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Agenda Item 4 (r)

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(English only)

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

Seventh Session

Queenstown, New Zealand, 27 March - 1 April 2006

PROPOSED DRAFT MODEL EXPORT CERTIFICATE FOR MILK AND MILK PRODUCTS

COMMENTS AT STEP 3

Comments from: Argentina, Australia, Brazil, Canada, Costa Rica, New Zealand, Thailand, United States of America, Venezuela, International Dairy Federation and World Organisation for Animal Health,

General

AUSTRALIA

Australia is pleased to provide the following comments on CX/MMP 06/7/9 "Proposed Draft Model Export Certificate for Milk and Milk Products" and congratulates the working group chaired by Switzerland on preparing the document.

Australia supports the progress of the Proposed Draft Model Export Certificate for Milk and Milk Products to step 5/8 at the seventh session of the Codex Committee on Milk and Milk Products, with or without the following minor comments.

CANADA

Canada would like to thank Switzerland and the drafting group for advancing work on the Draft Model Export Certificate.

Canada strongly supports the work on drafting a uniform, international export certificate for milk and milk products.

Advancement of this model export certificate will eliminate the diversity and complexity of certificates currently required and used for trade of milk and milk products. The proposed model follows the principles for the production of export certificates as per Guidelines for Generic Official Certificate Format and the Production and Issuance of Certificates - CAC/GL 38-2001, Rev. 1-2005 developed by CCFICS. We feel it is important that a model certificate for milk and milk products be standardized and based on Codex texts.

COSTA RICA

Costa Rica thanks the government of New Zealand for its continuing to accept to chair the work by the Milk and Milk Products Committee and the opportunity for making the following observations.

NEW ZEALAND

New Zealand supports the development of the Model Export Certificate for Milk and Milk Products and has welcomed the opportunity to participate in the drafting group that undertook this work.

We believe that work on the Model Export Certificate has made good progress and will be ready to advance in the Codex step process once the following specific issues have been addressed.

New Zealand suggests that the model certificate needs to include a short section on certification of prototype or trade samples.

VENEZUELA

The Venezuelan Committee considers that before continuing with the revision of the present document the following considerations should be taken into account:

- What value is there in drawing up a certification model for the Milk and Milk Products Committee, when there is a Specific Committee for the Inspection and/or Food Import and Export Certification, in which the Inspection and/or Certification of food is considered?
- What benefits are derived from substituting the current documents (for example, certificate of origin), with this certification model for the milk sector?
- It is recommended further assessing and detailing in the document the aim of applying the model export certificate in the milk sector.

INTERNATIONAL DAIRY FEDERATION

IDF has been part of the Drafting Group on the Model Export Certificate for Milk and Milk Products led by Switzerland.

IDF is of the opinion that the document has been significantly improved following to the discussion at previous 6th CMMP session and should now be moved forward in the step procedure.

However, IDF would like to make the following few comments.

WORLD ORGANISATION FOR ANIMAL HEALTH

As an observer Organisation, the World Organisation for Animal Health (OIE) would like to thank the *Codex Alimentarius* Commission (CAC) and the Codex Committee on Milk and Milk Products (CCMMP) for the opportunity to contribute to its standards development process.

To help coordination between the CAC and the OIE on food safety issues, the OIE Member Countries gave the Director General a mandate to constitute the OIE Animal Production Food Safety Working Group. Its current membership includes current and former *Codex Alimentarius* office holders, the Director of the Food Safety Department of the World Health Organization (WHO), the Chief of the Animal Health Service of the Food and Agriculture Organization of the United Nations (FAO) and experts from OIE Member Countries of all Regions.

One of the Working Group's roles is to help the OIE define more precisely its policies on the development of standards aimed at protecting consumers from food-borne hazards arising from animals, during the production phase of the food chain. During the two most recent meetings of the Working Group, its members recommended that the CAC and the OIE work together also on one topic of interest for this meeting of the CCMMP: the proposed draft model export certificate for milk and milk products.

At its January 2006 meeting, the Working Group recommended that the OIE coordinate its work with the CAC and maximise cooperation with other interested parties, outlining its proposal for combined certificates addressing the entire food chain including animal health and zoonoses, when this was possible.

Codex Alimentarius / OIE work on certification

The OIE Terrestrial and Aquatic Animal Health Codes provide the OIE standards for terrestrial and aquatic animals and they include several model certificates for international trade and the related procedures. Those certificates address the safety of international trade of animals and their products.

Currently the OIE is updating its standards on certification. The OIE is keen to coordinate its work with that of the CAC to produce combined certificates, where possible, but in any case, to maximise harmonisation and avoid contradictory standards for both Codex and OIE Member Countries.

For the best results on this harmonisation work on certification, OIE believes that it would be desirable for both organisations to revise their standards with an harmonised approach. An ideal goal would be a single certificate per product (recognised by both the Codex and the OIE) that would simplify export/import procedures.

The OIE supports the proposed draft model certificate drafted by this Committee and welcomes the good understanding the Committee and the OIE have on the complementarity of the Codex Alimentarius and OIE standards.

Introduction

General

BRAZIL

Brazil considers very important to introduce **animal health attestations** in to the Model Export Certificate For Milk and Milk Products, according to the OIE precepts.

Reason: The mainly sanitary barriers applied in the international trade are based on animal health. The use of a joint model export certificate makes the certification process more efficient and safe.

Paragraph 1

AUSTRALIA

Paragraph 1, first sentence “compliment” should be “complement”.

CANADA

In the first sentence of paragraph 1, “compliment” should be “complement”.

Paragraph 2

CANADA

In paragraph 2, reference is made to the Model Export Certificate being modified at a later stage if OIE considers it necessary to address attestations of animal health. Although we recognize the rationale behind this statement, as it does address issues outside of the Codex mandate, it therefore has implications as to who should make such revisions, how should it be done, who then owns the standard, etc. We suggest, therefore, that this paragraph be replaced with text from paragraph 3 of CAC/GL 38-2001:

These guidelines do not deal with matters of animal and plant health unless directly related to food quality or safety. However, it is recognized that, in practice, a single certificate may contain information relevant to several matters.

This enables national governments to include animal (or plant) health attestations if deemed necessary without Codex having to revise the document.

WORLD ORGANISATION FOR ANIMAL HEALTH

The OIE proposes to include an animal health attestation in the model certificate by amending the following text in the current paragraph 2 (under the heading “Introduction”):

“2- ~~Currently, The Model Export Certificate covers only aspects related to human health and animal health. There is no reference to animal health attestations as Animal health issues are outside the mandate of Codex; the current animal health attestation has been proposed by the OIE and refers to the OIE Terrestrial Animal Health Code. However, if the OIE considers it necessary to have such attestations in a joint model export certificate, animal health attestations could be introduced in this Model Export Certificate at a later stage.~~”

Objectives

Paragraph 5**CANADA**

Paragraph 5 perpetuates an error contained in paragraph 6 of CAC/GL 38-2001. It is not appropriate for Codex to develop guidance documents to facilitate trade since trade facilitation (fair or otherwise) is not within the mandate of Codex. We suggest rewording paragraph 5 so as to more accurately reflect the Codex mandate as specified in Article 1(a) of its Statutes:

The certificate should contain essential information relating to the protection of the health of consumers and ensuring fair practices in the food trade.

Additional**BRAZIL**

Includes a new item with the text:

“9. Whenever the importing country demands from the exporting country additional requirements to the Model Export Certificate For Milk and Milk Products, these requirements should be present in the importing country legislation and a common practice in the importing country territory.”

ScopeParagraph 9**AUSTRALIA**

The scope could be expanded to cover milk and milk products and composite products as defined in the General Standard for the Use of Dairy Terms (Codex STAN 206-1999). Therefore, the second sentence of paragraph 9 should be reworded to read: "It applies to milk, milk products and composite milk products as defined by GSUDT, presented etc..."

The title of the certificate may then be changed, or not as for the Code of Hygienic Practice for Milk and Milk Products (CAC/RCP 57-2004) which also applies to composites milk products.

INTERNATIONAL DAIRY FEDERATION

The scope should be expanded to cover milk and milk products and composite products as defined in the GSUDT¹. Therefore, the second sentence of paragraph 9 should be reworded to read: "*It applies to milk, milk products and composite milk products as defined by GSUDT, presented etc...*"

The title of the certificate need not be changed accordingly (see e.g. the Code of Hygienic Practice for Milk and Milk Products (CAC/RCP 57-2004) which also applies to composites milk products although the title does not reflect that).

General Remarks concerning the Production and Issuance of Certificates**VENEZUELA**

POSITION IN TEXT	COMMENTS
Page 4 Paragraph 12	It is recommended that the certificate be in the languages of the exporting and importing countries.

¹ GSUDT: General Standard for the Use of Dairy Terms (Codex STAN 206-1999)

Definitions

CANADA

Canada suggests that for the definitions of “certification” and “certifying bodies” the footnote reference should be “4”.

INTERNATIONAL DAIRY FEDERATION

Certifying body: Refer to footnote n°. 4

The Committee may consider deleting definitions of the following terms as they are not used within the document:

Official inspection systems and official certification systems

Officially recognized inspection systems and officially recognized certification systems

I. Details Identifying Milk and Milk Products

Nature of food**ARGENTINA**

With reference to this point, Argentina suggests specifying in “Nature of Food” if the product is manufactured using raw milk.

AUSTRALIA

Australia recommends removing square brackets around the text for “Nature of Food”.

CANADA

Canada agrees with the text within square brackets regarding the “Nature of Food” and therefore recommends the deletion of the square brackets.

NEW ZEALAND

New Zealand queries whether “Nature of food” is needed as the product name should cover the standard of identity both on the certificate and should correlate to the product label. We recommend this section should be removed as there appears to be no justification for it. We note that the title of the model certificate indicates that the nature of the food is milk or milk product.

THAILAND

It is necessary to identify the characteristic of product with using “The Nature of Food” then , the square bracket should be removed .

UNITED STATES OF AMERICA

The U.S. recommends deleting “Nature of the Food.” The “Name of the Product” is all that is needed. According to the Codex General Standard for Prepackaged Foods, the name of the food should indicate the true nature of the product. The nature of the food is also covered by the title of the certificate.

VENEZUELA

POSITION IN TEXT	COMMENTS
Page 5 I. Details identifying milk and milk products	Nature of food: this point needs to be clearer, given the case of the sale of a Milk Product that is not defined in the Codex Standard 206. What action should be taken in such cases?

INTERNATIONAL DAIRY FEDERATION

This item is not needed as it is covered by the title of the certificate.

Name of Product**CANADA**

Canada recommends that the full title of the Codex standards be included in the brackets at the end of the paragraph for clarity purposes.

NEW ZEALAND

The explanation on this point should make it clear that the information appearing in this section should replicate what is presented on the label, i.e. the name of the food and the trade name (where one is used), and should be sufficient to identify the food.

Samples for evaluation are a special type of consignment that should be covered by these Guidelines. For some types of samples, particularly prototype samples of foods in development, it is difficult to provide a name for the food; but such samples are not intended for retail sale, and have no commercial value, so a name is not necessary. To cover these samples, New Zealand proposes a sentence to be added to the paragraph as follows:

A consignment consisting of a food sample intended for evaluation in the importing country may be described using a term such as "trade sample". It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.

UNITED STATES OF AMERICA

The U.S. recommends inserting "the Codex General Standard for Prepackaged Foods" after dairy terms in the second sentence. The revised text would read:

"In other cases, the name prescribed by national legislation or in the absence of any such name, either a common or usual name existing by common usage as an appropriate descriptive term which is in accordance with the General Standard for the use of dairy terms, the Codex General Standard for Prepackaged Foods and is not misleading or confusing to the consumer shall be used."

INTERNATIONAL DAIRY FEDERATION

The name of the products as it appears on the label, in accordance with Codex rules:

"if a name or names have been established for a food in a Codex Standard, at least one of these names shall be used. In other cases, the name prescribed by national legislation or in the absence of any such name, either a common or usual name existing by common usage as an appropriate descriptive term which is in accordance with the General Standard for the use of dairy terms and not misleading or confusing to the consumer shall be used. (CODEX STAN 1-1985 (Rev. 1-1991)² and CODEX STAN (206-1999)."

Number of Units**COSTA RICA**

On page 5, I. Details Identifying Milk and Milk Products, under the sub-title "Number of Units", we agree with the entire wording, however, we consider it necessary to specify the minimum product unit per shipment.

Lot identification/Date code**VENEZUELA**

POSITION IN TEXT	COMMENTS
Page 5 I. Details identifying milk and milk products	Lot identification / date code: It is recommended this point be modified to use the term lot in the plural.

² Codex STAN 1-1985 (Rev. 1- 1991): General Standard for the Labelling of Prepackaged Foods

Manufacturing establishment or Factory approval/Identity No.**NEW ZEALAND**

In the explanatory notes, it would be useful to indicate that the identity number and name and address should be sufficient to identify the manufacturer and the factory. For the address, it may be adequate to state the town or province, and a physical address is unnecessary.

Country of Origin of Milk**ARGENTINA**

Argentina does not agree with the deletion of “Country of Origin of Milk”. We suggest including “Country of Origin of Raw Milk”.

ARGENTINA

Argentina does not agree with the deletion of “Country of Origin”. We believe it should be included.

Additional**ARGENTINA**

We also propose to include the “Manufacturing Date or Expiration Date” of the product.

II. Provenance of Milk and Milk Products

Means of transport**NEW ZEALAND**

A significant amount of dairy product is transported by shipping container. New Zealand therefore suggests it would be useful to include a provision for the entry of the shipping container and a seal number where one is applied. This will help link the certificate to the consignment more clearly.

UNITED STATES OF AMERICA

The U.S. recommends deleting the second sentence so that the revised text would read:

“Means of transport describes the way the product is transported.”

INTERNATIONAL DAIRY FEDERATION

Means of transport: Remove the second sentence as it contains details that may be difficult to specify in all situations. The text would then read:

"The means of transport describes the way the product is transported."

Specific transportation and handling requirements**AUSTRALIA**

Australia recommends inserting the words “If appropriate,” at the beginning of the first sentence to read “If appropriate, refer to the necessary ...”, and add the words “may” and “any” to the second sentence to read: “this may include the indication of any storage temperature...”

NEW ZEALAND

The explanatory notes should include the phrase "if appropriate", to match the model certificate.

INTERNATIONAL DAIRY FEDERATION

Insert the words “*if appropriate*” at the beginning of the first sentence, add the word “*may*” to the second sentence, and replace “*a*” in the second sentence with “*any*”. The amended text would then read:

“if appropriate, refer to the necessary information on how to handle the product in order to prevent it from perishing. This may includes the indication of any storage temperature specified by the manufacturer”

Exporter or Consignor [Exporter License No]**ARGENTINA**

We suggest deleting “Exporter License Number” unless it involves public health.

THAILAND

Delete the square brackets from “Exporter License N° if required “ because this issue should be one of the mandatory relevant .

Additional – Country of Origin**COSTA RICA**

On the page “Model Export Certificate for Milk and Milk Products” Part II, it is suggested adding “Country of origin” as there may be cases where the country of origin is not the same as the country of dispatch.

THAILAND

The term “country of origin “ should be declared in the certificate for product tracing .

Additional**COSTA RICA**

We suggest adding the information “port of dispatch” and “port of destination” as this is basic information for the traceability of milk and milk products, in accordance with their sanitary and health risks.

IV. AttestationPublic health attestation**ARGENTINA**

With regard to this point, Argentina believes that the certificate should focus on aspects related to public health or diseases related to animal health having an impact on public health. We agree that this point should be subjected to the result of the document to be developed jointly between Codex and OIE at a later date.

BRAZIL

Brazil suggests a new text to the Model Export Certificate For Milk And Milk Products - Item IV (Attestation).

Item IV - Attestation

*The undersigned certifying officer hereby certifies that **the products described above:***

1. ~~The products described above~~ Were manufactured at (an) establishment(s) that has/have been ~~approved and accredited to export by or otherwise determined to be in good regulatory standing with the competent authority in the exporting country and that~~

2. ~~The product(s) (please tick the appropriate box)~~

*~~—from the point of raw material production to the point of their export, the products~~ Have been prepared, packed, held and transported **in sanitary condition, under the control of the competent authority in the exporting country and based on** ~~under good hygienic practice and an effective food safety control system, implemented within the context of HACCP where appropriate, implemented consistently and in accordance with the requirements contained in the Codex Code of Hygienic Practice for Milk and Milk Products, and that~~*

~~—The product(s) was/were produced in accordance with the public health requirements of..... (specify the country)~~

Are found to be fit to human consumption.

Reason:

To clarify and add guarantees to the Certificate.

CANADA

Canada notes that this definition varies from the actual attestation text in the model certificate. Since the certificate refers to “an effective food safety control system implemented within the context of HACCP where appropriate”, it is recommended that the definition be consistent with this type of wording. Therefore, we suggest the following wording:

“...the products were processed and otherwise handled within the context of HACCP, where appropriate, and that the food...”

NEW ZEALAND

The text of the explanatory notes should align with that in the model certificate. "...that the products were processed and otherwise handled within the context of HACCP where appropriate..."

UNITED STATES OF AMERICA

The U.S. recommends deleting the word “basically” and inserting the words “where appropriate” after HACCP System.

Without the addition of this text, the definition mandates a HACCP System which deviates from actual commercial practices in the U.S. Some manufacturers may not be using a HACCP system, but their products fully comply with all standards. The text in the certificate allows for this option and the text of the definition should be consistent with the text in the certificate.

The revised text would read:

“Public Health Attestation statement confirming that the product or batches of products originate from an establishment that is in good regulatory standing with the Competent Authority in that country and that the products were processed and otherwise handled under a competent HACCP System where appropriate and that the food complies with the hygiene requirements of the exporting country or the hygiene requirements of the Code of Hygienic Practice for Milk and Milk Products.”

INTERNATIONAL DAIRY FEDERATION

To avoid repetition and unnecessary words, remove the word “*basically*” and put a semicolon after “*Competent Authority in that country;*” Remove “*and*” at the beginning of the second sentence and replace the end of that sentence from “*with the hygiene requirements of the exporting country or...*” till the end, by: “*with the Codex food safety requirements and / or national food safety requirements.*” The amended text would then read:

“*statement confirming that the product or batches of products originate from an establishment that is ~~basically~~ in good regulatory standing with the Competent Authority in that country; ~~and~~ that the products were processed and otherwise handled under a competent HACCP System and that the food complies with the food Codex food safety requirements and / or national food safety requirements.*” ~~*hygiene requirements of the exporting country or the hygiene requirements of the Code of Hygienic Practice for Milk and Milk Products.*~~”

Model Certificate - General**WORLD ORGANISATION FOR ANIMAL HEALTH**

The model for “Export Certificate for Milk and Milk Products” should be amended as follows:

“Logo/ letterhead of certifying body _____ Certificate No _____”

MODEL EXPORT CERTIFICATE FOR MILK AND MILK PRODUCTS

Competent authority responsible for Certification _____

I. Details identifying milk and milk products

[Nature of Food _____ *]*

Name of the Product (s) _____

Number of units _____ Weight per unit _____
 Net weight _____
 Lot identification or Date code _____
 Manufacturing Establishment or Factory Approval or Identity No _____
 Name and Address of Contact (Manufacturing Establishment or Factory)

II. Provenance of milk and milk products

Country of dispatch _____
 Means of transport _____
 Specific transportation and handling requirements (if appropriate) _____
 Exporter or Consignor [Exporter License N° if required] _____
 Name and Address _____

III. Destination of milk and milk products

Country of destination _____
 Importer / Consignee
 Name and Address _____

IV. Attestation

The undersigned certifying officer hereby certifies that:

1. The undersigned Official Veterinarian certifies that the products described above satisfy the following animal health requirements (footnote 1):

12. The products described above were manufactured at (an) establishment(s) that has/have been approved by, or otherwise determined to be in good regulatory standing with the competent authority in the exporting country and that

23. The product(s) (please tick the appropriate box)

from the point of raw material production to the point of their export, the products have been prepared, packed, held and transported under good hygienic practice and an effective food safety control system, implemented within the context of HACCP where appropriate, implemented consistently and in accordance with the requirements contained in the Codex Code of Hygienic Practice for Milk and Milk Products.

The product(s) was/were produced in accordance with the public health requirements of..... (specify the country) _____

Date and Place of issuance of Certificate _____

Certifying officer (seal and signature) _____”

The footnote 1 would read:

“1- These conditions are agreed between the Veterinary Services of the importing and exporting countries in accordance with the options provided in the OIE Terrestrial Animal Health Code.”

Model Certificate – I. Details Identifying milk and milk products

Net weight**VENEZUELA**

POSITION IN TEXT	COMMENTS
Page 7 Model export certificate for milk and milk products	It is suggested replacing Net weight with Net content

Weight per unit**COSTA RICA**

For the page “Model Export Certificate for Milk and Milk Products” Part I, we suggest changing “weight per unit” with “Gross weight per unit” and also adding “Net weight per unit”. This is suggested with a view to providing more information about the actual content of each unit both for the transporter and the consumer, since in this way information about the product itself and the packaged product for export is provided.

Lot identification or Date code**UNITED STATES OF AMERICA**

The U.S. recommends allowing for plural here. The revised text would read:

Lot identification (s) or date code (s)

Name and Address of Contact (Manufacturing Establishment or Factory)**COSTA RICA**

In the line “Name and Address of Contact”, we consider that the telephone and fax numbers should be included along with the country’s international dialling codes, as well as the web page and e-mail address, if available, in order to facilitate information for the buyer.

Costa Rica agrees with the suggestions made by some countries that do not agree to accepting milk products solely on the basis of their compliance with the exporting country’s regulations. Since it should be the importing country that defines the compliance rules for the exporting country to deliver its products to their destination, providing that these regulations remain within the requirements of the Agreement on Technical Barriers to Trade or Health and Phytosanitary Measures when the latter are scientifically justified.

INTERNATIONAL DAIRY FEDERATION

"Name and Address of Contact" should be replaced by "Name and Address of Manufacturer." Delete the rest of the line.

Model Certificate - II. Provenance of milk and milk products

Exporter or Consignor [Exporter License No. if required]**CANADA**

Canada recommends that the data field for [Exporter License No. if required] be moved to the bottom of Section II and that “Exporter or Consignor” be adjacent to the “Name and address”, similar to the format used in Section III for Importer/Consignee name and address.

Model Certificate - IV. Attestation

INTERNATIONAL DAIRY FEDERATION

Paragraph 2., first box: delete the words "*the point of*" at the beginning of the paragraph and insert a semicolon after "*good hygienic practice*;" insert again a semicolon after "*appropriate*;" (third line), then, add the reference to the Codex Code of Hygienic Practice for Milk and Milk Products³. The whole section would then read:

- "*from ~~the point of~~ raw material production to the point of their export the products have been prepared, packed, held and transported:*
- *under good hygienic practice; and an effective food safety control system,*
 - *implemented within the context of HACCP where appropriate; and*
 - *implemented consistently and in accordance with the requirements contained in the Codex Code of Hygienic Practice for Milk and Milk Products (CAC/RCP 57-2004).*

³ CAC/RCP 57-2004