

**Department for Environment, Food and Rural Affairs**

# **Notes for Guidance: Captain's Certificate for fishery products intended for human consumption landed directly from a reefer, freezer or factory vessel into the European Union or Northern Ireland 8363**

**December 2021**

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No. 8363

**HEALTH CERTIFICATE FOR ENTRY INTO THE EUROPEAN UNION OR NORTHERN IRELAND OF FISHERY PRODUCTS OR FISHERY PRODUCTS DERIVED FROM BIVALVE MOLLUSCS INTENDED FOR HUMAN CONSUMPTION ENTERING THE EUROPEAN UNION DIRECTLY FROM A REEFER ,FREEZER OR FACTORY VESSEL FLYING THE FLAG OF A THIRD COUNTRY AS PROVIDED FOR IN ARTICLE 11(3) OF DELEGATED REGULATION (EU) 2019/625**

**NOTES FOR GUIDANCE (NFG) FOR CAPTAINS OF FOOD APPROVED VESSELS**

**IMPORTANT**

**These notes provide guidance for the Captains of Food Approved Vessels. A ‘Captain of the Food Approved Vessel’ is a person who has been specifically designated (authorised) for this purpose by the Central Competent Authorities. For additional details, please see note 3: ‘CERTIFICATION BY A CAPTAIN OF THE FOOD APPROVED VESSEL’.**

**This NFG should be read in conjunction with the health certificate and not be read as a standalone document. This NFG should have been issued to the Captain of the Food Approved Vessel together with the relevant export certificate for export to the EU of processed fishery products intended for human consumption.**

**We strongly advise that exporters obtain full details of the importing country’s requirements via their importer from the Border Control Post of entry to the EU or point of entry into Northern Ireland and/or from the veterinary authorities in the country concerned, or their representatives in the UK, in advance of each consignment.**

## **1. APPLICABLE LEGISLATION**

[Regulations \(EC\) No. 178/2002](#)

[Regulation \(EC\) No. 852/2004](#)

[Regulation \(EC\) No. 853/2004](#)

[Regulation \(EC\) No 2073/2005](#)

[Commission Regulation \(EC\) 1881/2006](#)

[Commission Implementing Decision \(EU\) 2021/800](#) of 17 May 2021 amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC

[Regulation \(EU\) No 2017/625](#)

[Commission Implementing Regulation \(EU\) 2020/2235](#)

[Council directive 89/358/EEC](#)

[Commission Delegated Regulation \(EU\) 2019/625](#)

Please note that Official Control Regulations 2017/625 repeal Regulation (EC) No 854/2004 and Directive No 96/23/EC.

EU legislation can be accessed via the following link. Please ensure you use the latest and/or consolidated versions and take into account any recent amendments not yet available in consolidated versions: <https://eur-lex.europa.eu/homepage.html>

### **Consolidated legislation**

Consolidated texts, which integrate the basic instruments of Union legislation with their amendments and corrections in a single, non-official document, are available. Each consolidated text contains a list of all legal documents taken into account for its construction.

You can search for consolidated texts by using the 'find results by document number' option on the European Commission website. Once you have selected the relevant legislation, click 'document information', and then scroll down to 'all consolidated versions' and select the most recent version.

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

Please note that the consolidated text may not contain the latest amendment to the legislation, as it takes several weeks for this to be updated.

Texts provided in this section are intended for information only. Please note that these texts have no legal value. For legal purposes please refer to the texts published in the 'Official Journal of the European Union'.

## **2. SCOPE OF THE CERTIFICATE**

This certificate is for direct landings into the European Union or Northern Ireland of fishery products or fishery products derived from bivalve molluscs intended for human consumption from reefer, freezer or factory vessels, flying the flag of a third country as provided for in Article 11(3) of Delegated Regulation(EU 2019/625).

**'Fishery Products'** includes fresh fish, processed fish and crustaceans such as lobster and crab, including living animals if intended for direct human consumption<sup>1</sup>. It may include processed bivalves that are no longer viable or living.

Excluded:

Live Bivalve Molluscs (LBM) and living echinoderms, tunicates and marine gastropods have a separate dedicated certificate and NFG and cannot be included in this certificate.

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<sup>1</sup> Regulation (EC) 853/2004 ANNEX I DEFINITIONS POAO

### **3. CERTIFICATION BY A CAPTAIN OF THE FOOD APPROVED VESSEL**

England, Scotland and Wales, this certificate must be signed by the captain of a vessel which is listed as an Approved Food Establishment, and who is designated by the Animal and Plant Health Agency (APHA) as a 'Captain of the Food Approved Vessel'.

The Captain of the Food Approved Vessel must check and enter relevant details, and if satisfied, sign and stamp the original certificate with their stamp in a permanent ink in a colour different to that of the printing of the certificate text. No spaces, boxes or fields for entries may be left blank at the point where the certificate is signed and stamped before it is issued to the BCP. Please score these through in a diagonal line with pen and ruler.

The Captain of the Food Approved Vessel must keep a copy (i.e. carbon, photocopy or scanned copy, which must be legible) of the signed certificate and keep it and any supporting documents for at least three years from the date of signature. Captain's should also send a copy to vessel owner(s), which they can keep for their own records.

#### **Certified Copies of Captain's Certificates**

When completing export certification, the Captain of the vessel must make photocopies of, or scan and save all documents they certify. This includes all documents that:

- are certified with the Captain's signature and stamp
- form part of any export documentation, or
- will accompany the consignment when landed.

Examples of export documents required to be saved are:

- Export Health Certificates (EHC)
- Supplementary certificates
- Schedules to EHCs.

Where it is impossible to copy documents on the vessel immediately after certification then a photocopy of the certificate could be made before leaving port, and the certification details transposed onto the copy at the same time as completing the certificate. When a paper copy is made, mark the photocopy as 'Certified Copy' and initial.

Captain's must retain copies of all export documentation for a period of three years.

For the purposes of completing routine Quality Assurance checks on export certification, CITC may request certified copies of certification from Captains

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

EHC should be in English and the foreign language of the Border Control Post (BCP) of entry in the EU. The original copy of the required EHC must accompany the consignment to the BCP of entry.

Listing of the EU MS BCPs can be found here: [https://c.europa.eu/food/animals/vet-border-control/bip-contacts\\_en](https://c.europa.eu/food/animals/vet-border-control/bip-contacts_en)

APHA provided additional language versions should be considered official and accurate translations of the English text. Every page in the EHC must bear the same reference number as the English certificate.

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 European Commission. Therefore, the same phrases/sentences in the foreign language versions as in the English version should be struck through and these deletions should be stamped and initialled in both versions. Both versions must also be signed (as opposed to being initialled) and stamped by the Captain, the foreign language certificate is deemed to be a genuine and properly authorised translation of the English version.

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 AND STAMPING**

When signing a certificate, the Captain should ensure that the certificate contains no deletions or alterations, other than those which are indicated on the certificate to be permissible and any corrections to permitted entries, subject to such changes being initialled and stamped (in the margin) by the Captain. Permissible deletions are normally indicated in the 'Notes' section at the end of the certificate, with the instruction 'Keep as appropriate' or 'delete if not applicable'.

- Where the certificate contains optional or contextual statements, the statements which are not relevant shall be crossed out, individually initialled and stamped by the CO, or completely removed from the certificate.
- Permitted paragraphs and sections may be crossed out by applying a 'Z' across the section or paragraph rather than crossing out line by line.
- There is no requirement for a date and time to accompany each stamp. The date is only entered at the required entry field in Part I of the certificate, and at the end where the CO signs, stamps and dates that action.
- We are aware of some BCPs demanding that all handwritten information in Part 1 of the EHC is initialled and stamped, including handwritten scoring out of otherwise blank boxes. There is no legal requirement in EU legislation that all the hand-written information entered in the certificate must be signed and stamped. It is only in the case of correction, in any part of the certificate, or in the case of statements to be crossed out, that the certifier must add signature (or initials) and stamp. This has been confirmed by the European Commission. The Commission noted however, in the case of a hand-written certificate, it is expected that the same one person completes the document. If not, the BCP might suspect that empty boxes were completed by another person after the certificate has been signed by the official

You should consider checking with the specific BCP regarding their preference when it comes to the stamping and initialling of handwritten scoring out of otherwise blank boxes in Part I of the EHC.

- **Clarification from the European Commission means that all pages (as opposed to sheets of paper) are signed and stamped once individually in place of fan**

**stamping and in addition to any permitted alterations. There is no requirement to fan stamp.**

- COs are reminded to consult the Notes for Guidance prior to the certification of each EHC. NFG will be updated with this new information in due course.

Further Information COs should make sure they are familiar with all relevant guidance and other documents relating to EHCs and that they discuss requirements with exporters in advance.

See <http://apha.defra.gov.uk/official-vets/Guidance/exports/ehc-online.htm>

You can also contact the Animal and Plant Health Agency's Centre for International Trade (CIT) on 03000 200 301.

## **PART I: DETAILS OF THE CONSIGNMENT**

All boxes in Part I of the certificate must be completed. When a box is not applicable/optional, and not filled, please score it through.

Please use a schedule if there is not enough space to fill in all the information. The schedule is to be attached to the certificate. See section 'Addition of Schedules' for further information.

Please complete all the boxes in part I of the certificate in accordance with the notes for the completion of certificates provided for in Chapter 4 of Annex I to the Implementing Regulation (EU) 2020/2235.

For ease of access, these notes are referenced below and adapted specifically for the completion of the Export Health certificate to be signed by the captain accompanying processed fishery products when entering the union for placing on the market directly from a freezer, reefer or factory vessel.

**I.1** - For 'Consignor/Exporter', provide the name and address (street, city and region, province or state, as appropriate) of the natural or legal person dispatching the consignment. They must be domiciled in Great Britain (GB), except for the re-entry of consignments originating from the European Union.

**I.2** - For 'Certificate reference No', insert a unique single use identifier: CSXXX/sequential number/yyyy, where XXX refers to the unique stamp number and yyyy refers to the year. For the sequential numbering, the first certificate you issue should be '001', the second certificate you issue should be '002', and so on. Captains should keep a photocopy or scanned copy of each certificate issued and retaining these for three years, for audit purposes. Captain's should also send a copy to vessel owner(s), which they can keep for their own records.

**I.2.a** - 'IMSOC reference No', this box is scored through because this certificate is not submitted in IMSOC and, therefore, this box is not applicable.

**I.3** - 'Central competent authority', can be completed with 'Defra',

**I.4** - 'Local competent authority', Provide the name of the GB Local Authority that has approved the vessel as an approved food establishment,

**I.5** - For 'Consignee/Importer', provide the name and address (street, town and post code) of the physical or legal person to whom the consignment is imported to in the Member State of destination. Please see the notes section of the EHC.

**I.6** - For 'Operator responsible for the consignment', provide the name and address of the person in the European Union (EU) in charge of the consignment when presented to the BCP and who makes the necessary declarations to the EU competent authorities either as the importer or on behalf of the importer. This operator may be the same as indicated in Box 1.5

**I.7** - For 'Country of origin', provide the country whose flag is being flown by the vessel issuing the EHC. For the ISO code, please write GB.

**I.8** - 'Region of origin' is only applicable for fishery products affected by the regionalisation measures in accordance with European Union legislation. These do not apply to wild caught fishery products and so it is not foreseen that this field of the Captain's Certificate will be applicable, and it is suggested that the box be scored through. If it is believed that regionalisation measures do apply, provide the code of approved regions, zones or compartments must be stated as defined in the relevant European Union legislation.

**I.9** - For 'Country of destination', provide the name and ISO code of the European Union country of destination of the fishery products. Or, if the products are in transit through the EU, the name and ISO code of the third country of destination is required.

**I.10** - Region of destination: see I.8 above regarding regionalisation measures.

**I.11** - For the 'Place of dispatch', provide the name of the vessel and approval number as listed in the EU Approved Food Establishments list. The address is not applicable for this EHC because this usually refers to the last establishment from which the final consignment is transported to the European Union. The vessel is the establishment in the scenario covered by this EHC and the vessel is landing directly into the EU. In addition, the consignment is not being transported from the establishment to the EU because the establishment itself is landing directly into the EU.

**I.12** - 'For the placing on the EU market: the place where the fish and fishery products are sent for final unloading. Give the name, address and approval number of the holdings or establishments and the name and ISO code of the European Union country of the place of destination, if applicable.

**I.13** - This box is blank. Please score it through.

**I.14** - For 'Date and time of departure', the fishery products are caught and processed on the vessel, which is both the Approved Food Establishment and the transport. Should the BCP expect any entry in this box, please enter the time and date of leaving the fishing grounds to head to the port of destination.

**I.15** - This box is blank. Please score it through.

**I.16** - For 'Entry BCP', provide the name of the BCP in which the vessel directly lands the fishery products being certified by this certificate.

**I.17** - For 'Accompanying documents', provide the type and reference number of any documents that may be accompanying the consignment to which this EHC relates, such as CITES permit or a commercial document. If no entry is made in this box, please score it through.

**I.18** - This box is blank. Please score it through.

**I.19** - This box is blank. Please score it through.

**I.20** - For 'Goods certified as', tick 'Canning industry' for whole fish initially frozen in brine at – 9 °C or at a temperature higher than – 18 °C and intended for canning in accordance with the requirements of Section VIII, Chapter I; Point II(7) of Annex III to Regulation (EC) No 853/2004. Tick 'Human consumption' or 'Further Processing' if these apply.

**I.21** - This box is blank. Please score it through.

**I.22** - Tick this box when consignments are intended to be placed on the European Market.

**I.23** - This box is blank. Please score it through,

**I.24** - For 'Total number of packages', provide the number of packages of fishery products.

**I.25** - For 'Quantity', provide the total gross and net weight in kilograms:

**I.26** - Total net weight: this is defined as the mass of the goods themselves without immediate containers or any packaging.

Total gross weight: overall weight in kilograms. This is defined as the aggregate mass of the products and of the immediate containers and all their packaging but excluding transport containers and other transport equipment.

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

**I.27** - For 'Description of goods', provide the relevant **HS Code**, using headings such as: 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 0511, 1504, 1516, 1518, 1603, 1604, 1605 or 2106, and Combined Nomenclature (CN) **title**.

**It is your 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>



information required to classify each species contained within the consignment to which the Captain's Certificate relates, including:

- 'Species (Scientific name)'
- 'Number of packages'
- 'Net weight'
- 'Batch No'
- 'Type of packaging'
- 'Treatment type' (specify whether chilled, frozen, or processed)
- 'Final consumer' (select if fishery products are packed for final consumer)

Type of packaging: identify the type of packaging according to the definition given in Recommendation No 21 (10) of UN/CEFACT (United Nations Centre for Trade Facilitation and Electronic Business). Please see link:

[https://www.unece.org/fileadmin/DAM/cefact/recommendations/rec21/rec21\\_Rev10e\\_Annex-V-VI\\_2019.xls](https://www.unece.org/fileadmin/DAM/cefact/recommendations/rec21/rec21_Rev10e_Annex-V-VI_2019.xls)

## **PART II: CERTIFICATION**

### **II.1 Public Health Attestation**

Products must have satisfactorily undergone the official controls laid down in Articles 59 to 65 of Commission implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption.

The Captain of the Food Approved Vessel signing the export health certificate is responsible for checking that the consignment complies with the particular public health attestations as set out in Part II.1 of the export health certificate.

**Note:** all sub-paragraphs in II.1 of this certificate are mandatory. Options (a-j) must not be struck out, even if not directly applicable to the consignment you are certifying. Striking out these options will invalidate the certificate.

#### **II.1 (a, b, c, d, e, f, g, and j) –**

Can be certified based on the Captain's knowledge of vessel practises, and the appropriate treatment and handling of the fishery products described in Part 1.

**II.1 (h)** For products of aquaculture origin, this paragraph may be certified on the basis that through Implementing Decision (EU) 2020/2218 Great Britain has been listed in the Annex to Commission Decision 2011/163/EU, listing countries with approved monitoring plans submitted in accordance with Article 29 of Council Directive 96/23/EC. More information is available in Section 4, Residue Check Guarantees.

**II.1 (i)** - The UK has a surveillance programme in place to monitor for residues of authorised veterinary medicines, prohibited substances, and other contaminants in domestically handled foodstuffs of animal origin. More information is available in Section 4, Residue Check Guarantees.

For fishery products landed in the EU or Northern Ireland evidence may be requested to demonstrate compliance with Commission Regulation (EC) 1881/2006.

#### **4. RESIDUE CHECK GUARANTEE**

The UK has a surveillance programme in place to monitor for residues of authorised veterinary medicines, prohibited substances, and other contaminants in domestically produced foodstuffs of animal origin. Sample collection is conducted at the point of production i.e. at farm and slaughterhouse. The requirement for this monitoring is outlined in The Animal and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations of 2015 and equivalent legislation in Wales (2019) and Northern Ireland (2016). The monitoring conducted in GB is in accordance with the legislative requirements of Directive 96/23 (EC), 96/22 (EC), Decision 97/747 (EC) and 470/2009 (EC) concerning residue testing of products of animal origin. The residues tested in the programme are in accordance with Annex I and II of Directive No 96/23 (EC), specifically, and include veterinary medical products, banned substances and environmental contaminants.

With regards to maximum levels used to determine sample non-compliance, for authorised veterinary medicines GB work to the GB Maximum Residue Limits (MRLs) published [here](#); these MRLs are aligned to the EU veterinary MRLs published under Reg (EU) [37/2010](#). If a pesticidal compound has an MRL for food-producing species then this MRL is used as the respective non-compliance threshold, but if a pesticide does not have a foodstuff MRL then the MRLs as listed in Regulation (EC) 396/2005 are applied. For contaminants, such as heavy metals and mycotoxins, the limits as set out in Reg (EC) 1881/2006 are used to determine sample non-compliance.

The results of the statutory surveillance programme can be accessed on the link below:

<https://www.gov.uk/government/collections/residues-statutory-and-non-statutory-surveillance-results>

The EHC residue testing requirements can be certified based on evidence of compliance to the national surveillance programme, which complies with the relevant EU legislation.

The national monitoring programme for pesticide MRLs in food and feed in place under Regulation 396/2005 is underpinned by national legislation, The Pesticides (Maximum Residue Levels) Regulations (England and Wales) 2008 (as amended) and devolved administration equivalents. A national monitoring programme for Maximum Residue Levels is managed by the Health and Safety Executive. This involves testing a selection of produce that has already been placed on the market in Great Britain to provide assurance that only authorised pesticides, within permitted levels, are present. The results are published in an annual report. Annual reports can be found on gov.uk.

<https://www.gov.uk/government/publications/expert-committee-on-pesticide-residues-in-food-prif-annual-report>

Any EHC residue pesticide requirements can be certified based on evidence of compliance with the pesticide residue monitoring scheme.

<https://www.gov.uk/government/collections/pesticide-residues-in-food-results-of-monitoring-programme>.

## **5. COLLECTION OF EVIDENCE**

It is required that the Captain of the Food Approved Vessel is familiar with the product processes and any evidence required for certification. The Captain of the Food Approved Vessel is responsible for the certification of the product.

## **6. UK APPROVED ESTABLISHMENTS ELIGIBLE TO EXPORT TO THE EU**

The vessel must be listed as a 'UK approved establishment' eligible to land directly into the EU. A list of UK approved establishments eligible to export products of animal origin (POAO) to the EU, can be found on the European Commission's list of approved establishments' - see link below:

[https://ec.europa.eu/food/safety/international\\_affairs/trade/non-eu-countries\\_en](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 this does not include establishments with pending applications for approval.

## **7. OVAL MARK ON 'PRODUCTS OF ANIMAL ORIGIN'**

EU hygiene regulations require that food of animal origin carries an oval health or identification mark and that official controls are carried out by enforcement authorities to ensure the appropriate marking has been applied. Domestic legislation has been introduced to ensure these requirements continue to apply in GB as retained legislation.

The health marks indicate that meat is fit for human consumption and the identification marks show when foods of animal origin have been produced in officially approved establishments which are compliant with retained EU food hygiene Regulations (EC) No 852/2004, (EC) No 853/2004 and (EU) No 2017/625. Also, the primary food legislation in England, Wales and Scotland is The Food Safety Act 1990 (as amended).

<https://www.food.gov.uk/business-guidance/guidance-on-health-and-identification-marks-that-applies-from-1-january-2021>

Relevant text on the EHC can be certified on the basis that carcasses, half carcasses or quarters, or half carcasses cuts into three pieces, of domestic ungulates, farmed game mammals (other than lagomorphs) and large wild game bear the official health mark or that the primary, secondary and/or shipping packaging on food products of animal origin show the identification mark.

## **8. ADDITION OF SCHEDULES**

When the space in Part I or Part II of the certificate is insufficient to accommodate full details of the consignment a schedule may be used. In the relevant section of the certificate the CO should annotate the certificate 'see attached schedule'. A new schedule should be created (typed or clearly written) containing the same information as that required in the certificate. The schedule must include the certificate reference number on each page and must be signed, dated, and stamped by the CO in a colour other than the printed text on each page and under the last entry. The schedule forms part of the certificate. All pages of the certificate, including the schedule, must be sequentially numbered. Any blank spaces in the schedule or the certificate should be struck through with diagonal lines.

Further guidance is available here:  
[http://apha.defra.gov.uk/External\\_OV\\_Instructions/Export\\_Instructions/Certification\\_Procedures/index.htm](http://apha.defra.gov.uk/External_OV_Instructions/Export_Instructions/Certification_Procedures/index.htm)

## **9. 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

## **10. DISCLAIMER**

This certificate and NFG are 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.

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