Annex XV

CHAPTER 5.1.

GENERAL OBLIGATIONS RELATED TO CERTIFICATION

EU position

The EU supports the adoption of the modified chapter.

Article 5.1.1.

Safety of *international trade* in *animals* and animal products depends on a combination of factors which should be taken into account to ensure unimpeded trade, without incurring unacceptable *risks* to human and animal health.

Because of differences between countries in their animal health situations, various options are offered by the *Terrestrial Code*. The 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 sanitary aspects of *international trade*, *Veterinary Authorities* of OIE Members should base their import requirements on the OIE standards.

These requirements should be included in the model certificates approved by the OIE which are included from Chapters 5.10. to 5.12. of the *Terrestrial Code*.

Certification requirements should be exact and concise, and should clearly convey the wishes of the *importing country*. For this purpose, prior consultation between *Veterinary Authorities* of *importing* and *exporting countries* may be necessary. It enables the setting out of the exact requirements so that the signing *veterinarian* can, if necessary, be given a note of guidance explaining the understanding between the *Veterinary Authorities* involved.

The certification requirements should not include conditions for *diseases* that are not transmitted by the *commodity* concerned. There should only be one signing veterinarian for one certificate. The certificate should be signed in accordance with the provisions of Chapter 5.2.

When officials of a *Veterinary Authority* wish to visit another country for matters of professional interest to the *Veterinary Authority* of the other country, the latter should be informed.

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 OIE standards. *Importing countries* should restrict their requirements to those necessary to achieve the national appropriate level of protection. If these are stricter than the OIE standards, they should be based on an import *risk analysis*.

2. The *international veterinary certificate* should not include requirements for the exclusion of pathogens or animal *diseases* which are present in the *importing country* and are not subject to any *official control programme*. The measures imposed on imports to manage the *risks* posed by a specific pathogen or *disease* should not require a higher level of protection than that provided by measures applied as part of the *official control programme* operating within the *importing country*.

3. The *international veterinary certificate* should not include measures against pathogens or *diseases* which are not OIE listed, unless the *importing country* has demonstrated through import *risk analysis*, carried out in accordance with Section 2., that the pathogen or *disease* poses a significant *risk* to the *importing country*.

4. The transmission by the *Veterinary Authority* of certificates or the communication of import requirements to persons other than the *Veterinary Authority* of another country, necessitates that copies of these documents are also sent to the *Veterinary Authority*. This important procedure avoids delays and difficulties which may arise between traders and *Veterinary Authorities* when the authenticity of the certificates or permits is not established.

   This information is the responsibility of *Veterinary Authorities*. 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 the *Veterinary Authority*.

5. Situations may arise which result in changes to the consignee, identification of the means of transportation, or *border post* after a certificate is issued. Because these do not change the animal or public health status of the consignment, 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 animal health situation and national animal health information systems to determine whether that country is free or has *zones* or *compartments* free from *listed diseases*, including the regulations and procedures in force to maintain its free status;

   b) regular and prompt information on the occurrence of *notifiable diseases*;

   c) details of the country's ability to apply measures to control and prevent the relevant *listed diseases*;

   d) information on the structure of the *Veterinary Services* and the authority which they exercise according to Chapters 3.1. and 3.2.;

   e) technical information, particularly on biological tests and vaccines applied in all or part of the national territory.

2. *Veterinary Authorities* of *exporting countries* should:

   a) have official procedures for authorisation of certifying veterinarians, defining their functions and duties as well as conditions of oversight and accountability, ~~covering~~ including possible suspension and termination of the ~~appointment~~ authorisation;

   b) ensure that the relevant instructions and training are provided to certifying veterinarians;

   c) monitor the activities of the certifying veterinarians to verify their integrity and impartiality.

3. The *Veterinary Authority* of the *exporting country* is ultimately accountable for veterinary certification used in *international trade*.

Annex XV (contd)

Article 5.1.4.

Responsibilities in case of an incident related to importation

1. *International trade* involves a continuing ethical responsibility. Therefore, if within the recognised *incubation periods* of the various *diseases* subsequent to an export taking place, the *Veterinary Authority* becomes aware of the appearance or reappearance of a *disease* which has been specifically included in the *international veterinary certificate*, there is an obligation for this *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. ~~Equally, i~~If a *disease* condition appears in imported *commodities* within a time period after importation consistent with the recognised *incubation period* of the *disease*, the *Veterinary Authority* of the *exporting country* should be informed so as to enable an investigation to be made, since this may be the first available information on the occurrence of the *disease* in a previously free *herd*. The *Veterinary Authority* of the *importing country* should be informed of the result of the investigation since the source of *infection* may not be in the *exporting country*.

3. In case of suspicion, on reasonable grounds, that an official certificate may be fraudulent, the *Veterinary 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. The *Veterinary Authorities* of all countries involved should fully cooperate with the investigation. If the 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.

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CHAPTER 5.2.

CERTIFICATION PROCEDURES

EU position

The EU supports the adoption of the modified chapter but would suggest replacing the word "notifiable" by "*notifiable diseases*" in article 5.2.1 paragraph 2 below, as there is a definition in the Glossary.

Article 5.2.1.

Protection of the professional integrity of the certifying veterinarian

Certification should be based on the highest possible ethical standards, the most important of which is that the professional integrity of the certifying veterinarian ~~must~~ should be respected and safeguarded according to Chapters 3.1. and 3.2.

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

Certification of freedom from *diseases* based on purely clinical freedom and *herd* 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 note of guidance referred to in Article 5.1.1. is not only to inform the signing veterinarian but also to safeguard professional integrity.

Article 5.2.2.

Certifying veterinarians

Certifying veterinarians should:

1. be authorised by the *Veterinary Authority* of the *exporting country* to sign *international veterinary 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 *Veterinary Authority*;

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 veterinarian should have verified or be in possession of that documentation before signing;

4. have no conflict of interest in the commercial aspects of the *animals* or animal products being certified and be independent from the commercial parties.

Article 5.2.3.

Preparation of international veterinary certificates

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

1. Certificates should be designed so as to minimize the potential for fraud including use of a unique identification number, or other appropriate means to ensure security. Paper certificates should bear the signature of the certifying veterinarian and the official identifier (stamp) of the issuing *Veterinary 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. Certificates ~~They~~ should be written ~~in~~ using terms that are ~~as~~ simple, unambiguous and as easy to understand as possible, without losing their legal meaning.

3. If so required, certificates ~~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 veterinarian.

4. Certificates ~~They~~ should require appropriate identification of *animals* and animal products except where this is impractical (e.g. *day-old birds*).

5. Certificates ~~They~~ should not require a *veterinarian* to certify matters that are outside his/her knowledge or which he/she cannot ascertain and verify.

6. Where appropriate, when presented to the *certifying veterinarian,* certificates ~~they~~ should be accompanied, ~~when presented to the certifying veterinarian~~, by notes of guidance indicating the extent of enquiries, tests or examinations expected to be carried out before the certificate is signed.

7. The~~ir~~ text of a certificate should not be amended except by deletions which ~~must~~ should be signed and stamped by the certifying veterinarian.

8. The signature and stamp ~~must~~ should be in a colour different from that of the printing of the certificate. The stamp may be embossed instead of being a different colour.

9. Replacement certificates may be issued by a *Veterinary Authority* to replace certificates that have been, for example, lost, damaged, contain errors, or where the original information is no longer correct. These replacements should be provided by the issuing authority and 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.

10. Only original certificates are acceptable.

Article 5.2.4.

Electronic certification

1. 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*. Such systems also normally provide an interface with the commercial organisation marketing the *commodity* for provision of information to the certifying authority. The certifying veterinarian ~~must~~ should have access to all information such as *laboratory* results and *animal identification* data.

2. Electronic certificates may be in a different format but should carry the same information as conventional paper certificates.

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

4. The certifying veterinarian ~~must~~ should be officially responsible for the secure use of his/her electronic signature.

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