Department for Environment, Food and Rural Affairs

Export of milk, milk based products and milk derived products not intended for human consumption, intended for dispatch to or for transit through the European Union or Northern Ireland

September 2022

Contents

No: 8322 NFG

For export of milk, milk based products and milk derived products not intended for human consumption, intended for dispatch to or for transit through the European Union or Northern Ireland.

NOTES FOR GUIDANCE (NFG) FOR THE CERTIFYING OFFICIAL VETERINARIAN, CERTIFICATION SUPPORT OFFICER AND EXPORTER

1. APPLICABLE LEGISLATION

Council Regulation (EC) No 1069/2009 and Commission (EU) Regulation 142/2011 (as amended)

Any other EU legislation referenced in the certificate must be complied with and can be accessed on the following link:

https://eur-lex.europa.eu/homepage.html

2. ASSOCIATED DOCUMENTATION

TSE ATTESTATION

In the case of products intended for feeding to ruminants where the exporter declares that they contain milk or milk products from ovine/ caprine species only:

OVs should obtain written confirmation from APHA Carlisle as to which of the sub paragraphs would apply to the products concerned.

IMPORTANT

These notes provide guidance to the Certifying Officers and exporters. The NFG should have been issued to you together with the relevant export certificate applicable for exports of milk, milk based products and milk derived products not intended for human consumption for dispatch to or transit through the EU or Northern Ireland. The NFG should not be read as a standalone document but in conjunction with the veterinary certificate.

We strongly suggest that exporters obtain full details of the importing country's requirements from the veterinary authorities in the country concerned, or their representatives in GB, in advance of each consignment.

[Please note, policies are being reviewed. NFG will be further amended to provide specific guidance. Traders should look at NFGs regularly for any updates]

3. SCOPE OF THE CERTIFICATE

This Model 8322 veterinary certificate maybe used for the export of milk, milk based products and milk derived products not intended for human consumption, intended for dispatch to or transit through the EU or Northern Ireland, in accordance with the relevant requirements described in Regulation (EU) No142/2011.

Milk, milk based products and milk derived products must only be produced from Category 3 material referred to in Article 10(e), (f) and (h) of Regulation (EC) No 1069/2009.

4. CERTIFICATION BY AN OFFICIAL VETERINARIAN (OV)

In **England, Scotland and Wales**, this certificate must be signed by a Government Veterinary Officer or by an Official Veterinarian (OV) appointed by the Animal and Plant Health Agency on behalf of Ministers in Defra, the Scottish Government or the Welsh Government and who hold the appropriate Official Controls Qualification (Veterinary) (OCQ (V)) authorisation.

OVs must sign and stamp, with the OV stamp, the health certificate in ink of a different colour to that of the printing of the Export Health Certificate (EHC). There is no requirement to sign and stamp in a specific colour.

The OV should keep a copy of the signed certificate and any supporting documents for at least two years after signature or receipt/dispatch of the consignment, whichever is later. These can be electronic copies.

EHC in foreign language/s of the EU Member States (MSs).

EHC should be in English and the foreign language/s of the Border Control Post (BCP) of entry in the EU, as well as in the language of the EU MS of destination if this a different country from the point of entry to the EU. The required EHC must accompany the consignment.

Listing of the EU MS BCPs can be found here:

https://ec.europa.eu/food/animals/vet-border-control/bip-contacts_en

The foreign language certificate as received from the APHA Centre for International Trade at Carlisle or via the Export Heath Certificates on-line system (EHCO) and bearing the same unique reference number as the English certificate, should be considered an official and accurate translations of the English, as published in EU legislation.

The (sub-) paragraphs / options and how they are numbered and formatted is identical in the English and foreign language editions and to the legislation published by the EU Commission. Therefore, when the same phrases/sentences in the foreign language version(s) as in the English version are struck through, both versions can and must be signed (as opposed to being initialled) by the OV as a genuine and properly authorised translation of the English.

This also applies to any instructions in the guidance notes to strike out certain paragraphs or to certify statements that the country is free of certain notifiable diseases etc.

Signing, stamping and pagination

The foreign language version/s and any schedules (if any) may be stapled to the English version but doing so and then fan stamping the multiple sheets is not enough to create one indivisible single document according to the EU Commission.

Therefore, each page (including schedules) should be individually signed and stamped and bear the reference number of the certificate. The pages comprising the complete document should be sequentially numbered so they are part of a finite sequence which covers the English, foreign language version/s and any schedule pages.

For example, if the certificate consists of four A4 pages printed back to back on two sheets of A4 paper with a schedule that is three A4 pages long, all 11 pages must be stamped and **signed** (as above) and numbered 1/11 to 11/11.

COs will have to make handwritten corrections to page numbering as may be required. E.g. 1/4 to 4/4 (if present) on the foreign language parts in the example given above will need to be crossed out and the 1/11 to 11/11 entered.

The EHC accompanying the consignment will then comprise the original English EHC and any required additional foreign language/s. These should be arranged in order with the English version on the top, followed by the foreign language/s version/s, and finally the page(s) of the schedule (if any) at the bottom.

As per general guidance for certifiers on APHA's Vet Gateway, any hand written corrections or permitted deletions to a certificate should be stamped and **initialled**. This includes the deletion of optional statements in Part II of the certificate and alterations to content in Part I. The same applies if a pre-populated text in a box in Part I of the EHC needs to be amended. (E.g. if Box I.7 which is pre-populated as 'United Kingdom' 'GB', needs to be amended for triangular trade where third country origin 'Products Of Animal Origin' are being certified in the original third country packaging with the original third country Identification Marks, in which case the country of origin will be the third country in question and not the United Kingdom). Please follow the guidance on corrections in the link below:

http://apha.defra.gov.uk/External_OV_Instructions/Export_Instructions/Certification_Procedures/index.htm

We advise that individual stamping and initialling of diagonal lines drawn through blank boxes in Part I is not necessary. This is to reduce excessive stamping on the certificate. However we are aware that some BCPs advise otherwise and request stamping and initialling of manually crossed out blank boxes in Part I of the certificate. In such cases OV should conform to the BCPs request to facilitate the clearance of the goods.

You can find further information on Export Health Certificates (EHC) Online Guidance for Certifiers in the link below:

http://apha.defra.gov.uk/documents/exports/guidance-ehc-certifiers.pdf

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 in the link below:

https://www.gov.uk/government/publications/businesses-approved-to-export-to-the-eu

Please check the guidance on completion of Part I of the EHC at the bottom of the EHC and in the links provided in the NFG. For completion of Box I.8 - Region of Origin Code, if applicable; the territory code should be as listed in the relevant legislation that is provided under the notes at the bottom of the EHC. This is only for species or products affected by

regionalisation measures or by the setting up of approved zones in accordance with a European Community Decision. The approved regions or zones must be indicated as described in the Official Journal of the European Union.

PART I: DETAILS OF THE CONSIGNMENT

Please complete all the boxes in Part I of the certificate.

The Harmonised System (HS) Code is a commodity classification system used as a basis for customs tariffs and for international trade statistics.

It is the exporter's responsibility to ensure that the HS code is entered correctly and accurately reflects the product(s) being consigned.

Further information on HS Codes can be found online at:

https://www.gov.uk/trade-tariff/sections and http://madb.europa.eu/madb/euTariffs.htm

PART II: CERTIFICATION

Animal Health Attestation

The OV signing the certificate must have read and understood Regulations (EC) No 1069/2009 (in particular Article 10), and Commission Regulation (EU) No 142/2011, in particular Section 4 of Chapter II,of Annex X, and Chapter 1 of Annex XIV and must ensure that the products meet the requirements of the certificate. The starting material used must be Category 3 as specified in the Scope Section 3.

The following specific guidance in conjunction with the RCVS Principles of Certification may be followed: **The OV must have familiarity with sourcing, procurement, segregation, processing, and handling and storage arrangements in place at the establishment and ensure that the consignment meets the conditions required in the certificate. Where the OV is required to certify conditions outside of their personal knowledge, they must request and be provided with appropriate supporting documentation from another veterinarian (if appropriate) and/or the exporter.**

The deletion options in the introductory paragraph as guided by foot notes (2) should be actioned to reflect the nature of the product being certified.

II.1 The milk or milk products must have been produced and derived in the exporting country- the United Kingdom of GB. Where this is established the detail should be entered in the first space "(insert name of exporting country)". In accordance with footnote (3), the option for "(insert name of region)" is only for completion if the authorisation to import into the European Union is restricted to certain regions of the third country concerned. This does not apply and does not have to be completed as imports are authorised from GB.

The OV should be able to verify the origin of the milk. This might be supported as necessary by the OV's familiarity with the sourcing arrangements in place at the facility and examination of relevant documentation and/or records, including commercial documentation, veterinary statements and valid declarations.

Country freedom from FMD and rinderpest for a 12 month period prior to dispatch can be certified though the procedures detailed at Section 5 DISEASE NOTIFICATION. That vaccination against Rinderpest has not been practiced during the 12 month period prior to dispatch can be certified on the basis of prohibition of vaccination in GB.

II.2 This can be certified on the basis that the raw milk was processed in an establishment approved in accordance with the EU hygiene package and the Food Hygiene Regulations. (See Section 7 approved Establishments)

Residency on holdings free from FMD for at least 30 days prior to production and therefore not subject to official restriction can be certified on the basis of GB freedom as per procedures detailed in Section 5 DISEASE NOTIFICATION.

II.3 Processing method

The applicable option may be selected and certified on the basis of knowledge of processing arrangements at the processing establishment and examination of relevant records, including the approval document and supported by a written declaration from the plant operator in relation to production process, the timing of production, and intention for export.

The first subparagraph- "either"- can be certified where it is established that the consignment of milk or milk products does NOT consist of whey intended to be fed to species susceptible to FMD and which have undergone treatment or combination of treatments from the list at II.4. The second subparagraph "or" can be deleted.

The second subparagraph-"or"- relates to consignments of whey intended to be fed to species susceptible to FMD and which in addition to having undergone one of the treatments listed at II.4. also meets the conditions of one of the three subparagraph options . GB is listed in column "A" of Annex I to Regulation (EU) No 605/2010 as per footnote (5). The OV should establish that one of the conditions has been met and delete the others.

Where required: in relation to the second sub-paragraph FMD freedom for the period since the whey was produced (at least 21 days before shipping) can be established as per procedures detailed at Section 5 DISEASE NOTIFICATION.

The third sub-paragraph requires a 21 day voyage duration before the consignment is presented to an EU MS Border Control Post.

II.4 Processing method

This may be certified on the basis of knowledge of processing arrangements at the processing establishment and examination of relevant records, including the approval document and supported by a declaration from the plant operator in relation to the production process and the timing of production if pertinent,

The dairy product must have been subjected to either High Temperature Short Time pasteurization (the first subparagraph “either” option relates) “OR” Ultra High Temperature treatment (the second subparagraph “or” option relates) as a minimum. The correct main subparagraph should be selected along with the appropriate specific sub option to reflect the treatments applied to the dairy product or its ingredients or the timing of production as applicable.. As per footnote (5) - all options can apply to GB as per listing in column “A” of Annex I to Regulation (EU) No 605/2010.
Delete the option and sub options not being certified.

Where appropriate, the date of milk/milk product production should be inserted in the relevant space.

II.5 The OV must establish that this condition is met through inspection, familiarity with the plant operations and/or supported as necessary by valid declarations from the exporter.

II.6 The OV must establish that these conditions in relation to the hygiene of packaging and labelling are met through inspection, familiarity with the plant operations and/or supported as necessary by valid declarations from the exporter. Details of disinfectants approved for this purpose can be accessed at:

http://disinfectants.defra.gov.uk/DisinfectantsExternal/Default.aspx?Module=ApprovalsList_SI (as amended)

The containers should be marked indicating whether the ABP is milk, milk-based product or milk-derived product. The containers should bear labels identifying the products as Category 3 material “NOT INTENDED FOR HUMAN CONSUMPTION”.

The non-applicable statement in relation to the “either/or” option should be deleted.

II.7 The first paragraph – the “either” option - applies to consignments which do not contain ovine/caprine origin milk or milk products or is not intended for feeding to farmed animals (except fur animals). This statement can be certified where the OV can establish the conditions are met through inspection, familiarity with the plant operations and supported by a valid declaration from the exporter in particular in relation species of origin and intended purpose for export. The second paragraph “or” option should be deleted.

The second paragraph - the “or” option applies to consignments which contain ovine/caprine origin milk products which are intended for feeding to farmed animals (except fur animals). OV must establish species of origin and intended purpose for export through inspection, familiarity with the plant operations and supported by a valid declaration from the exporter. If the commodity is ovine/caprine origin milk products intended as farmed animal feed (except fur animals) you will require 618NDC clearance from APHA Centre for International

Trade. This will need to be specifically requested from CITC and will require a list of all the ovine / caprine farms that produced the milk. Please ensure sufficient notice is given to CITC as the clearance is not straight forward to give. See Section 5 DISEASE NOTIFICATION.

II.7 (a) can be certified where it is established that the milk products have been derived from animals either kept continuously in GB since birth or in another country meeting these requirements for classical scrapie/TSE surveillance. The OV should obtain a written owners declaration regarding residency of the animals. If the animals have been imported into GB, the accompanying certificate if available should be consulted to determine whether these conditions are met.

II.11 (b) Holding freedom from restrictions relating to TSEs can be certified based on assurances from APHA Carlisle.

(c) The initial statement in relation to the absence of classical scrapie cases on the holdings or origin for the preceding 7 years can be certified through assurances from APHA Carlisle. **Where there have been cases diagnosed in this time period- APHA Carlisle should be consulted to confirm which of the either/or options can be certified.**

5. DISEASE NOTIFICATION

Some export certificates for animals and animal products will include statements that will require that the OV certify that specified areas or the entire country of origin are free from certain diseases.

In **Great Britain**, OVs must initially check the Gov.uk link for UK's Notifiable Disease Status:

http://apha.defra.gov.uk/external-operations-admin/library/documents/exports/ET171.pdf

prior to certification to ensure when disease freedom statements can be certified.

In addition, the following should be borne in mind:

- **In the event of a disease outbreak**: APHA Carlisle will also notify OVs to make it clear which of those disease freedom statements should not be certified.

- **In the absence of a specific disease notification from APHA Carlisle**: OVs may certify that the UK has disease free status or region free status for those diseases mentioned in the health certificate once they have checked the disease list for the last occurrence of the disease and have ensured if complies with the time frames in the certificate.

  ****NOTE:** This does not apply to Transmissible Spongiform Encephalopathies (TSEs) or Bovine Tuberculosis (TB) freedom statements.

In **Northern Ireland,** AVIs may certify that the UK/NI has disease free status for those diseases mentioned in the health certificate if in possession of a valid DAERA Veterinary

Support Certificate. DAERA OVs avail of the Notifiable Disease Clearance (NDC) system to obtain the required disease status necessary for certification. The NDC system is based on obtaining daily updates on disease status from NI, GB and the ROI.

Clearance for the second option of paragraph II.7 requiring clearance from the CITC for ovine/caprine origin milk products intended as farmed animal feed (excluding fur animals).

The clearance will be provided by CITC on form 618NDC (when it has been specifically requested). It will specify the statements on the certificate that it covers, and is only in relation to the official GB disease status specified in the relevant paragraphs. All other matters such as residency, vaccination status, status of premises in respect of other diseases not covered by the 618NDC and disease status of countries, areas, premises outside the UK, are for the Certifying Officer to check and verify, obtaining support certification where necessary including support certification for products of animal origin that have originated in Northern Ireland.

6. COLLECTION OF EVIDENCE

Personnel may be authorised to collect evidence which may be used to support veterinary certification. In GB, the Certification Support Officer (CSO) role has been developed by APHA.

CSOs can be utilised by OVs for gathering evidence relating to this certificate. The CSOs must be authorised by APHA and they must hold the appropriate Official Controls Qualification (Animal Health Professional) (OCQ(AHP)-CSO) qualification.

The OV must direct the CSO as to how and where any necessary evidence relevant to the requirements of the Export Health Certificate (EHC) should be obtained. CSOs may not carry out any functions that require the exercise of veterinary judgement, and are restricted to the execution of administrative checks.

They may only carry out such inspections, factual verification and evidence collection as specified by the directing OV, who remains responsible for the certification of the product. CSOs are not authorised to sign an EHC in their own right or on behalf of an OV.

Any documentary evidence collected by the CSO must be stamped, signed and dated by the CSO, before being submitted by them as supporting evidence to the OV. It is required that the OV is familiar with the product process and evidence required to start with, before directing the CSO to provide future evidence on an ongoing basis.

Additional guidance and principles of implementation are provided in the OV Instructions Exports section of the APHA Vet Gateway.

7. GB APPROVED ESTABLISHMENTS TO EXPORT TO THE EU

The exporting establishment must be authorised and listed by the GB as a ‘GB approved establishment’ for animal by- products not for human consumption (ABP). A list of approved establishments can be found on the European Commission’s list of approved establishments’ link below:

https://ec.europa.eu/food/safety/international_affairs/trade/non-eu-countries_en

Please note that the list is updated regularly and ONLY establishments on the list are approved to export to the EU and does not include establishments with pending applications for approval/registration.

If the final product contains animal products from other establishments, or products were previously processed in different establishments in the production chain, then these establishments should also be listed on the EU website as GB approved establishments.

For approved establishments in Northern Ireland the "EC" suffix which is present in the health/ID mark of approved food establishments, should not be included when referring to establishment approval numbers in the certificate. This may also be relevant to certain ABP consignments – e.g. where the ABP is generated at an approved slaughterhouse without separate ABP approval.

8. CERTIFIED COPIES OF EXPORT HEALTH CERTIFICATES

When completing export certification, the CO and, if applicable, FCCO must make photocopies of, or scan and save all documents they certify. OVs must retain copies of certification documents in accordance with RCVS Certification principles:

https://www.rcvs.org.uk/setting-standards/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/certification/

COs must retain copies of all export documentation for a period of two years. A certified copy of this EHC does not need to be returned to the APHA CITC. For the purposes of completing routine Quality Assurance checks on export certification, CITC may request certified copies of certification from COs.

Further details on Post Certifying Procedures, 'certified copies' of certification and the types of documents that should be retained by COs can be found on the APHA Vet Gateway.

9. LEGAL STATEMENT

The existing EU legislation that the UK already complies with will be 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".

Under the Withdrawal Act we will ensure that current EU standards remain in force, without amendment, in the immediate months after our EU exit as part of UK domestic law (apart from corrections to make the EU legislation fully operable).

10. DISCLAIMER

This certificate is 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 certificate 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:

product.exports@apha.gov.uk

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