

FAQs Animal Health Regulation and Composite Products

General

What are the changes happening to EHCs on 21st April?

There are changes to EU law, which apply from April 2021 that will impact on traders who export certain animals, germinal products and products of animal origin. These changes will impact the export of certain animals, germinal products and products of an animal origin to the EU and movements to Northern Ireland. Export Health Certificates (EHCs) and Notes for Guidance are being updated to reflect the new rules.

The change to EU law is called the Animal Health Regulation (AHR).

What does this mean for traders?

You will need to follow these new rules to be able to continue to export to the EU and move goods to Northern Ireland.

There are new EHCs that businesses will need to use.

What about composite products?

The EU are introducing new rules for the export of composite products. These changes will introduce new EHCs for composite products as well as new documentation for composite products exempt from certification.

Defra will make the new composite EHCs available for us from 21st April 2021 but exporters who currently use composite EHCs can continue to use the old certificate until August 2021.

The new rules mean that certain composite products that do not currently require an EHC will need one after 21st April 21. Other composite products that are currently exempt from certification will require a new document, called a 'private attestation'.

Which new EHCs will traders have to use from 21st April?

The changes to the EU law and the new rules for the export of composite products means that from 21st April 2021 there are five new EHCs and one new model private attestation document that exporters will need to use to export the relevant goods to the EU.

Specifically there are three new products of animal origin (POAO) EHCs, two new composite EHCs and a private attestation document for composites exempt from certification.

The three new POAO EHCs include meat of certain wild game and farmed large game and mechanically separated pork meat. The new POAO EHCs and Notes for guidance will be available to view on form finder from 1st April 2021 and for use from 21 April 2021.

Private attestations do not need to be signed by an Official Veterinarians (OV) or a Food Competent Certifying officer (FCCO). It must be prepared and signed by the importing food business operator in the EU.

The new regulations also introduce EHCs for certain live animal species and germinal product exports for which there is currently no EU EHC. The final legislation is yet to be published by the EU, but we will aim to make these available as soon as possible after the EU makes the final legislation available.

Why have you given businesses so little time to get ready for these changes?

The EU only recently published some of the information about the new rules.

Since then Defra has been working through the legislation with industry to understand the impact and we will continue to provide information to businesses as soon as the EU makes it available.

What support are you providing to businesses?

We will be providing guidance and information to business on the new EHCs and will hold webinars to explain what these changes mean for those exporting to the EU.

Dates and links to register are below:

Title of webinar	Description	Who should attend?	Date	Register
Q&As for traders	Panel of experts from Defra will answer traders' questions on composite products	Traders who export composites to EU and Northern Ireland	Wednesday 7 April 10-11.30am	https://zoom.us/meeting/register/tJEod-GpqzqqHtNBOr80H150MkVzHXzbHdD
			Thursday 8 April 1-2.30pm	https://zoom.us/meeting/register/tJAsceivqD8qE92l-ArzBPr0Dj-ABmbAtExr
			Tuesday 13 April 12.30-2.00pm	https://zoom.us/meeting/register/tJUvdeiuqTkqGtbDGHZKkolyS5t1LldJN-i9

When will the other new EHCs be introduced?

Unless goods need to be exported with the new documentation, we plan to take full advantage of provision within the EU's legislation to continue using old certificates until August 2021, when the switch to the new certificates needs to be complete, to allow exporters the maximum time to prepare.

We will continue to keep businesses informed about the phasing of the new EHCs and will provide guidance and information, so they are prepared for these changes.

I export composite products, do the transitional arrangements apply to me.

Yes. If you currently export a composite product that requires an EHC you will be able to continue to use the current EHC until August 2021. You can also choose to use the certificate appropriate to your product under the new rules.

If the composite product was previously exempt from certification it may need an EHC under the new rules. If this is the case, you will need to use the *new* composite EHC from 21st April 2021.

If your composite goods are exempt from certification, you will need to use the new private attestation. More details [here](#).

How many new EHCs will there be in total that are being introduced because of the EU rule change?

The AHR contain 111 EHCs for products of animal origin, live animals and germinal product exports that are relevant to GB-EU trade. The AHR does not affect the EHCs for animal by product exports, which will remain the as they are now.

109 include 47 animal products EHCs and 62 EHCs for live animals and germplasm. Two EHCs are for live aquatic animals and are the responsibility of CEFAS.

Why is the EU introducing these changes?

The European Parliament and the Council adopted the Regulation on transmissible animal diseases (“Animal Health Law”) in March 2016 and it will apply from April 2021. It streamlines a number of legal acts.

This new EU law establishes new rules for third countries exporting to the EU. The changes provide guarantees to ensure that certain animals, germinal products and products of animal origin entering the EU or NI do not present an animal health risk for kept and wild animals. This means that the current EHCs and Notes for Guidance are being updated to reflect new rules.

Do these changes apply to movements of goods from GB to Northern Ireland?

The Animal Health Regulation will also apply in Northern Ireland. Traders moving goods from Great Britain to Northern Ireland will need to ensure that they meet the new regulatory, documentary, and certification requirements for composite goods.

Specifically, composite goods being moved from GB to NI will need to conform to new requirements for composite products as set out above. These goods will need to be accompanied with the appropriate composites EHC. If the products are exempt, they will need to be accompanied by a private attestation prepared and signed by the importing food business operator in Northern Ireland.

Businesses on the Authorised Trader list moving goods from GB to NI will not be required to complete new composites EHCs or private attestations until the relevant phase of compliance comes into effect from 1st Oct 2021. Instead, their STAMNI declarations will meet these requirements in the meantime, in line with the movement criteria. However, all goods moved by Authorised Traders from GB to NI must comply with the regulatory requirements for composite products set out above.

Composite products – general

I understand that the rules for exporting Composite Products will also be changing at the same time the new AHR is introduced?

New rules for the export of composite products will be introduced at the same time as the Animal Health Regulation, with new composite product EHCs.

These rules will alter which products require an EHC to be exported to the EU or moved to Northern Ireland. They will also introduce a new document to accompany composite products exempt from certification.

What are the main differences between exporting composites now compared to the new rules?

It is easier to determine whether your products require a composite EHC or not. Some products that don't need an EHC will now require a private attestation.

However, there are some composite products that will be exempt and don't require an EHC or private attestation.

Please refer to the [Composite Product Decision Tree](#) to help you determine whether your product is a composite or not and what type of certification it requires from 21st April 2021.

Are there differences in the categories of composite products exported to the EU after 21 April 2021?

Yes. There will be three categories of composite products:

1. Non shelf-stable composite products
2. Shelf-stable composite products that contain any quantity of meat products, except gelatine, collagen and highly refined products
3. Shelf-stable composite products that do not contain meat products, except gelatine, collagen and highly refined products

The requirements on traders and the guarantees accompanying the composite products depend on their category. However, the requirements for processed animal products in the composite products are the same for the three categories.

When will these new EHCs for composite products be ready for businesses to view them?

The new EHCs will be ready for businesses to look at from 1 April 2021.

I understand that under this new system, all animal products within a composite product will require an EHC, where previously just the composite product needed an EHC.

No, this is wrong. The new EHC for composite products, introduced by the EU enables the certification of the meat, fish, dairy and egg elements of a composite product on the same EHC in a similar way to the current composite EHC.

The range of composite products that require an EHC is changing and a new private attestation document for exempted composites is being introduced.

What is a composite product?

Composite products are foods containing both plant products and processed animal products.

Traders need to distinguish between composite products and processed animal products. Please refer to the [Composite Product Decision Tree](#) to help you determine whether your product is a composite and what type of certification it requires from 21st April 2021.

What isn't a composite product?

Adding a plant product during the processing of an animal product does not automatically mean that the final food is a composite. If the addition of the plant product does not modify the main characteristics of the final product then adding this plant product does not make the product a composite.

For example, a cheese with herbs or a yogurt with fruit are classed as dairy products. Similarly, canned tuna with added vegetable oil is classed as a fishery product.

Please refer to the [Composite Product Decision Tree](#) to help you determine whether your product is a composite or not and what type of certification it requires from 21 April 2021.

What is the difference between non shelf stable and shelf stable composite products?

Shelf stable animal composite products are products that do not need to be transported or stored under controlled temperatures e.g. chilled or frozen.

What is meant by “controlled temperature”?

“Controlled temperature” means that the products have been produced in a way that does not allow their transport and storage at ambient temperature.

If traders are transporting or storing a shelf-stable composite product under controlled temperature, for example to preserve its quality, the requirements for a shelf-stable composite product apply.

Which composite products need an EHC?

Shelf stable and non-shelf stable composite products for human consumption containing processed meats need an EHC (gelatine, collagen and highly refined products are not included in this)

Composite products that are not shelf stable and contain other processed animal products i.e. fish, dairy or egg need an EHC.

Certification requirements and Border Control Post checks

What are the border control checks for composite products?

Unless specifically exempt from border checks, all consignments of composite products exported to the EU will be subject to veterinary checks at an EU Border

Control Post (BCP), including those exempt from certification where a private attestation is also required.

Composite products subject to checks and requiring an EHC

Non-shelf stable (such as chilled and frozen) composite products or shelf stable (ambient) composite products that contain processed meat must be subject to BCP/ Points of Entry (PoE) for Northern Ireland on entry into the EU/NI and be accompanied by an EHC.

If the composite product is not shelf stable and contains meat products and/or other processed animal products (e.g. fish, dairy, egg) then it's subject to BCP checks and requires an EHC.

There are two composite product EHCs in the Regulation:

- 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
- 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

Composite products that are subject to BCP checks and requiring a private attestation

If the final composite product is shelf stable and does not contain processed meat products but is not on the EU's list of lower risk products it must be subject to BCP/PoE checks and accompanied by a private attestation.

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/NI.

- It is recommended a copy of the private attestation must accompany the consignment to the EU BCP or NI PoE.
- The EU/NI importer or agent should provide the original private attestation to the EU BCP/NI PoE.
- The consignment must also be accompanied by 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 required heat treatment. There is no set model for providing this declaration and it does not have to be signed by an OV or an FCCO.

Composite products subject to risk-based border or destination checks and requiring a private attestation

The final shelf-stable composite products not containing processed meat and is listed in legislation (includes bread, pasta, olives, sweets) is exempt from BCP/PoE checks, provided the products meet all of the following requirements:

- Any dairy and egg products contained in the shelf-stable composite products have been subjected to the required heat treatment
- They are identified/labelled as intended for human consumption
- They are securely packaged or sealed

The private attestation must be prepared and signed by the importing food business operator in the EU/NI and must accompany the products at the time of the placing on the market.

The consignment must also be accompanied by a declaration of the exporter of the composite products, attesting that the dairy products and egg products contained in the composite products have undergone heat treatment.

The consignment may be subject to random or risk-based checks at the point of destination in the EU/NI.

What are the foods listed in the legislation as exempt from certification and exempt from BCP checks?

These foods include:

- Confectionery (including sweets), chocolate and other food preparations containing cocoa
- Pasta, noodles and couscous
- Bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products
- Olives stuffed with fish
- Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or mate
- Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof
- Soup stocks and flavourings packaged for the final consumer
- Food supplements packaged for the final consumer, containing processed animal products (including glucosamine, chondroitin or chitosan)
- Liqueurs and cordials

There is a full list available in the annex of the relevant EU [legislation](#).

Goods on this list may still be subject to random or risk-based checks at the EU place of destination, point of release into free circulation or the warehouse of the operator responsible for the consignment.

What checks will be needed on chocolate/biscuits/pasta etc?

Provided that these are shelf stable and do not include meat products (other than gelatine, collagen or highly refined products) these require a private attestation signed by the EU importer. They are not subject to BCP checks but may be subject to random or risk-based checks in the EU.

My composite product is shelf-stable, and does not contain meat, but the dairy elements do not meet the heat treatment requirements for the private attestation (e.g. chocolate that contains pasteurised milk). What do I do?

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.

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). The EU has said that it is their intention to update their guidance ahead of 21 April 2021. 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

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

If the composite product is not shelf stable, and contains honey, gelatine or snails as the only processed POAO content, then it will need an EHC for the individual product (i.e the honey, gelatine or snails EHC). There is no requirement for a composite product EHC in that specific circumstance.

If the composite product contains meat, dairy, fish or egg *and* honey, gelatine or snails, a composite products EHC is needed (unless the resultant composite product is exempt from certification when a private attestation is required). No additional EHC for honey/gelatine/snails will be needed.

Private Attestations

What are private attestations?

The private attestation is laid down in EU law. It must be prepared and signed by the importing food business operator (FBO) in the EU. If the product is subject to BCP checks, the EU importer will need to ensure that a physical copy of the attestation meets the consignment at the BCP. For products not subject to BCP checks, the attestation is only required at the point the product is placed upon the EU market.

Who has to sign the private attestation?

The private attestation must be signed by the representative of the importing food business operator.

Where can I get a copy of the attestation?

They will be available on form finder. There will be guidance about the attestations for exporters.

Does it have to be a wet stamped?

No. The attestation does not need to be stamped.

Who checks the private attestation accompanying shelf-stable composite products not containing meat? Where does this check happen?

The checks on shelf-stable composite products not containing meat are carried out the BCP unless the product is exempt. Checks may be carried out at the place of destination, the point of release for circulation in the EU or the warehouses or the premises of the operator responsible for the consignment.

What is the penalty in the absence of a private attestation accompanying the composite product?

The consignment will be detained by the EU.

Must a shelf-stable composite product not containing meat always be accompanied by a private attestation?

A private attestation must accompany every consignment of shelf-stable composite products.

Are all of the composite products that are eligible to be accompanied by a private attestation exempt from checks at the border?

No. Only those composite products that are specifically exempted, in the legislation, from the checks at BCPs.

Checks may be carried out at the place of destination, the point of release for circulation in the EU or the warehouses or the premises of the operator responsible for the consignment.

Do I need to provide a full breakdown of ingredients in the composite product to the importer for them to sign the private attestation?

Yes. This is a requirement of the attestation, set out in EU law. An ingredient list should be included in descending order of weight and including nature and percentage of each ingredient.

Food products

The composite product I manufacture contains very small amounts of processed products of animal origin, essentially present for technological reasons. Does it have to fulfil all of the relevant requirements for composite products?

Yes. The percentage of ingredients of animal origin in the composite product is irrelevant when determining which rules apply to a composite product.

Are confectionery products composite products?

Not necessarily. Only those confectionery products that contain both products of vegetable origin and processed products of animal origin are composite products.

I mix an unprocessed product of animal origin and technological ingredients derived from a processed product of animal origin (e.g. albumin binder), do I make a composite product?

No. The final product is not a composite product for two reasons: 1) it does not contain any product of plant origin and 2) it contains an unprocessed product of animal origin.

Is it required to only include processed products of plant origin in a composite product?

No. A composite product contains both products of plant origin and processed products of animal origin, but there is no requirement to use only processed products of plant origin in the manufacture of the composite product.

Am I allowed to use unprocessed products of animal origin to manufacture a composite product?

You are allowed to start the manufacture of a composite product from an unprocessed product of animal origin as long as the processing of the product of animal origin is part of the manufacture of the final product. The composite product must be manufactured in an approved establishment.

How can I differentiate processed products of animal origin with vegetable content from composite products containing processed products of animal origin?

The addition of a plant product to a processed animal product does not automatically mean that the final food is a composite product. As long as the plant product does not modify the main characteristics of the final product then it's not a composite. For example, a cheese with herbs or a yogurt with fruit are classed as dairy products. Similarly, canned tuna with added vegetable oil is classed as a fishery product.

This is a case by case decision considering the variety of product recipes. In case of doubt, the operator will have to provide details to BCP staff to decide whether it is a composite product or not. The product may be inspected to help decide.

If I mix unprocessed products of animal origin and products of plant origin, do I make a composite product?

No. This is not a composite product as it contains an unprocessed product of animal origin.

I am adding a plant compound to a processed animal product. Is the final product always considered as a composite product?

The addition of a product of plant origin during the processing of an animal product does not automatically mean that the final product is a composite. As long as the plant product does not modify the main characteristics of the final product then it's not a composite.

In the case of non shelf-stable products containing fresh meat (or meat preparations) but not processed animal products, how should such products be certified?

A product containing fresh meat is not a composite product. The certificate for composite products is therefore not to be used in such cases. An EHC relevant for fresh meat or meat preparations must accompany the consignment.

I want to export to the EU a shelf-stable composite product that contains gelatine. What needs to accompany the product?

Shelf-stable composite products that contain meat products must be accompanied by an EHC.

However, in the case where the shelf-stable composite product contains no meat product ingredient other than gelatine (or collagen), an EHC is not required but a private attestation will be required.

I want to export a non shelf-stable composite product that contains gelatine (or collagen or highly refined product) and other meat products. Which certificate is required?

Non-shelf-stable composite products must be accompanied by an EHC.

Composite product examples

Picture	CN code	Product information	Comments
	1604 20 10	Salmon Sweet and Sour salad, 185 gr Ingredients: pink salmon (55gr), sweet and sour sauce (tomato sauce, water, vinegar, soybean oil, sugar, modified starch, salt, vegetable extract), tomato, sweet corn, onion, green bell pepper, baby corn, flavour enhancer (E621), paprika colour (E160c)	<p>Composite product, shelf stable and containing fish.</p> <p>Subject to BCP checks as not listed in Annex and is shelf stable and contains processed fish. Requires a private attestation.</p> <p>As it is produced from unprocessed fish, it must come from an approved establishment.</p>
	1902 20	Beef Lasagne Ingredients: minced beef, vegetables and pasta with a béchamel sauce topping containing milk and cheese. Final product has been cooked. Chilled final product.	<p>Non-shelf stable Composite product containing meat product and dairy. Subject to BCP checks and composite product certificate which must be filled in for meat and dairy content.</p>

	2105 00	<p>Vanilla flavoured ice cream with wafer and hazelnuts Ingredients: water, sugar, milk solids, refined palm kernel oil, glucose syrup, hazelnuts, emulsifier, stabilizers, artificial flavouring, chocolate compound, wafer Composite</p>	<p>Composite product, if dairy is processed.</p> <p>As not shelf stable, requires certificate and BCP checks.</p>
		<p>Mayonnaise made with vegetable oil, egg yolk, vinegar etc.</p> <p>Final product cooked in the jar</p>	<p>Composite product, shelf stable with pasteurised egg.</p> <p>Requires private attestation and BCP checks as not listed in Annex.</p>
	1603 00 10	<p>Granulated Chicken Bouillon Ingredients: food additives (monosodium glutamate, nucleotide seasonings, food flavour, vitamin B2), salt rice powder, chicken meat, egg, curry powder (contains turmeric), chive, garlic, white dextrin. Shelf stable</p>	<p>No pieces of meat, just granules which dissolve in hot water. Composite product, but not subject to BCP checks as in Annex.</p> <p>Must be accompanied by private attestation.</p>