Department for Environment, Food and Rural Affairs

Guidance: Model private attestation by the operator entering shelf-stable composite products into the Union in accordance with Article 14 of Regulation (EU) 2019/625

April 2021

Background

This attestation is to be used for the export of shelf-stable composite products to the European Union, excluding those that contain meat.

Shelf-stable composite products that contain meat require an Export Health Certificate. Please refer to guidance available here.

Composite products are defined as food products containing both plant products and processed products of animal origin.

Shelf-stable composite products are those composite products that do not need to be transported or stored at controlled temperatures.

If you are unsure if the product you are exporting is a composite product, or if a composite product is shelf stable, you should consult the Defra Composite Decision Tree, or discuss with your certifying officer.

The Composite Decision Tree will be available on APHA's Vet Gateway prior to 21 April.

Use

Shelf-stable composite products exported using this attestation are either subject to veterinary checks at an EU Border Control Post, or risk based checks at "the place of destination", "the point of release for free circulation in the Union" or "the warehouses or the premises of the operator responsible for the consignment".

Products that are listed in the Annexe to Commission Implementing Regulation [C/2021/899] (note: at time of publication of this guidance this regulation was not yet officially published by the EU) and meet the following requirements are exempt from veterinary checks at a BCP:

- The product is identified/labelled as being for human consumption
- The product is securely packaged and sealed
- Any dairy or egg products within the product have been subjected to heat treatment in accordance with Article 163(a) of Delegated Regulation 2020/692.

Other shelf-stable composite products will be subject to veterinary checks at an EU Border Control Post.

The private attestation that accompanies shelf stable composite products must be completed and signed by the **EU importer or their agent.**

As the GB exporter, you may wish to complete the information required within the attestation and provide it to your EU importer to facilitate submission of the attestation to the EU BCP, where this is required.

Completion of Part I

Chapter 4 of Commission Implementing Regulation (EU) 2020/2235 contains guidance on the completion of Part I of Animal Health Certificates and other Official Certificates for the entry of products of animal origin, including composite products.

This should serve as a guide for the completion of Part I of the attestation.

In addition, you should note the following:

1.8 - Region of origin: At the time of publication, the region code “GB-0” applied to the United Kingdom (excluding Northern Ireland) for both consignments containing egg products and consignments containing dairy products. For products containing dairy or egg content from outside of GB, the relevant region codes from EU legislation should be included additionally.

I.25 - Total quantity: This is not required as the relevant information is provided in I.24 (number of packages) and I.26 (total net weight).

The following fields are optional where the consignment is not subject to veterinary checks at an EU Border Control Post.

I.6 – Operator responsible for the consignment

I.13 – Place of loading

I.15 – Means of transport

I.16 - Entry Border Control Post

I.19 – Container number/seal number

Fields will need to be completed by the EU Importer prior to the consignment entering the EU. In the case of products subject to veterinary checks at the Border Control Post the attestation will need to be available at the time the consignment reaches the EU BCP. You may wish to pre-populate Part I of the attestation and send it directly to your importer/agent for them to submit.

Completion of Part II

Part II of the attestation requires the EU importer/their agent to attest to the health information of the product. As the GB exporter, you will need to provide certain information to your importer to enable them to do this.

Signature – Part II of the attestation must be signed by a representative of the importing food business operator as defined in Article 14(1) of Commission Delegated Regulation (EU) 2019/625. **The attestation cannot be signed by the GB exporter.**

The attestation must be signed and dated. Defra understands that it is not necessary for the document to be stamped. Qualification, with reference to the importer, can be interpreted to mean 'job title'.

The importer must attest to the following conditions:

1. The products comply with the requirements of Regulation (EU) 2017/625 of Article 126(2) of the European Parliament and of the Council:

The importer will be required to assure themselves that GB is a listed third country for the products of animal origin contained within the composite product. GB is listed for all of the relevant commodities. The relevant regulations are Implementing Regulations (EU) 2021/404 and 2021/405. These regulations have been amended by Implementing Regulations 2021/634 and 2021/606, adding the GB and the Crown Dependencies to the relevant lists.

The importer will also require confirmation that the establishments of origin of the POAO within the composite product are approved in line Regulation 853/2004 and listed for the purposes export with the EU. A list of GB establishments is available to EU importers here.

2. The products do not need to be stored at a controlled temperature

The importer can attest to this on the basis of the information provided in part I of the attestation confirming the product is shelf-stable.

3. The products contain no other processed meat other than gelatine, collagen or highly refined products referred to in section XVI of Annex III to Regulation (EC) No 853/2004

4. The products contain the following list of products of plant origin and processed products of animal origin.

The importer will be able to attest to both of these statements on the basis of an ingredient list provided to them by the GB exporter. This should be in descending order of weight and include the nature (i.e. type of POAO or 'plant product') of the ingredient and its percentage.

5. The products contain processed products of animal origin, for which requirements are laid down in Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council, originating from the following approved establishment….;

The importer will require the approval number of the establishment of origin of the composite product, if applicable, as well as approval numbers of the establishments that provided the processed POAO within the composite product.

Composite products do not need to be dispatched to the EU from approved establishments if the establishment of dispatch is simply assembling the product from pre-processed POAO. In this scenario, an approval number for the establishment of dispatch does not need to be provided.

UK approved establishments will be uploaded to Europa website in due course, until the establishments are in Europa website you can find the list of UK approved establishments here.

6. The products contain processed products of animal origin which originate from third countries or regions thereof, authorised to export each processed product of animal origin to the union as listed in commission decision 2011/163/EU

If the composite product contains POAO originating from outside of GB, details of the country of origin should be provided to the EU importer. This will allow the importer to confirm that all ingredients originate from appropriately listed third countries.

7. The products originate from third countries or regions thereof authorised to export meat products, dairy products, colostrum based products, fishery products or egg products to the union on the basis of the union animal and public health requirements and which are listed at least for one of these products of animal origin pursuant to, implementing acts adopted by the commission in accordance with Article 127(2) of Regulation EU 2017/625 and a list of third countries and territories adopted by the commission in accordance with article 230(1) of regulation (EU) 2016/429

As above, this can be attested to by the importer on the basis of a list of third countries of origin of POAO within the composite product.

8.The products have been produced in an establishment which fulfils hygiene standards, recognised to be equivalent to those required by Regulation (EC) No 852/2004 of the European Parliament and of the council.

In the UK, all food business operators manufacturing composite products must be registered in line with Regulation (EC) 852/2004. The importer can attest to this on the basis of a registration number provided to them by the GB exporter.

9. The products have been produced under conditions guaranteeing compliance with the maximum residue levels for pesticides laid down in Regulation (EC) No 396/2005 of the European parliament and of the council and the maximum levels for contaminants laid down in Commission Regulation (EC) No 1881/2006

In the UK, Regulation (EC) 396/2005 is implemented by The Pesticides (Maximum Residue Levels) Regulations (England and Wales) 2008 (as amended) and devolved administration equivalents, and the maximum level of contaminants in Regulation (EC) 1881/2006 is enforced via The Contaminants in Food Regulations 2013 (as amended).

10. Any dairy products within the product have undergone a specific risk-mitigating treatment at least equivalent to one of the treatments provided for in column B of the table set out in Annex XXVII to Commission Delegated Regulation (EU) 2020/692;

If the composite product contains any dairy products, the GB exporter will need to provide the importer with an attestation evidencing that the dairy products within the composite product have undergone the relevant heat treatment. This heat treatment (or a higher level of treatment) can be applied to the specific dairy product ingredient(s) and/or to the composite product as a whole. There is no set format that this attestation must follow.

The permissible treatments are as follows:

- Sterilisation process, to achieve an F_o value equal to or greater than 3
- Ultra-high temperature (UHT) treatment at not less than 135 °C in combination with a suitable holding time

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.

In the interim, whilst this legislation is formalised, the importer, completing the private attestation may delete Point 10 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 milk and dairy products to the EU, not subject to risk mitigating treatment, in either:

    i. column A and B of the table set out in Annex I to Regulation (EU) No 605/2010, **or**
    ii. Annex XVII to Implementing Regulation (EU) 2021/404 and;
- the establishment of origin of the milk or dairy product, indicated in point five of Part II the attestation, is located in a country that is listed for the export of milk or dairy products to the EU without risk mitigating treatment, in line with the above legislation. Alternatively, the establishment is located in the EU or in Northern Ireland.

If the establishment of origin of the dairy product indicated in point five of Part II of the attestation is located in a third country listed for the export of milk and dairy products to the EU *subject* to risk mitigating treatment, the private attestation may still be amended.

The reference to 'Column B' in point 10 may be amended to 'Column A'. This allows the product to be subject to a wider range of heat treatments, including high temperature, short time pasteurisation (HTST) applied twice. See Commission Delegated Regulation 2020/692 for more detail.

This can be done provided that:

- dairy products are listed as ingredients in point 4 of Part II of the attestation; and
- the country of origin of the composite product (ISO country code inserted in box 1.7 of Part I of the attestation) and the third country where the approved establishment of origin of the raw milk or the dairy product is located (indicated in point 5 of the attestation) is located, are listed for the entry into the Union of dairy products subject to risk-mitigating treatments pursuant either:
    i. column C of the table set out in Annex I to Regulation (EU) No 605/2010, or
    ii. Annex XVIII to Implementing Regulation (EU) 2021/404.

If the establishment of origin of the dairy product indicated in point five of Part II of the attestation is located in a third country that is not listed for the export of milk or dairy to the EU, no changes to Point 10 can be made (i.e. products must be subjected to one of the two permissible heat treatments).

11 Any egg products within the product have undergone a specific risk-mitigating treatment at least equivalent to one of the treatments provided for in

the table set out in Annex XXVIII to Delegated Regulation (EU) 2020/692. Delegated Regulation (EU) 2020/ 692.

If the composite product contains any egg products, the GB exporter will need to provide the importer with an attestation evidencing that the egg products within the composite product have undergone the relevant heat treatment. This heat treatment (or a higher level of treatment) can be applied to the specific egg product ingredient(s) and/or to the composite product as a whole. There is no set format that this attestation must follow.

The permissible treatments are as follows:

a. Treatments of egg products for the inactivation of highly pathogenic avian influenza.

Egg product	Treatment	
	Core temperature (in degrees Celsius (°C))	Duration of treatment (in seconds (s) or hours (hr))
Liquid egg white	55,6 °C	870 s
	56,7 °C	232 s
10 % salted yolk	62,2 °C	138 s
Dried egg white	67 °C	20 hr
	54,4 °C	513 hr
Whole eggs	60 °C	188 s
	completely cooked	
Whole egg blends	60 °C	188 s
	61,1 °C	94 s
	completely cooked	

b. Treatments of egg products for the inactivation of infection with Newcastle Disease.

Egg product	Treatment	
	Core temperature (in degrees Celsius (°C))	Duration of treatment (in seconds (s) or hours (hr))
Liquid egg white	55 °C	2 278 s
	57 °C	986 s
	59 °C	301 s
10 % salted yolk	55 °C	176 s
Dried egg white	57 °C	50,4 hr
Whole eggs	55 °C	2 521 s
	57 °C	1 596 s
	59 °C	674 s
	completely cooked	

Legal Statement

The existing EU legislation that the UK complied with prior to the end of the Transition Period has been incorporated into our domestic law as “retained EU law” under the European Union (Withdrawal) Act 2018. References in our guidance and certification to such EU instruments should be taken to be references to this “retained EU law”. The EU standards that this legislation includes continue to remain in force, without substantive amendment, as-part of UK domestic law (apart from corrections to make the EU legislation fully operable

Disclaimer

This document provided on the basis of information available at the time and may not necessarily comply fully with the requirements of the importing country. It is the exporter’s responsibility to check the document against any relevant import permit or any advice provided by the competent authority in the importing country. If these

do not match, the exporter should contact the Animal and Plant Health Agency (APHA) in Carlisle, via the link below:

https://www.gov.uk/government/organisations/animal-and-plant-health-agency

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at product.exports@apha.gov.uk