

SPS questions, concerns and suggestions shared by EU Member States and business organizations related to exports from the European Union to the United Kingdom

This document includes new questions shared by EU Member States and business organizations during and after the meeting of the SPS Market Access Working Group of 12 February 2021, supplementing the questions sent by the Commission to UK/DEFRA on 7 February 2021.

This document is available in the “Import Requirements” SPS sub-section of the Market Access Database, in which the UK/DEFRA progressively uploads written answers.

General

1. Could DEFRA please clarify:

- The meaning of the statement “make certain that the certificate travels with the consignment”, and in particular if this should be understood literally or is it sufficient that the certificate is presented at the border inspection post?
- If it will also accept scanned copies of the certificates at the border when food of animal origin are presented for controls?
- If the original certificate shall be sent within three working days (like in the phytosanitary area)?
- If DEFRA/APHA will issue a template on how to fill in a health certificate for exports to GB?

Products of animal origin (POAO)

2. In the absence of a specific transit certificate for POAO, are we correct to assume that the model GB certificate for that product should be used?
3. Taking into account the written answer to question 10 provided by the UK/DERA in the Excel documents that was uploaded in the Market Access Database (MADB) on 26 February, could the UK please confirm that the following understanding is correct?

The transit certificate needs to be used for POAO:

- Which are transported from the EU through the UK (excluding Northern Ireland) (transit) with final destination: A third country or the island of Ireland (republic of Ireland and NI) *or maybe better: the EU + NI(UK)?*
- Where temporary storage is foreseen in the UK (excluding Northern Ireland) prior to their grouping with other consignments on GB territory and further export to their final

destination, more specifically to: A third country, and the island of Ireland (republic of Ireland and NI) *or maybe better: the EU + NI(UK)?*

4. What is the distinction between POAO and ABPs? Can DEFRA please confirm that pet food falls under ABP rules and will only need health certificate as from 1 July?
5. We see the problem with products of animal origin which were delivered from EU to the UK before December 31, 2020. For animal products that have been exported to the UK and are to be re-imported into the EU, an import certificate from the UK veterinary authority is required, which in turn requires a (pre) certificate from the EU authority. Since no veterinary certificates were legally required in the internal market until December 31, 2020, these pre-certificates are not available and the question arises how to proceed in these cases.
6. If an animal feed contains animal by-products and POAO, does the feed need several health certs for entry to the UK?
7. Could DEFRA inform if the UNN will not be necessary for any kind of POAO from 1 April?
8. Is it correct to say that inedible products of animal origin, like PAP, processed animal proteins and inedible fats will fall under POAO, even if they do not come "meat" like feather meal or fish oil?
9. Will there be a certificate for compound feed for food producing animals containing Animal By-products or will health certificates be required for each ABP incorporated in the compound feed?
10. Could DEFRA inform if e-commerce shipments of POAO (e.g. honey) by post to customers in GB require a health certificate?

Minced meat and meat preparations

11. Regarding exports of minced meat and meat preparations to GB, according to slide 32 of the presentation: (1) Legislation has been made to temporarily remove P&R from certain POAO during Stage 1. This means, for example, chilled minced meat and meat preparations can continue to be imported; and (2) From Stage 2, P&R on POAO will apply in full as it would to any other third country. In addition, at the bottom of the slide there is a link to P&R¹. This webpage refers to exports from GB to EU. Does this mean that this P&R will be applicable to imported products from EU to GB, and thus, chilled minced meat and meat preparations (i.e. chilled fresh sausages) will not be eligible to be exported to GB?

¹ [https://urldefense.com/v3/https://www.gov.uk/guidance/export-food-and-agricultural-products-special-rules*restricted-and-prohibited-goods;:!w!!DOxrgLBm!TDsgtxiO2pCua1oDMJIXbOOwkZ9DA4jJ7mY8j0qvmAFOAiWeiqQcauLRRbrfz1xaTr_3L8\\$](https://urldefense.com/v3/https://www.gov.uk/guidance/export-food-and-agricultural-products-special-rules*restricted-and-prohibited-goods;:!w!!DOxrgLBm!TDsgtxiO2pCua1oDMJIXbOOwkZ9DA4jJ7mY8j0qvmAFOAiWeiqQcauLRRbrfz1xaTr_3L8$)

Mechanically separated meat

12. Health certificates for the export of products of animal origin for human consumption (POAO) to the UK - mechanically separated meat (MSM) of poultry, of ratites and of wild-game birds.

For these products, no certificates are available on the DEFRA-website, although they are mentioned in the transit certificate for SPF-eggs; meat, minced meat and MSM of poultry ratites and wild-game birds; and egg and egg products (model GBHC077E).

In this regard, and as there is an interest in the export of these goods to the UK, we were wondering if DEFRA could please confirm if for the export of MSM-poultry meat, the certificate intended for the export of meat of poultry can be used (model GBHC074E)?

If this is not the case, could DEFRA please indicate which model should be used, or what actions should be taken to make such an export possible?

Composite products

13. Health certificate for composite products (containing products of animal origin: butter, eggs, cream): For pies, cakes and slabs of sandwich bread considered as composite products (customs code 1905 9070 (ex 9060) or 1905 9080 (ex 9090) or 1905 9030 and which fall under the legislation 2007/27 / EC and 28/2012 of the EU which is maintained for the moment on the United Kingdom. We wonder about the SPS requirements in the following case: - Product containing less than 50% of animal products - Who has undergone a transformation process (such as cooking) - And which does not enter into article 6 of the commission decision 2007/275 / EC. We assume that this product does not require a health certificate but will be subject to health checks. Is it possible to confirm this hypothesis?
14. For which composite products with EU-origin, e.g. bakery, ice cream, sweets, chocolate, will health certificates be needed as from 1 April 2021 or from 1 July 2021, if at all? While aware of the text of the up-dated Border Operating Model, we would appreciate to get confirmation from DEFRA on this question.

Treated stomachs, bladders and intestines

15. We have taken good notice of the Model for a Health Certificate for the export of certain meat products and treated stomachs, bladders and intestines to the UK GBHC127E. In this UK certificate for meat products it is foreseen for the identification of the commodity (I.28) to mention not only the processing plant but also the abattoir for the products send. Do we understand well that in case of for example canned pork products ALL abattoirs of the raw material have to be mentioned? This is quite an additional administrative burden and is not usual. Even not for exports to many third countries.

IPAFFS

16. Could the UK please provide detail on obtaining a Government Gateway ID to access IPAFFS? Can EU-based exporters register for IPAFFS (for the purposes of pre-notification of POAO transiting the UK landbridge, EU-UK-EU)?
17. Could DEFRA please inform if all import and export procedures are dematerialized on the UK side for animals, plants and their products for import and export, and whether sanitary certificates are required per order or per HS code?

Germinal products

18. Could DEFRA indicate whether germinal products (GP) are not POAO, and if there is any particular observation regarding imports of GP into the UK?

Food and feed of non-animal origin

19. Could DEFRA confirm that no EHC is needed for the export to GB of high risk food and feed not of animal origin originating from EU?

Dairy products

20. On the question of a product containing ingredients from multiple Member State origin permitted on one health certificate, could DEFRA please provide details on how this information should be presented in the health certificate?
21. Could the UK please clarify the meaning of the words highlighted in yellow in the two attached certificates, one for transit or storage (GBHC069E) and one for import (GBHC066E)?



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Plants, plant products and plant health

22. Completing of phytosanitary certificates: in the additional declaration, should only the numbers and letters of reference to the law be indicated, or should the entire text be reported in full?
23. Is the acceptance of scanned copies (followed by original in 3 days) a permanent arrangement, or a temporary facilitation in light of COVID19?
24. Regarding plant health information on DEFRA's internet portal, could the UK: (1) clarify the expectation for the RNQP organisms listed in Schedule 5; (2) indicate the timeline for the enforcement; and (3) indicate whether this be consistent for all countries of origin?
25. Could DEFRA inform if there already is a list available with plants of herbaceous species for planting for which point 40 of annex 7 applies?
26. Regarding additional declarations and specific requirements of Annex 7, could the UK confirm that the additional declaration in the PC is only required when an option of requirement of the Annex 7 has to be chosen or, when the additional declaration is required as such in the point of Annex 7?
27. Could DEFRA inform when is the connection to e-Phyto IPPC-HUB expected?
28. Does anything change for exporters depending on whether PEACH or IPAFFS is used by their client? Is the same information required? We note a concern, that two important changes will happen at once: clients will be doing pre-notifications for the first time, and maybe have to handle a change of platform to IPAFFS. Is there a concrete date for IPAFFS introduction?
29. In their recent correspondence with the IPPC contact points, DEFRA updated some of their import requirements for certain products. Could please DEFRA clarify whether the import requirements that are currently in force for those products are the ones described in the aforementioned correspondence or the ones featuring in the UK Plant Health Regulation (Annex 7 of UKSI 2020/1527), instead?
30. The new British import legislation, The Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020, No. 1527², include a number of requirements in addition to transposing the Plant Health Regulation, a.o. for protected zones. As these additional requirements create burdens in the form of extra inspections and documentation, we would have wished for clarification from the British side on the technical justification in relation to the EU prior to their introduction.

1. Need for extra documentation:

² <https://www.legislation.gov.uk/uksi/2020/1527/contents/made>

Due to the increased British import requirements, the plant passport no longer suffices as documentation. Thus, the EU exporters are obliged to provide pre export certificates when exporting to Great Britain via another EU country. A large number of plants are exported to Great Britain by trade companies based in other Member States.

2. Need for extra inspections regarding *Liriomyza* species:

According to Annex 7, part A, no. 40 of the British import legislation quite a large group of plants have to fulfil certain requirements: “Plants of herbaceous species for planting, other than bulbs, corms, plants of the family *Gramineae*, rhizomes, seeds, tubers”. Furthermore, the requirements apply to any third country, instead of just those where the specific pests, *Liriomyza huidobrensis* and *L. bryoniae* are known to occur. Since certain countries would prefer not to impose a treatment against a non-occurring pest, we are left with choosing to fulfil the requirement via introducing monthly official inspections carried out at least three months prior to harvesting at all nurseries wishing to export herbaceous plants for planting intended for the British market. Prior to Brexit, the corresponding requirement for the two *Liriomyza* species was that of the protected zone applying to solely Northern Ireland, cf. “Big Implementing Act”³, Annex III. Finally, we want to include a third point, which imposes stricter than necessary demands from our point of view. However, this may be relevant only to countries where the pests mentioned are present.

3. Need for extra inspections regarding *Bemisia tabaci*:

According to Annex 7, Part A, No. 8 of the British import requirements all plants for planting, except for dormant plants, seeds, bulbs etc. must be accompanied by an official statement on symptoms of *Bemisia tabaci*. We find that more plant groups should be exempted from this requirement, e.g., woody plants, as we see no technically justified risk of them spreading this pest.

We hope DEFRA may be able to help us look into the reasons for the abovementioned requirements and to help us clarify the extent of their necessity, justifying the imposed burdens on European exporters of plants and plant products.

Seeds

31. UK has granted equivalence recognition to EU member states if included in the OECD seed scheme. Still EU member states need to add on the label that the seed meets GB rules and standards. Why do we need to add this information if the EU rules are similar to the UK rules? If new rules would be applicable, we could include them in the phytosanitary certificate but as far as we know, there are no additional import rules. Other third countries also do not require it to state that it complies with the rules of the third country. Additionally, OECD certificates have

³ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019

a fixed layout with no space left to add a statement that the seeds meet GB rules and standards. The following statement is already included in the certificate for EU countries: EC SYSTEM _ CE NORMES ISTA RULES _ REGLES ISTA

Plant-based foods

32. Does the trade agreement cover mixed EU and non-EU plant-based foods (e.g. mixing non-EU tea and EU tea) in the EU? Since the packaging of non-EU goods does not seem to be sufficient for the preferences, the question arises when substantial processing starts.
33. Does DEFRA envisage that regulated products (different from the high-priority ones) due to be subject to checks from 1 April, could still be controlled at destination points from 1 July and beyond, instead of having to be inspected at the border? This would be in line with the current EU approach - EU legislation allows for products included in art. 73 of EU Regulation 2016/2031 not to be subject to checks at the border, but at other designated control points, instead (art. 44 of EU Regulation 2017/625 on official controls and other official activities).

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