as needed
Use a harmonized certificate format (such as the Codex generic certificate)	Promotes global harmonization and adherence to science-based principles, simplifies attestations, minimizes technical barriers, and inspires confidence in quality of certificates	Positive – FSCF PTIN supports the use of voluntary international standards as well as the use of guidance and tools produced by international standard setting bodies





<p>Analyze costs, benefits, and alternatives to certificate requirements</p>	<p>Ensures protection of human health at most efficient cost</p>	<p>Area for near-term improvement – comprehensive data on current requirements, costs, and benefits (by economy and regionally)</p>
<p>Conduct science-based assessments and use a risk-based approach, only requiring certificates commensurate with risk (including prioritizing systems recognition, strengthening pre-border activities, etc)</p>	<p>Focuses resources on greatest risks to human health; minimizes potential cost by limiting need to expend resources; and system control approach lends itself to global shift toward preventative and modernized food safety systems</p>	<p>Area for near and long-term improvement. Knowledge, experience and confidence with trading partners are necessary to reduce need for complicated certificate/attestations. Trust between economies re: the capability of the national food control systems is critical</p>
<p>Consider available technology when certificates are required: Single window E-certification</p>	<p>Can decrease transaction times and costs and ease certificate verification</p>	<p>Area for long-term improvement – as economies strengthen adherence to fundamental certificate principles, implementation of science-based certificate requirements can be further improved by considering use of modern technology tools</p>



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5. ADDITIONAL RESOURCES

Here are additional resources to reference as APEC economies consider changing and streamlining their export certificate requirements.

a) Dictionary of Export Certificate Terms

Definitions of terms commonly used in the food trade. The intended purpose is to provide common understanding along the supply chain. Economies are encouraged to comment on the definitions and to suggest other terms that should be included.

<http://fscf-ptin.apec.org/events/export-certificate-workshop-2017/>

b) Compendium of Export Certificate Requirements by APEC economies

In 2009 APEC economies completed a survey that included a listing of all required certificates for imported food.

<http://fscf-ptin.apec.org/events/export-certificate-workshop-2017/>

c) APEC Compendium on Export Certification for Wine

At the first meeting of the APEC Wine Regulatory Forum in 2011, regulators requested a compendium of export certification requirements for wine in the region. The document was used to create the APEC Model Wine Certificate, which consolidates the most common certificate requirements for wine into a single document. The Compendium and the corresponding APEC Model Wine Export Certificate are available at: <http://wineregulatoryforum.blogspot.com/p/model-wine-cert.html>.

d) Major Food Safety Regulatory Changes in APEC Member Economies (since 2009)

A review of public information showed that 11 APEC economies undertook broad food safety regulatory changes between 2009 and 2017.

<http://fscf-ptin.apec.org/events/export-certificate-workshop-2017/>

e) Risk Assessment Tools to Determine the Need for Export Certificate Requirements

- FAO Risk Based Food Control Manual
<http://www.fao.org/3/a-i5381e.pdf>
- I-Risk (United States)
<https://irisk.foodrisk.org/>



- Risk-Based Food Inspection Manual
<ftp://ftp.fao.org/docrep/fao/010/i0096e/i0096e00.pdf>

f) Technology Tools

To ensure consistency and interoperability these resources may be useful to economies considering new technology.

- Single Window
 - APEC
<http://www.apec.org/Groups/Committee-on-Trade-and-Investment/Sub-Committee-on-Customs-Procedures>
 - United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT)
<http://www.unece.org/cefact.html>
 - World Customs Organization Single Window Guidelines
<http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/single-window-guidelines.aspx>
- Electronic-certification
 - APEC
<http://www.apec.org/Groups/Committee-on-Trade-and-Investment/Electronic-Commerce-Steering-Group.aspx>
 - Standards and Trade Development Facility (STDF)
 - See October 2015 working group documents
<http://www.standardsfacility.org/working-group-documents>

g) International standards and guidance

- Codex Alimentarius
<http://www.fao.org/fao-who-codexalimentarius/committees/committee-detail/en/?committee=CCFICS>
- World Organization for Animal Health
<http://www.oie.int/>
- Plant Protection Convention
<https://www.ippc.int/en/>

h) APEC-OECD Integrated Checklist on Regulatory Reform

In 2005 APEC and the OECD developed an Integrated Checklist on Regulatory Reform, which lays out a voluntary GRP framework for self-assessment.

<https://www.oecd.org/regreform/34989455.pdf>



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For more information on APEC food safety activities,
visit <http://fscf-ptin.apec.org>





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