

Enforcement Guidance as it relates to Veterinary Checks required by Directive 97/78/EC

1. Aims & Objectives

Our enforcement policy is based upon the BERR (now BIS) Regulators' Compliance Code and in line with the City of London Corporation [Policy Statement on Enforcement](#).

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 European and 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 Official Veterinarian (OV) or in the case of Fish Products the Official Fish Inspector (OFI) is required by the Veterinary Checks Directive 97/78/EC to undertake checks on all products of animal origin, as listed in Commission Decision 2007/275/EC arriving at a Border Inspection Post (BIP – Port Health Office) to ensure that each consignment complies with the current EU rules.

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

2. Documents Required by Veterinary Checks Directive

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

Documents and veterinary certificates must be checked at the BIP in accordance with Annex I of Regulation (EC) No 136/2004 (as amended). Detailed rules for documentary checks can be found in [Appendix 1](#).

Veterinary certificates must be completed, signed and stamped by the competent authorities of the exporting country and in doing so must follow the general principles of certification laid down in Council Directive 96/93/EC and those of Annex IV to Council Directive 2002/99/EC. Certificates must be issued before the consignment leaves the control of the issuing competent authority. The general principles of certification are listed in [Appendix 2](#).

Required documents including certificates must be original and unique. . 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, when this is not possible, all pages needed must be numbered as “[page number] of [total number of pages]”, bear the unique certificate reference number and be signed, stamped and dated 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 original 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, all pages needed must be numbered as “[page number] of [total number of pages]”, bear the unique certificate reference number and be signed, stamped and dated by the certifying officer.

CODEX allows for replacement certificates to 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. A replacement certificate should reference the number of the original certificate that it supersedes and the date the original was signed.

(www.codexalimentarius.net/download/standards/375/CXG_038e.pdf)

Replacement certificates must have also a unique reference number different than that on the original certificate and be dated on the date of issue. 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.

Without precedent or prejudice, we will give only **one** chance to have the error corrected. If the statement 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 document (pdf or similar) on an e-mail 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 certifying authority to 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 Veterinary Entry Document (CVED)**

Agents/Importers must complete Part 1 of the Common Veterinary Entry Document (CVED) in full. The information must match that on the certificates and accompanying documents and must be submitted via the TRACES system before the consignment arrives at the BIP.

An inaccurate CVED submitted by TRACES must be amended by the person or company that submitted it and the BIP notified that this has been carried out. Port Health Staff will print out the revised version of the CVED.

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 CVED once the veterinary checks have been completed. The OV/OFI will usually liaise with the Animal Health, The Food Standards Agency and/or 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 receiving the notification.

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 CVEDs and other Documents late on a Friday can delay processing).

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

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

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

As well as pre-notifying the BIP, 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 CVED. Agents/Importers should not only rely on holds and releases on port inventory systems but must ensure that a CVED has been issued. Confirmation that the CVED has been completed can be done via TRACES.

We do not issue CVEDs 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 Agency, 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.

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.

Annex I to Regulation (EC) No 136/2004

THE DOCUMENTARY CHECKS REFERRED TO IN ARTICLE 1(1)

The following rules are to be applied to the documentary checks on products from third countries:

1. For each consignment, the competent authority must ascertain the intended customs approved treatment or use to which the goods will be assigned.
2. Each certificate or document for animal health or public health which accompanies a consignment of products originating in a third country and presented to the border inspection post must be inspected in order to confirm as appropriate:
 - (a) that it is an original certificate or document;
 - (b) that it refers to a third country or part of a third country authorised to export to the Community, or, for non-harmonised products, to the Member State concerned;
 - (c) that its presentation and content correspond to the model drawn up for the product and third country concerned, or, for non-harmonised products, to the Member State concerned;
 - (d) that it meets the general principles of certification laid down in Annex IV to Council Directive 2002/99/EC (1);
 - (e) that it has been fully completed;
 - (f) that it relates to an establishment or vessel authorised or registered to export to the Community, or, for non-harmonised products, to the Member State concerned;
 - (g) that it is signed by the official veterinarian or, where appropriate, the representative of the official authority, and shows legibly and in capitals his/her name and position, and also that the official health stamp of the third country and official signature are in a different colour to that of the printing of the certificate, or, for electronic certificates, signature and stamp are made by a secure system;
 - (h) that part 1 of the CVED is correctly completed and that the information in it corresponds with information in other relevant official documents accompanying the consignment.

Annex IV to Council Directive 2002/99/EC

GENERAL PRINCIPLES OF CERTIFICATION

1. The representative of the competent authority of dispatch issuing a certificate to accompany a consignment of products of animal origin must sign the certificate and ensure that it bears an official stamp. This requirement applies to each sheet of the certificate if it consists of more than one.
2. Certificates must be drawn up in the official language or languages of the Member State of destination and those of the Member State in which the border inspection takes place, or be accompanied by a certified translation into that language or those languages. However, a Member State may consent to the use of an official Community language other than its own.
3. The original version of the certificate must accompany consignments on entry into the Community.
4. Certificates must consist of:
 - (a) a single sheet of paper; or
 - (b) two or more pages that are part of a single and indivisible sheet of paper; or
 - (c) a sequence of pages numbered so as to indicate that it is a particular page in a finite sequence (for example, 'page 2 of 4 pages').
5. Certificates must bear a unique identifying number. Where the certificate consists of a sequence of pages, each page must indicate this number.
6. The certificate must be issued before the consignment to which it relates leaves the control of the competent authority of the country of dispatch.