

Enforcement Guidance as it relates to Official Controls on Products of Animal Origin

1. Aims & Objectives

The service is committed to the principles of the Regulators' Compliance Code, a statutory code for all regulators. This enforcement guidance is in line with our [Policy Statement on Enforcement](#) (215 KB)

The primary function of local government enforcement work is to protect the public, the environment and groups such as consumers and workers; at the same time, carrying out enforcement functions in a proportionate, practical and consistent manner.

The effectiveness of regulators in protecting consumers and other sectors of society relies upon ensuring compliance with National legislation. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations.

We will provide information and advice on the rules that we apply. We will provide a courteous, timely and efficient service and will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays. As far as the law allows, we will take account of the circumstances of the case.

The Trade in Animals and Related Products Regulations 2011 (TARP) require that the Official Veterinarian (OV) or in the case of fishery products the Official Fish Inspector (OFI), subject products of animal origin (POAO¹) from a third country, to official controls at a border control post (BCP).

In an effort to achieve consistency and transparency we have established the following principles to which we will work.

2. Documents Required

Required documents and veterinary certificates shall be produced by the exporting country, based on the same format as in the models appearing in the relevant legislation for the product imported.

The Animal & Plant Health Agency (APHA) provide [Import Information Notes \(IIN\)](#) where those requirements can be found.

Documents and veterinary certificates must be checked at the BCP in accordance with Article 2 of retained Implementing Regulation (EU) 2019/2130.

Detailed rules for documentary checks can be found in [Appendix 1](#).

¹ POAO includes any product of animal origin for human consumption, germinal product, animal by-product, derived product, certain composite products and hay or straw.

Veterinary certificates must be completed, signed and stamped by the competent authorities of the exporting country and in doing so must follow the principles of certification laid down in Article 88 of retained Regulation (EU) 2017/625.

In accordance to Article 3 of retained Implementing Regulation (EU) 2019/628, certificates must be issued before the consignment leaves the control of the competent authority issuing that certificate.

These general principles of certification are listed in [Appendix 2](#).

Required documents including certificates must be original and bear a unique reference number. Unless the consignment is being transhipped, copies are not acceptable.

Documents must be in English or include an English translation.

All certificates must consist on a single sheet of paper, several sheets of paper where all sheets are indivisible and constitute an integral whole, or when this is not possible, a sequence of pages numbered so as to indicate that it is a particular page in a finite sequence (i.e. “[page number] of [total number of pages]”).

When in several pages, all must bear the unique certificate reference number and be signed and stamped by the certifying officer.

3. Queries and Errors on Documents

▪ Official Health Certificates

Certificates must be correct, completed in full and the information on the certificates and accompanying documents must be unambiguous and believable. For example: Certification dates, Production Dates, Freezing Dates, Packaging Dates and Dispatch dates must all be later than the Slaughter date.

Handwritten alterations or deletions on certificates will only be accepted if initialed by the certifying officer.

The use of correction fluid is not allowed, corrections must be struck out by a single line and initialed by the certifying officer.

Consignments accompanied by incorrect documentation will be rejected. However, minor errors on the Certificates may be permitted upon the presentation of a statement from the certifying authorities quoting the unique certificate reference number, confirming the circumstances under which the irregularity arose **and** in case of an incorrect entry on the certificate, certifying what the correct entry should have been on the original certificate.

Correction letters must consist on a single sheet of paper. When this is not possible, the pages must be numbered so as to indicate that it is a particular page in a finite sequence (i.e. “[page number] of [total number of pages]”).

All pages must also bear the unique certificate reference number and be signed and stamped by the certifying officer.

Competent authorities can only issue replacement certificates in the case of administrative errors in the initial certificate or where the initial certificate has been damaged or lost.

Replacement certificate cannot be issued if they modify information in the initial certificate concerning the identification, traceability and health guarantees of consignments.

Replacement certificates must:

- make clear reference to the unique reference number and the date of issue of the initial certificate, and clearly state that it replaces the initial certificate;
- have also a new unique reference number different to that of the original certificate; and
- be dated on the date of issue, as opposed to the date of issue of the initial certificate.

Replacement certificates with the same reference number, with the word REISSUE and/or backdated are not acceptable.

Once the replacement certificate is presented, the original certificate will be cancelled and, on request, returned to the issuing authority.

Detailed rules for replacement certificates can be found in [Appendix 3](#).

Without precedent or prejudice, we will give only **one** chance to have the error corrected. If the statement from the authorities indicates that there has been a minor or typographical error, we are prepared to consider release of the cargo upon receipt of a scanned image of the original correction letter (pdf or similar) on an e-mail directly from the certifying authorities, which must be from the official domain address of the certifying authority. The original of the document must arrive at our office within 14 days of the e-mail.

Companies who fail to produce the original documents within that timescale will not be given this option and original documents will be required before release.

If the irregularity has not been caused by a minor or typographical error, we will need the original of the statement before releasing the consignment.

In the case of replacement certificates, we would always require the original document before releasing the cargo.

We will not accept faxed or e-mailed correction documents for official health certificates as an alternative to originals, but we are happy to comment on templates or draft documents before they are issued/signed by the competent authority.

It is the responsibility of the importer to ensure the certifying authority issue correct documents and certificates. If the correction letters or replacement certificates are found unsatisfactory or they are not presented within two weeks from the date of the query, the consignment will be rejected.

▪ **Common Health Entry Document (CHED)**

Agents/Importers must complete Part 1 of the Common Health Entry Document for POAOs (CHED-P) in full. The information must match that on the certificates and accompanying documents and must be submitted via the Import of Products, Animals, Food and Feed Service (IPAFFS) before the consignment arrives at the BCP.

An original signed Part 1 CHED-P must be sent to our office along with the original documents/certificates.

An inaccurate CHED-P submitted on IPAFFS must be amended by the person or company that submitted it and the BCP notified that this has been carried out. We will not require a new print out of the revised version of the CHED-P.

The OV or OFI has the discretion to ask for additional supporting documents and to carry out additional checks on the basis of his/her findings or any other information received.

The Certifying OV or OFI has the ultimate discretion as to whether or not to sign the CHED-P once the veterinary checks have been completed. The OV/OFI will usually liaise with the Animal & Plant Health Agency (APHA), the Food Standards Agency (FSA) and/or the Department for Environment, Food and Rural Affairs (DEFRA) in cases of doubt.

When the decision is made as to reject a consignment, the appropriate notification under The Trade in Animals and Related Products Regulations 2011 will be served which will outline the reasons for rejection. In most cases the notification will be under Regulation 20 for consignments which have failed veterinary checks. Appeal against the decision made under Regulation 20 may be made by means of complaint through the Magistrates Court within 30 days of the notification being issued.

Before issuing the notification however, we will always discuss the reason for the rejection and agree on the outcome with the agent/importer.

4. What we Expect from Agents and Importers

Documents and Certificates should be lodged in a timely fashion before the vessel arrives (lodging large numbers of CHED-Ps and other Documents late on a Friday can delay processing).

It is a legal requirement to pre-notify the BCP of the arrival of the consignment. The pre-notification must be in the form of the information of Part 1 of the CHED-P. Electronic notifications (i.e. through IPAFFS) are acceptable. The information entered on Port Inventory Systems is **not** considered as the pre-notification.

Failure to pre-notify the BCP in advance may lead to the consignment being delayed and/or rejected.

Veterinary checks cannot commence until original documents/certificates are received at the BCP. Late delivery of documents will be dealt with at our discretion and could cause a delay in release.

We process the paperwork in the order it is received in the office, giving priority to those which have been received before the arrival of the vessel.

As well as pre-notifying the BCP, it is the responsibility of the Agent/Importer to ensure that a consignment is not removed from the port until the veterinary checks have been completed satisfactorily and the OV/OFI has issued a valid CHED-P.

Agents/Importers should not rely on holds and releases on port inventory systems only, but must ensure that a CHED-P has been issued. Confirmation that the CHED-P has been completed can be done via IPAFFS.

We do not issue CHED-Ps retrospectively for consignments that leave the port and the consignment would not be allowed to return to the port for veterinary checks. The matter would usually be referred to the relevant local authority and/or UK Border Force, as such consignments would be regarded as an illegal import.

Telephone/email follow up by agents & importers (and in particular from producers/exporters in third countries) regarding progress of consignments, queries and hold-ups should be kept to a minimum, as dealing with these takes officers away from other duties and can exacerbate delays.

Emails are also processed in the order they are received. We aim to deal with these emails as soon as they are received, but during busy periods that is not always possible. Sending multiple emails chasing a previous one, only slows the process even more, as the number of emails we have to deal with increases.

Agents/Importers who chase up clearances by phoning a number of different officers within a very short period of time can significantly delay the whole process.

Verbal abuse and/or harassment will not be accepted at any time and may result in formal action being taken in accordance with the City of London Corporation procedures relating to physical/verbal abuse.

Disclaimer: Whilst every effort has been made to ensure the accuracy of this document, the London Port Health Authority cannot be held responsible for any errors it may contain.

Article 2 of retained Implementing Regulation (EU) 2019/2130

Detailed rules for documentary checks

1. For each consignment of POAO, the competent authority shall ascertain the use to which the goods are assigned pursuant to the official certificates, official attestations and other documents accompanying the consignment as well as the destination of the consignment indicated in these certificates, attestations and documents.
2. The competent authority shall inspect all official certificates, official attestations and other documents in order to ascertain that:
 - a. they are issued by the competent authority of the third country, where applicable;
 - b. they fulfil the requirements set out in Articles 89(1) and 91(2) of Regulation (EU) 2017/625;
 - c. they correspond to the model established by the rules referred to in Article 1(2) of Regulation (EU) 2017/625 and in the rules contained in implementing acts, in regulations made by the appropriate authority or published online by the appropriate authority;
 - d. the information contained in the certificates or documents complies with the rules referred to in Article 1(2) of Regulation (EU) 2017/625
3. The competent authority shall check that the operator responsible for the consignment completed the relevant part of the Common Health Entry Document (CHED) fully and correctly as required by Article 56(1) of Regulation (EU) 2017/625 and that the information in it corresponds to the information provided in the official certificates, official attestations and other documents accompanying the consignment.

Article 1(2) of retained Regulation (EU) 2017/625

Detailed rules

- a) food and food safety, integrity and wholesomeness at any stage of production, processing and distribution of food, including rules aimed at ensuring fair practices in trade and protecting consumer interests and information, and the manufacture and use of materials and articles intended to come into contact with food;
- b) deliberate release into the environment of Genetically Modified Organisms (GMOs) for the purpose of food and feed production;
- c) feed and feed safety at any stage of production, processing and distribution of feed and the use of feed, including rules aimed at ensuring fair practices in trade and protecting consumer health, interests and information;
- d) animal health requirements;
- e) prevention and minimisation of risks to human and animal health arising from animal by-products and derived products;
- f) welfare requirements for animals;
- g) protective measures against pests of plants;
- h) requirements for the placing on the market and use of plant protection products and the sustainable use of pesticides, with the exception of pesticides application equipment;
- i) organic production and labelling of organic products;

- j) use and labelling of protected designations of origin, protected geographical indications and traditional specialities guaranteed.

Article 89(1) of retained Regulation (EU) 2017/625

Guarantees of reliability for official certificates

- a) Official certificates shall:
 - a) bear a unique code;
 - b) not be signed by the certifying officer where they are blank or incomplete;
 - c) be in English and one of the official languages of the country of destination and may also be in Welsh;
 - d) be authentic and accurate;
 - e) allow for the identification of the person who signed them and the date of issue; and
 - f) allow the easy verification of the links between the certificate, the issuing authority and the consignment, lot or individual animal or good covered by the certificate.

Article 91(2) of retained Regulation (EU) 2017/625

Official attestations

- 2. Official attestations shall:
 - a) be authentic and accurate;
 - b) be drawn up in English and one of the official languages of the country of destination and may also be in Welsh; and
 - c) where they relate to a consignment or a lot, allow the verification of the link between the official attestation and that consignment or lot.

Article 88 of retained Regulation (EU) 2017/625

Signature and issuance of official certificates

1. Official certificates shall be issued by the competent authorities.
2. Competent authorities shall designate the certifying officers who are authorised to sign official certificates and shall ensure that these officers:
 - a) are impartial, free from any conflict of interest, and in particular are not in a situation which may, directly or indirectly, affect the impartiality of their professional conduct in relation to what is being certified; and
 - b) have received appropriate training on the rules with which compliance is certified by an official certificate and on the technical assessment of compliance with those rules as well as with the relevant rules laid down in this Regulation.
3. Official certificates shall be signed by the certifying officer and issued on one of the following grounds:
 - a) direct knowledge by the certifying officer of up-to-date facts and data relevant for the certification that is obtained through:
 - (i) an official control; or
 - (ii) the acquisition of another official certificate issued by the competent authorities;
 - b) facts and data relevant for the certification, knowledge of which was ascertained by another person authorised for that purpose by, and acting under the control of, the competent authorities, provided that the certifying officer can verify the accuracy of such facts and data;
 - c) facts and data relevant for the certification which were obtained from the operators' own control systems, complemented and confirmed by results from regular official controls, where the certifying officer is thus satisfied that the conditions for issuing the official certificate are met.
4. Official certificates shall be signed by the certifying officer and issued only on the basis of point (a) of paragraph 3 of this Article when rules referred to in Article 1(2) so require.

Article 3 of retained Implementing Regulation (EU) 2019/628

Requirements for model official certificates not submitted in IMSOC

The model official certificates for those animals, products of animal origin, composite products, germinal products, animal by-products, sprouts and seeds intended for the production of sprouts originating from third countries or regions thereof which are required by the rules referred to in Article 1(2) of Regulation (EU) 2017/625 for the entry into Great Britain and are not submitted in IMSOC, shall meet the following requirements:

1. In addition to the signature of the certifying officer, the certificate shall bear an official stamp. The colour of signature shall be different to the colour of the printing. This requirement also applies to stamps other than those embossed or watermarked.

2. Where the model certificate contains statements, the statements which are not relevant shall be crossed out, initialled and stamped by the certifying officer, or completely removed from the certificate.
3. The certificate shall consist of:
 - a) a single sheet of paper; or
 - b) several sheets of paper where all sheets are indivisible and constitute an integral whole; or
 - c) a sequence of pages numbered so as to indicate that it is a particular page in a finite sequence.
4. Where the certificate consists of a sequence of pages, each page shall indicate the unique code as referred to in Article 89(1)(a) of Regulation (EU) 2017/625 and bear the signature of the certifying officer and the official stamp. (5) The certificate shall be issued before the consignment to which it relates leaves the control of the competent authorities of the third country issuing the certificate.

Article 5 of retained Implementing Regulation (EU) 2019/628

Replacement certificates

1. Competent authorities may issue a replacement certificate only in the case of administrative errors in the initial certificate or where the initial certificate has been damaged or lost.
2. The replacement certificate shall not modify information in the initial certificate concerning the identification, traceability and health guarantees of consignments.
3. In addition, the replacement certificate shall:
 - a) make clear reference to the unique code referred to in Article 89(1)(a) of Regulation (EU) 2017/625 and the date of issue of the initial certificate, and clearly state that it replaces the initial certificate;
 - b) have a new certificate number different to that of the initial certificate;
 - c) carry the date when it was issued, as opposed to the date of issue of the initial certificate; and
 - d) be presented in its original to the competent authorities, except in the case of electronic replacement certificates submitted in IMSOC.