



## REGULATIONS PERTAINING TO RECOGNITION OF BODIES CERTIFYING PRODUCTS FROM OUTSIDE QUÉBEC

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## 1. Preamble

These regulations specify the requirements aimed to ensure that, within the framework of the *Act Respecting Reserved Designation and Added-Value Claims*, all products purchased outside of Québec that display a reserved designation recognized in Québec be certified by a body either accredited or whose certification program is recognized compliant by the CARTV. The evaluation criteria of a certification program are set up so that the products coming from outside Quebec are treated in a way neither more nor less favorable than the domestic products.

## 2. Purpose and scope

Requirements comprised in these regulations apply at the organizational and territorial levels, to the bodies certifying agricultural and food products covered by any reserved designation decree.


Unless already accredited by the CARTV, organizations having certified any agricultural produce and foodstuff harvested and/or manufactured outside Québec but intended for sale on Québec territory, shall apply for the compliance recognition of its certification program, to the Committee on Accreditation for Evaluation of Quality (CAEQ), when the products it certifies bear a reserved designation in Quebec and belong to a category not covered by a federal regulation.

Among other requirements, applicant bodies must demonstrate that they have either been approved by a competent authority, or have been accredited by an approval body that reports to an administrative authority, following an assessment that has demonstrated its compliance with *ISO/CEI 65:1996 Guide* requirements. Accreditation by the approval body must have been granted, either in accordance with the powers conferred upon it by a government or because it has been recognized for its accreditation program by a administrative authority that has been designated by a government.


## 3. Definitions

For the purposes of this document, the following definitions (with their French equivalents) apply:

<b>Accreditation</b> (Accréditation)	Initial and ongoing formal recognition of certification body by the Board concerned by an agri-food designation
<b>Accredited certification body</b> (Organisme de certification accrédité)	Certification body having been evaluated and officially judged as being in compliance with procedures, requirements and criteria as established by the Board, so that it might operate a certification program in Québec

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<b>Approved certification body</b> (Organisme de certification agréé)	Certification body to which the Board has granted accreditation and/or compliance recognition, and that may certify products for a particular designation originating from specific territories
<b>Board (Conseil)</b>	Decision making body of the Reserved Designation and Added-Value Claim Board
<b>CAEQ</b>	Initials of the Committee on Accreditation for Evaluation of Quality
<b>CARTV</b>	Initials of the Conseil des appellations réservées et des termes valorisants
<b>Certification</b> (Certification)	Procedure used by an independent third party to provide a written guarantee that an agri-food product has met prescribed requirements, after an evaluation has affirmed that these requirements for the production and preparation, including operations that lead to modifying the product's initial labelling, have been assessed relative to their compliance with prescribed standards
<b>Certification mark</b> (Marque de certification)	Symbol attesting that a product has undergone certification control and obligatorily showing the certification body's name, but that may optionally include the certifying program's logo
<b>Certification Program</b> (Programme de certification)	Application of a certification system intended to evaluate a product's production system against prescribed standards covering the product's processing, handling and marketing
<b>Certification body</b> (Organisme de certification)	Impartial body acting as a third party in the operation of a product certification system and meeting criteria for impartiality, effectiveness and competence, in compliance with requirements specified in the <i>ISO/CEI Guide 65:1996</i> .
<b>Designation</b> (Appellation)	Designation of a product based on its specific character, production method and/or geographic region.
<b>Recognized-compliant certification body</b> (Organisme de certification reconnu conforme)	Body whose certification program has been evaluated and officially judged as compliant according to procedures, requirements and criteria established by the Board, thus allowing the body to certify products originating from outside of Québec so that they could be introduced and marketed on Québec territory.
<b>Reserved Designation and Added-Value</b>	Agency having jurisdiction over the compliance of products targeted by designations reserved by Québec's Minister for Agriculture, Fisheries and Foodstuffs, relative to standards

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<b>Claims Board</b> (Conseil des appellations réservées et des termes valorisants)	prescribed for these designations.
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#### 4. Granting Recognition of Compliance

- 4.1 Unless already accredited by the CARTV, any organization certifying products from outside of Québec and wishing to obtain recognition of its certification program by the CARTV must submit an application to the CAEQ and pay the fees applicable to initial recognition application.
- 4.2 The application form must be duly completed and signed by a person in charge within the organization, with all required documents attached and then sent to the CAEQ. Any document submitted to the CAEQ in a language other than English or French must be accompanied by an official translation of the document.
- 4.3 Should any information be missing, the CAEQ Secretariat shall contact the applicant in order to obtain it. Once the agent has determined that the documentation submitted is complete, the Accreditation Committee shall evaluate the application file and then recommend an appropriate decision to the Board: either recognition of compliance or denial.
- 4.4 When the Board has endorsed a recommendation from the Accreditation Committee for compliance recognition and has granted the compliance recognition to the applying certification body, it shall determine its duration as well as its sectoral and geographical scopes.
- 4.5 By determining the geographical scope of recognition, the Board sets the geographic limits of the accepted origins for products certified by each recognized certification body.

When the latter was accredited by an official accreditation body, according to the *ISO Guide 65:1996* criteria, products accepted may originate from anywhere except Québec. If the certification body was only approved by a competent government authority, the products accepted may only originate from the country including the territory governed by the competent authority.

- 4.6 Any certifier whose program is considered to be in conformity with the requirements of the CARTV obtains a compliance recognition certificate. Its period of validity is written and cannot exceed one year. The issuing of a new certificate is conditional to the maintenance of recognition by the Accreditation Committee at the end of the recognition term.

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4.7 The recognition granted to a certifier shall authorize the sale on Québec territory of products certified outside of Québec, according to the conditions set down by the CARTV. As such, products must only originate from countries from which these particular products may be accepted and their labelling must conform to the requirements included in the reference manual approved by the Board for the concerned products.

## 5. Effects of the recognition

5.1 The organizations that were granted by the CARTV a full scope of accreditation are automatically recognized and can certify everywhere in the world products both included in all the categories covered by the reference manual concerned by the designated attributed to the product.

5.2 Only bodies whose certification program is recognized compliant by the CARTV can certify in countries comprised in the geographical scope of recognition which is granted to them, products bearing a reserved designation and intended to be sold on the Québec market. These bodies cannot however certify agricultural and food products in Québec without prior fulfillment of the necessary requirements to obtain an accreditation with full scope from the CARTV.

## 6. Recognition Maintaining


6.1 A certification body wishing to have the period of validity for its recognition granted by the CARTV for its certification program extended must submit an application for renewal to the CARTV and pay the fees applicable to annual renewal application.

6.2 The CAEQ Secretariat shall send a notice of renewal to the certification body at least 30 days before its recognition granting anniversary. This notice will be sent via email or fax.

6.3 Any organization desiring to have its compliance recognition renewed for another year must submit a properly completed and signed application form to the CAEQ, accompanied by all documents needed to update its file, at the very latest 15 days before the certificate's expiry date. If more time is needed to submit an application for renewal, the certification body concerned must inform the CAEQ 15 days before the certificate expires, indicating the reasons for its request.

6.4 Renewal of recognition mainly involves examining the updated information and modified documents submitted by the applicant organization.

6.5 The Board shall be responsible of the final decision as to whether or not to renew the recognition of a certification body having been previously approved. This decision making is delegated to the CAEQ Accreditation Committee.


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## 7. Revocation of Recognition

- 7.1 The recognition granted to a certification body may be revoked by the Board if one of the clauses in the application for recognition is no longer respected due to any noncompliance noted regarding the Québec Product Entry Acceptance Program, or regarding product labeling requirements.
- 7.2 Before a certification body's recognition may be formally revoked, it shall have received a notice from the CAEQ informing it of each noncompliance detected, along with a request that it be resolved to the satisfaction of the Accreditation Committee within 60 days and advising it that failure to apply corrective measures within the required period shall result in its certificate of recognition being revoked. Once the CAEQ has deemed the noncompliance has been resolved, it shall inform the certification body. Before doing so, the CAEQ may however carry out an inspection visit to verify that corrective measures have been properly implemented, with the certification body being charged for any expenses incurred.
- 7.3 The recognition granted to a certification body shall also be revoked as soon as its compliance recognition becomes obsolete, either because the approval was formally waived by the holder or its period validity has come to an end, without the body having submitted a formal application for renewal, despite the fact that a notice was transmitted by the CARTV at least 30 days before its expiry.
- 7.4 The CARTV shall revoke the recognition of any certification body that has ceased operations or that is no longer accredited by a proper authority in the country where it is incorporated (in which its head office is located).
- 7.5 Whenever a certifier's recognition has been revoked, its name shall be removed from the CARTV's list of recognized organizations. Moreover, certifiers accredited by the CARTV shall all receive a notification to this effect.
- 7.6 Any certification body having had its recognition revoked may once again submit an application to the CARTV for compliance recognition, twelve months following the date on which a revocation decision was made.

## 8. Appeal Process

- 8.1 All certification bodies having had their recognition revoked may submit an appeal to the CARTV within 30 days following the date that they received written notice of recognition withdrawn, accompanied by an amount of \$250.
- 8.2 Appointed by the Board, the Appeals Committee shall examine all requests for an appeal submitted within the prescribed deadline. The Committee's mandate is to consider the merits of the revocation decision, in light of the arguments submitted by the appellant. A decision made by the Committee is based on a majority vote and the Board shall then be informed of it. All decisions made by the Committee are final. The

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Committee's deliberations shall be logged in the official minutes of meeting and all correspondence with the certification body shall be preserved by the CARTV.

8.3 The appellant body shall be notified in writing by the CARTV of the Appeals Committee's decision, as soon as the decision has been handed down.

## 9. Production and Exchange of Information by the CARTV

9.1 The CARTV publishes on its Website a list of certifiers granted a certificate of recognition. Data included on this list are:

- Full name of the certification body
- Country where is located its headquarters
- Ways of displaying the certifier's name on labels
- Initial date of recognition
- Scope of recognition fixing categories
- Acceptance scope of the certified products.

9.2 The CARTV keeps an up-to-date list of those certification bodies that their certification programs have been recognized by the CARTV. Certification bodies authorized to operate in Québec because they were granted by the CARTV an accreditation with full scope a complete accreditation from the CARTV shall be informed each time a new certification body has been recognized and included on the list of recognized certification bodies.


## 10. Program Audit

10.1 Activities concerning recognition of bodies certifying products originating from outside Québec shall be subjected to an internal audit at least once a year, to ensure that its principles and the objectives are being met.

10.2 These activities may also be subjected to an independent audit. Internationally accepted auditing techniques shall be applied.

## 11. Amendments to the Regulations

The Board is responsible for passing or repealing these regulations. It is the only body authorized to make amendments to its content, and it may do so at any time, either by its own initiative or in response to recommendations made under an audit exercise.

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## Appendix A – Fee Schedule

Type of service	Costs to Applicant	Payment Schedule
Registration fees for initial recognition application	\$700 CAD	At time of application filing
Annual fees for renewing CARTV approval	\$250 CAD	Upon reception of invoice transmitted one month before anniversary of approval date
Appeal Fees	\$250 CAD	Upon submitting appeal application

END OF THE REGULATIONS

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