



Animal &
Plant Health
Agency

APHA Briefing Note 10/21

Animal Health Regulation and new EHCs for composite products

Date issued: 31 March 2021

Purpose

1. To provide information to Official Veterinarians (OVs) and Food Competent Certifying Officers (FCCOs) on the Animal Health Regulation (AHR) and new composite Export Health Certificates (EHCs) for goods being exported to the EU and moved to Northern Ireland.

Background

2. There are changes to EU law from 21 April 2021 that will affect the movement of certain live animals, germinal products and products of an animal origin to Northern Ireland, and exports to the EU. All Export Health Certificates (EHCs) and Notes for Guidance will need to be updated to reflect the new rules. This will be phased in between April and August 2021.
3. The EU is also introducing new rules for the export of composite products with new EHCs for composite products and new documentation for composite products exempt from export health certification.
4. Including those for composites, a total of five new EHCs are needed from 21 April. These include three new products of animal origin (POAO) EHCs, two new composite EHCs and a private attestation document for composites exempt from certification. Private attestations do not need to be signed by an OV or FCCO.
5. The three new POAO EHCs include meat of certain wild game and farmed large game and mechanically separated pork meat.
6. The EU is yet to publish the final EHCs for live animals and germinal products that will be used under the AHR. All EU EHCs and Notes for Guidance are being

updates to reflect the new rules by August 2021. Only those needed for use by traders from 21 April will be available from April on EHC Online (EHCO), with the remainder uploaded and available by August 2021.

7. Traders can choose to use the current composite product EHC until August 2021, if under the current EU law they need an EHC for export to the EU. Traders must use the new EHC if their product doesn't currently require an EHC to be exported to the EU but will require an EHC from 21 April under the new law. In that case, the option to use the old EHC is not available. This is detailed [here](#).
8. For other POAO and live animals the current EHCs can continue to be used until 21 August 2021. We will make the replacement EHCs available in enough time to allow exporters and certifiers to familiarise themselves with the content. Further information on this will be published in due course.
9. From 1 April traders will be able to view the new EHCs, and the accompanying notes for guidance, on EHC Online. These include:
 - a. Three new products of animal origin (POAO) EHCs
 - b. Two new composite EHCs
 - c. A private attestation document for composites exempt from certification.

New requirements – composite products

10. The new requirements will no longer be based on the percentage of processed animal products in a composite goods but will be based on the risk of the composite product relying on principles such as shelf-stability and the presence of meat in the products.
11. There are two composite product EHCs in the new Regulation:
 - a. 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; and,
 - b. 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.
12. This means that:

- Any composite product containing meat products (except gelatine, collagen and highly refined products) is subject to Border Control Post (BCP) (or Points of Entry (PoE) for Northern Ireland) checks and requires an EHC.
- Chilled/frozen composite products containing processed dairy/egg/fish require BCP/PoE checks and an EHC.
- Shelf stable composite products containing processed dairy/egg/fish (where the dairy or egg components meet certain heat treatment requirements) require a private attestation and BCP/PoE checks unless they are on the EU's list of lower risk products.
- If the composite product is listed in the EU's list of lower risk products ([Annex to Commission Implementing Regulation \[C/2021/899\] in the legislation](#)) then it is not subject to BCP/PoE checks but will still require a private attestation and may be subject to checks in the EU/NI. These checks may take place at the place of destination, the point of release for free circulation, or the warehouses or premises of the operator responsible for the consignment of the composite product.

13. Please note, although the legislation containing the list of products exempt from BCP checks is still a draft act and has not yet been formally published, we do not anticipate the list of products will change substantively.

Private attestations

14. Composite products that use a private attestation must meet certain requirements in relation to the heat treatment of the dairy and egg content of the product, specifically, any dairy or egg in the product must have been subject to heat treatment at least equivalent to that outlined in [Article 163\(a\) of Delegated Regulation \(EU\) 2020/692](#).

15. This means that dairy content within the product must have been subject to treatment at least equivalent to sterilisation or ultra-heat treatment (UHT). More details can be found [here](#).

16. If an equivalent treatment has been applied to the composite product in its entirety as opposed to the individual dairy or egg component this also qualifies the product for use of the private attestation.

17. 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. To sign 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 specified heat treatment. This does not have to be signed by an OV or an FCCO and there is no set format in which it must be provided.

Composite products that are subject to risk-based destination checks.

Certain composite products that require the private attestation are exempt from veterinary checks at an EU Border Control Post.

18. Shelf-stable composite products not containing processed meat and listed in [the relevant EU legislation](#) (includes bread, pasta, olives, sweets) are exempt from BCP/PoE checks, provided the products meet all of the following requirements:
 - Meet the same heat treatment requirements as other composite products moved using a private attestation.
 - They are identified/labelled as intended for human consumption
 - They are securely packaged or sealed
19. The private attestation must still be prepared and signed by the importing food business operator in the EU/NI and must be available with the product at the point it is placed on the EU/NI market.
20. The EU/NI importer will need the same exporter declaration regarding the heat treatment of the dairy and/or egg components of the product as they would if the product was subject to BCP checks.
21. The consignment maybe subject to random or risk-based checks at the point the product is placed upon the market in the EU/NI. This could be the place of destination, point of release for free circulation or the warehouse of the person responsible for the consignment.

Heat treatment of dairy

22. Shelf-stable composite products containing no meat require the private attestation under the EU rules introduced from April 2021. This attestation requires the dairy and egg content to meet specified heat treatment requirements. For the dairy elements of the product, this is limited to treatment at least equivalent to UHT or sterilisation.
23. The EU have recognised that this poses a challenge for the ongoing export of shelf stable composite products containing pasteurised dairy and no meat (e.g. certain chocolate). It is their intention to update their guidance ahead of 21 April. We understand this update will enable these products to be exported using the private attestation so long as the dairy element of the composite product originates from and has been produced in a third country listed for the export of dairy to the EU, such as GB.

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

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

25. If the composite product is not shelf stable, and contains honey, gelatine or snails as its only processed POAO, then it will need an EHC for the individual product (i.e. the honey, gelatine or snails EHC) - it would not require a composite product EHC.
26. If the composite product contains meat, dairy, fish or egg *and* honey, gelatine or snails it will just travel with the appropriate certificate for the composite product – either the composite EHC or private attestation. No additional EHC for honey/gelatine/snails will be needed.

Certification

27. The changes to the export of composite products do not affect the circumstances in which an FCCO can sign a composite product EHC and when the EHC must be signed by an OV. FCCO's can sign composite product EHCs when the product contains processed fish and/or egg. If the product contains meat or dairy products the EHC must be signed by an OV.
28. As outlined above, the private attestation that will be used for the export of certain composite products from 21st April 2021, is signed by the EU importer. There is no circumstance in which this needs to be signed by an OV or FCCO.

Further Information

29. The new composite EHCs and Notes for guidance will be available to view on form finder from 1st April 2021.
30. Defra will be holding live Q&A webinars on composites with an expert panel for OVs and FCCOs. Please register for a webinar below.

Title of webinar	Description	Who should attend?	Date	Register
Q&A for OVs	Panel of experts from Defra will answer OVs' questions on composite products	OVs who certify composite products	Wednesday 7 April 1-2.30pm	https://zoom.us/meeting/register/tJlvd-mhqTwuGtaZllus6KcqZ1c5eXJfTHmo
Q&A for	Panel of	FCCOs	Thursday 8	https://zoom.us/meeting/register/tJYodeqspj4sHtwTdSILn

FCCOs	experts from Defra will answer FCCOs questions on composite products	who certify composites	April 10-11.30am	d0XPT2KPpteRGVO
Q&A for OV's and FCCOs	Panel of experts from Defra will answer OV's and FCCOs' questions on composite products	OV's and FCCOs who certify composite products	Tuesday 13 April 10-11.30am	https://zoom.us/meeting/register/tJlpd-Grrz8sGtKrd6cEMQCfoCT9ycg8XVY9

How to register for the live Q&A webinar

31. Instructions for registering for the live Q&A sessions:

- Please choose the live Q&As webinar/s you wish to attend from the list above
- To join your chosen webinar/s, simply select the link in the 'Register here' column at your preferred time and date
- Once selected, you will be asked to confirm your name, email address, and organisation.
- This will register you for the webinar for the live Q&A with our expert panel
- Once registered, you will receive a confirmation email that will include a link to add the live Q&A webinar to your calendar
- You do not need to download any software to access the webinar, the link will open in your browser (Internet Explorer, Google Chrome, Microsoft Edge etc.)
- Please join your chosen webinar/s 5 minutes prior to the start time