



HM Government

UK TRANSITION

# **Animal Health Regulation and Composite Products**

## **Certifiers**

### **Frequently Asked Questions**

V2.0 – Final

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The following FAQs will attempt to clarify some of the key changes surrounding the changes to the Animal Health Regulations.

This document is intended to be continually edited and updated as and when new questions are received. The date on which the document was last updated, and version number is included for ease of reference. Any new chapters or questions that have been added since the last version are identified by **\*\*New\*\*** or **\*\*Amended\*\***.

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## General

### **What are the changes happening to EHCs on 21<sup>st</sup> April?**

There are changes to EU law, which apply from April 2021 that will impact on traders who export certain animals, germinal products and products of animal origin. These changes will impact the export of certain animals, germinal products and products of an animal origin to the EU and movements to Northern Ireland. Export Health Certificates (EHCs) and Notes for Guidance are being updated to reflect the new rules.

The change to EU law is called the Animal Health Regulation (AHR).

### **What does this mean for traders?**

You will need to follow these new rules to be able to continue to export to the EU and move goods to Northern Ireland.

There are new EHCs that businesses will need to use.

### **What about composite products?**

The EU are introducing new rules for the export of composite products. These changes introduce new EHCs for composite products as well as new documentation for composite products exempt from certification.

Defra will make the new composite EHCs available for us from 21<sup>st</sup> April 2021 but exporters who currently use composite EHCs can continue to use the old certificate until August 2021.

The new rules mean that certain composite products that do not currently require an EHC will need one after 21<sup>st</sup> April 21. Other composite products that are currently exempt from certification will require a new document, called a 'private attestation'.

### **Which new EHCs will traders have to use from 21<sup>st</sup> April?**

The changes to the EU law and the new rules for the export of composite products means that from 21<sup>st</sup> April 2021 there are five new EHCs and one new model private attestation document that exporters will now need to use to export the relevant goods to the EU.

Specifically there are three new products of animal origin (POAO) EHCs, two new composite EHCs and a private attestation document for composites exempt from certification.

The three new POAO EHCs include meat of certain wild game and farmed large game and mechanically separated pork meat. The new POAO EHCs and Notes for guidance are available to view on form finder from, and for use from 21 April 2021.

Private attestations do not need to be signed by an Official Veterinarians (OV) or a Food Competent Certifying officer (FCCO). It must be prepared and signed by the importing food business operator in the EU.

The new regulations also introduce EHCs for certain live animal species and germinal product exports for which there is currently no EU EHC. These will be made available when required.

### **Why have you given businesses so little time to get ready for these changes?**

The EU only recently published some of the information about the new rules.

Since then Defra has been working through the legislation with industry to understand the impact and we will continue to provide information to businesses as soon as the EU makes it available.

### **When will the other new EHCs be introduced?**

Unless goods need to be exported with the new documentation, we plan to take full advantage of provision within the EU's legislation to continue using old certificates until August 2021, when the switch to the new certificates needs to be complete, to allow exporters the maximum time to prepare.

We will continue to keep businesses informed about the phasing of the new EHCs and will provide guidance and information, so they are prepared for these changes.

### **I export composite products, do the transitional arrangements apply to me.**

Yes. If you currently export a composite product that requires an EHC you will be able to continue to use the current EHC until August 2021. You can also choose to use the certificate appropriate to your product under the new rules.

If the composite product was previously exempt from certification it may need an EHC under the new rules. If this is the case, you will need to use the *new* composite EHC from 21<sup>st</sup> April 2021.

If your composite goods are exempt from certification, you will now need to use the new private attestation. More details [here](#).

### **How many new EHCs will there be in total that are being introduced because of the EU rule change?**

The AHR contain 111 EHCs for products of animal origin, live animals and germinal product exports that are relevant to GB-EU trade. The AHR does not affect the EHCs for animal by product exports, which will remain the as they are now.

109 include 47 animal products EHCs and 62 EHCs for live animals and germplasm. Two EHCs are for live aquatic animals and are the responsibility of CEFAS.

### **Why is the EU introducing these changes?**

The European Parliament and the Council adopted the Regulation on transmissible animal diseases (“Animal Health Law”) in March 2016 and it will apply from April 2021. It streamlines a number of legal acts.

This new EU law establishes new rules for third countries exporting to the EU. The changes provide guarantees to ensure that certain animals, germinal products and products of animal origin entering the EU or NI do not present an animal health risk for kept and wild animals. This means that the current EHCs and Notes for Guidance are being updated to reflect new rules.

### **Do these changes apply to movements of goods from GB to Northern Ireland?**

The Animal Health Regulation will also apply in Northern Ireland. Traders moving goods from Great Britain to Northern Ireland will need to ensure that they meet the new regulatory, documentary, and certification requirements for composite goods.

Specifically, composite goods being moved from GB to NI will need to conform to new requirements for composite products as set out above. These goods will need to be accompanied with the appropriate composites EHC. If the products are exempt, they will need to be accompanied by a private attestation prepared and signed by the importing food business operator in Northern Ireland.

Businesses on the Authorised Trader list moving goods from GB to NI will not be required to complete new composites EHCs or private attestations until the relevant phase of compliance comes into effect from 1<sup>st</sup> Oct 2021. Instead, their STAMNI declarations will meet these requirements in the meantime, in line with the movement criteria. However, all goods moved by Authorised Traders from GB to NI must comply with the regulatory requirements for composite products set out above.

### **If the premises do not require approval under 853, how can they get an EHC when it has to be sent from an approved premises?**

Composite products, where they are being assembled at a premise from pre-processed POAO do not require dispatch from an approved premise. The premises that are providing that pre-processed POAO do need to be approved and listed with the EU for export purposes and if the premises of dispatch is actually undertaking the production of the POAO then they would need to be approved and listed too. The new rules do not change where a premise needs to be approved and listed - they just change where an EHC is required.

**It is clear from some of the questions being raised, that the complexities and subtleties involved in production/processing of some types of composite products and discerning what rules apply is a problem for LAs and FBOs, it is all very confusing, especially in the supplements sector? Are these concerns fully recognised by Defra and are there any plans to provide more support/guidance and real world examples, to help deal with these?**

- Non-shelf stable composite products and any composite products containing meat (aside from gelatine, collagen and highly refined products) will require a [new EHC](#)
- Shelf-stable composite products not containing meat will require a new document – [a private attestation](#). Certain shelf stable composite products, such as confectionary and breads, are exempt from veterinary checks at a Border Control Post.
- There is further information on AHR and the new composite rules in this [briefing note](#)
- The composite product decision tree [here](#) will help certifiers and exporters decide if the product is a composite and what documentation is required.
- For those who attended the webinars Defra held over the past two weeks the presentation slides [here](#).

### **Will these changes affect imports to UK? Are we applying the same rules to EU?**

These rules will not apply to GB imports from April 21<sup>st</sup>.

## **Composite products**

### **What is a composite product?**

Composite products are foods containing both plant products and processed animal products.

Traders need to distinguish between composite products and processed animal products. Please refer to the Composite Product Decision Tree to help you determine whether your product is a composite and what type of certification it requires from 21<sup>st</sup> April 2021.

### **What isn't a composite product?**

Adding a plant product during the processing of an animal product does not automatically mean that the final food is a composite. If the addition of the plant product does not modify the main characteristics of the final product then adding this plant product does not make the product a composite.

For example, a cheese with herbs or a yogurt with fruit are classed as dairy products. Similarly, canned tuna with added vegetable oil is classed as a fishery product.

Please refer to the Composite Product Decision Tree to help you determine whether your product is a composite or not and what type of certification it requires from 21 April 2021.

**I understand that the rules for exporting Composite Products will also be changing at the same time the new AHR is introduced?**

New rules for the export of composite products will be introduced at the same time as the Animal Health Regulation, which introduces new composite product EHCs.

These rules mean that some products that did not previously require an EHC to be exported to the EU or moved to Northern Ireland will need an EHC from 21 April 2021. There is also a new document – a private attestation – the export of composite products which remain exempt from certification.

**What are the main differences between exporting composites now compared to the new rules?**

It is easier to determine whether your products require a composite EHC or not. Some products that don't need an EHC will now require a private attestation.

However, there are some composite products that will be exempt and don't require an EHC or private attestation.

Please refer to the [Composite Product Decision Tree](#) to help you determine whether your product is a composite or not and what type of certification it requires from 21<sup>st</sup> April 2021.

**Are there differences in the categories of composite products previously exported to the EU after 21 April 2021?**

Yes. There will be three categories of composite products:

1. Non shelf-stable composite products
2. Shelf-stable composite products that contain any quantity of meat products, except gelatine, collagen and highly refined products
3. Shelf-stable composite products that do not contain meat products, except gelatine, collagen and highly refined products

The requirements on traders and the guarantees accompanying the composite products depend on their category. However, the requirements for processed animal products in the composite products are the same for the three categories.

**When will these new EHCs for composite products be ready for businesses to view them?**

The new EHCs are available now.

**I understand that under this new system, all animal products within a composite product will require an EHC, where previously just the composite product needed an EHC.**

No, this is wrong. The new EHC for composite products, introduced by the EU enables the certification of the meat, fish, dairy and egg elements of a composite product on the same EHC in a similar way to the current composite EHC.

The range of composite products that require an EHC is changing and a new private attestation document for exempted composites is being introduced.

### **What is the difference between non shelf stable and shelf stable composite products?**

Shelf stable animal composite products are products that do not need to be transported or stored under controlled temperatures e.g. chilled or frozen.

### **What is meant by “controlled temperature”?**

“Controlled temperature” means that the products have been produced in a way that does not allow their transport and storage at ambient temperature.

If traders are transporting or storing a shelf-stable composite product under controlled temperature, for example to preserve its quality, the requirements for a shelf-stable composite product apply.

### **Which composite products need an EHC?**

Shelf stable and non-shelf stable composite products for human consumption containing processed meats need an EHC (gelatine, collagen and highly refined products are not included in this)

Composite products that are not shelf stable and contain other processed animal products i.e. fish, dairy or egg need an EHC.

### **Should a product that contained an ingredient purely for flavour should it be considered a composite. Flavoured butter is this a composite or dairy?**

It's not possible to say definitively without full details of the product, but if a plant product is only being added to a product to add special characteristics or for processing reasons, then it is not a composite product. The Commission gives an example of cheese with herbs added which remains a dairy product. The flavourings of the butter have not altered the main characteristics of the final product which remains butter, so it is likely in this case that the product remains a dairy product.

### **Under ‘nature of commodity’, for a composite with milk and eggs do we call it a dairy product with egg, or what is correct?**

You would need to indicate under nature of commodity that it contains both egg and dairy for that particular product. There is also the guidance note at the end of the certificate that will help with what is expected on the nature of commodity box.

### **Is it correct to say a composite product within the scope of EHC which contains more than one POAO could require more than one EHC for that product?**

Assuming all the POAO is processed and part of the composite products then no, only a Composite Product EHC would be required.

### **Does highly refined beef and goose fat constitute a "meat product"?**

Yes, it does for composite products so the meat product attestations will need to be certified.



**The new EU regulations are changing the definition of a composite; can you confirm if this will change the definition as per 853 for the UK. If the 50% rule is no longer this could have a knock-on effect of whether an establishment's activity may need approval or not?**

The new rules don't change the definition of a composite product. They change when an EHC is required.

**Have you got specific examples of 'special characteristics' please relevant to supplement manufacturers?**

An example of a special characteristics would be like colourings, spices, flavourings or sweeteners or for textures. More details will be made available in the relevant guidance document on [EHC Form Finder](#)

**\*\*New\*\* For suppliers of composite products which are not under the GEFS Scheme because they do not have a stable supply chain, what documents can be used for a support attestation batch by batch? For example: A veterinary declaration, the model Support Health Attestation ([ET 199](#)) adapted to composite products?**

If an FCCO or OV at one premises is providing supporting information to a CO at the final premises of dispatch, then a Support Health Attestation supplied by a vet is acceptable or in certain circumstances a declaration from a FCCO is an acceptable form of evidence. ET199 is the model Support Health Attestation on [Vet Gateway](#) and that can be adapted to different type of products. There is no set format of a support attestation And it is not an official document.

**\*\*New\*\* Honey is not an ingredient that appears on the old composite EHC, what are the requirements for honey in this new EHC?**

The new composite EHC is available on [Form Finder](#) and does include the relevant public health attestations for honey.

## **Certification requirements and Border Control Post checks**

**What are the border control checks for composite products?**

Unless specifically exempt from border checks, all consignments of composite products exported to the EU will be subject to veterinary checks at an EU Border Control Post (BCP), including those exempt from certification where a private attestation is also required.

**Composite products subject to checks and requiring an EHC**

Non-shelf stable (such as chilled and frozen) composite products or shelf stable (ambient) composite products that contain processed meat must be subject to BCP/ Points of Entry (PoE) for Northern Ireland on entry into the EU/NI and be accompanied by an EHC.

If the composite product is not shelf stable and contains meat products and/or other processed animal products (e.g. fish, dairy, egg) then it's subject to BCP checks and requires an EHC.

There are two composite product EHCs in the Regulation:

- Entry into the EU (or Northern Ireland) of not shelf-stable composite products and shelf stable composite products, containing any quantity of meat products except gelatine, collagen and highly refined products, and intended for human consumption
- Transit through the EU to a third country either by immediate transit or after storage in the Union of not shelf-stable composite products and shelf-stable composite products containing any quantity of meat products and intended for human consumption

### **Composite products that are subject to BCP checks and requiring a private attestation**

If the final composite product is shelf stable and does not contain processed meat products but is not on the EU's list of lower risk products it must be subject to BCP/PoE checks and accompanied by a private attestation.

The private attestation does not have to be signed by an OV or FCCO and must be prepared and signed by the importing food business operator in the EU/NI.

- It is recommended a copy of the private attestation must accompany the consignment to the EU BCP or NI PoE.
- The EU/NI importer or agent should provide the original private attestation to the EU BCP/NI PoE.
- To complete the private attestation, the importer will require a declaration from the exporter of the composite products, attesting that the dairy products and egg products contained in the composite products have undergone the required heat treatment. There is no set model for providing this declaration and it does not have to be signed by an OV or an FCCO.

### **Composite products subject to risk-based border or destination checks and requiring a private attestation**

The final shelf-stable composite products not containing processed meat and is listed in legislation (includes bread, pasta, olives, sweets) is exempt from BCP/PoE checks, provided the products meet all of the following requirements:

- Any dairy and egg products contained in the shelf-stable composite products have been subjected to the required heat treatment
- They are identified/labelled as intended for human consumption
- They are securely packaged or sealed

The private attestation must be prepared and signed by the importing food business operator in the EU/NI and must accompany the products at the time of the placing on the market.

The consignment must also be accompanied by a declaration of the exporter of the composite products, attesting that the dairy products and egg products contained in the composite products have undergone heat treatment.

The consignment maybe subject to random or risk-based checks at the point of destination in the EU/NI.

### **What are the foods listed in the legislation as exempt from certification and exempt from BCP checks?**

These foods include:

- Confectionery (including sweets), chocolate and other food preparations containing cocoa
- Pasta, noodles and couscous
- Bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products
- Olives stuffed with fish
- Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or mate
- Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof
- Soup stocks and flavourings packaged for the final consumer
- Food supplements packaged for the final consumer, containing processed animal products (including glucosamine, chondroitin or chitosan)
- Liqueurs and cordials

There is a full list available in the annex of the relevant EU [legislation](#).

Goods on this list may still be subject to random or risk-based checks at the EU place of destination, point of release into free circulation or the warehouse of the operator responsible for the consignment.

### **What checks will be needed on chocolate/biscuits/pasta etc?**

Provided that these are shelf stable and do not include meat products (other than gelatine, collagen or highly refined products) these require a private attestation signed by the EU importer. They are not subject to BCP checks but may be subject to random or risk-based checks in the EU.

### **My composite product is shelf-stable, and does not contain meat, but the dairy elements do not meet the heat treatment requirements for the private attestation (e.g. chocolate that contains pasteurised milk).**

#### **What do I do?**

The European Commission has confirmed it is amending the AHR to allow businesses to use a private attestation to export shelf-stable composite products containing dairy that has not undergone UHT or sterilisation, so long as the dairy product originates and is processed in a third country listed for the export of dairy to the EU, such as GB.

As the legislative amendments will not be in place by 21 April 2021 when the new Regulation applies the Commission has agreed an interim arrangement.

The importer, completing the private attestation, may delete Point 10 of Part II of the attestation (which relates to the dairy heat treatment requirement) if:

- dairy products are listed as ingredients in point 4 of Part II of the attestation and;
- the country code inserted in box 1.7 of Part I of the attestation, is that of a third country listed for the export of dairy products to the EU without risk mitigating treatment (such as GB).

The establishment of origin of the dairy product, indicated in point 5 of the attestation, is in a third country listed for the export of dairy products to the EU without risk mitigating treatment (such as GB, or the EU, or Northern Ireland).

This means that shelf stable composite products dispatched from GB to the EU, which contain no meat but do contain dairy products processed in the UK (or another similarly listed third country) or the EU, do not require any specific treatment to use the private attestation document.

### **Composite products containing honey, gelatine, collagen, snails or highly refined products**

If the only processed products of animal origin in a composite product are honey, collagen, gelatine or snails, and the composite produce is shelf stable, then it will need to be accompanied by a private attestation.

If the composite product is not shelf stable, and contains honey, gelatine or snails as the only processed POAO content, then it will need an EHC for the individual product (i.e the honey, gelatine or snails EHC). There is no requirement for a composite product EHC in that specific circumstance.

If the composite product contains meat, dairy, fish or egg *and* honey, gelatine or snails, a composite products EHC is needed (unless the resultant composite product is exempt from certification when a private attestation is required). No additional EHC for honey/gelatine/snails will be needed.

### **It looks like there is space for 5 composite products to be listed. Is it possible to add more products through a supplementary sheet that accompanies the attestation or is 5 the maximum?**

You can add a schedule to the EHC if you need to if you have more products than the information in I.27 will allow you to submit. There are certain restrictions on where you can make use of schedules. Specifically, all of the products have to satisfy the same either/or statements in the EHC and need to be transported at the same temperature.

### **What documents will a composite product containing fish ingredients require a private attestation or a veterinary export health certificate document?**

If the product is chilled or frozen and containing fish, then it will require an EHC but if it is shelf stable composite product then it will need the private attestation.

### **Where a veterinary certificate is needed for a composite product, is there a need to have a trace linking back to production date of dairy ingredient?**

Yes, it is referenced in the footnotes of the EHC that the date of production of dairy is needed in the certificate. It doesn't have to be a specific date, it can be a date range.

**When certifying a chicken or pork composite product (on an 8281 cert), can I leave out pages 3 and 4 which refer entirely to BSE.? I would correct the page numbering accordingly.**

You should keep them in the EHC and strike out the irrelevant statements accordingly, as opposed to remove the pages.

**There are numerous references to zones and codes in EHC 8350. Where do we find a list of these codes?**

The relevant codes are contained within EU legislation. Under current rules they are contained in lots of different EU regulations. The AHR brings together all of the relevant listing regulations into a single regulation which is 2021/404 published at the end of March.

**\*\*Updated\*\* Is it permissible to re-export EU origin egg products that have been further processed in UK? The 8350 EHC does not give an option for the source of the eggs to be from EU.**

The Commission has clarified that composite products containing EU origin egg product can be exported using the new Composites EHC. The certifier may enter the name/code of the relevant EU Member State where the egg product within the composite originates in the relevant section of Part II of the EHC.

**Even if a product has a trace level of POAO i.e. whey protein, so they still need an EHC?**

Assuming the product is a composite, it doesn't necessarily need an EHC. It will either need an EHC or a private attestation depending upon whether the product contains meat and whether it's shelf stable or not. There is a change here, as under the current rules very small amounts of POAO added for technical reasons do not necessarily require certification, but the EU have been clear that under the new rules that will no longer be the case and certification will be required. What document is required would depend on the nature of the product.

**What happens with shelf stable composites that you are filling in an EHC for as they have meat in. They have dairy in - about 1 % milk - so don't need to fill in the dairy part of the EHC but does it need a private attestation along with the EHC for the milk part.**

No, it just needs an EHC. Any product with meat in is going to require an EHC unless it's gelatine, collagen or a highly refined product. It doesn't need a private attestation in addition. You would include the certification of the dairy component within the EHC regardless of percentage. The 50% threshold has been removed so from 21st April any amount would require certification and would be certified in the EHC if the composite product was not shelf stable or having meat in it.

**Where a product has multiple dairy/ sources, do we have to list all the treatment and all the processing plants under consignment description?**

Assuming this is for the EHC then yes you need to list all of the processing plants for the dairy, which all must be EU approved and the treatment types as well as laid out in the certificate.

**A bakery is exporting a variety of cakes, all with dairy but some with egg, some without. Should I use separate EHCs for with/without egg products?**

You'll only need an EHC for the cakes if they aren't shelf stable (or contain meat). In terms of using separate certificates it would likely be best to use separate certificates for this unless anything different was agreed with the BCP.

**Is cochineal a product of animal origin requiring an EHC, again in connection with a confectionery product containing this as a colouring?**

This would be classed as a highly refined product so you wouldn't normally consider that being a POAO within the context of what needs to be certified on the EHC. Highly refined products don't need to be certified in the composite EHC.

**If it is required an EHC for honey, gelatine from a composite product which is not shelf stable. How these 2 EHC's should be completed to show that it is only one composite product (referring at quantities, manufacturing plants...)? In this case, is it required 2 CHED's?**

The Commission has been clear that from the 21st April 2021 that the expectation is if there is honey or gelatine in a non-shelf stable composite product then it doesn't need a separate certificate. The EHC for composite will still cover it.

**Ref nature of commodity what if the composite product has both meat product and dairy product? The portal will only accept one answer. Should I add the other answer in pen when the EHC has been printed?**

You can make amendments in pen or attach a schedule that is relevant to that box if there is not enough room.

**I asked before about filling in shelf stable little bit dairy on composite with meat. I've just been looking at the 8350 EHC and the dairy section is only to be filled in for non-shelf-stable dairy still. So, if it contains shelf stable dairy how do I fill it in?**

This has been raised with the Commission. It's slightly poorly worded in the model certificate so that the 'not shelf stable' wording in the dairy header should be read as referring to the overall product and not just the dairy component. Clarification we have had is that it is referring to the not shelf stable product and not the not shelf stable dairy product within the product. Therefore, you can still fill this in.

**Chips/Soups with meat flavour does require an EHC or a private attestation?**

If it's a meat product within the composite, then it's going to need an EHC. The exception being gelatine, collagen and highly refined products. Not all meat flavours are containing meat, and so some will not trigger the need for an EHC.

**If a pie has beef from negligible BSE country of origin and controlled risk country of origin do I leave both sections in? What if there are two composite products on a schedule, one with beef from negligible and one with beef from controlled?**

In the case where a single product contains meat, in this case that requires multiple either/or statements in the certificate to be certified you can certify both of those statements. Otherwise if it's a situation where you have got 2 products and you want to include them both on the same certificate, however they relate to different either/or statements in the certificate you are going to require separate EHCs. We have asked the Commission for clarity on this and this is the final answer they have given. The new composite rules do not affect that position on either/or statements.

**Would a FBO that makes shelf stable products Health bars, protein bars that contain milk would they need an EHC and or attestation?**

Assuming this is a composite product it would need a private attestation because it's a shelf stable product not containing any meat.

**Would you consider publishing a list of example scenarios like the ones we are running through here?**

Notes for guidance already includes some examples. Link to [EHC Form Finder](#) and so does our composite decision tree. Please see link for the [Composite Decision Tree](#).

**For a non-shelf stable, composite product containing less than 50% dairy which is chilled - my understanding is this would have to be signed by an OV. How would this operate via the GEFS - can the manufacturer use an attestation for this and would that also need to be signed by an OV?**

Under the new composite rules that come in from the 21st April 2021 the percentage of POAO no longer matters when it comes to whether or not an EHC is needed. It is correct that a non-shelf stable composite product containing dairy will require an EHC and that will need to be signed by an OV.

If an EHC is needed, and the composite product is packaged for the final consumer, and comes from a stable supply chain, the exporter would be eligible for GEFS membership. GEFS membership would enable the certifier signing the EHC to make use of a GEFS support attestation as an additional form of evidence when certifying the product as part of a groupage load at the point of dispatch.

**Is an EHC rather than a private attestation required for bread, cakes, biscuits, waffles and wafers if they contain more than 20% dairy and egg products? The guidance only appears to mention a figure of 50%.**

This references the current composite rules. Under the new rules the relevance of the percentage of POAO falls away entirely and it is simply that products that contain meat or are not shelf stable need an EHC whereas shelf stable products containing dairy, fish or eggs require a private attestation. Bread, cakes, biscuits etc. are amongst those shelf stable products that are exempted from BCP checks.

**\*\*New\*\* Can current products that are being exported using the 8281EHC be exported using the new 8350 EHC before August 2021?**

This will depend upon the product. Any product that currently used the composite EHC 8281 prior to April 21<sup>st</sup> can carry on using that until August. If under the new rules the product still requires an EHC (so if it contains meat or is a non-shelf stable product) it could also use the new EHC 8350 from the 21st April 2021.

However, if under the new rules, it needs a private attestation e.g. if it is a shelf stable product and contains no meat, but it currently needs an EHC, then it would not be able to use the new EHC 8350. It could use the private attestation. Please refer to the <http://apha.defra.gov.uk/documents/FCCO-Briefing-Note.pdf>, within the notes is a link to the EU's table which summarises the transitional arrangements.

**\*\*New\*\* Preserves such as lemon curd and curd cheese are products that are shelf stable but are traditionally thickened with egg yolks and may not reach sterilization/UHT. What certificate would they go under?**

Shelf stable products containing no meat and where the dairy content has been pasteurised and originates in a third country listed for the export dairy, such as GB, can travel on a private attestation document.

**\*\*New\*\* Will a shelf stable composite product containing pasteurised dairy produced in the EU be exempt from OV attestation?**

If the product has been imported into GB and is being re-exported to the EU, it follows the same basic rules as a GB origin product. If no EHC is required to export the product to the EU from GB (such as is the case for a shelf stable composite product) there will be no requirement for any form of EU veterinary attestation to be provided to enable the EHC for re-export to be signed. The EU importer of the final product will need all the same information from the GB exporter to complete the Private Attestation as they would for a GB origin product. Some of this information may need to originate from the original EU manufacturer.

**\*\*New\*\* I am a manufacturer producing snacks which contains processed dairy and fish as ingredients. Am I right assuming that only a private attestation is required as it is a shelf-stable product? What about if the product contains meat flavouring/ processed meat ingredients?**

If it contains dairy and fish and is a shelf stable product then yes, it will require a private attestation. If it contains meat (with the exception of gelatine, collagen or highly refined products) then it will need an EHC. Not all meat flavourings contain



meat. If the meat flavouring is not a meat product then you don't need an EHC. If the meat flavouring is a meat product then you will need an EHC.

**\*\*New\*\* Can LA's issue EHCs for POAO (dairy, eggs, gelatine) which is shelf stable contained in powder or gels? Or does this need to be issued by an Official Vet?**

If the powder or gel is a composite product and contains egg or fish then a Local Authority Food Competent Certifying Officer can sign the EHC. If the product contains meat or dairy and OV must sign. If the product is not a composite, then the conditions of the relevant certificate determine who can sign the EHC.

## **Private Attestations**

### **What are private attestations?**

The private attestation is laid down in EU law. It must be prepared and signed by the importing food business operator (FBO) in the EU. If the product is subject to BCP checks, the EU importer will need to ensure that a physical copy of the attestation meets the consignment at the BCP. For products not subject to BCP checks, the attestation is only required at the point the product is placed upon the EU market.

### **Who has to sign the private attestation?**

The private attestation must be signed by the representative of the importing food business operator.

### **Where can I get a copy of the attestation?**

They will be available on form finder. There will be guidance about the attestations for exporters.

### **Does it have to be a wet stamped?**

No. The attestation does not need to be stamped.

### **Who checks the private attestation accompanying shelf-stable composite products not containing meat? Where does this check happen?**

The checks on shelf-stable composite products not containing meat are carried out the BCP unless the product is exempt. Checks may be carried out at the place of destination, the point of release for circulation in the EU or the warehouses or the premises of the operator responsible for the consignment.

### **What is the penalty in the absence of a private attestation accompanying the composite product?**

The consignment will be detained by the EU.

### **Must a shelf-stable composite product not containing meat always be accompanied by a private attestation?**

A private attestation must accompany every consignment of shelf-stable composite products.

**Are all of the composite products that are eligible to be accompanied by a private attestation exempt from checks at the border?**

No. Only those composite products that are specifically exempted, in the legislation, from the checks at BCPs.

Checks may be carried out at the place of destination, the point of release for circulation in the EU or the warehouses or the premises of the operator responsible for the consignment.

**Do I need to provide a full breakdown of ingredients in the composite product to the importer for them to sign the private attestation?**

Yes. This is a requirement of the attestation, set out in EU law. An ingredient list should be included in descending order of weight and including nature and percentage of each ingredient.

**Can the private attestation form be completed as a mixture of printed and handwritten information? We are likely to have a semi-automated solution to print the forms, but some information will need handwriting onto it.**

To be clear it's the importer in the EU or NI who completes the private attestation however there is nothing to prevent handwritten information included in the form.

**For Northern Ireland do the forms also need to physically accompany the goods? If so, then how will the officials at the entry point know that a load needs to be checked as we are completing safety and security declarations which do not have commodity codes on them, rather than any full import paperwork.**

DAERA guidance is available here: [Guidance on changes to the rules for movement of composite products from GB to NI/EU from 21 April 2021 | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#)

It is advisable that a copy of the private attestation produced by the importer accompanies the consignment to the Northern Ireland Point of Entry.

With regard to the pre-notification requirements for Shelf-stable composite products that do not contain meat products, except gelatine, collagen and highly refined products the following applies:

- If the shelf-stable product is not listed as low risk in accordance with Article 48 (h) of Regulation (EU) 2017/625, it will require pre-notification on TRACES NT by creating a CHED P and uploading the private attestation. These products will be subject to controls at the NI Point of Entry (POE).
- For those low risk shelf stable composites pre-notification on TRACES NT is not required however, the private attestation must be sent to:

[CompositeProducts@daera-ni.gov.uk](mailto:CompositeProducts@daera-ni.gov.uk) in advance of arrival. The importer name, date of arrival and trailer number must be included in title of email. These consignments will be subject to risk-based controls at point of destination instead of at the NI POE.

**\*\*Updated\*\* Does the private attestation need to be provided in only the official language at BCP where shipment enters the EU or all transit and final destination markets as well?**

The EU have confirmed that the Private Attestation should be provided in a language accepted by the Member State where the document will be presented. For products subject to BCP checks, this will be the language of the Member State of the BCP of entry. For products not subject to BCP checks it will be the language of the Member State of destination. For products in the latter category it may be beneficial for an attestation to be provided in the language of the country of entry into the EU as well – your importer should confirm this with the BCP.

**Do products requiring an attestation only still need to be pre-notified?**

We expect that products that require BCP checks will need to be pre-notified.. DAFM (Republic of Ireland), SIVEP (France) and DAERA (Northern Ireland) have confirmed that for products subject to BCP checks they will expect pre-notification as they would for a product travelling with an EHC. You should consult with individual EU BCPs to understand their pre-notification timelines. By default the period of pre-notification required is 24 hours. Where products are not required to undergo checks at BCP and the private attestation is only needed when the goods are placed on the market, we would not expect pre-notification to be required but individual BCPs might operate processes to make them aware of the contents of a load. We would encourage you to speak to them directly.

**Private attestations requires a date of production for a specific batch number. Is it possible to provide a range for date of production?**

The EU have clarified that in the case of the composite product EHC, box I.27 is used to enter the manufacturing plant of the final composite product and, if applicable, the cold store which might be involved. Treatment types and dates of collection/production are optional.”

In the EHC the only date requirement is for the dairy component where there is a requirement to state the date or date range of production.

Therefore, it follows that the date of production in the private attestation would be optional, and that a range of dates could be provided. However fundamentally this is for the EU to determine. You should check with the BCP of entry what their expectations are.

That is something to be discussed between the EU importer and the BCP on what's acceptable.

**Does Private attestation requires reference number? If so, how can it be generated?**

We understand that a reference number will be required, It's for the EU importer to create the private attestation so the format is for them to determine.

**Have you got an example of a private attestation you can show us?**

This is already available on GOV.UK please click on link [a private attestation](#)

**A local business exports baked confectionary products to EU and NI regularly to the same suppliers which will require attestation, is an attestation required for each product for each consignment?**

They need an attestation per consignment. They may well be able to put multiple products onto a single attestation because they are all part of the same consignment.

**\*\*New\*\* Does a CHED-P need to be created when importing composites with a Private Attestation?**

If the composite is subject to BCP checks then we expect pre-notification and the creation of a CHED-P to be required. Where the composite is not subject to BCP checks, it is important to check with the BCP as to what the expectation is when it comes to pre notification and the creation of a CHED.

**\*\*New\*\* Will the private attestation be required to accompany each consignment that is being exported? Does the company exporting apply for the private attestation via EHC Online?**

You do not apply for the Private Attestation via EHC Online as it is not an EHC. It is the EU importer who completes the private attestation document. The importer completes the document. One private attestation will be needed per consignment.

**\*\*New\*\* Will a private attestation need a wet signature?**

The EU have confirmed that it is acceptable for the importer to upload a scan of the private attestation document as part of the pre-notification when the consignment is subject to BCP checks. You should confirm with the BCP whether they will expect the original copy of the document to follow.

## **Establishment and Premises Listing**

**For EHC from non-approved premises, what is meant by the Registration No. at 1.11 - will this simply be the LAs Database reference number?**

Can be completed as N/A if the premises from which the composite product is being dispatched is a registered premise and not an approved premises. Also, on FCCO's briefing notes available [APHA's Vet Gateway](#).

**\*\*New\*\* For a shelf stable product that requires an EHC 8350 can it only be exported from only EU approved premises. As some sites are not EU approved at the moment- do they need an RDC number instead?**

Whether or not the premises exporting a composite product requires approval depends on whether or not the product is simply being assembled from pre-processed POAO or whether it's actually manufacturing any of the POAO within the composite.

If it is only assembling a product from pre-processed POAO it does not require approval and whether or not the product requires an EHC doesn't change that. The approval number that can be inserted on the composite EHC is only needed if applicable which means you can leave I.11 blank or fill in n/a when the product is dispatched from a premises that is not approved.

What you do need to do is put the approval number of the establishments that contributed to the pre-processed POAO in Part 2 of the certificate. The change to the EU rules of composite products into the EU does not affect whether a premise in GB needs to be approved or not.

## **POAO**

**Are products containing flavours which include animal ingredients like whey considered to be POAO?**

Whey is a dairy product, based on the commodity codes outlined in EU legislation. Certain substances, as prescribed in Section XVI of Regulation 853/2004 are highly refined products – these include chitosan, glucosamine and rennet.

**Can we group all herbs and spices together and provide overall percentage of herbs and spices without a need to breakdown into individual spices on the private attestation?**

EU legislation is clear cut on this and says all the POAO and product of plant origin ingredients need to be listed indicating their percentage and nature in descending order. If you have concerns about that it would make sense to speak with the BCP in the EU to understand what they are willing to accept. Where we have asked individual member states, they are not proscribing a format for this information.

**\*\*New\*\* If products have bovine gelatine in them or surrounding them eg health tablets would this need the gelatine certificate?**

If your product is a composite, and contains gelatine as the only processed POAO, and it is shelf stable, then it can travel on a private attestation.

## Food products

**The composite product I manufacture contains very small amounts of processed products of animal origin, essentially present for technological reasons. Does it have to fulfil all of the relevant requirements for composite products?**

Yes. The percentage of ingredients of animal origin in the composite product is irrelevant when determining which rules apply to a composite product.

**Are confectionery products composite products?**

Not necessarily. Only those confectionery products that contain both products of vegetable origin and processed products of animal origin are composite products.

**I mix an unprocessed product of animal origin and technological ingredients derived from a processed product of animal origin (e.g. albumin binder), do I make a composite product?**

No. The final product is not a composite product for two reasons: 1) it does not contain any product of plant origin and 2) it contains an unprocessed product of animal origin.

**Is it required to only include processed products of plant origin in a composite product?**

No. A composite product contains both products of plant origin and processed products of animal origin, but there is no requirement to use only processed products of plant origin in the manufacture of the composite product.

**Am I allowed to use unprocessed products of animal origin to manufacture a composite product?**

You are allowed to start the manufacture of a composite product from an unprocessed product of animal origin as long as the processing of the product of animal origin is part of the manufacture of the final product. The composite product must be manufactured in an approved establishment.

**How can I differentiate processed products of animal origin with vegetable content from composite products containing processed products of animal origin?**

The addition of a plant product to a processed animal product does not automatically mean that the final food is a composite product. As long as the plant product does not modify the main characteristics of the final product then it's not a composite. For example, a cheese with herbs or a yogurt with fruit are classed as dairy products. Similarly, canned tuna with added vegetable oil is classed as a fishery product.

This is a case by case decision considering the variety of product recipes. In case of doubt, the operator will have to provide details to BCP staff to decide whether it is a composite product or not. The product may be inspected to help decide.

**If I mix unprocessed products of animal origin and products of plant origin, do I make a composite product?**

No. This is not a composite product as it contains an unprocessed product of animal origin.

**I am adding a plant compound to a processed animal product. Is the final product always considered as a composite product?**

The addition of a product of plant origin during the processing of an animal product does not automatically mean that the final product is a composite. As long as the plant product does not modify the main characteristics of the final product then it's not a composite.

**In the case of non shelf-stable products containing fresh meat (or meat preparations) but not processed animal products, how should such products be certified?**

A product containing fresh meat is not a composite product. The certificate for composite products is therefore not to be used in such cases. An EHC relevant for fresh meat or meat preparations must accompany the consignment.

**I want to export to the EU a shelf-stable composite product that contains gelatine. What needs to accompany the product?**


Shelf-stable composite products that contain meat products must be accompanied by an EHC.




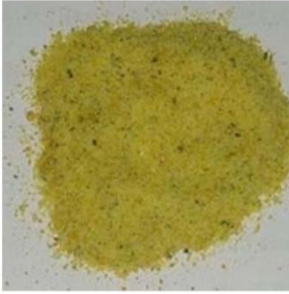
However, in the case where the shelf-stable composite product contains no meat product ingredient other than gelatine (or collagen), an EHC is not required but a private attestation will be required.

**I want to export a non shelf-stable composite product that contains gelatine (or collagen or highly refined product) and other meat products. Which certificate is required?**

Non-shelf-stable composite products must be accompanied by an EHC.

**Composite product examples**

Picture	CN code	Product information	Comments
	1604 20 10	Salmon Sweet and Sour salad, 185 gr Ingredients: pink salmon (55gr), sweet and sour sauce (tomato sauce, water, vinegar, soybean oil, sugar, modified starch, salt, vegetable extract), tomato, sweet corn, onion, green bell pepper, baby corn, flavour enhancer (E621), paprika colour (E160c)	<p>Composite product, shelf stable and containing fish.</p> <p>Subject to BCP checks as not listed in Annex and is shelf stable and contains processed fish. Requires a private attestation.</p> <p>As it is produced from unprocessed fish, it must come from an approved establishment.</p>

 <p>Beef Lasagne with fresh pasta</p>	1902 20	<p>Beef Lasagne Ingredients: minced beef, vegetables and pasta with a béchamel sauce topping containing milk and cheese. Final product has been cooked. Chilled final product.</p>	<p>Non-shelf stable Composite product containing meat product and dairy. Subject to BCP checks and composite product certificate which must be filled in for meat and dairy content.</p>
	2105 00	<p>Vanilla flavoured ice cream with wafer and hazelnuts Ingredients: water, sugar, milk solids, refined palm kernel oil, glucose syrup, hazelnuts, emulsifier, stabilizers, artificial flavouring, chocolate compound, wafer Composite</p>	<p>Composite product, if dairy is processed.  As not shelf stable, requires certificate and BCP checks.</p>
		<p>Mayonnaise made with vegetable oil, egg yolk, vinegar etc.  Final product cooked in the jar</p>	<p>Composite product, shelf stable with pasteurised egg.  Requires private attestation and BCP checks as not listed in Annex.</p>
	1603 00 10	<p>Granulated Chicken Bouillon Ingredients: food additives (monosodium glutamate, nucleotide seasonings, food flavour, vitamin B2), salt rice powder, chicken meat, egg, curry powder (contains turmeric), chive, garlic, white dextrin. Shelf stable</p>	<p>No pieces of meat, just granules which dissolve in hot water. Composite product, but not subject to BCP checks as in Annex.  Must be accompanied by private attestation.</p>





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