

Sandra Gallina
Director General for Health and Food Safety
European Commission

27/05/2021

Considerations on the new import certificates for dairy products

Dear Ms. Gallina,

With this letter, Eucolait wishes to highlight a serious sanitary barrier to imports of dairy products into the EU, created by requirements in the new import health certificate and differences between the European and third country regulatory frameworks for animal health and food safety.

As part of the new Animal Health Law, Commission implementing regulation 2020/2235 concerning model health certificates became applicable on 21 April 2021. Certificates issued in accordance with the old rules will be accepted until 20 October 2021, provided they have been signed before 21 August 2021, making the latter date the effective implementation date of the new certificates.

Many of our key trading partners have submitted comments on the draft import conditions and certificates throughout the consultation and adoption process. When it comes to the dairy certificates, the concerns that have been raised have related in particular to the animal health attestation in part II.2 of the certificate models "DAIRY-PRODUCTS-PT" (for pasteurised products) and "MILK-RMP/NT" (for dairy products from raw milk). Most dairy products imported into the EU have undergone pasteurisation but have not been subject to another specific risk-mitigating treatment.

Importing dairy products into the EU is only possible from a short list of countries, including most of the main dairy suppliers globally. The new certificates will make these imports more complicated, if not impossible. The US authorities have indicated they will simply not be able to attest conformity of US dairy products and ingredients with these provisions which would result in a non-tariff trade barrier to dairy imports from the United States.

It is not our objective to debate the efficiency of the EU food safety system or the need to ensure that imported products have been produced in line with standards that are comparable to those in place in Europe. However, it cannot be that countries that export millions of tonnes of dairy products to basically all markets around the world would be excluded from the European market by virtue of incompliance with EU animal health rules.

The EU is a relatively minor importer of dairy products on account of having a considerable surplus in milk and high tariffs on dairy products from most origins, with the notable exceptions of the UK and Switzerland (for cheese). We must not create additional barriers to trade with detailed SPS requirements at farm level that may not live up to WTO conditions of not being more trade restrictive than necessary.

Any measures further restricting imports of dairy products and ingredients cause significant economic damage to European importers and EU-based businesses reliant on imported ingredients, some of which are subsidiaries of foreign companies that have invested considerably in the European dairy sector. Certain speciality ingredients currently cannot be sourced from within the EU and putting a stop to these imports will have heavy repercussions throughout the supply chain. In situations where substitution solutions are available, this would trigger product reformulation, require new regulatory processes and clinical studies which can take years to complete.

In addition, we will likely see retaliatory measures taken by trade partners, in turn affecting our exports. The trade relationship with the US has been under strain in recent years and several trade disputes are still ongoing, even if on hold. This certificate issue, if not adequately resolved, risks reversing the progress made in the last few months.

We urge the European Commission to engage extensively with all relevant trading partners to find mutually acceptable solutions. Should an immediate fix not be possible, a prolongation of the

current transitional period until 2023 would probably allow for sufficient time to work through these issues and ensure that trade can continue in the longterm.

Thank you in advance for your attention to our request. We look forward to your response and remain at your disposal for any questions you may have.

Yours sincerely,



Jukka Likitalo

Secretary General