

REGULATIONS PERTAINING TO STANDARDIZATION

1. Preamble

The content of any standardization activity aimed at establishing reference manuals is, for the most part, dependent on the regulatory system to which it belongs. Thus, a program resulting from a voluntary certification system would not be created in the same way as one originating from a mandatory certification system. Although these programs have certain points in common, each is subject to different requirements.

In order for a voluntary certification system to be credible and valued by both producers and users, it is imperative that those involved are in agreement with normative requirements. As such, the established program consists of procedures placing more emphasis on voting methods and on representing diverse interests.

Mandatory systems result from legislation, regulations or decrees adopted by public authorities. Approved standards are thus an extension of current regulations in effect, and are enforced by law. The objectives of existing regulations take precedence over the interests of those concerned and, for the most part, these regulations also specify parameters upon which normative requirements must be based so that they will meet the initial objectives of the law.

Whether standardization is voluntary or mandatory, the approaches may vary, even if they share the same objectives.

The standardization mandate assigned to the Conseil des appellations réservées et des termes valorisants (CARTV) comes from the regulatory framework that governs any designation reserved by the Minister, as stipulated in Quebec's *Act Respecting Reserved Designations and Added-Value Claims*. This Act forms the legal framework for a mandatory certification system governing reserved designation products. In addition, the *Regulations Respecting Reserved Designations* specify international standards that, to a great extent, will dictate the contents of the reference manual being developed.

The Act stipulates that the Accreditation Board shall establish a Committee in order to prepare a reference manual that is consistent with the standards and criteria prescribed by the Minister's regulations.

2. Purpose and scope

These regulations provide for establishing standardization activities pertaining to developing and regularly updating a set of reference documents in order to evaluate the

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 1 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

compliance of certifying bodies and of operations that produce agricultural and food products subject to reserved designations, taking into account that the approved reference manuals have been discussed beforehand with the users of a given designation.

3. References

- ISO/IEC Guide 2:2004. Standardization and Related Activities – General Vocabulary.
- ISO/IEC Guide 7:2007. Guidelines for Drafting of Standards Suitable for Use for Conformity Assessment, 2nd edition.
- ISO/IEC Guide 59:1994. Appendix 3. Code of Practice for Elaboration, Adoption and Application of the Standards (International Standard Organization).
- ISEAL (International Social and Environmental Accreditation and Labelling). Code of Good Practice for Setting Social and Environmental Standards.
- CGSB (Canadian General Standards Board). Procedures Manual for the Development and Review of Standards.

4. Definitions

Board: A decision-making authority of the Conseil des appellations réservées et des termes valorisants.

Conseil des appellations réservées et des termes valorisants: A body that has jurisdiction over the compliance of products bearing designations reserved by Québec's Minister of Agriculture, Fisheries and Food, according to the standards prescribed for these designations.

Consensus: A general agreement characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments (excerpt from the ISO/IEC Guide 2).

Note: "Consensus does not necessarily imply unanimity." (Excerpt, ISO/IEC Guide 2).

Standards: A document that provides rules or guidelines governing the repeated use of products, processes or production methods. Standards may also include terminology, as well as labelling and packaging requirements that apply to the product, process or production method.

Interested parties: Persons or groups of persons that may be directly affected by the application of standards referring to a designation, and originating from one of the following parties:

a) First party: Manufacturers or suppliers, including firms that cultivate, raise or grow

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 2 of 11	
Regulations pertaining to standardization						
File name ERN1RG3101a - Standardization		Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

(agricultural producers) and/or prepare (transforming, processing, as well as any firm modifying a product's original labelling in order to resell it under its own brand name) products that it offers for sale;

- b) Second party: Certifiers (mainly including certifying bodies, certification mark owners);
- c) Third party: Consumers (including consumer associations, in particular).

Designation users: Firms licensed by a certifier accredited by the CARTV, and that sell certified products pursuant to a given designation. In ISO terms, these are certified product suppliers.

Accreditation Manual: Basic reference document containing the requirements that a certifying body must comply with in order to obtain accreditation from the CARTV. These requirements form the criteria and standards with which a certifying body's evaluation results are compared when the CARTV makes a decision regarding accreditation. The Board is responsible for adopting any accreditation manuals, based on the proposals submitted by the Standards Committee, whose function is to prepare and amend it in accordance with the Minister's regulations and the procedure set out in the CARTV Standardization Program.

5. Board's Responsibilities

- 5.1 The Board shall decide whether to adopt the accreditation reference framework for certifiers, comprised of the standards and criteria that certifiers must apply once they are approved.
- 5.2 The Board is responsible for adopting and updating requirements pertaining to the certification of the agricultural and food products concerning this designation type.
- 5.3 In order to carry out its mandate, the Board shall establish a permanent Standards Committee that, based on the framework for establishing reference manuals, shall be mandated to propose a reference standards manual (comprising standards for product certification and accreditation criteria for certifiers) that must be consistent with standards and criteria prescribed by the *Regulations Respecting Reserved Designations*.
- 5.4 The Board shall identify new needs in terms of requirements and then shall require the concerned Standards Committee section to develop draft criteria or standards. Before registering the request with the Standards Committee, the Board must analyze the draft's advisability and ensure the technical and economic feasibility of required standardization efforts. This will be based on a consideration of two issues:

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 3 of 11	
Regulations pertaining to standardization						
File name ERN1RG3101a - Standardization		Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

- a) Will a compliance evaluation based on a criterion or standard provide assurance that product suppliers and consumers will receive better protection?
 - b) Is the expertise needed to develop standards or criteria available?
- 5.5 In order to adopt new requirements or amendments to these standards, the Board must above all else ensure compliance with the rules contained in these regulations. When developing a submitted proposal, if it is determined that certain rules or procedures have not been properly observed or carried out, it may then send the draft standards back to the concerned Standards Committee section for further study and obtain a revised document.
- 5.6 The Board's decisions on the concerned designation type shall serve to establish internal jurisprudence. When the Board has made a decision on a question or issue, this decision becomes a precedent that may then be invoked by committees when they make their recommendations on any issues pertaining to standards.
- 5.7 The Board shall ensure that the reference framework it has adopted will undergo a periodic re-examination. The accreditation criteria, as well as the overall standards applying to each designation, shall be re-examined on a periodic basis, at the very least every five years.

6. Standards Committee

Members of each section of the Standards Committee shall be appointed by the Board for a period of two years, and their mandate may be renewed. Appointed members must have relevant sectoral experience, have agricultural, agronomic or technical training pertinent to the committee section's field, and be knowledgeable of international standards systems and the issues they involve.

6.1 Procedure for nominating members

The Board shall draw up a list of potential candidates who could become members of the Standards Committee. Although the committee members may not be representative of a sector and must be primarily selected for their expertise, the Board must give priority to candidates chosen from among the interested parties (see definition in glossary) or from related sectors (e.g. expert advisers, instructors, marketing agents, etc.). The members of each Standards Committee section should also represent the general area in which the standards are to be applied.

6.2 Committee Secretary

The CARTV shall provide the standards committee with a secretary, to whom all

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 4 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

written documents on the committee's work may be entrusted. Each section's secretary shall be responsible for calling meetings, taking meeting minutes, and having them approved by section members. The secretary shall also handle any follow-up on correspondence to and from the committee, and handle liaison with the Board.

6.3 Committee chairperson for each section

The chairperson's role is to conduct committee meetings in a neutral and unbiased manner, and to ensure that they run smoothly. Members of each section shall appoint a chairperson after the section's committee secretary announces a call for nominations. If there is more than one candidate, an election must be held.

6.4 Committee procedures for each section

All decisions made by section members concerning criteria, standards and additions or amendments to them must have obtained consensus from all members. Meeting minutes shall also be approved by consensus.

6.5 Board delegate

The Board shall appoint a representative to sit on each Standards Committee section. This person is to attest to committee procedural compliance and may intervene in discussions, but he/she does not have the right to vote.

6.6 Observers

In addition to the parties concerned, other sectors indirectly affected by a designation may appoint observers to attend committee proceedings, if they wish to do so. For this reason, the Board shall publish each Standards Committee section's meeting dates and locations on the Web site, five days before they take place. Observers have no voting rights, but they may intervene in discussions as long as they do not interfere. Observers attending these meetings must pay their own expenses.

6.7 Experts

The Board shall develop a bank of experts for each Standards Committee section and assign the individuals to be a part of it. Whenever justified by a situation, section members may seek the opinions of one or more of these experts in order to clarify their work. However, when these persons take part in committee meetings, they have no voting rights and they must leave the meeting as soon as the agenda items concerning them have been discussed. The Board will cover the expenses incurred for specialists.

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 5 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

6.8 Representatives

Whenever justified by a situation, any section member may consider requests from sector representatives concerning special topics. However, when these persons take part in committee meetings, they have no voting rights and they must leave the meeting as soon as the agenda items concerning them have been discussed. Expenses incurred for representatives are not covered by the Board.

6.9 Specific subcommittees

Each Standards Committee section may form one or more specific subcommittees if decisions that are being made involve fields beyond section members' level of specialization and if more in-depth consideration is required.

7. Procedures for Endorsing and Adopting Certification Requirements

7.1 Principle

The CARTV shall act in a non-discriminatory manner with respect to the first parties concerned by a designation, with regard to the development of normative requirements, their dissemination and use. When new standards are being developed, or amendments are being made to existing ones for any given designation, all groups concerned (as specified in 7.2) by this designation shall be given the opportunity to express themselves.

7.2 Notice of public consultation

When it has been decided that a public consultation is to be held, the CARTV shall publish a notice of public consultation within seven days before the consultation period start date. In addition to posting this notice on its Web site, for each type of designation, the CARTV compiles a list of organizations most likely to be interested, as well as appropriate print media in order to reach the clientele of the parties concerned by that designation. The notice is published in the targeted media and sent to the identified organizations by mail or other means. Any organization or media may ask to be included on the mailing list regarding a designation consultation. However, the CARTV is not required to send the notice to individuals or organizations with only a peripheral interest in the designation (e.g., training institutions, consultants, professional orders, etc.), but they may nevertheless share their comments and the Board may consider them when developing standards.

7.3 Number and duration of consultation periods

When the Board is to adopt normative requirements, this shall be preceded by a public consultation period of 60 calendar days when they concern new standards for a production area not yet covered, amendments to existing criteria

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 6 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

or standards, or the introduction of new substances to a list of substances. However, should they concern urgent health, safety or environmental protection problems, a minimum period of 30 days may be set. For the five-year renewal of a reference manual, there shall be two public consultation periods of 60 calendar days, and a revised version of the standards shall be issued between the two consultations. A notice of public consultation shall specify the duration of this consultation period.

7.4 Receiving and publishing comments

All comments shall be sent to the Board in writing. All comments received by the Secretariat of the Reference Manual Establishment division during public consultation must be compiled in a document and made available to the public, along with a justification that will persuade the Standards Committee to accept or reject each comment received during consultation.

7.5 Developing final draft proposals

The Standards Committee section concerned shall develop and approve a final reference document based on comments and observations received during public consultation. During this exercise, the Standards Committee shall take harmonization and equivalence requirements into consideration, as well as any impact on certifying bodies that have already been accredited.

7.6 Adopting new requirements

The Board may not adopt new normative requirements that would go against comments expressed by a majority of those primarily concerned by the standards during a public consultation, except when these new or amended standards are prescribed by or are the result of government regulations.

7.7 Publishing requirements

The adopted normative requirements, including those covered in the specification manuals approved by the CARTV, must promptly be made public on the CARTV Web site, with revision dates appearing on these documents. Changes made to the standards shall be specifically identified in the new published version and these shall remain available for at least three months. Upon request, the CARTV shall also be able to provide normative procedures, the most recent draft standards, including the version containing any requirements made null and void, as well as provisional versions. These shall be available in electronic format and steps must be taken to ensure that copies of any document will be available in printed format at a reasonable cost. The CARTV must update its Web site twice annually, showing a list of any normative work currently in progress or already completed, indicating how far they have advanced and any references to international standards used, if applicable. The

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 7 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

CARTV reserves the right to make any editorial changes necessary to standards in order to make them clearer or simply to correct any errors in writing or language that will improve their comprehension.

8. Requirements Relative to the Development of Criteria, Standards and Amendments

- 8.1 Standards shall include criteria that are objective and verifiable, and will lead to no ambiguities when interpreted by users and consumers. They must be flexible enough, thus making them easily applicable by firms of all sizes and in the various regions.
- 8.2 Impartiality shall prevail throughout the development of new standards. Each Standards Committee section shall take existing regulations and market requirements into account, along with those pertaining to scientific and technical developments.
- 8.3 Whenever possible, normative requirements shall be stated in terms that refer to management and performance, rather than a product's descriptive characteristics or design and shall not favour any given technology or particular patented product.
- 8.4 When developing new standards, terms of reference are of primary importance and the parties primarily concerned with a designation must be given a chance to comment on these terms. There shall be justification for all standards and their objectives.
- 8.5 Administrative requirements concerning compliance evaluation and marks of conformity shall be described separately from technical or process requirements or those of management, in a document entitled "Accreditation Criteria."
- 8.6 When standards contain a list of allowable substances, they shall be described separately from the rest of the standards. Any principles or criteria used to determine whether or not to include substances on this list shall appear above the list. There shall also be a procedure describing how new substances may be added to this list by those using the standards.
- 8.7 Social, environmental or economic objectives shall be clearly explained in standards. Standards should thus not lead to trade barriers, over and above those needed to achieve the goals legitimately intended for standards. Unless they apply to designations of origin (AOC) or protected geographical indications (PGI), standards should not discriminate against similar products that originate from other regions or countries.
- 8.8 When international standards for a type of designation exist, then the standards

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 8 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

developed by the Board should be based on these. Standards must however be adapted to the economic, social, environmental and legal context in the regions where they will be applied, and according to known criteria. Standards should not lead to different interpretations by various certifying bodies.

- 8.9 The CARTV shall actively strive to harmonize its normative requirements with those of other organizations responsible for standards in the same fields, as long as this harmonization will in no way diminish the rigour of these standards.

9. Requests for interpretation of normative requirements

CARTV receives and processes requests of interpretation regarding normative requirements included in the accreditation manual or the specifications manual approved for a recognized reserved designation.

The processing of any request for interpretation submission shall be done in accordance with the Policy relative to interpretation of CARTV's normative requirements.

9.1 Admitted petitioners

Request for an interpretation is limited to the following bodies

- the CARTV Accreditation Committee (AC)
- an accredited CARTV certification body
- an Applicant certification body

9.2 Decision about the request

Final decision regarding the interpretation of a normative requirement shall be made by the Committee regarding the concerned reference manual. However, the Board shall have the final decision to adopt an accreditation manual interpretation when it concerns an accreditation decision to be made. There is no appeal to any decision relative to the interpretation of a CARTV's normative requirement.

9.3 Submission

Requests shall be accompanied by a full and complete submission. A submission is made for each normative requirement separately, and as a stand-alone document. Submissions shall include the requesting party's interpretation based on the concerned reference manual.

Request for additional information from the requesting party, where necessary, may be made by the CARTV.

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 9 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

The SC may dismiss an incomplete submission if no response is received after a request for more information within the 14 days period.

9.4 Notification of interpretations

As soon as the SC has adopted an interpretation, all relevant bodies shall be notified of the adopted resolution, including the rationale. Formal notification to relevant bodies shall include the requesting party, the accredited certifying bodies, and the CARTV technical committees.

9.5 Incorporation of interpretations

The Standards Committee shall decide if and how the interpretation should be incorporated into the next revision of the concerned reference manual, and makes its recommendation to the Board.

10. Exemptions from Standards

- 10.1 Reference standards adopted and published by the Board shall specify the types of exemptions that could be granted to operators by certifiers involved in the evaluation of operations resulting in the products pertaining to the certification request.
- 10.2 When an exemption request submitted by an operator to a certifying body is not deemed to be a type of exemption covered by reference standards, the certifying body may make its own decision regarding this request or it may refer it to the concerned Standards Committee section.
- 10.3 When the certifying body has granted an exemption from reference standards, it shall document this decision in its records by specifying: a) the nature of the exemption; b) the period during which it is valid; and c) the rationale behind the decision. The certifier shall inform the CARTV of this decision when submitting its annual report.
- 10.4 If the certifying body decides to refer the exemption request to the concerned Standards Committee section, it must submit all the information the board will require to make its decision.
- 10.5 If the Standards Committee considers the request to be a minor one, it may return the request to the certifier. However, if the Board has decided to process the request, its decision may not be appealed.

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 10 of 11
Regulations pertaining to standardization					
File name ERN1RG3101a - Standardization	Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	

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 the regulations, and it may do so at any time, either on its own initiative or in response to recommendations made under an audit exercise.

END OF REGULATIONS

ERN1RG3100a	Conseil des appellations réservées et des termes valorisants				Page 11 of 11	
Regulations pertaining to standardization						
File name ERN1RG3101a - Standardization		Date 1st publication September 1st, 2004	Date of revision February 6, 2008	Distribution Internal nad Web	Circulation authorization	