

## 1. Keeping multiple 'either'/'or' statements "as appropriate" on EHCs

Many Export Health Certificates (EHCs) for product of animal origin (POAO) imports into the EU include 'either'/'or' statements with an instruction to "keep as appropriate" the relevant statements.

Our understanding is that if multiple statements apply to a commodity or commodities in a consignment covered by the same certificate, then all statements that apply to these must be "kept as appropriate" unless they are mutually exclusive.

For example, for a consignment of beef jerky (a meat product) containing meat obtained from the Republic of Ireland and from Great Britain - both statements concerning the origin of the meat in Part II.1.2.1 of the certificate should be kept as appropriate if they both apply. In this case, it is our understanding that the certifier should keep both of the relevant statements, even though the certificate indicates these statements as 'either/or' rather than 'either'/'and/or'.

Similarly, for a consignment of composite products made up of different products containing (1) milk which has undergone pasteurisation and also (2) milk which has undergone ultra-high temperature (UHT) treatment - both the applicable treatment options in part II.2.B(c) of the certificate should be kept as appropriate.

Some BCPs are suggesting that consignments that contain products that require both parts of an 'either/or' statement to be certified should be split and sent on separate EHCs as separate consignments. We understand this is not the intention of the wording of these certificates and that keeping multiple 'either'/'or' statements as appropriate is keeping with the regulations and does not diminish SPS controls.

Following the same principle, we are aware of BCPs rejecting consignments of meat containing carcass and packaged meat on one EHC for both because two 'either'/'or' statements (one relating to the carcasses and one relating to the packaged meat) have been 'kept as appropriate' in the certificate. In line with the above, it is our understanding that a single EHC can be used for these purposes, with all relevant statements 'kept as appropriate' and that there is no need for two EHCs to accompany a consignment that has both, carcass and packaged meat.

DG SANTE answer:

Your understanding is not correct. The choice "either/or" must be regarded as exclusive, i.e. only one option must remain in the statement.

As a matter of principle, the choice "either/or" means that we need to know which specific guarantee applies to which product. Please see our previous answer to question 4 in document v2, where it was already indicated that various goods can only be entered in the same certificate if they all meet the same guarantees selected in the statements with options.

## 2. Attestations relating to the holding of origin for ovine meat

It is our understanding that in the ovine meat certificate (Regulation (EU) 206/2010 Annexe II Part II) an Official Veterinarian certifying product exported from GB should only need to certify options a), b) and *the first* option c) under statement II 2.3. in part II of the certificate.

Certain BCPs are demanding that one of the d) options is certified. However, the first d) option is square bracketed with the second c), and therefore only needs to be certified if that c) option is used. The second d) option only applies if the third country of origin has been listed with alternative guarantee 'J' in column 5 f Part I of Annex II of Regulation (EU) 206/2010. The UK has not been listed in this manner, so this option is not applicable.

DG SANTE answer:

Your understanding is correct. In guarantee II.2.3 of model certificate OVI of Regulation (EU) 206/2010, the certifier must keep (a) and (b), and select either the 1<sup>st</sup> (c) or the 2<sup>nd</sup> (c) and (d). It means that (d) must be crossed out together with 2<sup>nd</sup> (c) if the 1<sup>st</sup> (c) is selected.

### **3. Transits of fish to Gibraltar**

This issue relates to transits of eviscerated fish (wild caught and of aquaculture origin), from a third country (GB) to another third country (Gibraltar) via Union territory. To comply with Commission Implementing Regulation (EU) 2019/2014 an Export Health Certificate is required where an animal health attestation is necessary. However, Commission Regulation (EU) 1251/2008 states that an animal health attestation is not necessary for eviscerated wild caught fish in transit.

Therefore, please can you confirm that no transit EHC is required for these consignments of eviscerated fish? If these consignments do not require an EHC can you confirm whether they need to follow the transit procedure of entry to and exit from the EU via BCP with completion of part II and III of the CHED.

DG SANTE answer:

Animal health requirements do not apply to wild caught fish or to aquaculture fish which are slaughtered and eviscerated before dispatch.

In both cases, no EU certificate is required for their transit through EU territory, as provided for in Art. 19 of Regulation (EU) 2019/2124. But regardless of their specific transit requirements (EU transit certificate or not), all consignments of fish in transit through EU territory must follow the transit controls procedure of Regulation (EU) 2019/2124, including presentation to the BCP of entry and to the BCP of exit.

### **4. Amendment of page numbers – striking out corrections**

As highlighted in previous communications, GB certifying officers are making changes to page numbers on EHCs and schedules to comply with requests made by EU BCPs. Whilst we accept that any corrections to the certificate must be initialled and stamped, we note the request from a number of EU BCPs to minimise corrections, signing and stamping where possible.

As such, we believe it is reasonable to advise certifying officers to simply write in the correct page numbers at the bottom of each page, to strike out the previous page numbering and to place the stamp and signature required on that page of the certificate above the corrected page number. This would be done so as not to obscure the page number but would be opposed to adding an additional stamp to the page for the page numbering correction. This would reduce the number of stamps needed whilst making it clear the page number amendment was intentional.

Please can you confirm you are content with this approach?

DG SANTE answer:

The issue raised here is very hard to visualise and a concrete example (picture) would have been welcome.

As mentioned in the previous answer to question 1 in document v2, the corrections must be accompanied with the signature (or initials) and the stamp of the correcting officer. But these additions must be made so that the certificate remains readable, otherwise it might lead to the rejection of the consignment.

#### **5. Model EHCs missing reference numbers on P2.**

A number of BCPs have challenged the absence of a certificate reference number on page 2 of GB EHCs. We have advised our certifying officers to add these by hand where necessary. The EHCs in question were produced using the models provided in Annex III of Commission Regulation 2019/628. These models do not contain a space for a certificate reference number where Part One of the certificate is more than a single page.

Please can you confirm that you would be content for us to amend our EHCs to include this, and deviate from the EU models? Or else that a certificate reference number is not required on page 2 of the EHC where models from Annex III of 2019/628 are being used and such a requirement will not be enforced at EU BCPs.

DG SANTE answer:

As provided for in Article 3 of Regulation (EU) 2019/628, each page must bear the unique code of the certificate. This requirement is materialised in the EU model certificate by a special heading box "II.a Certificate reference number" which must appear at the top of each page of the certificate.

Obviously, the final layout of the certificate can differ from the layout of the legal model, as is already the case for page breaks, provided that the heading box "II.a Certificate reference number" appears at the top of each page.

#### **6. Welfare implications of the unloading of day-old chicks for inspection at BCPs**

We have been made aware of different approaches taken by BCPs in the physical inspection of consignments of day-old chicks, including in some cases the unloading of all trolleys and opening of multiple boxes within a consignment, causing a delay of up to three hours. Whilst we appreciate that undertaking inspections in this manner is within the rights of the BCP, we would urge all EU BCPs to balance requirements to ensure biosecurity is maintained against the need to protect animal welfare. We would also ask for a consistent approach to be applied across the EU.

DG SANTE answer:

According to Annex I to Regulation (EU) 2019/2130, day-old chicks are not subject to individual clinical examination. However, clinical examination must consist of observation of the state of health and behaviour of the entire group or of a representative number of animals.

This is the responsibility of the competent authorities of the BCP to apply these rules while avoiding the injury or unnecessary suffering of the animals.

## **7. Requirement to date each stamp on a certificate**

Some BCPs are specifically requiring a date to be added for each stamp made on the certificate. Please provide clarification to the BCPs as the date is only entered at the required entry field in part I of the cert and at the end where the Officer signs, stamps and dates that action. Art 3 of 2019/628 does not require a date anywhere else and nor do we in our export certification training and guidance to our Certifying Officers.

DG SANTE answer:

We agree that there is no requirement in Article 3 of Regulation (EU) 2019/628 that a date must accompany each stamp.

## **Annex: Export Health Certificates referenced in the text**

<https://www.gov.uk/export-health-certificates/export-certain-meat-products-and-treated-stomachs-bladders-and-intestines-to-the-european-union-certificate-8254>

<https://www.gov.uk/export-health-certificates/export-composite-food-products-intended-for-human-consumption-to-the-european-union-certificate-8281>

<https://www.gov.uk/export-health-certificates/export-fresh-meat-of-domestic-ovine-animals-and-caprine-animals-to-the-european-union-certificate-8262>