

Decree No. 2-00-425 of 10 Ramadan 1421 (7 December 2000) on the control of the production and sale of milk and dairy products.

(Official Gazette No. 4862 of 04/02/2001, p. 121)

The Prime Minister

Having regard on the Law No 13-83 on the prevention of fraud on goods, promulgated by the Dahir No 1-83-108 of 9 Mouharram 1405 (5 October 1984), in particular article 16;

In view of the Dahir enacting the Law No 1-75-291 of 24 Chaoual 1397 (8 October 1977) setting out the measures relating to sanitary and qualitative inspection of live animals, animal products, or products of animal origin;

Having regard on Dahir No 1-70-175 of 26 Jourada I 1390 (30 July 1970) on industrial standardization for the enhancement of quality and productivity;

In accordance with Decision No 265 of the Constitutional Chamber of 2 Mouharram 1414 (23 June 1993);

After consideration by the Council of Ministers meeting on 21 Rajeb 1421 (19 October 2000),

Decrees:

Title 1. Definitions

Article 1 - (amended and supplemented by Decree No. 2-18-709 of 8 Rajab 1440 (15 March 2019) – BO No. 6766 of 04/04/2019, p556) For the purposes of this Decree, the following terms shall mean:

- **Dairy farm, barn or milking farm:** a farm hosting one or several cows, sheep or goats, dedicated to milk production;
- **Dairy facility:** a workshop, factory, unit, company or cooperative which processes, prepares and packages milk and dairy products as defined below;
- **Milk collection centre:** the place where the milk, delivered by breeders and producers, members of dairy cooperatives, is kept before its transportation to factories and cooperatives for processing. It must meet the requirements set out by the Moroccan standard **NM 08.4.050**, approved by the Joint Decision No 2301-98 of the Minister of Industry, Trade and Handicrafts and the Minister of Agriculture, Rural Development and Maritime Fisheries of 2 Ramadan 1419 (21 December 1998);
- **Milk:** the product of normal mammary secretion, obtained from one or several milking cycles, without any addition or removal.

The word milk, not accompanied by any other indication, shall be reserved for the cow's milk. For any other milk, this word shall be accompanied by an apparent indication of the animal species it originates from.

- **Colostrum:** the product eliminated by the mamal during the 7 days following the parturition;

- **Dairy product:** the product derived exclusively from milk either by preparation or processing, heat or mechanical treatment, concentration or evaporation, coagulation or fermentation, cooling or freezing, or the addition of other substances, or by the removal of one or several components;

- **Treated milk:** the milks that underwent heat-treatment, including pasteurized milk, sterilized milk and UHT sterilized milk.

* *Pasteurized milk:* milk that underwent an appropriate heat treatment for the total elimination of pathogens and almost all the flora it contains while preserving the maximum of its physical and chemical organoleptic characteristics and nutritional value;

* *Sterilized milk:* milk freed of all living germ, microbial toxins, and microbial enzymes the presence or proliferation of which could alter or make unfit for human consumption the product kept in its watertight packaging;

* *UHT sterilized milk:* sterilized milk that was submitted for a very short period of time in continuous flow to a temperature allowing for the total destruction of enzymes, micro-organisms and toxins, then conditioned under an aseptic atmosphere in sterile packages and that suffered minimal modification of its physical and organoleptic characteristics as a result of the heat treatment required for sterilization;

* *Flavoured milk:* is reserved for sterilized or UHT sterilized drinks, prepared in advance, consisting of skimmed or unskimmed milk, with sugar added or sugarless, to which are added flavoured substances or authorized flavoured preparations.

- **Milk for children:** the special product with a variable composition intended for child nutrition and sold with labels indicating the exact nature of the product;

- **Reconstituted milk:** the product obtained by adding the right quantity of water to milk powder to restore the specified water/milk solids ratio;

- **Fermented milk:** the dairy product prepared with treated milks (skimmed or not), concentrated or powder milks (skimmed or not) enriched or not with milk constituents, having undergone homogenized pasteurization or not, seeded with lactic bacteria belonging to the species or to the species specific to each product. It must meet the requirements set out by the Moroccan standard NM 08.4.050, approved by the Joint Decision No 2301-98 of the Minister of Industry, Trade and Handicrafts and the Minister of Agriculture, Rural Development and Maritime Fisheries of 2 Ramadan 1419 (21 December 1998);

The fermented milks include the yoghurt, *Raibi* and *Lben*;

* *Yoghurt* is reserved for fermented milk obtained, based on good and constant practice, by the development of the sole specific lactic thermophilic bacteria called *lactobacillus bulgaricus* and *streptococcus thermophilus* which must be simultaneously seeded and found alive in the finished product at a rate of ten million bacteria at least per gram reported to the milk part.

Can be designated as fruity yoghurt only the yoghurt to which were added pieces of fruit, pulp, paste or jus and sugar;

* *Raibi* is reserved for fermented milk that underwent stirring, obtained by the seeding of lactic thermophilic bacteria alone or combined with other useful germs, and the addition of authorized colourings and flavours ;

* *Lben* is reserved for fermented milk that has undergone a lactic fermentation, obtained through the seeding of selected bacteria. It shall have a minimum acidity of 70° Dornic, and a dry fat-reduced extract of 80 grams per litre. at least

- **Concentrated milk:** the product issued from the concentration of milk intended for consumption. The concentration of milk can be done with or without the addition of sugar (sucrose);

- **Milk powder,** partially skimmed powdered milk, skimmed milk powder: The product produced by the desiccation of whole milk, partially skimmed milk or skimmed milk, fit for human consumption;

- **Butter:** the product obtained exclusively by the churning of milk, cream or a mixture of both, of whey separated from curd during the manufacture of cheese, or of the fat-rich liquid removed from this whey. It must contain at least 82% of fat and 18% of fat-free matter at maximum, including 16 % of water. The other names of butter must meet the definitions set out by the Decree No 2-93-179 of 19 Rejeb 1416 (12 December 1995), as completed and amended;

- **Cream:** milk containing at least 30 grams of fat per every hundred grams.

The addition of milk to cream is not regarded as a fraud scheme, provided that the diluted cream contains at least 15 g of fat per 100 g, and that it is sold under the name of light cream.

- **Cheese:** the product fermented or not, fresh or ripened, solid or semi-solid, obtained by coagulation of whole milk, skimmed milk, partially skimmed milk, cream, whey cream or buttermilk, alone or combined and by the partial dewatering of the whey resulting from this coagulation, with or without the addition of authorized dyes and aromas. The dry-matter content of this product shall be 23 grams per 100 grams of cheese.

* *White cheese:* is reserved for an unripened cheese, which when fermented, do not undergo any fermentation other than lactic fermentation;

* *Fresh cheese:* a white cheese which must contain live flora at the time of its sale to the consumer, its dry matter content can be reduced, except for the semi-salted and the *Petit Suisse*, until 15 grams or 10 grams for 100 grams of cheese, if its fat content is higher than 20 g or equal to 20 grams per 100 grams of cheese, after full desiccation;

* *Blue cheese:* the blue designation is reserved for a blue ripened cheese with a slightly salted, mixed and veined paste owing to the presence of internal blue mould.

- *Processed cheese:* is reserved for the product obtained from the melting of cheese and a mix of cheeses, and the eventual addition of other dairy products, showing a minimum dry content of 43 grams per 100 grams of finished product and a minimum fat content of 40 grams per 100 grams of product after full desiccation;

- *Light processed cheese:* is reserved for products obtained from the melting of cheese and a mix of cheeses, and the eventual addition of other dairy products, showing a minimum dry content of 31 grams per 100 grams of the finished product and containing from 20 to less than 30 grams of fat per 100 grams of produced after full desiccation;

- **Goat cheese:** is reserved for cheeses of various forms and weights, prepared exclusively with goat milk. These cheeses shall contain at least 45 grams of fat per 100 gram of cheese after full desiccation.

* *Semi-goat cheese* is reserved for cheese prepared with a mixture of goat's milk and cow's or sheep's milk, containing a least 50 per cent of goat's milk. This cheese must contain at least 45 grams of fat per 100 grams of cheese after full desiccation.

- **Casein:** the milk albumin matter, produced by desiccation after the dewatering of the curd obtained from the coagulation of fully skimmed milk.

Title II: Conditions of Milk Production

Article 2 - Any person engaging in the operation of a dairy barn shall have to send a statement to the local veterinary services. These services shall undertake an investigation on the said statement.

The veterinary investigation shall concern the health of the dairy cattle, its food, the sanitary conditions, housing and maintenance and the precautions taken to collect milk in normal conditions of cleanliness.

The medical investigation covers the review of the medical health records of the personnel of dairy barns or farms.

The findings shall be recorded on a form, prepared for each producer by the said services.

The head of the veterinary service can commission a veterinary of his choice to conduct all investigations relating to the cattle health conditions, the maintenance of the premises and the handling of milk in barns or dairy farms. The medical investigations shall be conducted by the relevant departments of the Ministry of Health.

The inspection visits by the above-mentioned services, to the barns and other premises where milk is handled, can be renewed as often as necessary.

Article 3 - The production, collection and transportation of raw milk shall be carried out in accordance with the Moroccan standard NM 08.4.050 relating to the guidelines of good hygiene practices for the production, collection and transportation of raw milk, approved by the Joint Decision No 2301-98 of 2 Ramadan 1419 (21 December 1998) of the Minister of Industry, Commerce and Handicrafts and the Minister of Agriculture, Rural Development and Fisheries.

Article 4 - The milks delivered by the producers to dairy facilities must meet the quality criteria that will be fixed by an Order of the Minister of Agriculture, after consultation with the National Committee of Milk, the composition, operation and missions of which shall be determined by an Order of the Minister of Agriculture.

Part III: Conditions for the manufacture and sale of milk and dairy products

Article 5 - *Repealed by Decree No. 2-10-473 1432 of 7 choual (6 September 2011) taken for the implementation of certain provisions of Law No. 28 -07 relating to food safety (Article 88)*

Article 6 - *Repealed by Decree No. 2-10-473 1432 of 7 choual (6 September 2011) taken for the implementation of certain provisions of Law No. 28 -07 relating to food safety (Article 88)*

Article 7 - The production and preparation of processed milks and dairy products must meet the requirements set forth in Annex II of this Decree.

The microbial load of raw milk at 30° C prior to heat treatment shall be fixed by an Order of the Minister of Agriculture, as provided by Article 4 above.

Article 8 - Milks and dairy products must be, until the use-by date, consistent with the physical-chemical and microbiological criteria established by the regulations in force.

Article 9 - **(repealed and replaced by Decree No. 2-18-709 of 8 Rejeb 1440 (15 March 2019) – BO No. 6766 of 04/04/2019, p556)** - Only powdered milk and milk preparations with the addition of soluble starch at a dose of five (05) grams per thousand (1000) grams of powder may be used by establishments and companies manufacturing treated milk and dairy products.

However, this measure does not apply to establishments and businesses that exclusively manufacture one or more of the following products:

- powdered milk intended for a final consumer and marketed in containers of up to 5 kg;
- processed cheese;
- low fat processed cheese.

The use of powdered milk or milk preparations for the manufacture of reconstituted milk is not considered a lawful operation or processing and constitutes fraud, within the meaning of Article 16 of the above-mentioned Law No. 13-83.

However, the use of powdered milk, with or without added starch, may be authorized under the conditions laid down by order of the government authority responsible for agriculture for the manufacture of sterilized and/or sterilized UHT reconstituted milk, in particular to meet the needs of the national market or for export purposes.

Article 9 bis. - **(added by Decree No. 2-18-709 of 8 Rejeb 1440 (15 March 2019) – BO No. 6766 of 04/04/2019, p556)** - The establishments and undertakings referred to in Article 9 above must keep a register relating to the use of milk powder and milk preparations, tracing their origin, their use and the situation of the stocks held.

Article 10 - The milks and dairy products, defined above, shall be conditioned and packaged as provided in Annex I of this Decree.

The packaging shall have to display the following mandatory indications:

- 1) the specific name of the product;
- 2) the corporate name or trademark;
- 3) the use-by date fixed in accordance with the regulations in force;
- 4) the fat rate;
- 5) the capacity or net weight;
- 6) the mention "keep at ... followed by the conservation temperature, as fixed by the regulations in force.

Article 11 - Shall be seized and withdrawn from the market:

- 1) milk from sick animals;
- 2) the milk and dairy products showing a colouration, an odour, a taste or abnormal acidity, which are polluted by impurities, or contain an antiseptic, a conservative agent, an antibiotic or produced by animals treated with medicines that may end up in milk;
- 3) the milk and dairy products not satisfying the physical-chemical and microbiological standards referred to in Article 8;
- 4) milk produced in the seven days following parturition, and containing colostrum;
- 5) watery milk;
- 6) the milk and dairy products, containing any added substance or that underwent a substitution or subtraction, unless otherwise provided for in application of this Decree;
- 7) milk and dairy products the use-by date of which has expired;
- 8) milk and dairy products containing residual traces of pharmacological substances, pesticides and/or other harmful substances, exceeding the allowed tolerances;
- 9) milk put to sale in a packaging that does not meet the requirements set out in Annex I of this Decree; and
- 10) in general, any milk and dairy product that may contain ingredients, considered virulent or toxic for humans or showing alterations in its organoleptic properties, making it unfit, repugnant, indigestible, or insufficiently nutritious or accelerate its decomposition

Seized milks and dairy products can be used under veterinary control as animal feed after proper transformation or industrial processing.

Title IV: Miscellaneous Provisions

Article 12 - Store keepers or operators of dairy products shop dedicated for the distribution and sale of manufactured milks and dairy products, shall make sure that the premises and equipment offer all the guaranties of product quality as well as the required cleanliness and hygiene in the conservation, handling, transport and delivery of milks and dairy products.

Article 13 - Milk and dairy products shall be transported and sold in accordance with the regulations in force relating to the transport of perishable foodstuffs.

Article 14 Shall be repealed in their amended or completed forms:

- the Order of 16 Jourada 1 1335 (10 March 1917) on the creation of controlled dairies;

- the Order of 26 Mouharram 1345 (6 August 1926) relating to the monitoring of milk production and regulation of the trade of milk and dairy products;
- Article 20 of the Dahir of 23 kaada 1332 (14 October 1914) on the prevention of fraud and adulteration of foodstuffs and agricultural products.

Article 15 - The Minister of Agriculture, Rural Development, Water and Forests, the Minister of Industry, Trade, Energy and Mining, and the Ministry of Health shall, each within the scope of their respective competencies, be responsible for the implementation of this Decree, which shall enter into force six months after the date of its publication in the Official Gazette.

Done at Rabat on 10 Ramadan 1421 (7 December 2000)

Mr. Abderrahman Youssoufi.

For countersignature:

The Minister of Agriculture, Rural Development and Fisheries, Habib El-Malki.

The Minister of Industry, Trade, Energy and Mining, Mustapha Mansouri.

The Minister of Health, El khyari Thami.

Annex I

Preparation and packaging

1. The preparation and packaging shall be carried out in the premises assigned to this purpose under satisfactory hygienic conditions.
2. The preparation and packaging shall meet all the rules of hygiene and be sufficiently strong to ensure an effective protection of the products.
3. The bottling and filling of liquid processed milk and milk-based products and the closing of containers and packagings shall have to be performed automatically.
4. Conditioning or packaging may not be re-used for products concerned by this Decree, except for certain containers which may be reused after cleaning and effective disinfection.

The closing shall be carried out in the facility where the heat treatment is performed, immediately after the filling, using closing means that ensure the protection of milk against any influences harmful to its properties. The closing system shall be designed in such a manner that, after opening, the proof of opening remains clear and easily controllable.

5. The manufacture of products and packing operations can, by derogation from point 1, be carried out in the same room if the packaging has the characteristics set out in point 2 and provided that the following conditions are met:

- a. the premises must be sufficiently broad and be equipped in such a manner to ensure the hygienic safety of operations;
- b. the materials shall be transported to the processing or transformation site in a container in which they were placed immediately after their manufacture, that protects them against damage during transport to the premises, and shall have to be stored in good hygienic conditions in a room intended for the purpose;
- c. Storage facilities of packaging materials must be free of dust and vermin and isolated from the premises containing substances that could contaminate the products. The packaging materials can not be stored directly on the floor;
- d. the packaging materials are assembled in hygienic conditions before being introduced into the room; this requirement may be waived in case of automatic assembly of packagings, provided that there is no risk of contamination of the products;
- e. the packaging materials shall be introduced under hygienic conditions in the premises and shall have to be used without delay. They can not be handled by the personnel in charge of the handling of non-packed products;
- f. Immediately after their packaging, the products must be placed in storage facilities dedicated to this end.

Annex II

Requirements relating to the manufacture of processed milks

1. Heat-treated milks must be obtained from raw milk, produced in dairy barns that meet the requirements set out in article 3 of this Decree.
2. If milk is not treated within four hours of its reception at the facility, it must be cooled at a temperature not exceeding 6° C and kept at this temperature until its heat treatment.
3. The manufacture of treated milks shall have to be accompanied by all necessary measures, in particular the sampling control in order to verify:
 - a) the germ content, to ensure that the milk that has undergone thermisation shows, immediately before the second heat treatment, a germ content at 30° C not exceeding 100000 per millilitre;
 - b) the presence of extraneous water in the milk:

Treated milks shall be subjected to regular controls for the presence of extraneous water, especially by the verification of the freezing point. A control system is put in place for this purpose under the supervision of the veterinary services.

4. a) Pasteurized milk must:
 - i) meet the standardized definition;
 - ii) show a negative reaction to the phosphatase test;
 - iii) immediately after pasteurization, be cooled to a temperature not exceeding 6° C.

- b) UHT milk must:
 - be obtained by applying to the raw milk a continuous flow heating process, involving a high temperature for a short period of time (at least +135° C for at least one second) - a treatment designed to destroy all residues of spoilage micro-organisms and their bodies - and by using an aseptic conditioning in an opaque container, or made opaque by the packaging, in such a way that the chemical, physical, and organoleptic modifications are reduced to a minimum;
 - shall have a good conservation quality, in such a way that if a sampling control is conducted, no visible alteration is found after fifteen days on milk kept in sealed packaging at a temperature of 30° C; a stay of seven days in a sealed package at a temperature of 55° C can also be considered.

If the milk treatment process called "ultra high-temperature" is applied by direct contact of milk with water vapour, this latter must be obtained from drinking water and shall not allow for the transfer of foreign substances to milk or exert a negative impact on it. Moreover, the application of the process shall not modify the water content of the treated milk.

- a) Sterilized milk must:
 - be heated and sterilized in hermetically sealed packagings or containers, and the closing device shall have to remain intact;

- shall have a good conservation quality, in such a way that if a sampling control is conducted, no visible alteration is found after fifteen days of stay in a sealed packaging at a temperature of + 30° C; a stay of seven days in a sealed package at a temperature of 55° C can also be considered.

d) Pasteurized milk, UHT milk and sterilized milk can be produced from raw milk that have underwent a thermisation or initial heat treatment in another facility. In such case, the time-temperature couple shall have to be below or equal to that used for pasteurization. The use of this practice shall have to be reported to the veterinary services.

e) The heating processes, the heating temperature and time for pasteurized, UHT and sterilized milks, heating equipment, bypass valve, and the temperature setting and recording devices shall be approved by the relevant services and be compliant with international standards. The verification documents shall be produced whenever requested by authorized control services.

f) The data of the recording thermometers shall be dated and kept for two years to be produced at every request of the veterinary control services, except for microbiologically perishable products, for which this period can be shortened to six months after the best before date or the optimal use-by date.