

To: Interested Parties

10 May 2007

Reference: FSH/0082

Health certification for the import of fishery products and live bivalve molluscs, additional certificate reference number box and other issues.

Dear Sir or Madam

My letter to you on 12 April informed you of upcoming changes to health certification requirements for third country imports (FIN04_2007). I would like to bring to your attention a new Regulation implementing these changes came into force on 1 May 2007. Commission Regulation (EC) No 479/2007 amends Regulation (EC) No 2076/2005 which introduced transitional arrangements for the implementation of Regulations on hygiene (Regulations (EC) No 853/2004 and (EC) No 854/2004) and official controls (Regulation (EC) No 882/2004).

1. **Health certification for the import of fishery products and live bivalve molluscs**

Commission Regulation (EC) No 479/2007 has the following effects:

- a) With effect from 1 May 2007, all country-specific health certificates for imports from **List I** third countries have been repealed (with one exception, see below). As of 1 May, only **new import health certification** as set out in



Commission Regulation 1664/2006 may be signed and used by List I third countries for imports of fishery products, live bivalve molluscs and other products referred to in Annex VI to Regulation 2074/2005 (as amended by Reg. 1664/2006). The country-specific health certification, which will be classed as the 'previous certification regime', will only be accepted at UK Border Inspection Posts up to 30 June 2007 provided they were signed before 1 May 2007.

Please note that the Specific Decision laying down conditions for imports of fishery products from the **United States of America** (2006/199/EC) is still in force. There is the possibility that this, too, will be repealed in the near future. However, until then US-specific health certification will continue to be accepted at UK Border Inspection Posts.

- b) From 31 October 2007, imports of fishery products and live bivalve molluscs from **List II** third countries must also be accompanied by **new health certificates** as set out in Commission Regulation 1664/2006 (amending Annex VI to Regulation (EC) No 2074/2005). These new certificates are more comprehensive regarding animal health aspects than the previous health certificates as laid down in Decisions 95/328/EC and 96/333/EC respectively. The previous health certification will only be accepted at UK Border Inspection Posts up to 31 December 2007, provided they were signed before 31 October 2007 and with animal health attestation.

Consignments from List II countries can only be imported and marketed on the domestic market of the importing Member State. They can only be sent on to other Member States if these allow the same import from the same countries and establishments. It is for the importer to check with other MS that these arrangements are in place prior to importing the consignment. If not the consignment may be detained and rejected.

- c) For imports of **fish oil** for human consumption, new health certification will be required with effect from 31 October 2007. The current health certification will only be accepted at UK Border Inspection Posts up to 31 December 2007 provided they were signed before 31 October 2007.

2. Additional certificate reference number box and other issues

We are aware of a number of concerns with the new certificates and as such are happy to provide the advice, which we have tabulated below:

Issue	Agency view	Relevant Legislation	Notes
Model certificates do not have boxes for cross referencing multiple pages and some certificates are 3 pages long e.g. live bivalve molluscs	Cross referencing is required for multiple pages. It is preferable that certificates are obtained and provided as a single piece of paper where possible.	Directive 2002/99/EC Annex IV	Principles of certification state that: "Certificates must consist of a sequence of pages numbered so as to indicate that it is a particular page in a finite sequence (for example, 'page 2 of 4 pages').".
Boxes I.1 and I.5 ask for telephone numbers, why do I need to provide this?	The telephone numbers are optional, although we strongly recommend that they are provided		These appear on models as a result of concerns over live animal welfare.
What should be entered in Box I.15 'Documentary references' field on the Model certificates?	The documentary references field is optional unless the information is critical to the veterinary check procedure or required due to the consignment being unloaded and reloaded	Principle is established in guidance to model certificates in Decision 2007/240/EC	Documentary reference: optional: please indicate the number of the airway bill, bill of loading, or the commercial number of the train or road vehicle.
What should be entered in Box I.20 'Quantity'?	Net AND gross weights of the consignment in kilogrammes	Principle is established in guidance to model certificates in Decision 2007/240/EC	For aquaculture animals and products, please give the total gross and net weights in kg.
The products I wish to import are not from aquaculture or are in retail packs, what attestations should be	Section II.2 should be deleted or struck through unless the products are from aquaculture and are not in retail		Defra are responsible for the animal health requirements of these certificates. Contact: Ian Everett 0207 9046285

deleted?	packaging (in which case the section should be fully completed with non-relevant sections present but struck through).		for further advice.
My supplier tells me that the Government in the country of export can't produce the new certificates yet	Old style certificates are acceptable until 30 June 2007 provided that they were signed and issued prior to the 1 May 2007	Regulation 479/2007 establishes the transitional period.	Old style certificates will not be acceptable if signed on or after 1 May 2007 or if presented after 30 June 2007. The Regulation providing the model certificates was published on 6 November 2006 so third countries have had plenty of time to prepare for the new regime

We shall be issuing similar advice to enforcement officers at BIPs.

As already mentioned the model certificates for these products are provided in Annex II to Regulation (EC) No 1664/2006 , a copy of which has been attached to the this letter. You may wish to forward a copy of the certificates to your suppliers.

In instances where certificates based on the models in Regulation (EC) No 1664/2006 are received, provided that the relevant legislation is complied with, we will be advising enforcement officers to take a pragmatic approach to enforcement.

If you have any questions on this letter please my colleagues in the Imported Food Division on their Imported Food Helpline,
Tel: 0207 276 8018, Email: imported.food@foodstandards.gsi.gov.uk.

The advice contained in this letter should not be taken as an authoritative statement of the law or its interpretation. Only the courts can decide whether in particular circumstances an offence has been committed

Yours faithfully

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