

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00153 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

Agenda Item 3(a)

CX/MMP 08/8/3
November 2007

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

Eighth Session

Queenstown, New Zealand, 4-8 February 2008

DRAFT MODEL EXPORT CERTIFICATE FOR MILK AND MILK PRODUCTS

COMMENTS AT STEP 6 IN RESPONSE TO CL 2006/36-MMP

submitted by United States of America and International Dairy Federation (IDF)

United States of America

The United States appreciates the opportunity to provide comments on the draft Model Export Certificate for Milk and Milk Products at Step 6 as requested in CL 2006/36-MMP. We respectfully submit the comments below.

The U.S. supports the work that has been done on this document and would like to provide comments relative to the CCFICS discussion paper on the consistency of the draft model export certificate with the *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001) prepared by the Australian Secretariat at the request of the 7th Session of the Codex Committee on Milk and Milk Products (CX/FICS 07/16/8).

Except if otherwise indicated these comments relate to the explanatory text prefacing the Draft Model Export Certificate for Milk and Milk Products.

GENERAL REMARKS CONCERNING THE PRODUCTION AND ISSUANCE OF CERTIFICATES

The U.S. supports the addition of the sentence proposed in CX/FICS 07/16/8 to the end of paragraph 12. Paragraph 12 would read as follows:

"The selection of the appropriate language(s) of certificates should be based on adequacy for the importing country's purpose, comprehension by the certifying officer and minimizing the unnecessary burden on the exporting country. Certificates should be in a language or languages fully understood by the certifying officer in the exporting country, in transit countries where appropriate, by the receiving authority in the importing country or those countries in which the inspection of food takes place. Where required the certificate can be accompanied by official translations."

References to *Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates*

The U.S. Agrees with the recommendation in CX/FICS 07/16/8 that all references to the title of the Guidelines (*Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates* (CAC/GL 38-2001)) should be amended to reflect the new title of the guidelines (*Guidelines for Design, Production, Issuance and Use of Generic Official Certificates*).

DEFINITIONS

The U.S. agrees with the recommendation in CX/FICS 07/16/8 that the definitions section should be aligned with section 3 - Definitions of the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* in particular the definitions for Certifying bodies, Certifying officers, Official certificates and inclusion of a definition for Consignment.

USE OF MODEL EXPORT CERTIFICATES FOR MILK AND MILK PRODUCTS

Page numbering

In order to align the certificate with paragraph 38 of the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates*, the U.S. agrees with the recommendation in CX/FICS 07/16/8 to modify the text in paragraph 14 as follows:

Page numbering should be used where the certificate occupies more than one sheet of paper. "For multiple page certificates the certifying officer should ensure that it is clear that the pages constitute a single certificate including official translation(s) when appropriate (e.g. each page is numbered with the same unique certificate number so as to indicate it is a particular page in a finite sequence)."

Seal and signature

The U.S. does not support the recommendation in paragraph 10 of CX/FICS 07/16/8. The U.S. recommends the following wording in alignment with paragraph 22 of the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates*.

*"**Seal, signature and other appropriate means to ensure security** (for example use of watermark paper, unique identification numbers or other security measures) should be applied in a manner that minimizes the risk of fraud."*

DETAILS IDENTIFYING MILK AND MILK PRODUCTS

The U.S. recommends aligning this section with paragraph 23 and footnote 7 of the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* where quantity should be in accordance with the International System of Units (Modern Metric System). In the Draft Model Export Certificate, the U.S. recommends replacing **Net Weight** with **Quantity** with the footnote cited in the generic guidelines.

Manufacturing establishment or Factory approval/Identity No.

The U.S. does not support including references to storage establishments as recommended in CX/FICS 07/16/8. In accordance with paragraph 23 of the generic guidelines, storage establishments only need to be included where appropriate.

PROVENANCE OF MILK AND MILK PRODUCTS

Country of dispatch

The U.S. supports the addition of the sentence proposed in paragraph 14 of CX/FICS 07/16/8 modifying the definition of country of dispatch.

MODEL EXPORT CERTIFICATE FOR MILK AND MILK PRODUCTS

The U.S. agrees with the recommendation in CX/FICS 07/16/8 paragraph 15 to replace "Lot(s)" with "Identification" in the Draft Model Export Certificate. The U.S. does not support including references to storage establishments. In accordance with paragraph 23 of the generic guidelines, storage establishments only need to be included where appropriate.

IDF

For many years the International Dairy Federation (IDF) has been in favour of the harmonisation of export certificates used for international trade in dairy products; therefore, IDF was satisfied with the advancement at step 5 of the draft *Model Export Certificate for Milk and Milk Products* (ALINORM 06/29/11, Appendix XXIV), and hopes that the document will move forward for adoption at the next session of CCMMP in Queenstown - New Zealand, in February 2008.

In the meantime, IDF would like to make the following comments in response to Codex CL 2006/36-MMP, dated August 2006.

- A. Comments on the Discussion paper on the Consistency of the draft *Model Export Certificate for Milk and Milk Products* with revised CAC/GL 38-2001 (Guidelines for Generic Official Formats and Design, Production, Issuance and Use of Certificates), prepared by the Australian Secretariat (CX/FICS 07/16/8, dated September 2007)

IDF generally supports the comments by the Australian Secretariat that the *Model Certificate for Milk and Milk Products* should be aligned with the revised Guidelines for the Design, Production, Issuance and Use of Generic Official Certificates ("Generic Guidelines") adopted by the Codex Commission in July (ALINORM 07/30/30, Appendix II)

With regard to the specific recommendations of the Australian Secretariat

- Recommendation in paragraph 6: IDF agrees to add the sentence as proposed to the end of paragraph 12 of the draft certificate, which will read: "*The selection of the appropriate language(s) of certificates should be based on adequacy for the importing country's purpose, comprehension by the certifying officer and minimizing the unnecessary burden on the exporting country. Certificates should be in a language or languages fully understood by the certifying officer in the exporting country, in transit countries where appropriate, by the receiving authority in the importing country or those countries in which the inspection of food takes place. Where required the certificate can be accompanied by official translations.*"
- Recommendation in paragraph 7: IDF agrees
- Recommendation in paragraph 8: IDF agrees
- Recommendation in paragraph 9: IDF agrees
- Recommendation in paragraph 10: IDF seeks clarification for the words "**Security seal number(s)**"
- Recommendation in paragraph 11:

Section I. Details identifying milk and milk products. IDF notes that recommendation in paragraph 11 regarding replacing "number of units..." with "Quantity, in the appropriate units" may not be an appropriate recommendation. This recommendation relates to the entries in the Model Export Certificate for Milk and Milk Products on "number of units", "weight per unit" and "net weight". These three items are linked together; that is the "net weight" is obtained by multiplying the "number of units" by the "weight per unit" to arrive at the "net weight" which is actually the net weight of the shipment. By replacing "number of units" with "Quantity in the appropriate units", in the current usage of the Model Milk Export Certificate, the term quantity would be interpreted to relate to the number of containers (bags, boxes, cans, etc). However in the Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificate document the term "Quantity, in appropriate units" is footnoted to contain a reference to the metric system so the phrase must relate to the content amount in the package (i.e., grams, milliliters) (see paragraph 23). In the context of the Model Milk Certificate, the suggested replacement of the "number of units" with "Quantity, in appropriate units" is, therefore, not correct and the recommendation should not be taken. We support the retention of the units of measure i.e., number of units, weight per unit and net weight.
- Recommendation in paragraph 12: IDF suggests the following wording: "**Identification** is the lot identification to which the certificate uniquely relates to ensure the traceability/product tracing of the lot."
- Recommendation in paragraph 13: the opinion of IDF is that the reference to "*storage establishment(s)*" is not appropriate in the dairy sector.
- Recommendation in paragraph 14: IDF agrees
- Recommendations in paragraph 15: IDF agrees to replace "Lots" with "Identification" in section I (*Details identifying milk and milk products*) of the draft *Model Certificate* template, however IDF can not accept recommendations at indents 2 and 3 (see previous comments on recommendation in paragraph 13.)

B. Other comments:

IDF would support the removal of the square brackets around "*Date of minimum durability, when required, if, and as provided on label*" in section I (***Details identifying milk and milk products***) of the draft *Model Certificate* template.