



*Conseil des
appellations réservées
et des termes valorisants*

Regulations Pertaining to Recognition of Bodies Certifying Products from Outside Québec

Version: 1.0
Last update: January 1, 2008

CONTENTS

| | |
|---|----|
| REGULATIONS PERTAINING TO RECOGNITION OF BODIES CERTIFYING PRODUCTS FROM OUTSIDE QUÉBEC | 3 |
| 1. Preamble | 3 |
| 2. Purpose and scope | 3 |
| 3. Definitions..... | 4 |
| 4. Approval Granted Following Recognition of Compliance | 6 |
| 5. Approval Renewal..... | 7 |
| 6. Revocation of Approval | 7 |
| 7. Appeal Process..... | 8 |
| 8. List of Certifiers Granted a Certificate of Compliance | 9 |
| 9. Production and Exchange of Information by the CARTV | 9 |
| 10. Program Audit | 9 |
| 11. Appendix A – Fee Schedule..... | 11 |

REGULATIONS PERTAINING TO RECOGNITION OF BODIES CERTIFYING PRODUCTS FROM OUTSIDE QUÉBEC

Note: these regulations have been extracted from the previous Québec Product Entry Acceptance Program (version 3.5, dated December 27, 2007)

1. Preamble

These regulations specify the requirements aimed to ensure that, within the framework of the law's application and in reference to a given reserved designation, all products purchased outside of Québec that display this reference be certified by a body accredited by the CARTV or whose approval status has been deemed comparable to a body accredited by CARTV.

The approval status of all applicant certifiers is evaluated such that products purchased outside of Québec will be treated neither more nor less favorably when compared to domestic products.

In this context, certifiers having been recognized as compliant by the CARTV are assigned a status equivalent to that of an accredited body, in accordance with Article 21 of Act A20.02. They cannot however certify agricultural and food products in Québec without prior fulfillment of the requirements set out by CARTV's *Internal Regulations Pertaining to Accreditation for certifiers*.

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 and that also bear a Québec reserved designation, must submit an application for compliance recognition to the CARTV.

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:

| | |
|---|--|
| Accreditation (Accréditation) | Initial and ongoing formal recognition of certifying body by the Board concerned by an agri-food designation |
| Accredited certifying body (Organisme de certification accrédité) | Certifying 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 |
| Approved certifying body (Organisme de certification agréé) | Certifying 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 |
| Board (Conseil) | Decision making body of the Reserved Designation and Added-Value Claim Board |
| CARTV | Initials of the Conseil des appellations réservées et des termes valorisants |
| Certification (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 |
| Certification mark (Marque de certification) | Symbol attesting that a product has undergone certification control and obligatorily showing the certifying body's name, but that may optionally include the certifying program's logo |
| Certification Program (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 |
| Certifying body (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> . |
| Designation (Appellation) | Designation of a product based on its specific character, production method and/or geographic region |
| Manager (Directeur) | CARTV's Manager responsible for the administration of certifying body approval program. |
| Recognized-compliant | Body whose certification program has been evaluated and |

| | |
|--|---|
| <p>certifying body (Organisme de certification reconnu conforme)</p> | <p>officially judged as compliant according to procedures, requirements and criteria established by the CARTV, thus allowing the body to certify products originating from outside of Québec so that they could be introduced and marketed on Québec territory.</p> |
| <p>Reserved Designation and Added-Value Claims Board (Conseil des appellations réservées et des termes valorisants)</p> | <p>Control authority having jurisdiction over the compliance of products targeted by designations reserved by Québec's Minister for Agriculture, Fisheries and Foodstuffs, relative to standards prescribed for these designations.</p> |

4. Approval Granted Following Recognition of Compliance

- 4.1 In order to obtain approval, all organizations certifying products accepted from outside of Québec must submit an application to the CARTV and pay the fees applicable to initial recognition application. 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 CARTV agent responsible for the Québec Product Acceptance Program. Any document submitted to the CARTV in a language other than English or French must be accompanied by an official translation of the document.
- 4.2 Should any information be missing, the agent shall contact the applicant in order to obtain it. Once the agent has determined that the documentation submitted is complete, the Committee appointed by the CARTV shall evaluate the application and then recommend an appropriate decision to the Board: either recognition of compliance or denial.
- 4.3 When the Board has endorsed a recommendation for compliance recognition, an approval shall be granted to the certifying body, as attested by the compliance certificate delivered to it by mail, and be valid for one year. In order to determine the areas from which products are accepted, the Board shall set the geographic limits of the accepted origins for products certified by each approved certifying body. When the latter was accredited by an official accreditation body, according to the *ISO Guide 65:1996* criteria, or alternatively that of the International Federation of Organic Agriculture Movements (IFOAM) accreditation criteria, products accepted may originate from anywhere except Québec. If the certifying 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. The name of any certifying body that was granted compliance recognition shall appear on the list of approved certifiers, which is published on the CARTV's Website. This list shall also include the accepted origins for products certified by each certifying body approved by the CARTV.
- 4.4 The approval 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.

5. Approval Renewal

- 5.1 A certifying body wishing to have the period of validity for its approval extended must submit an application for renewal to the CARTV and pay the fees applicable to annual renewal application.
- 5.2 The CARTV shall send a notice of renewal to the certifying body at least 30 days before its approval is to expire. This notice will be sent via email or fax.
- 5.3 Any approved organization desiring to have its approval renewed for another year must submit a properly completed and signed application form to the CARTV, 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 certifying body concerned must inform the CARTV 15 days before the certificate expires, indicating the reasons for its request.
- 5.4 Renewal of recognition mainly involves examining the updated information and modified documents submitted by the applicant organization.
- 5.5 The Board is responsible of the final decision as to whether or not to renew the approval of a certifying body having been previously approved.

6. Revocation of Approval

- 6.1 The approval granted to a certifying 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.
- 6.2 Before a certifying body's approval may be formally revoked, it shall have received a notice from the CARTV informing it of each noncompliance detected, along with a request that it be resolved to the satisfaction of the CARTV 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 CARTV has deemed the noncompliance has been resolved, it shall inform the certifying body. Before doing so, the CARTV may however carry out an inspection visit to verify that corrective measures have been properly implemented, with the certifying body being charged for any expenses incurred.
- 6.3 The approval granted to a certifying 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.

- 6.4 The CARTV shall revoke the approval of any certifying 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).
- 6.5 Whenever a certifier's approval has been revoked, its name shall be removed from the CARTV's list of approved organizations. Moreover, merchants registered with the CARTV as well as certifiers accredited by the CARTV shall all receive a notification to this effect.
- 6.6 Québec retailers, distributors and processors still having certified products in circulation on the Québec market must dispose of their products within 12 months after the date this notification was sent to registered merchants and to accredited certifiers. Beyond this date, any remaining stock may not be sold under the targeted designation.
- 6.7 The sale on Québec territory of all products certified by an organization beyond date on which approval was revoked is forbidden, unless the company producing them has obtained written authorization from the CARTV to market them. Any companies whose products were certified by an agency having had its approval revoked must agree to submit an application to a certifying body currently approved by the CARTV, within a period no longer than 6 months. In order to be allowed to continue to sell their certified products on the Québec market, the companies holding certificates and affected by this measure must, upon request, provide the CARTV with a letter of intent stating they are going to apply to a CARTV approved body for the certification of their products. Later on, the CARTV must receive a copy of the new certification documents, once issued by the accredited certifying body. The sale of these products in Québec shall no longer be authorized if the above documents are not delivered.
- 6.8 Any certifying body having had its approval 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.

7. Appeal Process

- 7.1 All certifying bodies having had their approval 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.
- 7.2 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 Committee's deliberations shall be logged in the official minutes of meeting and all correspondence with the certifying body shall be preserved by the CARTV.

- 7.3 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.

8. List of Certifiers Granted a Certificate of Compliance

- 8.1 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 certifying 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 as well as geographical origins of accepted certified products.
- 8.2 An applicant certifying body that has already been approved by a public or private accreditation body having signed a mutual recognition agreement with CARTV, and unless any restrictions to mutual recognition are stated, shall be included on the list of programs considered compliant with CARTV requirements.
- 8.3 All certifying organizations operating a program considered compliant with CARTV requirements shall be granted a certificate of compliance for a one-year period. Its periodic renewal may be subjected to certain conditions.

9. Production and Exchange of Information by the CARTV

- 9.1 The CARTV keeps an up-to-date list of those certifying bodies that have been approved.
- 9.2 Certifying bodies operating in Québec and accredited by the CARTV shall be informed each time a new certifying body has been recognized and included on the list of approved certifying 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 This part of the Product Entry Acceptance Program may also be subjected to an independent audit, thus contributing to the transparency of Québec's program from the point of view of exporting countries. To this end, internationally accepted auditing techniques shall be applied.
- 10.3 Clear documentation forms the basis of effective program evaluation, and must include:
- a) An authority that is clearly defined by legislation
 - b) A legal framework and technical setup able to recognize certification programs
 - c) Adhesion to *ISO Guide 65:1996* as it applies to requirements for certifying bodies
 - d) An established and operational control system, assuring parity with domestic control procedures
 - e) A transparent system with well documented policies and procedures

11. 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 | 220 CAD | Upon reception of invoice transmitted two months before anniversary of approval date |
| Appeal Fees | 250 CAD | Upon submitting appeal application |