

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Agenda Item 8(a)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON MILK AND MILK PRODUCTS
Fourth Session
Wellington, New Zealand, 28 February - 3 March 2000

GOVERNMENT COMMENTS

PROPOSALS FOR NEW STANDARDS FOR PARMESAN

(Prepared by the New Zealand Secretariat)

[This document has been edited to the extent that repetitious comments have been cross-referenced to the original comment. Also, where there was a "no comment" comment on the particular proviso, these have not been included]

In response to the request for comments in CX/MMP 00/18, the following comments have been received from Denmark, the Netherlands, Switzerland, the United States and the European Community.

DENMARK

Denmark supports the establishment of a new standard for Parmesan. Market data provide sufficient justification. We recommend that the IDF provides a draft standard for consideration by the Committee.

THE NETHERLANDS

The EEC Regulation 2081/92 provides for the exclusive use of the name Parmigiano Reggiano for producers in this Italian region. Other producers in Europe can not use this name neither are they allowed to use any translation. The European Commission takes as point of view that Parmesan is a translation of Parmigiano and therefore the use of Parmesan by other producers is forbidden. Some countries (the Netherlands included) do not agree with the Commission on this point. However, as long as this dispute is not settled (in court), we do not feel free to encourage development of this standard.

SWITZERLAND

“Parmesan” is a DOG-Product. Switzerland would like to suggest that this product needs no standard.

UNITED STATES

Based on the trade data provided, the U.S. supports the development of a Parmesan Cheese standard.

EUROPEAN COMMUNITY

The Italian Government confirms the observations on the proposal concerning a new standard for “Parmesan” already sent in reply to Document CX/MMP 98/11.

Moreover, it deems it necessary to point out that the data supplied – obsolete (in 1985) and not drawn from official statistical sources, but simply received by way of information from the International Dairy Federation – are completely insufficient to justify the preparation of an individual standard for “Parmesan”. Although the statistical “information” pertains to most EU Member States, we must consider that since 1996, the European Commission has registered the indication origin “Parmigiano Reggiano” (EC Regulation 1007/96): nevertheless, the use of the name “Parmigiano” (and the term “Parmesan” which is used to refer to it) is prohibited by virtue of EC Regulation 2081/92. The production and sale of cheese called “Parmesan” are therefore not permitted in any country to which the information of the International Dairy Federation refers, except in the region of the Indication of Origin.

The Italian Government has forcefully confirmed its official position which is resolutely against the use of the term “Parmesan” to indicate a product which does not comply with the codified traditional principles. These standards were established, defended and protected long ago by International treaties, among which the following are worth mentioning:

- a) The Stress International Convention of 1 June 1951 and the Aie protocol of 18 July 1951, concerning the use of indications of origin and names of cheeses;
- b) The Madrid Arrangement for the suppression of false indications of origins, which is now in force in the Lisbon text of 1958, concerning the protection of indications of origin and their international registration, ratified in the additional act drawn up at Stockholm on 14 July 1968.
- c) Bilateral agreements and treaties between Italy and other countries (Federal Republic of Germany 1962, France 1964, Spain 1975).

On matters concerning indications of origin, geographic names are usually used to indicate a precise and specifically limited place where an agri-foodstuff product is normally produced. This place is always typified by qualities or characteristics well known to the consumer, due essentially or exclusively to the geographic settings which comprises all the human and natural factors involved, and where the production, processing and preparation are carried out in a specified geographic area.

These characteristics, already recognised for Parmigiano-Reggiano by a national act as of 10 April 1954 (N.125), have since been confirmed with the afore-cited international agreements and registered by EC Regulation 1107/96 by virtue of Article N.17 of EC Regulation 2081/92 concerning the protection of indications of origin of agri-foodstuffs (IOAF).

It is very important to underscore, in this regard, that after registration, an indication of origin constitutes an exclusive right which never expires, unless the conditions which determine its recognition disappear. This constitutes the difference between an IOAF and brands or patents protected as intellectual property with limited protection in time. It is deemed important to add that the indication of geographic origin "Parmigiano-Reggiano" in countries for which there is no recognition, and protection of indications of origin has been registered by the le Consorzio del Formaggio Parmigiano-Reggiano, in agreement with Italy, as a trademark. We are therefore within the scope of intellectual property to protect the rights of produces and the good faith of consumers who know the qualitative and nutritional properties of the cheese which can undoubtedly be protected by the indication of origin.

For all the foregoing reasons, indications of origin, such as Parmigiano-Reggiano, are protected and reserved for the original product. This means that geographical protected indications of origin cannot be used with alternations, or with modifications partially obtained by adding, even indirectly, imitative terms, assonances, evocations, derivations and allocutions likely to bring to mind the same meaning of indication of geographic origin.

More specifically, the afore-cited EC Regulation 1107/96, protects the compound name "Parmigiano-Reggiano" against usurpation, imitation of evocation even if this protected name is translated (Article 13.1.b of EC Regulation n.2081/92). Under these conditions, if the use of the name "Parmigiano" is prohibited for a product that does not comply with the provisions of said EC Regulation 1107/96, the use of the term "Parmesan", which is the translation of the geographic indication, is likewise prohibited.

The term "Parmesan" came into usage, in fact, from the 17th to the 19th century, due to the relations of the Duchy of Parma and France. This name has been adopted in other-including non French-speaking-countries-to refer to a cheese historically produced in a specified area, close to the city of Parma (we can cite numerous historical references and a scholarly and meticulous literature) according to specific procedures.

The European Commission has therefore specified that the competent authorities of the Member States are required to automatically keep watchover the compliance of such regulations; in fact, by virtue of Article 13.1.b) of EC Regulation n.2081/92, the compliant registered names must be protected against all "usurpation, imitation or evocation even if the real origin of the product is indicated or the protected name is translated." Under such conditions, if the use of the name "Parmigiano" for a product which does not comply with the specifications set out by the Consorzio delo Formaggio "Parmigiano-Reggiano" and is prohibited by virtue of said Article 13.1.b), the same inevitably applies for the term "Parmesan", which is the translation thereof.

The Commission has moreover specified that the Community will in future have to negotiate a series of international conventions, especially at WTO level (Agreement on aspects of intellectual property rights) to extend to the territory of third countries the legal protection of names registered pursuant to EC Regulations no.2081/92 and 2982/92, including Parmigiano-Reggiano.

By way of reminder, the Italian government has always taken appropriate measures when the name "Parmesan" was used illegally, including for exports.

Finally, another aspect of the question is worth underscoring. Consumers in Italy, as throughout the world, identify “parmesan” with the cheese produced in Italy in the indicated geographic origin. It is moreover very useful for particular groups (children and elderly persons) for its nutritional qualities and high digestibility. It is in fact a natural product which superior quality characteristics derived from the surroundings of its provenance, as well as the type of food used for the cattle.

For all these reasons, the use of the term “parmesan”, a translation of the geographic name “Parmigiano”, is therefore truly misleading for consumers, who think they are buying a product with certain superior and natural qualities, instead of an altogether generic product.

It is obvious, in fact, that the term “Parmesan” does not evoke, but coincides with, a geographic name (the adjective from the name Parma according to the local dialect).

Consequently, it is inconceivable that an EU Member State can, under the Codex Alimentarius, unilaterally propose the establishment of an individual standard for “Parmesan” cheese, the provisions of which are entered in the specifications laid down by the Italian Government, in particular by not requiring the production, processing and preparation of the product in question within the specifically delimited area.

INTERNATIONAL DAIRY FEDERATION

1 Background

At the 3rd Session of the CCMMP (May 1997), the delegation of Germany suggested to establish a Codex Standard for Parmesan (CX/MMP 98/11).

Due to time constraints, the 3rd Session of the CCMMP did not consider the proposal of Germany.

In 1997, the IDF provided figures on the production and trade of Parmesan. These were appended the German proposal as well as the IDF information provided to the 3rd CCMMP session. Using the “Criteria for the Retention and Establishment of Codex Standards for Individual Cheese Varieties”, as agreed by the CCMMP, it is justified to establish a Parmesan Standard.

2 Proposed Draft Standard

It is noted that the CCMMP has taken a decision with regard to revocation and revision with respect to all existing C-standards but Standard C-35 for Extra Hard Grating Cheese. Therefore, Standard C-35 has neither been revoked nor been revised.

In light of this situation, the IDF recommends that a proposed Standard for Parmesan is progressed as a revision of the existing Standard C-35, the main focus being the exclusion of all other extra hard grating cheeses but Parmesan. This procedure will enable the Committee to consider the draft at Step 4 together with the other revised draft C-standards.

A proposed draft Standard for Parmesan is attached. The sections relating specifically to Parmesan are Sections 2, 3.3, 4, and 7.1, while the other sections include the texts and format of the other C-standards under review.

The IDF is currently considering whether there would be a need for establishing a specific description for grated Parmesan.

Further, the additives list includes additives for ripened cheeses as endorsed by the CCFAC. However, some of them are still subject to technological justification. The IDF will initiate a review of the list and will report at a later stage on which of the additives listed is technologically justified. As a consequence, the additives list has been put in square brackets.”

3 Recommendation

The IDF recommends that the 4th Session of the CCMMP decide to proceed the review of Codex Standard C-35 as a Proposed Draft Standard for Parmesan.

PROPOSED DRAFT STANDARD FOR PARMESAN (C-35)

(Revision of the current Standard for Extra Hard Grating Cheese)

1. SCOPE

This Standard applies to Parmesan intended for direct consumption or for further processing in conformity with the description in Section 2 of this Standard.

2. DESCRIPTION

Parmesan is a ripened extra hard cheese* suitable for grating by industrial processing or by the end-consumer. The body of the cheese has a pale yellow to yellowish colour and a granular, slightly brittle texture. The cheese has no or few occasional holes and is sold with or without a rind, which may be coated.

For Parmesan ready for consumption, the ripening procedure to develop flavour and body characteristics is normally from 6 months at 10-20 °C depending of the degree of maturity required. Different ripening conditions may be used provided the cheese exhibits similar physical, biochemical and organoleptic changes to those achieved by the previously stated ripening procedure. Parmesan intended for further processing need not exhibit the same degree of ripening.

*) For specification, see the Codex Standard for Cheese (A-6).

3. ESSENTIAL COMPOSITION AND QUALITY FACTORS

3.1 RAW MATERIALS

Milk and/or products obtained from these milks.

3.2 PERMITTED INGREDIENTS

- Starter cultures of harmless lactic acid and/ or flavour producing bacteria and cultures of other harmless micro-organisms;
- Rennet or other safe and suitable coagulating enzymes;
- Sodium chloride;
- Potable water;
- Safe and suitable enzymes to enhance the ripening process;

- Rice, corn, wheat and potato flours and starches: Notwithstanding the provisions in the Standard for Cheese (A-6) these substances can be used in the same function as anti-caking agents for treatment of the surface of cut, sliced, and shredded products only, provided they are added only in amounts functionally necessary as governed by Good Manufacturing Practice, taking into account any use of the anti-caking agents listed in section 4.

3.3 COMPOSITION

<u>Milk constituent:</u>	<u>Minimum content</u> <u>(m/m):</u>	<u>Maximum content</u> <u>(m/m):</u>	<u>Reference level</u> <u>(m/m):</u>
Milkfat in dry matter:	32%	42%	32% to 42%
Dry matter:	64%	Not specified	Not specified

Compositional modifications beyond the minima and maxima specified above for milkfat and dry matter are not considered to be in compliance with section 4.3.3 of the Codex General Standard for the Use of Dairy Terms.

4. FOOD ADDITIVES

[Only those food additives listed below may be used and only within the limits specified.]

<u>No.</u>	<u>Name of food additive</u>	<u>Maximum level</u>
<u>3.1.1 Colours (for edible cheese rind)</u>		
100	Curcumins	Limited by GMP
<u>3.1.2 Colours (to obtain the colour characteristics, as described in Section 2)</u>		
100(ii)	Turmeric	Limited by GMP
101	Riboflavins	Limited by GMP
140	Chlorophylls	Limited by GMP
141	Copper chlorophylls	15 mg/kg
160a (i)		β -Carotenes (synthetic) 25 mg/kg
160a (ii)	Carotenes (natural extracts)	600 mg/kg
160b	Annatto extracts	10 mg/kg (on bixin/norbixin basis)
160c	Paprika oleoresins	Limited by GMP
160e	β -apo-8'-carotenal	35 mg/kg
160f	β -apo-8'-carotenic acid, methyl and methyl ester	35 mg/kg
<u>Acidity regulators</u>		
170	Calcium carbonates)
504	Magnesium carbonates) Limited by GMP

575 Glucono delta-lactone (GDL))

3.2 PRESERVATIVES

200 Sorbic acid)
 202 Potassium sorbate) 3000 mg/kg, calculated
 203 Calcium sorbate) as sorbic acid
 234 Nisin 12.5 mg/kg of cheese
 251 Sodium nitrate) 50 mg/kg of cheese,
 252 Potassium nitrate) expressed as NaNO₃
 280 Propionic acid)
 281 Sodium propionate) 3000 mg/kg, calculated as
 282 Calcium propionate) propionic acid
 1105 Lysozyme Limited by GMP

For surface/rind treatment only:

200 Sorbic acid)
 202 Potassium sorbate) 1 g/kg singly or in combination,
 203 Calcium sorbate) calculated as sorbic acid
 235 Pimaricin (natamycin) 2 mg/dm² surface. Not present at
 a depth of 5 mm.

Sliced, cut, shredded or grated cheese

Anti-caking agents

460 Cellulose Limited by GMP
 551 Silicon dioxide, amorphous)
 552 Calcium silicate)
 553 Magnesium silicates) 10 g/kg singly or in combination.
 554 Sodium aluminosilicate) Silicates calculated as silicon
 555 Potassium aluminosilicate) dioxide.
 556 Calcium aluminium silicate)
 559 Aluminium silicate)
 560 Potassium silicate)

Preservatives

200 Sorbic acid)
 202 Potassium sorbate) 1 g/kg singly or in combination,
 203 Calcium sorbate) calculated as sorbic acid]

5. CONTAMINANTS

5.1 HEAVY METALS

The products covered by the provisions of this Standard shall comply with those maximum residue limits established by the Codex Alimentarius Commission.

5.2 PESTICIDE RESIDUES

The products covered by the provisions of this Standard shall comply with those maximum residue limits established by the Codex Alimentarius Commission.

6. HYGIENE

- 6.1 It is recommended that the product covered by the provisions of this standard be prepared and handled in accordance with the appropriate sections of the Recommended International Code of Practice - General Principles of Food Hygiene (CAC/RCP 1-1969, Rev. 3 - 1997), and other relevant Codex texts such as Codes of Hygienic Practice and Codes of Practice.
- 6.2 From raw material production to the point of consumption, the products covered by this standard should be subject to a combination of control measures, which may include, for example, pasteurization, and these should be shown to achieve the appropriate level of public health protection.
- 6.3 The products should comply with any microbiological criteria established in accordance with the Principles for the Establishment and Application of Microbiological Criteria for Foods (CAC/GL 21-1997).

7. LABELLING

In addition to the provisions of the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev.1-1991; *Codex Alimentarius*, Volume 1A) and the General Standard for the Use of Dairy Terms (CODEX STAN 206-1999), the following specific provisions apply:

7.1 NAME OF THE FOOD

The name Parmesan may be applied in accordance with section 4.1 of the Codex General Standard for the Labelling of Prepackaged Foods, provided that the product is in conformity with this Standard.

The designation may also be used for cut, sliced, shredded or grated products made from cheese which cheese is in conformity with this Standard.

7.2 COUNTRY OF ORIGIN

The country of origin (which means the country of manufacture, not the country in which the name originated) shall be declared. When the product undergoes substantial transformation* in a second country, the country in which the transformation is performed shall be considered to be the country of origin for the purpose of labelling.

*) *Substantial transformation excludes, for instance, [repackaging, cutting, slicing, shredding and grating].*

7.3 DECLARATION OF MILKFAT CONTENT

The milk fat content shall be declared in a manner found acceptable in the country of sale to the final consumer, either (i) as a percentage by mass, (ii) as a percentage of fat in dry matter, or (iii) in grams per serving as quantified in the label, provided that the number of servings is stated.

7.4 LIST OF INGREDIENTS

Rennet or other safe and suitable coagulating enzymes of animal, plant, or microbial origin may be declared as coagulating enzymes in the list of ingredients.

7.5 DATE MARKING

Notwithstanding the provisions of Section 4.7.1 of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev.1-1991; *Codex Alimentarius*, Volume 1A), the date of manufacture may be declared instead of the minimum durability information, provided that the product is not intended to be purchased as such by the final consumer.

7.6 LABELLING OF NON-RETAIL CONTAINERS

Information specified in Section 7 of this Standard and Sections 4.1 to 4.8 of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev.1-1991; *Codex Alimentarius*, Volume 1A) and, if necessary, storage instructions, shall be given either on the container or in accompanying documents, except that the name of the product, lot identification, and the name of the manufacturer or packer shall appear on the container, and in the absence of such a container, on the product itself. However, lot identification and the name and address may be replaced by an identification mark, provided that such mark is clearly identifiable with the accompanying documents.

8. METHODS OF SAMPLING AND ANALYSIS

See *Codex Alimentarius*, Volume 13.