

Food Export Health Certification – Guidance for Scottish Local Authorities

Produced by COSLA/Society of Chief Officers of Environmental Health
Scotland Export Certification Working Group

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Contents

1. Background

- 1.1. Aim of the guidance
- 1.2. Introduction to exports
- 1.3. Legal background
- 1.4. Local Authority Role
- 1.5. Key stakeholders for LA export health certification

2. Principles, standard endorsement and certification

- 2.1 Principles
- 2.2 Premises Endorsement as an alternative to certification
- 2.3 Scottish Standard Export Health Certificate
- 2.4 Other Country/Region/Product specific Export Health Certificates
- 2.5 Certification validity
- 2.6 Liaison with local APHA inspectors
- 2.7 Use of electronic certificates
- 2.8 Issuing certificates at point of export 'remote certification'
- 2.9 3rd Country requirements beyond EC standards

3. Procedures

- 3.1 Compliance with food legislation
- 3.2 Procedure for dealing with requests for certificates
- 3.3 Procedure for inspection of products
 - 3.3.1 Inspection
 - 3.3.2 Documentary checks
 - 3.3.3 Packaging
 - 3.3.4 Opening consignments

4. Administration of certificates

- 4.1 Register
- 4.2 Presentation of original certificates
- 4.3 Replacement of certificates
- 4.4 Revocation of certificates
- 4.5 Invalid certificates

5. Charging

Appendices

- Appendix 1: Legal References
- Appendix 2: Scottish Standard Food Safety Premises Endorsement
- Appendix 3: Scottish Standard Export Health Certificate and Notes for Guidance of Exporters and Importing Countries
- Appendix 4: Standard attestations for the Scottish Standard Export Health Certificate
- Appendix 5: Explanatory notes for LA officers on the Scottish Standard Export Health Certificate
- Appendix 6: example application form for certificates
- Appendix 7: Export Certification – basic procedural flowchart
- Appendix 8: Standard response for remote certification
- Appendix 9: Contacts
- Appendix 10: Working Group Membership
- Appendix 11: Reference material

1. Background

1.1. Aim of the guidance

- 1.1.1. This guidance is aimed at the local authority (LA) Environmental Health teams involved in providing health certificates or similar documentation to companies wishing to export food to 3rd (non-EU) countries. It is not aimed at the exercise of Port Health functions or export of feeds.
- 1.1.2. This guidance document is intended to improve the consistency and efficiency of local authorities and reduce unnecessary burdens on business by standardising and simplifying the processes of issuing export health certificates and related documentation.
- 1.1.3. Export documentation is issued to provide assurance to the 3rd country in receipt of the food that the product complies with their requirements. Companies exporting to 3rd countries may need such documentation to ensure the food export is accepted by the 3rd country in question. The wording and format of the documentation required to facilitate export will vary:
- From country to country
 - From product to product
 - Over time due to procedural, political or scientific developments
- 1.1.4. Whilst the above makes the production of specific and detailed guidance difficult, there are some common principles that normally apply, and this guidance will help ensure a consistent approach.
- 1.1.5. The guidance is based on existing good practice in the Scottish environmental health community, previous LACORS guidance, Codex Alimentarius guidance and liaison with the Food Standards Scotland.
- 1.1.6. **Feedback** including general reactions and any suggestions where further clarity or guidance is needed should be sent to the Society of Chief Officers of Environmental Health Scotland (SOCOEHS) at manager@socoehs.com

1.2. Introduction to exports

- 1.2.1. Food exports are a significant part of the Scottish and UK economies and there is strong interest from both the Scottish and UK governments in increasing levels of trade. Increasing food exports is a key aim of the Scottish Government's National Food & Drink Policy and Strategy (see part B of Appendix 10).
- 1.2.2. In 2011, exports of fish accounted for over half of all food exports from Scotland at £652 million, 56% of total food exports. Dairy, cereal and meat exports accounted for £98 million, £83 million and £82 million of food exports respectively. Asia & Oceania and North America both accounted for 7% whilst Eastern Europe and the Middle East & North Africa each accounted for 4%. In 2011, Drink (whisky) exports accounted for £4,226million.

- 1.2.3. DEFRA and its agencies lead on food export trade; however several bodies across the UK are involved in food exports. For animal/animal product exports, the FSA Exports Branch agreed a Memorandum of Understanding with DEFRA and AHVLA in March 2013. LAs mainly supply certificates for fish and shellfish products but also certify a wide range of other products, including foods not of animal origin. Currently no organisation formally coordinates LA activities on exports.
- 1.2.4. Scottish environmental health teams issue over 5000 certificates per year to over 250 businesses (based on information obtained through surveys). The activity is concentrated in a number of authorities. Certificates are issued for around 45 different 3rd countries. Liaison with 3rd countries is carried out either directly or via the manufacturer/exporter. Many, but not all, LAs charge for the service with fees varying from around £17 to £71 per certificate.
- 1.2.5. DEFRA negotiates formal export health certificates (EHCs) with 3rd countries which are listed on their [website](#); however in many cases, central agreements are not in place with 3rd countries for a specific certificate format.
- 1.3. Legal background
 - 1.3.1. There is no legal obligation on part of the LA to issue health certificates, and most LAs do this work simply to assist business based in their area. From the LA perspective there is no requirement to make a particular charge for issuing health certificates, however, the Local Government Scotland Act 2003 allows authorities to impose 'reasonable charges' for anything under the power to advance well-being within their area (see section 20-22), therefore local authorities can charge for this service if they see fit to do so.
 - 1.3.2. The Regulatory Reform (Scotland) Act 2014 requires that regulators' must contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of their regulatory functions to do so. Local authorities choose to issue health certificates as this enables businesses to export to other countries, this contributes to the well-being and economic success of communities.
 - 1.3.3. The legal implications of LAs signing health certificates depends on the precise wording of an individual certificate and what associated inspection or other checking was undertaken by the LA. The desire of authorities to help local businesses is understandable, but this needs to be balanced against the risks of inadvertently providing endorsement for foods that are later found to be unfit or injurious to health, and any potential litigation that could result.
 - 1.3.4. In terms of food safety legislation, Article 12 of EC Regulation No 178/2002 (general principles and requirements of food law) specifies that food injurious to health or unfit for human consumption cannot be exported and that food must comply with Community law or the requirements set up by the importing country (see Appendix 1).

- 1.3.5. EC Regulation No 852/2004 (food hygiene) includes food exports and Article 11 specifies the requirements (see Appendix 1).
- 1.3.6. EC Regulation No 882/2004 (official controls) includes controls, certification training and enforcement; which are specified under Articles 3, 6, 30 and 54 (see Appendix 1).
- 1.4. Local Authority Role
- 1.4.1 LA Environmental Health teams provide certificates to companies who wish to export food to 3rd countries, except in the following scenarios:
- The food concerned is one which DEFRA Veterinarians in the UK normally inspect;
 - The requirements of the importing 3rd country specify that an EHC administered by DEFRA is needed for the product concerned.
- 1.4.2 LA Environmental Health teams also provide certificates where the 3rd country requires some health related assurances over and above a very general 'certificate of free sale'. (n.b. certificates of free sale for certain commodities are issued by another DEFRA agency, the [Rural Payments Agency](#), Newcastle, a 'certificate of free sale' is a general statement that the product is sold and in 'free circulation' within the UK).
- 1.4.3 Generally, LAs will deal with 'products not of animal origin' such as
- Alcoholic & non-alcoholic drinks
 - Biscuits
 - Cakes
 - Pies etc
 - Sweets & confectionary
 - Preserves
 - Fruit juices
 - Food additives & flavourings
- 1.4.4 LAs also cover some 'Products of animal origin' (POAO) with the bulk of this being shellfish, fish & fishery products. Certain fresh/live products may require a very prompt response to certificate requests as products may be harvested, processed and exported within extremely short time periods (e.g. less than 24/48 hours).
- 1.4.5 Authorities should note that the onus to determine the requirements of the importing 3rd country **rests with the exporting company**. Ideally the company will have obtained all the relevant information prior to making their first approach to the LA. In situations where they have not, it is suggested that they should be advised to gather information from a range of sources, including as appropriate, the importer, the relevant authorities / customs officials / embassy of the 3rd country concerned, and DEFRA / AHVLA. **Exporting companies should be encouraged to contact their LA well in advance of planned exports to new markets.**

1.5. Key stakeholders for LA export health certification

- 1.5.1. **DEFRA** – is the competent authority in the UK which negotiates export health certification agreements with 3rd countries. A summary of agreed certificates – '[List of available Export Health Certificates for animals \(including birds\), animal products and germplasm](#)' - is available on its website; also available are DEFRA's [Customer Information Notes](#) (CINs) which provide advice to exporters.
- 1.5.2. **APHA** – the Animal & Plant Health Agency is an executive agency, sponsored by DEFRA. Its Exports team in Carlisle issues EHCs for animals & animal products, including fresh meat and a range of other non-composite foods of animal origin.
- 1.5.3. **FSA** – has primary responsibility for food safety/ standards aspects of exports in England, Wales and Northern Ireland. An exports team was established at FSA HQ in 2013. Exports advice is available on the '[exporting food](#)' section of food.gov.uk.
- 1.5.4. **Food Standards Scotland (FSS)** have a role in co-ordinating export certification. This co-ordination role is likely to include guidance, standard certification, liaison on 3rd country requirements and certificate charging. FSS is likely to act as the focal point in Scotland between LAs, AHVLA, DEFRA and the Scottish Government.
- 1.5.5. **RPA** – the Rural Payments Agency is a DEFRA agency which issues 'certificates of free sale' for certain commodities.

1.5.6. **Industry**

The food industry is, obviously, a key stakeholder in the export of food to third countries. Individual companies can help ease the process of obtaining the correct certification by making careful enquiry of their customers abroad to ensure they know what documentation the importing country requires.

Trade bodies may be able to provide useful information on import requirements in particular territories and represent the interests of their members in any discussions regarding export procedures.

1.5.7. **Others**

a) Chambers of Commerce

Chambers of Commerce, as part of their role in supporting international trade, can provide certification which might be required by importing countries. These requirements can be made for food and non-food products. Documents issued include:

- European Community Certificates of Origin - a signed statement certifying where an exported item was made
- Arab British Chamber of Commerce Certificates - a Customs clearance requirement in some countries to evidence the origin of the goods

b) Other Government Agencies

The Scottish Government and agencies such as UK Embassies and Consulates, Scottish Development International and Scottish Enterprise can help with information to promote exports for UK traders.

1.5.8. Further information

Appendix 12 contains sources of further information on exports.

2. Principles, standard endorsement and certification

2.1. Principles

2.1.1. “The following principles apply to the design, production, issuance and use of official certificates¹.

- A. Official certificates should be required only where attestations and essential information are necessary to ensure that food safety and/or fair practices in the food trade requirements are met.
- B. Exporting countries may provide assurances through means other than consignment- by-consignment certificates, as appropriate.
- C. Attestations and information required by the importing country should be confined to essential information that is related to the objectives of the importing country’s food inspection and certification system.
- D. The rationale and requirements for specific attestations and identifying information should be communicated to exporting countries in a consistent and transparent manner and be applied by the importing country in a non-discriminatory manner.
- E. Official certificates, regardless of their mode of transmission and their contents, should present information in a form that simplifies and expedites the clearance process while meeting the importing country requirements.
- F. The competent authority of the exporting country is ultimately responsible for any certificate it issues or authorizes to be issued.
- G. All relevant attestations and identifying information required by the importing country should be included on a single official certificate, where possible, to avoid multiple or redundant certificates.
- H. Competent authorities should take appropriate action to prevent the use of fraudulent certificates and should assist, as appropriate, in the timely investigation of such use.”

2.1.2. “Certifying officers should:

- be appropriately authorised and trained;
- have no conflict of interest in the commercial aspects of the consignment and be independent from the commercial parties;
- be fully conversant with the requirements to which they are attesting;
- have access to a copy of regulations or requirements that are referred to on the certificate or clear information and guidance notes issued by the certifying body or competent authority explaining the criteria that the product must meet before being certified (*see paragraph 2.9.1.*);
- only attest to matters that are within their own knowledge (or have been separately attested to by another competent party); and,

¹ [Codex - Guidelines for Design, Production, Issuance and Use of Generic Official Certificates \(CAC/GL 38-2001\)](#)

- only certify to the circumstances that can be verified, directly or by documentation provided, including conformity with production requirements and any other specified requirements between production and date of issue of the certificate.”

Certifying officers should not:²

- certify matters without their personal knowledge or which cannot be ascertained by them;
- sign blank or incomplete certificates, or certificates for products which have not been produced under appropriate control programmes. Where a certificate is signed on the basis of another supporting document, the person signing the certificate should be in possession of that document; and,
- have any direct commercial interest in the products being certified.

2.1.3 Deciding how to respond to a company’s request for export documentation is a professional judgement linked to the inspector’s knowledge of the operation, their confidence in the management and information from previous inspections. **It is important that officers should not sign anything that they are not satisfied with.**

2.1.4 In terms of liaison within local government, the [Home Authority Principle](#) assists with communication between home, originating and enforcing authorities as necessary.

2.2 Premises Endorsement as an alternative to certification

2.2.1. From a LA point of view; and if the 3rd country concerned accepts it; the preferred option may be to provide a simple signed endorsement which confirms the state of compliance of a premises at the time of the last inspection. This simple ‘**premises endorsement**’ removes the need to refer to any particular batch of food (see Appendix 2).

N.B. Codex supports this approach³: “Demand for certification should be justified by risk to health or risk of fraud or deception. Alternatives to certification should be considered wherever possible, in particular where the inspection system and requirements of an exporting country are assessed as being equivalent to those of the importing country.”

It is recommended that companies encourage 3rd Countries to adopt this approach as the normal standard.

2.2.2. However, it is important to be aware that unscrupulous traders could use such endorsements to falsely endorse foods that may not be of a satisfactory standard. LAs should be careful not to provide an endorsement that could be used to export foods other than those originally envisaged.

² Codex - Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997)

³ Codex - Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997)

2.2.3. The guidance below on certification, see sections 2.3 and 4. should be applied to Premises Endorsement.

2.3 Scottish Standard Export Health Certificate⁴

2.3.1 LAs are recommended to use the Scottish Standard Export Health Certificate as given in Appendix 3 in situations where there is not an agreed certificate in place. Other versions of EHC should only be issued by exception and where demonstrated requirement of 3rd country.

Attestations – if introducing a new attestation please submit to the SOCOEHS (manager@socoehs.com) to share throughout Scotland to avoid inconsistency and unnecessary duplication.

2.3.2 As a minimum, the Scottish Standard Export Health Certificate should include the following anti-fraud measures:

- a) the coloured ink logo or letterhead of the LA (to clearly identify the certifying body)
- b) a unique certificate identification number: authority code as per Approved Premises/year (2 digits)/unique number (XXXX) allocated by LA (e.g. SF/15/0314)
- c) LA stamp with coloured ink

The following anti-fraud measures are optional:

- a) embossing stamp
- b) watermarked paper

2.3.4 The original certificate should always be issued and presented to the exporter or their agent (i.e. the original document, issued once only). The original certificate should be uniquely identifiable and at least one copy made for the use of the certifying body and retention by that authority for an appropriate period of time. Further copies may be officially printed copies or photocopies. In all cases the certificate should be clearly marked “original” or “reissue”.

2.3.5 Where more than one page is required, the pages should be part of an integrated whole and indivisible document. Where this is not possible, each individual sheet should be separately initialled by the certifying officer and numbered so as to indicate it is a particular page in a finite sequence (for example page 2 of 4 pages) and should contain the unique identification number for that certificate.

2.3.6 The certificate should clearly describe the commodity and consignment to which it uniquely relates.

2.3.7 Certificates should contain a clear reference to any requirements to which the certified product is required to conform.

⁴ based on – Codex Guidelines for Generic Official Certificate Formats and the Production and Issuance of Certificates (CAC/GL 38-2001); Section 6

2.3.8 Certificates should be issued prior to the consignment, to which the certificate relates, leaving the control of the certifying body. Certificates may be issued while consignments are in transit to the country of destination only when appropriate systems of control are agreed by the competent authorities of the importing and exporting countries.

2.3.9 When signing a certificate, the officer should ensure that:

- the certificate contains no deletions other than those required by the text of the certificate;
- any alterations of the certified information are initialled and, as required by the importing country, stamped by the certifying officer using the official stamp of the certifying body;
- the certificate bears his/her signature, his/her name and official position of the certifying officer in clear lettering and, where required, his/her qualifications;
- the certificate bears the date expressed unambiguously on which the certificate was signed and issued and, where appropriate, the time for which the certificate will remain valid after signature by the certifying officer
- no portion of the certificate is left blank in a manner that would allow it to be amended.

2.4 **Other Country/Region (Product) specific Export Health Certificates**

2.4.1 Many importing countries will specify their own requirements for Export Health Certification. These may be for specific regions or specific products.

- a. If this has been negotiated with the UK, the standard certification will be available via the DEFRA website.
- b. If no agreement is in place there is currently no database for recording certificates used by LAs. This is being pursued with FSS and use may be made of the Knowledge Hub. The aim will be to share and establish agreed formats where 3rd countries require Country/Region (Product) specific Export Health Certificates in the absence of a UK agreement.
- c. If the exporter requests or supplies a Certificate where no UK agreement is in place, LAs are recommended to suggest first, the standard premises endorsement, and second, the Scottish Standard Export Health Certificate with appropriate attestations. If this is not accepted, LAs should check the wording of the supplied certificate carefully before use, particularly the attestations. It is the responsibility of the Food Business Operator (FBO) to ensure that the certificate contains the necessary information, and the FBO should check the proposed certificate with importing agent (via exporter) or the Country's embassy. LA's should carry out their own checks and additional charge can be made for this.
- d. If no example certificate is provided, LAs are recommended to suggest first, the standard premises endorsement, and second, the Scottish Standard Export Health Certificate with appropriate attestations. If this is not accepted LAs are recommended to request copies of previously

accepted certification. It is the responsibility of the FBO to ensure that the certificate contains the necessary information, and the FBO should check the proposed certificate with importing agent (via exporter) or the Country's embassy. LA's should carry out their own checks and additional charge can be made for this.

2.4.2 Note that 3rd countries may require variations on the Scottish Standard Export Health Certificate to include specific commercial information e.g. order number details, letter of credit reference, invoice reference. It is suggested such information is included in a text box below the signature/date section of the certificate.

2.5 **Certification validity**

2.5.1 Codex Alimentarius guidance states 'Countries that certify exports of food should take measures to assure the validity of certification. Validation measures by exporting countries may include achieving confidence that official or officially recognised inspections systems have verified that the product or process referred to in the certificate conforms with requirements.'

2.5.2 To support the system of Export Certification LAs should ensure that appropriate auditing or other internal checks are carried out of the process within their authorities to confirm it complies with this guidance.

2.6 **Liaison with local APHA inspectors**

2.6.1 LAs must liaise with local APHA Veterinarians where the veterinarians are issuing Export Health Certificates to businesses where the LAs are the food authority. There should be a two way flow of information with veterinarians advising on certificates issued and LAs advising on hygiene compliance.

2.7 **Use of electronic certificates**

2.7.1 It is hoped that this can be developed as a means to quickly and securely issue certification. The guidance will be updated as this develops.

2.8 **Issuing certificates at point of export 'remote certification'**

2.8.1 Export health certificates should be issued by the authority with responsibility for the premises where the product is manufactured/packed for placing on the market. In exceptional circumstances, it is acceptable for the authority with responsibility at the point of export to issue certification for product which originates outwith their area; providing it reviews and is satisfied with the attestation and that it contacts the originating authority to check traceability and compliance. The remote authority may make an additional charge to the applicant for the extra work involved in contacting the originating authority. We do not envisage the originating authority making a charge as the information requested will be limited as per standard response in Appendix 8.

2.9 **3rd Country requirements beyond EC standards**

2.9.1 Where 3rd countries require standards e.g. hygiene different to the EC, the LA should discuss the issue with FSS. In these circumstance FSS would identify the differences. It is the responsibility of the FBO to ensure required

standards are achieved, the LA should check the businesses to ensure the required standards are achieved before certification is issued.

3. Procedures

3.1 Compliance with food legislation

3.1.1 **Approved Food Premises (EC Reg 853/2004):** Establishments must meet the standards necessary to maintain approval under 853/2004.

3.1.2 The approval document scope should include mention that they meet the requirements to export their products to third countries. The receiving third country may require that establishment to meet specific requirements and may maintain a list of companies approved to export.

3.1.3 **Non- approved food premises:** Premises that do not require formal approval under 853/2004 by the nature of their operations must meet the requirements necessary to achieve a Pass award under the Food Hygiene Information Scheme (FHIS). Premises that are outwith the scope of the FHIS, must meet the necessary requirements to achieve the equivalent of the Pass standard.

All food premises:

3.1.4 Traceability is crucial for export certification and it is expected that business operators will not deviate from full compliance at all times with the traceability requirements of Regulation (EC) No 178/2002.

3.1.3 Before certification is provided, a check should be carried out to ensure compliance with food safety requirements. A visit for these purposes is not necessary if such checks have already been made and the Official Inspector has no reason to consider that there has been a significant change since then. In all cases before issuing the certificate to a particular company for the first time an additional full audit should be carried out on the company's traceability systems. If significant concerns are noted, the certificate must not be issued.

3.1.4 It is anticipated that the food authority will carry out on-going focussed audits of exporting businesses to ensure compliance with the export requirements of the appropriate 3rd country. These should be part of the routine interventions dictated by Annex 5 of the Code of Practice.

3.1.5 In cases where the food authority identifies significant breach/breaches of export requirements it should suspend the issuing of EHCs until the identified breach is remedied.

3.2 Procedure for dealing with requests for certificates

3.2.1 Information supplied: The Official Inspector must exercise reasonable precautions and due diligence when relying on information provided by the exporter or other third parties to ensure that the information is correct and that certification can be carried out. LAs may wish to consider use of an application form (example format is provided in Appendix 6)

3.2.2 It is recommended that each LA set an appropriate target processing time, having reviewed the different types of businesses in their area.

3.2.3 A basic procedural flowchart is provided in Appendix 7

3.3 Procedure for inspection of products

3.3.1 **Inspection:** The need for inspection, and the proportion of the products inspected for export is at the discretion of the Official Inspector based on objective evidence, and the policies and procedures of the Local Food Authority.

3.3.2 **Documentary checks:** When carrying out documentary checks, the documents with the consignment must be checked to ensure that the details of the premises of origin are correct and that the documented nature of the product is consistent with the consignment. The consignment details, for example, the number of boxes and weights, must be in conformity with the products specified on the documentation and labelling. This examination should include verification of the number of packages / boxes / containers. In large consignments, an estimate of the number of packages / boxes / containers in the consignment may be carried out.

3.3.3 **Packaging:** The packaging must be new (or clean, if re-usable), in good condition, and not broken or visibly contaminated. Broken seals or packages are not acceptable and must trigger a thorough inspection, if observed.

3.3.4 **Opening consignments:** Verification of the contents of packages / boxes / containers is at the Official Inspector's discretion and it is for the Official Inspector to decide whether they need to open some, any, or all, of the containers / boxes in a consignment to establish that the contents are as described on the accompanying documentation. If any containers/boxes in a consignment are opened, this inspection must be carried out in appropriate conditions and using procedures to avoid contamination of the product. If packaging is opened/undone during this inspection, the product should be closed/repackaged as necessary and the seal numbers amended accordingly and as necessary on the documentation.

4. Administration of certificates

4.1 Register

4.1.1 A register of export certificates issued should be maintained by each LA. The register should contain the following minimum information:

- a) unique identification number of certificate
- b) Date issued
- c) Company issued to
- d) Destination country
- e) Type of product
- f) Quantity

4.2 Presentation of original certificates

4.2.1 In the case of paper certificates, the importer and/or consignee is responsible for ensuring that the product and the original certificate, in accordance with the importing country's requirements, is presented to the importing country's authorities or to the authorities in a country carrying out import controls on behalf of the importing country.

4.3 Replacement of certificates

4.3.1 Replacement certificates may be issued by a competent authority to rectify certificates that have been for example, lost, damaged, contain errors, or where the original information is no longer correct. These certificates must be clearly marked to indicate that they are replacing the original certificate 'reissue'. A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed. The original certificate should be cancelled and where possible, returned to the issuing authority.

4.4 Revocation of certificates

4.4.1 When, for good and sufficient reason, there is cause to revoke a certificate, the certifying body should revoke the original certificate as soon as possible and notify the exporter or their agent by email and letter. The correspondence should reference the number of the original certificate to which the revocation refers and provide all particulars regarding the consignment and the reason(s) for the revocation. Where the consignment has been provided with a paper certificate, the original certificate should be returned to the issuing authority, if possible. The LA should liaise with FSS on need for incident management in accordance with the Food Law Practice Guidance (Scotland) and on communication with the appropriate food control authority of the importing country if the consignment has been exported.

4.5 Invalid certificates

4.5.1 Despite efforts to prevent errors, official certificates may inadvertently contain incorrect or incomplete information or attestations. Upon discovery of this the export country's certifying body or the importing country's competent authority should notify one another. In such cases the certifying body should, in a timely fashion, issue a replacement certificate as described in paragraph 4.3 or revoke the certificate as described in paragraph 4.4, as appropriate.

5. Charging

5.1 A separate guidance document is being developed on charging for export certification in Scotland.

Appendix 1: Legal References

REGULATION (EC) No 178/2002

Recitals

- (23) The safety and confidence of consumers within the Community, and in 3rd countries, are of paramount importance. The Community is a major global trader in food and feed and, in this context, it has entered into international trade agreements, it contributes to the development of international standards which underpin food law, and it supports the principles of free trade in safe feed and safe, wholesome food in a non-discriminatory manner, following fair and ethical trading practices.
- (24) **It is necessary to ensure that food and feed exported or re-exported from the Community complies with Community law or the requirements set up by the importing country.** In other circumstances, food and feed can only be **exported or re-exported** if the importing country has expressly agreed. **However, it is necessary to ensure that even where there is agreement of the importing country, food injurious to health or unsafe feed is not exported or re-exported.**

Article 12

Food and feed exported from the Community

1. Food and feed **exported or re-exported** from the Community for placing on the market of a 3rd country shall comply with the relevant requirements of food law, unless otherwise requested by the authorities of the importing country or established by the laws, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country.
In other circumstances, except in the case where foods are injurious to health or feeds are unsafe, food and feed can only be **exported or re-exported** if the competent authorities of the country of destination have expressly agreed, after having been fully informed of the reasons for which and the circumstances in which the food or feed concerned could not be placed on the market in the Community.
2. Where the provisions of a bilateral agreement concluded between the Community or one of its Member States and a 3rd country are applicable, food and feed **exported** from the Community or that Member State to that 3rd country shall comply with the said provisions.

REGULATION (EC) No 852/2004

Recitals

- (8) An integrated approach is necessary to ensure food safety from the place of primary production up to and including placing on the market or **export**. Every food business operator along the food chain should ensure that food safety is not compromised.
- (22) Food **exported** to 3rd countries from the Community is to comply with the general requirements laid down in Regulation (EC) No 178/2002. The present Regulation defines certain specific hygiene requirements for food **exported** from the Community.

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1. This Regulation lays down general rules for food business operators on the hygiene of foodstuffs, taking particular account of the following principles:

.....

This Regulation shall apply to all stages of production, processing and distribution of food and to **exports**, and without prejudice to more specific requirements relating to food hygiene.

CHAPTER IV

IMPORTS AND EXPORTS

Article 11

Exports

As regards the hygiene of **exported or re-exported** food, the relevant requirements of food law referred to in Article 12 of Regulation (EC) No 178/2002 shall include the requirements laid down in Articles 3 to 6 of this Regulation.

Article 3 - General obligation

Article 4 - General and specific hygiene requirements

Article 5 - Hazard analysis and critical control points

Article 6 - Official controls, registration and approval

[Regulation \(EC\) No 882/2004 \(official controls\)](#)

Recitals

- (6) The Member States should enforce feed and food law, animal health and animal welfare rules and monitor and verify that the relevant requirements thereof are fulfilled by business operators at all stages of production, processing and distribution. Official controls should be organised for that purpose.

Article 2

Definitions

12. 'official certification' means the procedure by which the competent authority or control bodies, authorised to act in such a capacity, provide written, electronic or equivalent assurance concerning compliance;

Article 3

General obligations with regard to the organisation of official controls

4. Official controls shall be applied, with the same care, to **exports** outside the Community, to the placing on the market within the Community and to introductions from 3rd countries into the territories referred to in Annex I.

Article 6

Staff performing official controls

The competent authority shall ensure that all of its staff performing official controls:

- (a) receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner. This training shall cover as appropriate the areas referred to in Annex II, Chapter I;

- (b) keep up to date in their area of competence and receive regular additional training as necessary;
and
- (c) have aptitude for multidisciplinary cooperation.

Article 30

Official certification

1. Without prejudice to requirements concerning official certification adopted for animal health or animal welfare purposes, requirements may be adopted by the Commission concerning:
 - (a) the circumstances in which official certification is required;
 - (b) model certificates;
 - (c) qualifications of the certifying staff;
 - (d) the principles to be respected to ensure reliable certification, including electronic certification;
 - (e) the procedures to be followed in case of withdrawal of certificates and for replacement certificates;
 - (f) consignments that are split into smaller consignments or that are mixed with other consignments;
 - (g) documents that must follow goods after official controls have been carried out.

The measures referred to in point (a), designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 62(4).

The measures referred to in points (b) to (g) shall be adopted in accordance with the regulatory procedure referred to in Article 62(3).

2. Where official certification is required, it shall be ensured that:
 - (a) a link exists between the certificate and the consignment;
 - (b) the information in the certificate is accurate and authentic.
3. A single model certificate shall, where appropriate, combine requirements concerning the official certification

Article 54

Action in case of non-compliance

1. When the competent authority identifies non-compliance, it shall take action to ensure that the operator remedies the situation. When deciding which action to take, the competent authority shall take account of the nature of the non-compliance and that operator's past record with regard to non-compliance.
2. Such action shall include, where appropriate, the following measures:
 - (a) the imposition of sanitation procedures or any other action deemed necessary to ensure the safety of feed or food or compliance with feed or food law, animal health or animal welfare rules;
 - (b) the restriction or prohibition of the placing on the market, import or **export** of feed, food or animals;....

ANNEX II

COMPETENT AUTHORITIES

CHAPTER I: SUBJECT MATTER FOR THE TRAINING OF STAFF

PERFORMING OFFICIAL CONTROLS

9. Official certification systems

Appendix 2: Scottish Standard Food Safety Premises Endorsement for Export

LOGO/LETTERHEAD

FOOD SAFETY PREMISES ENDORSEMENT FOR EXPORT

1. COUNTRY: SCOTLAND, UK	2. Certificate Type: Original/ Reissue
2. Consignor/Exporter:	4. Certificate number:
	5. Competent authority /Certifying body:
6. Consignee/Importer:	
7. Products produced, processed or distributed: <i>Provide level of detail to identify product</i>	
8. Producer/Manufacturer	9. Approval number of establishment
10. Declaration: The official inspector hereby declares that the company business premises specified above are inspected by the competent Food Authority on a regular basis to ensure they are operating in a manner, which complies with the requirements of the United Kingdom Food Safety Act 1990 and the Food Hygiene (Scotland) Regulations 2006 Regular inspections determine: - 1. That the company continues to meet the necessary requirements of the Food Hygiene (Scotland) Regulations 2006 and of Regulations EC 852/2004 on the Hygiene of Foodstuffs including a suitable food safety management system. <i>*and of Regulation 853/2004 laying down specific hygiene rules for Food of Animal Origin and continues to be approved under those regulations.[add if appropriate]</i> Note: <ul style="list-style-type: none">This declaration does not attest, nor does it imply that any food products have been individually inspected and declared as safe and fit for human consumption by the	

competent Food Authority.	
11. Declaring officer:	
Name:	Official position:
Signature:	Date:
Address: xxx	Official Stamp:
Telephone: xxx Facsimile: xxx Email: xxx	
12. Date issued:	Date of expiry:
	Please note that this declaration is not valid beyond this date.

The Certificate should be read in conjunction with the attached 'NOTES FOR THE GUIDANCE OF EXPORTERS AND IMPORTING COUNTRIES'

Note when produced the footer for each page should be as follows:

<u>Certifying officer initials:</u>	<u>Page x of y</u>	<u>Certificate Number:</u>
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NOTES FOR GUIDANCE OF EXPORTERS AND IMPORTING COUNTRIES

SCOTTISH STANDARD FOOD SAFETY PREMISES ENDORSEMENT FOR EXPORT

1. **IMPORTANT******

These notes provide guidance for exporters and importing countries.

The notes should not be read as a standalone document but in conjunction with the attached Food Safety Premises Endorsement for Export.

WE STRONGLY RECOMMEND THAT EXPORTERS SHOULD OBTAIN FULL DETAILS OF REQUIREMENTS FROM THE IMPORTING COUNTRY, OR THEIR REPRESENTATIVES IN THE UK, IN ADVANCE OF EACH CONSIGNMENT.

2. SCOPE OF THE ENDORSEMENT

The Endorsement must be used only for the export of products for human consumption as specified on the certificate.

3. CERTIFICATION BY AN OFFICIAL INSPECTOR

The certificate may only be signed by an Environmental Health Officer or a Food Safety Officer.

4. GENERAL CONSIDERATIONS RELATING TO COMPLETION OF THE CERTIFICATE

Amendments may only be made by the Official Inspector. These must be initialled and recorded using any ink colour **OTHER THAN BLACK**.

Any authorised deletions that cannot be entered electronically or typed must be made using a ruler and a fine black pen. Diagonal deletions must NOT be used. Each line to be deleted must be ruled out providing an effect similar to that of typewritten deletions.

Certificate numbering: Each certificate will be uniquely numbered when it is issued by the LA.

The Official Inspector's signature should be in any ink colour **OTHER THAN BLACK**.

The Certificate should be stamped with the Official Inspector's stamp in any colour **OTHER THAN BLACK**.

Once a certificate has been issued the Official Inspector must keep a copy for his/her own records.

5. DISCLAIMER

This certificate is provided on the basis of information available at the time. It is the exporter's responsibility to check the certificate against any relevant import permit or any advice provided by the competent authority in the importing country. If these do not match, the exporter should contact the Local Authority without delay.

Appendix 3: Scottish Standard Export Health Certificate and Notes for Guidance of Exporters and Importing Countries

LOGO/LETTERHEAD

EXPORT HEALTH CERTIFICATE

1. COUNTRY: SCOTLAND, UK		2. Certificate Type: Original/ Reissue	
3. Consignor/Exporter:		4. Certificate number:	
		5. Competent authority/Certifying body:	
6. Consignee/Importer:			
7. Country of Destination:			
8. Means of transport:		9. Conditions for transport/storage:	
10. Total quantity		11. Total number of packages	
12. Identification of food products as described below (multiple lines may be used for multiple products)			
Nature of the food		Species	Intended purpose
Producer/Manufacturer			Approval number of establishment

The notes should not be read as a standalone document but in conjunction with the export health certificate.

WE STRONGLY RECOMMEND THAT EXPORTERS SHOULD OBTAIN FULL DETAILS OF REQUIREMENTS FROM THE IMPORTING COUNTRY, OR THEIR REPRESENTATIVES IN THE UK, IN ADVANCE OF EACH CONSIGNMENT.

2. SCOPE OF THE CERTIFICATE

The Export health certificate must be used only for the export of products for human consumption as specified on the certificate.

3. CERTIFICATION BY AN OFFICIAL INSPECTOR

The certificate may only be signed by an Environmental Health Officer or a Food Safety Officer.

4. GENERAL CONSIDERATIONS RELATING TO COMPLETION OF THE CERTIFICATE

Amendments may be made by the Official Inspector. These must be initialled and recorded using any ink colour **OTHER THAN BLACK**.

Any authorised deletions that cannot be entered electronically or typed must be made using a ruler and a fine black pen. Diagonal deletions must NOT be used. Each line to be deleted must be ruled out providing an effect similar to that of typewritten deletions.

Certificate numbering: Each certificate will be uniquely numbered when it is issued by the LA.

The Official Inspector's signature should be in any ink colour **OTHER THAN BLACK**.

The Certificate should be stamped with the Official Inspector's stamp in any colour **OTHER THAN BLACK**.

Once a certificate has been issued the Official Inspector must keep a copy for his/her own records.

5. DISCLAIMER

This certificate is provided on the basis of information available at the time. It is the exporter's responsibility to check the certificate against any relevant import permit or any advice provided by the competent authority in the importing country. If these do not match, the exporter should contact the Local Authority without delay.

Appendix 4: Standard attestations for the Scottish Standard Export Health Certificate

No.	Text	Comments on use
1.	<p>Are manufactured/produced by a company whose business premises are approved and inspected by the competent Food Authority on a regular basis to ensure they are operating in a manner, which complies with the requirements of the United Kingdom Food Safety Act 1990 and the Food Hygiene (Scotland) Regulations 2006 Regular inspections determine: -</p> <ol style="list-style-type: none"><li data-bbox="336 656 975 898">1. That the company continues to meet the necessary requirements of the Food Hygiene (Scotland) Regulations 2006 and of Regulations EC 852/2004 on the Hygiene of Foodstuffs and of Regulation 853/2004 laying down specific hygiene rules for Food of Animal Origin and continues to be approved under those regulations.<li data-bbox="336 931 975 1173">2. The company operates a HACCP System/ suitable food safety management system, based on the recommendations of the World Health Organisation Codex Alimentarius Commission document entitled "Hazard Analysis and Critical Control Point (HACCP) System And Guidelines for its application" (Annex to CAC/RCP 1-1969, rev 4 2003). <p>Note:</p> <ul style="list-style-type: none"><li data-bbox="336 1234 975 1294">• This certificate does not certify that every batch has been verified.<li data-bbox="336 1301 975 1440">• This certificate does not attest, nor does it imply that the specified products have been individually inspected and certified as safe and fit for human consumption by the competent Food Authority.	<p>For use in approved premises only.</p> <p>THIS IS THE RECOMMENDED STANDARD ATTESTATION FOR APPROVED PREMISES</p>

No.	Text	Comments on use
2.	<p>Are manufactured/produced by a company whose business premises are inspected by the competent Food Authority on a regular basis to ensure they are operating in a manner, which complies with the requirements of the United Kingdom Food Safety Act 1990 and the Food Hygiene (Scotland) Regulations 2006 Regular inspections determine: -</p> <ol style="list-style-type: none"> 1. That the company continues to meet the necessary requirements of the Food Hygiene (Scotland) Regulations 2006 and of Regulations EC 852/2004 on the Hygiene of Foodstuffs. 2. The company operates a HACCP System/ suitable food safety management system based on the recommendations of the World Health Organisation Codex Alimentarius Commission document entitled "Hazard Analysis and Critical Control Point (HACCP) System And Guidelines for its application" (Annex to CAC/RCP 1-1969, rev 3 1997). <p>Note:</p> <ul style="list-style-type: none"> • This certificate does not certify that every batch has been verified. • This certificate does not attest, nor does it imply that the specified products have been individually inspected and certified as safe and fit for human consumption by the competent Food Authority. 	<p>For use in non-approved premises covered by EC Reg 852/2004.</p> <p>THIS IS THE RECOMMENDED STANDARD ATTESTATION FOR NON-APPROVED PREMISES</p>
3.	<p>The products are fit for human consumption.</p>	<p>Can be used in addition to other attestations or on its own.</p> <p>Product would require to be inspected and evidence of appropriate sampling submitted.</p> <p>ONLY FOR USE WHEN IMPORTING COUNTRY INSIST.</p>
4.	<p>The company complies with the standards as recommended within the World Health Organisations Codex Alimentarius Commission document entitled "Recommended International Code of Practice General Principles of Food Hygiene" (CAC/RCP 1-1969 rev 3 (1997)).</p>	<p>Can be used in addition to other attestations</p>
5.	<p>That samples of the food business products are analysed at regular intervals by an independent third party laboratory, which is certified by the United Kingdom Accreditation Service (UKAS), in order to verify that they comply with Regulation (EC) 2073/2004 (as amended) on Microbiological Criteria for Foodstuffs and are safe for human consumption.</p>	<p>Can be used in addition to other attestations</p>

APPROVED FINAL VERSION

No.	Text	Comments on use
6.	Identification of container(s)/Seal number(s):	Can be used in addition to other attestations

Appendix 5: Explanatory notes for LA officers on the Scottish Standard Export Health Certificate

General:

The certificate should be completed in a legible manner.

If the consignee, point of entry, or transport details change after the certificate has been issued, it is the responsibility of the importer to advise the competent authority of the importing country. Such a change should not result in a request for a replacement certificate to be issued.

Specific:

- a) **Country:** name of the country that issues the certificate possibly accompanied by a logo or a letter head. The objective is to clearly identify the country having the responsibility of issuing the certificate.
- b) **Certificate type:** the certificate should be marked with “ORIGINAL”, “REISSUE” as appropriate.
- c) **Consignor/Exporter:** name and address (street, town and region/province/state, as applicable) of the natural or legal person or entity who sends the consignment.
- d) **Certificate number:** this identification number should be unique for each certificate and authorized by the competent authority of the exporting country.
- e) **Competent Authority:** name of the Competent Authority of the country responsible for certification. **Certifying Body:** name of the Certifying Body when it is different from the Competent Authority.
- f) **Consignee/Importer:** name and address of the natural or legal person or entity to whom the consignment is shipped in the country of destination, at the time the certificate is issued.
- g) **Country of destination:** name of the country of destination of the products.
- h) **Means of transport:** air/ship/rail/road/other, as appropriate.
- i) **Conditions for transport/storage:** appropriate temperature category (ambient, chilled, frozen) or other requirements (e.g. humidity) for transport/storage of the product.
- j) **Total quantity:** in appropriate units of weight or volume for the whole consignment.

- k) **Total number of packages:** total number of packages for all products in the consignment.
- l) **Identification of food product(s):** give the descriptive information specific to the product or products to be certified.

Where appropriate: nature of the food (or description of the commodity), species, intended purpose, producer/manufacturer, approval number of establishments (slaughterhouse, production plant, store (cold store or not)), region or compartment of origin, name of the product, lot identifier, type of packaging, number of packages, net weight per type of product.

- a. **Nature of the food (or description of product):** description of the product(s)
 - b. **Intended purpose (or Food products certified for):** the end use of the product should be specified in the certificate (e.g. direct human consumption, further processing, and trade samples).
 - c. Where a certificate for trade samples is required, a consignment consisting of a food sample intended for evaluation, testing or research, in the importing country may be described using a term such as "trade samples". It should be clearly indicated on the certificate or the package that the sample is not intended for retail sale and has no commercial value.
 - d. **Type of packaging:** identify the type of packaging of products
- m) **Attestations:** information indicating compliance with the relevant regulation(s) of the importing or exporting countries in accordance with the recommendations, as appropriate, of the Codex Alimentarius Commission.

Attestations should be the minimum required for the products certified to ensure food safety and fair practices in the food trade. Attestations should be applicable to the food products certified.

Non-applicable attestations should be excluded or deleted.

- n) **Certifying officer:** name, official position, official stamp (optional), date of signature and signature.
- o) **Date issues/date of expiry:** It is recommended a date of expiry is issued to stop use of certificates if they are not used immediately following issue. It is recommended that this be 3 months from date of issue.

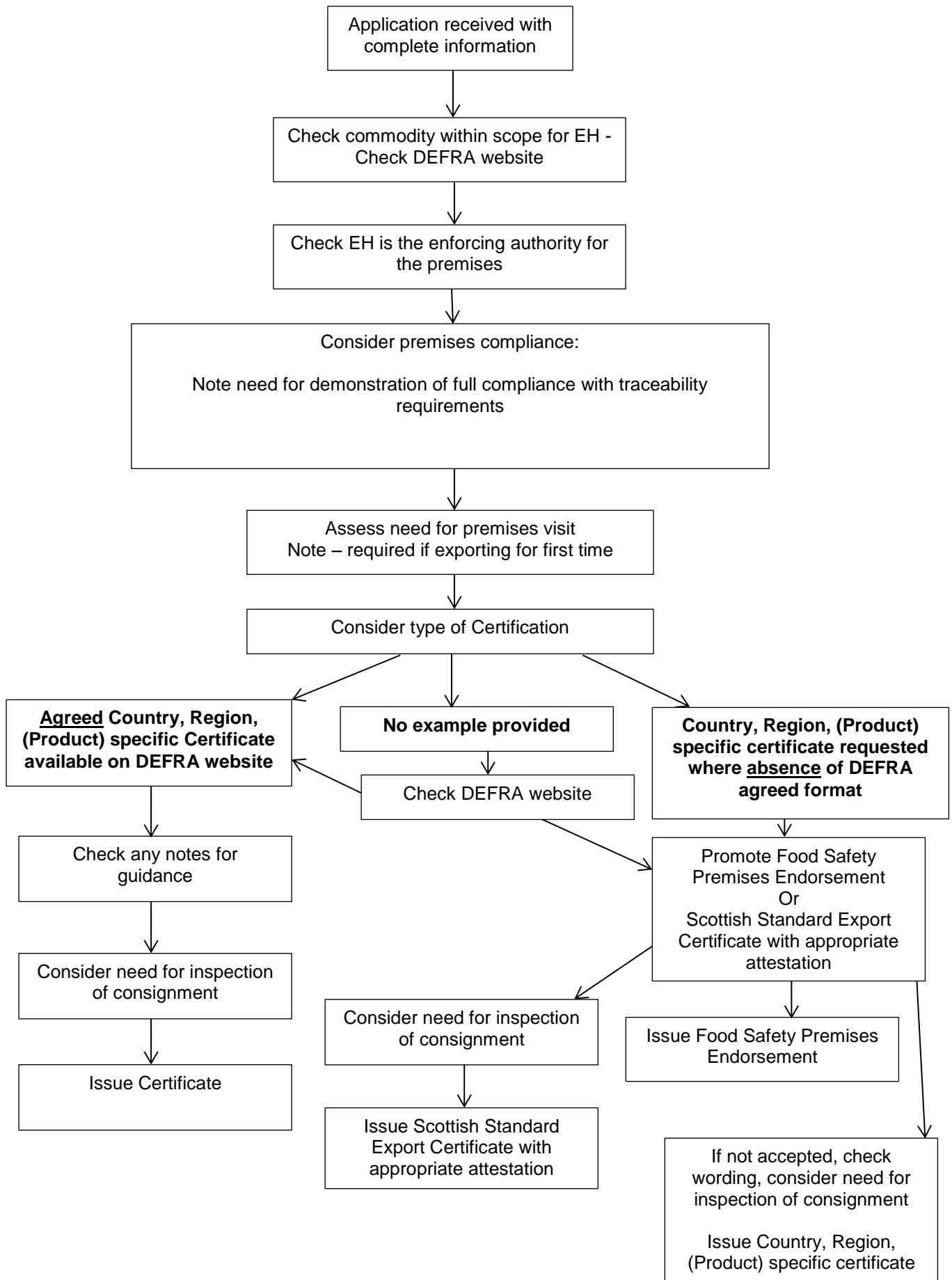
Appendix 6: example application form for certificates

Application form for an Export Health Certificate

	Certificate Type	New Certificate Repeat Certificate
	New Certificate Requirements	
	Name	
	Issue to - Address	
	Details of product/Species	
	Destination Country	
	Net weight	
	Proposed date of dispatch	
	Have you contacted any of the following: <ul style="list-style-type: none">• Importing Agent,• Importing Country's Embassy,• Importing Country's Food Safety Authority	
	If yes please give details on specific requirements for certificate, or attach any documents supplied by these bodies	
	Repeat Certificate	
	Reference number of previous certificate	
	Net weight	
	Proposed date of dispatch	
	Customer Details	
	The contents of this application are true to the best of my knowledge and belief.	

Certificate No:

Appendix 7: Export Certification – basic procedural flowchart



Appendix 8: Standard response for remote certification

Dear xxxx

EXPORT HEALTH CERTIFICATION

FOOD BUSINESS:

OUR REFERENCE:

I refer to your request for information on the compliance of the above business with food safety legislation to allow you to issue export certificates.

I can confirm that the company business premises specified above are inspected by our Authority on a regular basis to ensure they are operating in a manner, which complies with the requirements of the United Kingdom Food Safety Act 1990 and the Food Hygiene (Scotland) Regulations 2006.

Regular inspections determine: -

1. That the company continues to meet the necessary requirements of the Food Hygiene (Scotland) Regulations 2006 and of Regulations EC 852/2004 on the Hygiene of Foodstuffs including a suitable food safety management system. **and of Regulation 853/2004 laying down specific hygiene rules for Food of Animal Origin and continues to be approved under those regulations.[add if appropriate]*

Note: This declaration does not attest, nor does it imply that any food products have been individually inspected and declared as safe and fit for human consumption by the competent Food Authority.

Yours sincerely

Appendix 9: Contacts

DEFRA Exports

Specialist Service Centre for Exports
Animal Health and Veterinary Laboratories Agency (AHVLA)
Hadrian House
Wavell Drive
Rosehill
Carlisle
CA1 2TB
Tel: 01228 403600
CentralOps.Carlisle@ahvla.gsi.gov.uk

SOCOEHS

Feedback including general reactions and any suggestions where further clarity or guidance is needed should be sent to the Society of Chief Officers of Environmental Health Scotland (SOCOEHS) manager@socoehs.com

COSLA

Mirren Kelly
Policy Manager
COSLA
mirren@cosla.gov.uk
0131 474 9276
COSLA, Verity House, 19 Haymarket Yards, EDINBURGH, EH12 5BH.
<http://www.cosla.gov.uk>

Food Standards Scotland

Dr Will Munro
Regulatory Policy Branch
Food Standards Scotland, 4th floor, Pilgrim House, Aberdeen. AB11 5RL
Tel: 01224-285161

www.foodstandards.gov.scot/

Appendix 10: Working Group Membership

Sincere thanks to the working group and others who have contributed to the production of this document. All greatly appreciated.

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Alan Yates, The Highland Council (alan.yates@highland.gov.uk)

Appendix 11: Reference material

A. Export Certification

FSS Import and export page

<http://www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/imports>

FSA UK exports page – good summary

<http://food.gov.uk/business-industry/exports/>

LACORS guidance 'Exports of food to third countries (Outside the EU) – Guidance for non-PH authorities', 2003. Not available on web. **Previous LA guidance**

Key document Codex Alimentarius: Combined guidance on import & export standards: 'Food import and export inspection and certification systems'

http://ftp.fao.org/codex/Publications/Booklets/Inspection/CCFICS_2012_EN.pdf

Key document DEFRA – main export page. Good summary with link to 'List of available Export Health Certificates for animals (including birds), animal products and germplasm'

<http://www.defra.gov.uk/animal-trade/exports-non-eu/>

DEFRA Customer Information notes – provide advice to exporters:

<http://www.defra.gov.uk/animal-trade/cins/>

AHVLA page on exports:

<http://www.defra.gov.uk/ahvla-en/imports-exports/exporting/>

Guidance for Official Veterinarians is available at:

<http://www.rcvs.org.uk/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/certification/>

UK Government general advice on importing & exporting food. Contains very little information:

<https://www.gov.uk/food-safety-as-a-food-distributor>

Seafish guidance on exporting seafood

<http://www.seafish.org/industry-support/legislation/import-and-export/export-guidance>