

1. Sequential sealing

If the seal of a lorry is changed en route before leaving UK-GB e.g. it is changed between loading first consignment and subsequent ones, then our understanding is that it is OK for a subsequent certifying officer to record the changes on the EHCs, assuming that all the seal changes are made under Competent Authority supervision as in 2019/2130.

For example, where a vehicle is making multiple pick-ups of product from different approved premises, with certification taking place at each premises in the chain, a CO at the first premises would add a consignment, seal the vehicle and record a seal number on part 1 of the certificate.

At a subsequent premises a second CO would break that seal, add a second consignment and re-seal the vehicle. The new seal number would be recorded on the health certificate for the second consignment and the certificate of the second consignment would record the fact that first seal had been removed.

This process could be repeated as more consignments were added to a load. All seals would be retained for presentation at the BCP. There is not a clear basis in the OCR for this but we believe it to be acceptable to BCPs.

DG SANTE answer:

An official certificate can be corrected, even by hand, provided that the modification is accompanied with the signature (or initials) and the stamp of the correcting officer. Therefore, in the described example, where the truck is opened and the seal broken, the new seal number should be corrected on each certificate of the consignments previously loaded in the truck.

However, this method is definitely not recommended in the case where the certificate would bear a series of successive corrections. In such a case, you take the risk that:

- Either the seal number would become unreadable and the consignments would not be eligible for identity check limited to seal check, as provided for in Article 3(2) of Regulation (EU) 2019/2130.
- Or a full part of the certificate would become unreadable, which might also lead to the rejection of the consignment.

2. Weight

2.1 Gross weight and net weight

Our understanding is that, aside from:

- Those export health certificates outlined in Commission Implementing Regulation (EU) 2019/628 in which part 1 specifically differentiates gross and net weight and;
- Those export health certificates that otherwise contain footnotes defining how weight should be displayed in the 'Quantity' box in Part 1 of the certificate

there is no prescribed format for this information to be entered into Part 1 of the EHC.

"For products and aquatic animals, except ornamental fish: the total gross and net weight in kilograms. Total net weight: this is defined as the mass of the goods themselves without immediate containers or any packaging. Total gross weight: overall weight in kilograms. This is defined as the aggregate mass of the products and of the immediate containers and all their packaging, but excluding transport containers and other transport equipment."

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0628&from=EN>

Certain BCPs are demanding that the 'Quantity' box on part I of other certificates is sub-divided manually by the certifier into gross and net weight.

For example, in relation to the pet food certificates outlined in Commission Implementing Regulation (EU) 142/2011 our view is that it should be acceptable to outline the weight in the following format: 'Gross Weight KG (Net Weight KG).' See also application of Reg 2019/628, below.

For non-OCR EHCs. Box I.10 also requires that the weight is included as Net and Gross. Furthermore, the Net weight is required in box I.28.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007D0240&from=EN>

It will be very complex to build EHCs with each individual requirement in ECHO. Consequently, we need to rely on clear guidance being available to traders and certifiers, alike.

DG SANTE answer:

Certification requirements are bound to the official models set up in EU legislation.

We remind that Article 4 of Regulation (EU) 2019/628 harmonises all the parts I of the model certificates for animals, products of animal origin, composite products, germinal products and animal by-products, where they are produced in TRACES. Producing the certificates in TRACES would avoid such clerical issues.

If not produced in TRACES, the certificates must follow the requirements as provided for in the relevant sectorial EU legislation, e.g. Commission Regulation (EU) No 142/2011 as regards animal by-products.

2.2 Difference in weight on different documents – Fishery products

Our understanding is that for fishery products there should be no requirement for the weight on the catch certificate to match the weight on the Export Health Certificate. Weight at the point the catch certificate is completed may well differ significantly from the weight of the consignment at the point it is certified and there is not a direct one to one relationship between catch certificates and EHCs. The weight on the EHC should be comparable to the weight given on any commercial documentation accompanying the load to the BCP.

DG SANTE answer:

In SPS legislation, there is no legal requirement that the weight entered in the certificate must match the weight entered in other accompanying document such as catch certificate. However, a discrepancy between the documents might lead to the suspicion that the weight entered in the certificate is not correct. In this case, the authorities of the BCP might trigger further investigations like weighing the shipment.

3. Consignor versus point of dispatch

Our understanding is that the address of the 'Consignor' given in part 1 of the certificate may be different from the address of the place of dispatch given in the same part of the certificate. The former is natural or legal person responsible for dispatching the consignment. This person/organisation may not operate from, or be based at, the premises from which the consignment is dispatched to the EU. Certain BCPs are demanding that this information is identical.

DG SANTE answer:

Your understanding is correct. The contact details entered in box I.1 "Consignor" and in box I.11 "Place of dispatch" can be different.

4. Scope for multiple products with different commodity codes to be included on the same EHC.

Our understanding is that the facility to include a range of products on the Export Health Certificate is limited by the legal definition of the product type the certificate covers and the relevant animal health and traceability information required on the EHC, as opposed to the commodity code of the products.

A consignment is clearly defined in Article 3 of Regulation (EU) 2017/625 as

“... a number of animals or quantity of goods covered by the same official certificate, official attestation or any other document, conveyed by the same means of transport and coming from the same territory or third country and except for goods subject to the rules referred to in point (g) of Article 1(2), being of the same type, class or description.’

The footnotes in the model EHCs in EU legislation refer to the range of commodity codes that can be used for products covered by those certificates, but there is nothing in the guidance for the certificates that suggest any one EHC should be limited to products covered by only one of those codes.

For example, it should be possible to include dairy products with different commodity codes, or two different cuts of the same type of meat, on a single EHC so long as the animal health and traceability information allows. We believe this to be common practice and consignments dispatched on this basis have successfully cleared BCPs, but some BCPs are demanding separate certificates with product lines separated by commodity code.

A particular example is fishery products that are wild harvested vs aquaculture sourced, which may be exported on the same certified as one consignment. If there are other reasons for requiring separation of wild and aquacultured fishery products, please explain what these are.

It is our view that an EHC is per consignment. Guidance on what CN codes can be used for a particular EHC is provided at the bottom of each certificate.

DG SANTE answer:

Concerning products of animal origin, the key point of the definition of consignment is *“covered by the same official certificate”*.

Various goods, with various CN codes, can be entered in the same certificate provided that they are all legally covered by the same model, that they all refer to the same information provided by the certificate and, in particular, that they all meet the same guarantees as selected in the options. However, the various goods must be separated in Box I.25 *“Description of goods”* with all the specific details for each good.

5. Initialling and stamping entries to blank boxes on part 1 of the certificate

Our understanding is that it is not a requirement to individually stamp and sign hand-written completions in part one of the EHC, where boxes were previously blank. However, we accept that any corrections to part 1 *should* be initialled and stamped individually, as should deleted statements in part 2. Some BCPs are demanding that all handwritten information in part 1 is initialled and stamped. Article 3 (2) of Commission Implementing Regulation 2019/628 makes it clear that the requirement for initialling and stamping only applies to deletion of statements, and not additions to empty boxes.

DG SANTE answer:

There is no legal requirement in EU legislation that all the hand-written information entered in the certificate must be signed and stamped. It is only in the case of correction, in any part of the certificate, or in the case of statements to be crossed out, that the certifier must add signature (or initials) and stamp.

However, in the case of hand-written certificate, it is expected that the same one person completes the document. If not, the BCP might suspect that empty boxes were completed by another person after the certificate has been signed by the official certifier.

6. Marking of tanks on Vivier transporters

Some BCPs are insisting that the tanks on vivier transporters should be labelled as if the goods were packaged and appear not to recognise that animals in a vivier tank is a form of bulk transport, which only needs the approval number in the associated commercial paperwork and on the EHC but not on the tank. However, we recognise as best practice that each tank must be separately entered on the EHC in part I.25 and that the tank must be cross referenced physically with the entry on the EHC. However, some tanks may contain more than one species and these will be separate entries as part of the information in I.25 of the fishery products certificate or LBM certificate as appropriate.

DG SANTE answer:

We understand that these products are intended for human consumption.

Regardless of the identification of the means of transport which must be entered in the certificate, there is no legal requirement in EU legislation to identify the tanks as such (except the very specific case of aquaculture products for which the guarantees mentioned in point II.2.3 of the certificate must apply).

Finally, we are not sure to understand the reference to LBM certificate, as LBM for human consumption are not allowed to be transported in vivier tanks.

7. Place of loading and means of transport

Some BCPs are insisting that the means of transport is a road vehicle even though a RoRo ferry or a train are the means of transport for crossing the border. Even if the road vehicle is the means of transport entered and required by the BCP, some BCPs are insisting that the place of loading is the port and not the place where the road vehicle departs (begins its journey).

DG SANTE answer:

In Annex II to Regulation (EU) 2019/628, the note of completion for box I.15 "Means of transport" clarifies as follows: "***In the case of a ferry, state the identification of the road vehicle, the registration number plate with trailer number plate if applicable, and the name of the scheduled ferry***".

In addition, the note of completion for box I.13 "Place of loading" states: "***In the case of a ferry, indicate the place where the truck embarked***".

- 8. Distinction between Reg 2019/628 and where it applies, that of COMMISSION DECISION of 16 April 2007 laying down new veterinary certificates for importing live animals, semen, embryos, ova and products of animal origin into the Community pursuant to Decisions 79/542/EEC, 92/260/EEC, 93/195/EEC, 93/196/EEC, 93/197/EEC, 95/328/EC, 96/333/EC, 96/539/EC, 96/540/EC, 2000/572/EC, 2000/585/EC, 2000/666/EC, 2002/613/EC, 2003/56/EC, 2003/779/EC, 2003/804/EC, 2003/858/EC, 2003/863/EC, 2003/881/EC, 2004/407/EC, 2004/438/EC, 2004/595/EC, 2004/639/EC and 2006/168/EC**

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[\(2007/240/EC\)](#)

BCP staff appear not to be aware that Annex II of 2019/628 does not apply to model certificates and third country certificates excluded by virtue of Art 6 in that Regulation (for certificates not submitted via IMSOC) and requiring additional entries on the model certificates as published in 2007/240/EC. (We recognise that Art 3 does apply to all certificates not submitted via IMSOC.) This issue is directly related to point 2, above, as it varies the requirements. applying to various certificates.

DG SANTE answer:
Please see point 2.1.

- 9. Classified harvesting areas approval numbers for non-filter feeder gastropods (e.g. whelks and winkles)**

Some BCPs are insisting on an approval number for the harvesting area where the species of gastropod is exempt from the need to be harvested from a classified harvesting area. These species do not require entry of a classified harvesting area to be either uploaded into TRACES as part of approved establishments to import into the EU from a third country, nor do they need completion of box I.8 Region of origin and code. We are seeking the Commission confirmation on this.

Additionally, clarification is required where the species of non-filter feeder is coincidentally harvested from a classified harvesting area, although we point out that requiring the code for this could lead to misunderstandings as to when the code is or is not required and that the classification is not appropriate or directly related to the species.

DG SANTE answer:
Pectinidae, marine gastropods and Holothuroidea that are not filter feeders may be harvested from non-classified areas according to Chapter IX, Annex III section VII of Regulation (EC) N° 853/2004. This is also confirmed in part II.1.(i) of the certificate model (MOL-HC). According to that we agree that box I.8, Region of origin and code, do not need to be completed in case of non-filter feeder gastropods harvested in non-classified areas

10. Hides on Ice

The issue concerns the approved establishment details for fresh hides from a slaughterhouse. With no further processing, the only possible approved establishment is the slaughterhouse. However, the receiving BCP expectation was for the approved establishment noted on the EHC to have a listing for processing hides (i.e. processing plant). With no further processing involved, this is not possible. A solution remains to be identified.

DG SANTE answer:

Fresh hides and skins may come directly from a slaughterhouse or from a collection centre listed in Section III as a facility for collection of unprocessed Category 3 materials. If a consignment comes directly from a slaughterhouse approved for HC, the HC approval applies also for ABP unprocessed hides and skins. Processed hides and skins must come from a processing plant listed in Section IV.

11. Transport of fish requirements

Some BCPs have refused to continue accepting fish transported in slush (potable water and ice from potable water sources). The product is intentionally transported immersed.

We distinguish from Reg 853/2004 that where fish is transported under ice, provision must exist for the melt water to drain away so that the fish do not sit in the melt water. However, where fish are transported to comply with the temperature requirement 'approaching that of melting ice', but not 'under ice' that it is acceptable to transport the fish in slush (water and crushed ice) and that this does not constitute 'under ice', therefore the requirement that 'melt water must not remain in contact with the products' does not apply.

We are asking your confirmation and recognition of this practice as particularly in the case of mackerel, the product is damaged when transported 'under ice'.

Reg 853/2004

CHAPTER VIII: TRANSPORT OF FISHERY PRODUCTS

Food business operators transporting fishery products must ensure compliance with the following requirements.

1. During transport, fishery products must be maintained at the required temperature. In particular:
 - (a) fresh fishery products, thawed unprocessed fishery products, and cooked and chilled products from crustaceans and molluscs, must be maintained at a temperature approaching that of melting ice;
3. If fishery products are kept under ice, melt water must not remain in contact with the products.

DG SANTE answer:

We actually disagree with your interpretation.

In Annex III, Section VIII, Chapter III, points A.4 and A.5 state that :

- Containers used for the dispatch or storage of unpackaged prepared fresh fishery products stored under ice must ensure that melt water does not remain in contact with the products.
- Whole and gutted fresh fishery products may be transported and stored in cooled water on board vessels. They may also continue to be transported in cooled water after landing, and be transported from aquaculture establishments, until they arrive at the first establishment on land carrying out any activity other than transport or sorting.

The interpretation made is that whole and gutted fishery products may be stored in cooled water only on board vessels and in any case only until the first establishment on land carrying out activities different from transport and sorting. Therefore we consider the interpretation made by certain BCPs is correct.