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Agenda Item 6(c)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON MILK AND MILK PRODUCTS

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CONSISTENCY OF THE MODEL EXPORT CERTIFICATE FOR MILK AND MILK PRODUCTS (CAC/GL 67-2008) WITH THE GENERIC MODEL OFFICIAL CERTIFICATE (ANNEX TO THE GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES (CAC/GL 38-2001))

Discussion paper prepared by New Zealand

BACKGROUND

1. The 32nd Session of the Commission has requested CCMMP to revise the *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008) to ensure consistency with the Generic Model Official Certificate (ALINORM 09/32/REP, para. 195). Details of this request are in Agenda Item 2, Matters Referred by the Codex Alimentarius Commission. The Committee on Fish and Fishery Products has been asked similarly to revise the *Model Certificate for Fish and Fishery Products* (CAC/GL 48-2004).

2. CCMMP first considered a model certificate at its second session (1996) when it was informed of the work of CCFICS regarding model export certificates for general purposes. The Committee was of the opinion that the draft generic model might not be applicable to dairy products. The Committee therefore developed the *Model Export Certificate for Milk and Milk Products*, taking into account the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CAC/GL 38-2001), other relevant Codex texts, and the work of the Committee on Fish and Fishery Products. The Model Export Certificate was finalised by CCMMP at its eighth session (2008) and adopted by CAC.

3. The Generic Model Official Certificate was adopted in 2009, and is annexed to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001).

DISCUSSION

4. A comparison of the milk model to the generic model reveals a number of differences between them including:

- Introductory sections in the milk model that do not appear in the generic model;
- Many differences in the explanatory texts and different layouts of the model certificates;
- New items introduced in the generic model, such as place of loading, declared point of entry, identification of container(s)/seal number(s), intended purpose of the food product, and type of packaging
- Items in the milk model that do not appear in the generic model, such as date(s) of manufacture, date(s) of minimum durability, export licence number, and a specific attestation
- Some items are always required in one model but only “if required” in the other, e.g. total quantity and lot identifier.

5. In order to achieve consistency between the two models, it would be necessary to resolve these differences by redrafting to conform to the generic model. The extent of the differences suggests that significant redrafting would be needed.

6. A key point of difference relates to the attestation section, which is empty in the generic model and contains some text in the milk model. Taking into account that the generic model contains an explanatory text in its notes which refers to importing and exporting countries' requirements and Codex recommendations, the specific milk attestation does not bring much in addition.

7. When other differences are resolved, it would appear that that the redrafted milk model would be largely redundant with the generic model and might run the risk of being rejected by the Commission for these reasons.

8. Alternatively it might be concluded that the milk model is no longer needed. Possible reasons why the milk model should not be maintained include:

- The Generic Official Certificate just adopted might be considered as sufficient to meet the requirements for milk and milk products and a commodity-specific certificate might no longer be considered necessary;
- There may be confusion caused by the choice of model certificates, for example in the case of blended or mixed foods that contain milk products or milk constituents as well as other foods;
- If the Generic Model Certificate is amended in future, the milk model would need to be amended as well, in order to maintain consistency and avoid the problems caused by dual standards and inconsistencies; and
- A specific model certificate may create the impression that certification of milk and milk products is a preferred form of official assurance. That such an impression exists may be borne out by the fact that demand for export certification is increasing, despite the following statement in the current Model Certificate:

“The Model Export Certificate for Milk and Milk Products does not mandate the use of such certification. Alternatives to the use of official and officially recognized certificates should be considered wherever possible, in particular where the inspection system and requirements of an exporting country are assessed as being equivalent to those of the importing country.”

9. The Committee on Fish and Fishery Products discussed the model export certificate for fish products at its 30th Session held in Morocco from 28 September to 2 October 2009¹ and was of the opinion that the generic certificate should be revised to take into account specifics for fish and fishery products, and that the commodity specific Fish Certificate could then be revoked. The next session of the Committee will discuss what specifics should be taken up in the generic certificate.

10. If the milk model is not needed, then the *Model Export Certificate for Milk and Milk Products* should be revoked. In this event it might be useful to elaborate some guidance text on how to use the generic model for the specific case of milk and milk products.

RECOMMENDATIONS

11. It is recommended that:

- a. CCMMP consider whether there is a need to maintain a model certificate specifically for milk and milk products in the light of the adoption of the Generic Model Official Certificate;
- b. CCMMP note that the 30th session of the CCFFP supported the possible revocation of the Fish Certificate subject to the Generic Official Certificate being revised to include some of the specific elements contained in the fish certificate;
- c. If there is agreement that there is no need for a specific certificate for milk and milk products then there is no need to undertake any revision and the Committee should recommend that the *Model Export Certificate for Milk and Milk Products* be revoked;
- d. CCMMP consider further whether there is a need for guidance text on how to use the generic model for the specific case of milk and milk products².

¹ ALINORM 10/33/18, paras 9 and 10.

² The Committee might use an in-session working group if necessary to develop the guidance text. The working group could be proposed when the subject is first raised under Agenda Item 2, Matters Referred.