

# codex alimentarius commission



FOOD AND AGRICULTURE  
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**Agenda Item 6**

**CX/MMP 02/12  
February 2002**

## **JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

### **CODEX COMMITTEE ON MILK AND MILK PRODUCTS**

#### **Fifth Session**

**Wellington, New Zealand, 8-12 April 2002**

#### **DISCUSSION PAPER ON THE MODEL EXPORT CERTIFICATE FOR MILK PRODUCTS**

(Prepared by Switzerland in cooperation with Argentina, Australia, Denmark, France, Germany, India, New Zealand, the United States the European Commission and IDF)

#### **BACKGROUND**

1. At its 3<sup>rd</sup> Session, the CCMMP was unable to consider a paper concerning model export certificates for milk products and decided to consider it further at its following Session. At its 4<sup>th</sup> Session the Committee noted that the document<sup>1</sup> was identical to the one prepared for its third Session, and that additional information was provided by the International Office of Epizootics (OIE) under Annex 2.
2. At its 4<sup>th</sup> Session<sup>2</sup>, the Committee was informed that the most recent Eighth Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) had agreed to forward the Proposed Draft Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates to the 47<sup>th</sup> Session of the Executive Committee for adoption at Step 5. The CCFICS also agreed to inform the Executive Committee that the boundaries between official/officially-recognized certification bodies and other agencies in light of the wide range of certification presently used to facilitate trade was an issue requiring further consideration. The CCFICS stressed that guidelines should not address matters related to animal and plant health, notwithstanding the fact that animal and plant health attestations may be contained in certificates.
3. The representative of the OIE noted that the International Animal Health Code Commission of the OIE had discussed with representatives of IDF the possibility of developing a harmonized model certificate for milk and milk products on the issue of animal health attestations. OIE/IDF concluded that guidelines would be more appropriate than a model certificate to seek harmonization of animal health requirements of international certificates for milk products. The OIE representative suggested if the CCMMP were to continue work on a model certificate, OIE might collaborate with the CCMMP to reach agreement on a model international certificate for milk and milk products as long as the model included an animal health section covering animal diseases.
4. There was a general agreement that there was a need to develop a model export certificate for milk product to facilitate international trade. However, various opinions were expressed as to when and how to proceed with this work. A number of delegations suggested that the elaboration of a model certificate should

<sup>1</sup> CX/MMP 00/17

<sup>2</sup> ALINORM 01/11, paras. 124-130

be deferred pending the finalization of the generic certificate under consideration by the CCFICS and the further consideration of animal health attestations by the OIE and related subjects by the CCFH. It was felt that such a course of action would prevent duplication of effort while ensuring the harmonization of any CCMMP initiatives with those in relevant general subject committees.

5. Other delegations suggested that CCMMP work could proceed as long as careful consideration was given to the ongoing activities of other Codex Committees and international organizations. In this regard, it was noted that initial CCMMP work could commence at the present time and that the CCMMP could still consider the final CCFICS text prior to the final consideration of the CCMMP initiative. It was suggested that the certificate under consideration by the CCMMP should be greatly simplified and shortened.

6. The Committee agreed in principle to a further discussion paper on the possible elaboration of a model export certificate for milk products. As an initial step, the Codex Secretariat would issue a circular letter, developed in collaboration with the New Zealand Secretariat of the CCMMP and the Australian Secretariat of the CCFICS, to request information that would assist in the development of a discussion paper. Information would be sought on the approach thought most appropriate for the elaboration of model export certificates for milk products, including objectives and scope; specific definitions required; and general principles and criteria.

7. The Committee agreed that a drafting group led by Switzerland and consisting of Argentina, Australia, Denmark, France, Germany, India, New Zealand, the United States the European Commission and IDF would prepare a discussion paper for consideration at the next session of the Committee taking into consideration written comments on CX/MMP 00/17, information received in response to the circular letter, and other information from relevant general subject committees as appropriate. It was proposed that the discussion paper would include a suggested framework.

8. In response to the request of the 4<sup>th</sup> CCMMP, the Secretariat of the Codex Alimentarius Commission issued and distributed Circular Letter CL 2001/10-MMP "Request for Comments on the Elaboration of a Model Export Certificate for Milk Products" in April 2001.

9. The 24<sup>th</sup> Session of the Codex Alimentarius Commission (CAC) adopted the Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificate (developed by CCFICS) at Step 8.<sup>3</sup>

## **INTRODUCTION**

In response to CL 2001-10 MMP governments and international organisations commented on the approach thought to be most appropriate for the elaboration of a model export certificate for milk products. Most of the comments received stressed that the certificate should be in line with the CCFICS Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificate. Furthermore, they emphasised the need for one certificate for milk and all milk products which covers public and animal health concerns. Many comments pointed out that definitions used in the certificate, should, whenever possible be internationally established and recognised (e.g. Codex Alimentarius Commission, CCFICS, CCFH, OIE). Switzerland has prepared, on the basis of the comments received, a draft discussion paper on the Model Export Certificate for Milk and Milk Products (the title has been amended to make it consistent with the proposed Scope i.e. "The certificate applies to milk and milk products..") and a draft Model Export Certificate for Milk and Milk Products for consideration by the drafting group.

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<sup>3</sup> ALINORM 01/41, para. 184

## **DISCUSSION PAPER ON THE MODEL EXPORT CERTIFICATE FOR MILK (AND MILK<sup>4</sup>) PRODUCT**

Based on the Comments submitted in response to CL 2001/10 MMP<sup>5</sup>

### **1. Scope**

The certificate applies to milk and milk products as defined in the General Standard on the Use of Dairy Terms (GSUDT, Codex Stan 206-1999) exported or imported under the customs tariff numbers 0401 to 0406<sup>6</sup>.

### **2. Objectives**

The overall objective of a model export certificate should be to facilitate international trade in milk and milk products by providing importing countries with official assurance that these products have been produced in accordance with appropriate standards to protect public and animal health.

The certification procedure should be simplified whenever possible by referring to:

international food safety standards [Codex adopted Standards and related texts] (Codex Recommended International Code of Practice - General principles of Food Hygiene and Code of Hygienic Practice for Milk and Milk Products [in elaboration]), and

international animal health standards (OIE International Animal Health Code).

The level of information required should be adequate for the importing country's purpose and not impose unnecessary burdens on the exporting country or exporter, nor should there be a requirement for the disclosure of information that is commercial-in-confidence unless it is of relevance to public health.

All relevant information should be in one certificate which should be applicable to milk and milk products as referred to in the scope.

The model certificate should be equally applicable to the use of paper or electronic forms.

### **3. Definitions\***

*The definitions used in the certificate should, whenever possible, be internationally established and recognised. The definitions of the expressions used in this document should be integrated in the certificate in order to have a user-friendly document with all necessary details incorporated. The following definitions should, in particular, be used:*

*Definitions established by the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS), e.g. certification, inspection, official inspection systems and official certification systems, officially recognised inspection systems and officially recognised certification systems, requirements and equivalence.*

*Definitions established by the Codex Committee on Food Hygiene (CCFH), e.g. establishment, food safety, food hygiene, HACCP (Hazard Analysis and Critical Control Point) and primary production.*

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<sup>4</sup> The title of the Discussion Paper has been amended in order to make it consistent with the Scope which clearly indicates that the certificate applies to both milk and milk products

<sup>5</sup> CX/MMP 02/12 Add.1 - Comments submitted by Argentina, Australia, Canada, Cuba, Czech republic, Denmark, Germany, Ireland, New Zealand, Singapore, USA and IDF

<sup>6</sup> 0401= Milk and cream not concentrated nor containing added sugar or other sweetening matter.  
 0402 = Milk and cream, concentrated or containing added sugar or other sweetening matter.  
 0403 = Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa.  
 0404 = Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included.  
 0405 = Butter and other fats and oils derived from milk; dairy spreads.  
 0406 = Cheese and curd.

*Definitions established by OIE, e.g. animal health status, free zone, infected zone and veterinary authority.*

*The definitions of dairy products in the General Standard for the Use of Dairy Terms, e.g. milk, milk product and composite milk product.*

*If needed new definitions may be introduced.*

#### **4. General Principles**

Certificates should be required only when they are necessary to ensure product safety and animal health or to otherwise facilitate trade.

The rationale and requirements for export certification should be communicated in a transparent manner and consistently implemented in a non-discriminatory manner.

The government agency having jurisdiction shall take responsibility for any certificate issued by a certifying body.

#### **5. Criteria\*\***

*(Section 6 of the "Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates, adopted by the Codex Alimentarius Commission (CAC) July 2001)*

#### **STANDARD FORMAT**

*7. Each certificate should contain a declaration by the official, or officially recognised certification body which relates to the consignment described on the certificate. It should clearly identify the certifying body with letterhead and/or logo.*

*8. Each certificate should have a unique identification number and be presented in an unambiguous style in a language, or languages, fully understood by the certifying officers and by the receiving authority. A record of unique identification numbers assigned to certificates should be maintained by the competent authority and be able to be related to the distribution of the certificates.*

*9. Where certificates are produced as a paper document, the original certificate should be uniquely identifiable and be printed with at least one copy for the use of the certifying body and retention by that authority for an appropriate period of time. Further copies may be officially printed copies or photocopies. In all cases the status of the certificate should be clear, for example, marked "original" or "copy", as appropriate.*

*10. Certificates should be designed so as to minimise the risk of fraud (for example, use of watermark paper, or other security measures for paper certificates; use of secure lines and systems for electronic certificates.)*

*11. Where certificates are produced in a physical form, they should occupy one sheet of paper or, where more than one page is required, in such a form that any two or more pages are part of an integrated whole and indivisible sheet of paper. Where this is not possible, each individual sheet should be separately initialled by the certifying officer and/or numbered so as to indicate it is a particular page in a finite sequence (for example page 2 of 4 pages) and should contain the unique identification number for that certificate.*

*12. The certificate should clearly describe the commodity and consignment to which it uniquely relates.*

*13. Certificates should contain a clear reference to any requirements to which the certified product is required to conform.*

*14. Certificates should be issued prior to the consignment, to which the certificate relates, leaving the control of the certifying body. Certificates may be issued while consignments are in transit to the country of destination only when appropriate systems of control are agreed by the competent authorities of the importing and exporting countries.*

*15. The use of electronic means for the issue or transfer of certificates should be accepted where the integrity of the certification system has been assured to the satisfaction of the relevant authorities of both the importing and exporting country. A hard copy form of an electronic certificate should be made available by the issuing authority on request of the importing country's authorities. When electronic certificates are used, the importing country's inspectors should have electronic access to the certification details.*

## **DETAILS OF THE CONSIGNMENT**

16. The certificate should contain at least the following information:

- name of product and customs tariff number;
- milking species;
- quantity, in the appropriate units;
- lot identifier or date coding;
- identity and, as appropriate, the location of the production establishment;
- name and contact details of the importer or consignee;
- name and contact details of the exporter or consignor;
- country of dispatch (if country of dispatch is not country of origin both have to be mentioned); and
- country of destination.

The certificate may also contain information on relevant transport and handling requirements, including appropriate temperature controls.

## **STATEMENT OF ORIGIN**

17. Where, in exceptional cases justified by immediate public health concern, the importing country requires a statement as to the origin of the milk or other ingredients in a milk product, the certificate should specify the origin of ingredients sourced outside the exporting country.

## **ATTESTATIONS**

18. The particular attestations to be included in the certificate will be determined by the requirements of the importing or exporting country. They should be clearly identified in the text of the certificate. Such attestations may include, but are not limited to:

- Public health status, as it may affect the safety of the food;
- Animal health status, based on the OIE International Animal Health Code
- Product conformity with the Code of Hygienic Practice for Milk and Milk Products;
- Status (e.g. licensing details) of production, processing and/or packaging establishment in the exporting country; and,
- Reference to any associated bilateral/multilateral agreement.

## **RESPONSIBILITIES OF THE CERTIFYING BODY**

19. The certifying body should be designated and adequately empowered by national legislation or regulation in a transparent manner to provide the particular attestations required in the official or officially recognised certificate. Such designation/ empowerment should be recognised as sufficient by governments, alleviating requirements for further identity or authority.

20. The certifying bodies should ensure that their procedures allow for the issue of the certificate in a timely manner so as to avoid unnecessary disruptions to trade.

21. The certifying bodies should have in place an effective system to prevent, to the extent practicable, the fraudulent use of official and officially recognised certificates.

## **RESPONSIBILITIES OF CERTIFYING OFFICERS**

22. Information and guidance notes to facilitate the correct completion of the certificate should be available to all certifying officers and to the parties responsible for providing details for inclusion in a certificate.

23. The certifying officers should:

- be appropriately designated by the certifying body;
- have no conflict of interest in the commercial aspects of the consignment and be independent from the commercial parties;

- *be fully conversant with the requirements to which they are attesting;*
- *have access to a copy of regulations or requirements that are referred to on the certificate or clear information and guidance notes issued by the competent authority explaining the criteria that the product must meet before being certified;*
- *only certify matters which are within their own knowledge (or which have been separately attested to by another competent party); and*
- *only certify in respect of the circumstances known at the time of signing the document including conformity with production requirements and any other specified requirements between production and date of certification.*

#### **PRESENTATION OF ORIGINAL CERTIFICATES**

24. *The importer or consignee is responsible for ensuring that the product is presented to the importing country's authorities with the original certificate in accordance with the importing country's requirements. In the case of electronic certificates the consignee should supply the importing country authority with sufficient details concerning the consignment to allow the identity of goods to be established against the details contained in the certificate.*

#### **INSTRUCTIONS FOR COMPLETING PAPER CERTIFICATES**

25. *The certificate should always be issued and presented, to the exporter or their agent, as the original certificate (i.e., this is an original printed paper form of the original certificate issued once only).*

26. *A copy of the original certificate (clearly marked as such) should be kept by the certifying body in the exporting country and be provided to the competent authority in the importing country, on request.*

27. *When signing the certificate, the officer should ensure that:*

- *the certificate contains no deletions other than those required by the text of the certificate;*
- *any alterations of the certified information are initialled and, as required by the importing country, stamped by the certifying officer using the official stamp of the certifying body;*
- *when the certificate occupies more than one sheet of paper, each individual sheet is separately initialled by the certifying officer and numbered with the respective unique certificate number;*
- *the certificate bears his/her signature, his/her name and official position of the certifying officer in clear lettering and, where appropriate, his/her qualifications;*
- *the certificate bears the date expressed unambiguously on which the certificate was signed and issued and, where appropriate, the time for which the certificate will remain valid;*
- *after signature by the certifying officer, no portion of the certificate is left blank in a manner that would allow it to be amended.*

#### **INSTRUCTIONS FOR COMPLETING ELECTRONIC CERTIFICATES**

28. *The exporter or their agent should be notified when an electronic certificate has been authorised for a consignment.*

29. *Before authorising an electronic certificate, the certifying officer should ensure that all steps and checks established for the secure operation of the electronic system have been satisfactorily completed.*

#### **REPLACEMENT CERTIFICATES**

30. *Where, for any good and sufficient reason (such as loss of or damage to the certificate in transit), a replacement certificate is issued by the certifying officer it must be clearly marked "REPLACEMENT" before being issued. A replacement certificate should reference the number of the original certificate that it supersedes.*

#### **REVOCATION OF A CERTIFICATE**

31. *When for good and sufficient reason there is cause to revoke a certificate, the certifying body should revoke the original certificate as soon as possible and notify the exporter or their agent in hard copy or by electronic means of the revocation. The notice should reference the number of the original certificate to which the revocation refers and provide all particulars regarding the consignment and the reason(s) for the*

*revocation. A copy of the revocation should be provided to the appropriate food control authority of the importing country if the export of the consignment has occurred.*

\* This text serves as a principle and will be removed, when terms that need to be defined are integrated in the certificate.

\*\* This text serves as guideline and will be removed as soon as the certificate is developed..

**Draft Model Export Certificate for Milk and Milk Products**

Logo/ letterhead of certifying body [Competent authority responsible for Certification]	Certificate No
Product description [Customs Tariff No]	Manufacturer Control/License [/Approval] No
[Milking species or: Milk from _____ (Animal Species)]	Exporter /Consignor Name Address  Fax
Number of units  Net weight  [Packaging type]	Importer / Consignee Name Address  Fax
Lot identification [Consignment No]	Country of dispatch [if other than country of origin, indicate both]
[Manufacturing Date]	Country of destination
[Specific transportation /handling requirements, means of transport]	
Reference to requirements of OIE International Animal Health Code. <i>(reference must be formulated more precisely)</i>	
The above mentioned commodity was produced in conformity with the Codex Code of Hygienic Practice for Milk and Milk Products.	
<i>[If the above mentioned commodity is not yet fit for human consumption, give information on required further processing.]</i>	
<i>The above mentioned commodity is in accordance with the public health requirements of the exporting country.</i>	
The above mentioned commodity is subject to bilateral/multilateral agreements. If so, indicate which and whether it is in conformity with these agreements.	
Date and Place of Issuance of Certificate	Certifying body [Official Veterinarian] (stamp and signature)
[Reference to validity of certificate ]	