

ALL PRODUCTS (WITH THE EXCEPTION OF PHYTO-SANITARY CERTIFICATES)	IM.AA.PA-PC	GENERAL
	April 2022	

I. SCOPE

<i>Description of the product</i>	<i>Code HS</i>	<i>Country</i>
Hatching eggs Live animals Semen Embryo's Ova Products of animal origin intended for human consumption Feed - Petfood Foodstuffs By-products not intended for human consumption	/	All countries for which the issue of a certificate can / must be done on the basis of a pre-attestation / pre-certificate

II. LEGAL BASIS

The following legislation applies :

- Regulation (UE) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ;
- Royal Decree of 24/09/1998 on veterinary certification of live animals, certain products of animal origin and certain products of plant origin.

III. PURPOSE OF THE INSTRUCTION MANUAL

This instruction manual describes the procedures for pre-attestation and pre-certification.

A certifying agent may have to sign requirements included in an export certificate, even when these are not covered by European legislation (in case of products manufactured in the EU or animals raised in the EU) or import legislation (in case of imported products or animals). It is then necessary to verify that the exported product / animal indeed meets the requirements.

The operator must provide proof that allow to carry out this verification. Such evidence:

- can be provided on the base of documents specific to the exporting operator, when the requirements to be certified depend on factors directly under the control of this operator, or
- may take the form of a pre-attestation when the requirements to be certified depend on factors that are under the control of an operator upstream in the production chain, located in Belgium, or
- may take the form of a declaration emitted by an operator located in another Member State (MS) when the requirements to be certified depend on factors

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that are under the control of an operator upstream in the production chain, located in that MS, and provided that this operator complies with the approval / registration conditions specified in the specific instruction manuals, or

- may take the form of a pre-certificate when the requirements to be certified depend on factors that are under the control of an operator upstream in the production chain, located in another EU MS, or
- can be provided on the base of import certificates in case of imported products / animals.

This instruction applies to all situations where the requirements to be certified in the frame of export to a third country differ from what can be guaranteed on the basis of the European legislation.

IV. PRE-ATTESTATION

A pre-attestation is a declaration issued by a Belgian operator who is supervised by the FASFC, that is intended for another Belgian operator who is also supervised by the FASFC.

A Belgian operator who is supervised by the FASFC may pre-attest, to the intention of a Belgian operator downstream in the food chain, that the product / animal he has supplied meets certain specific conditions, provided that:

- the compliance with these conditions is directly under its own control, OR
- the compliance with these conditions is covered by
 - o a pre-attestation issued by another Belgium operator who is supervised by the FASFC, OR
 - o a declaration emitted by another European operator who is supervised by the competent authority of the MS in which he is located, provided that this operator complies with the approval / registration conditions specified in the specific instruction manuals, OR
 - o a pre-certificate issued by the competent authority of another MS, OR
 - o an import certificate issued by the competent authority of a third country.

The Belgian operator who issues a pre-attestation must keep all the documents on the basis of which he has issued this pre-attestation, for at least 2 years. The Belgian operator who receives a pre-attestation must also keep all relevant documents for at least 2 years.

The certifying agent that has doubts about the validity / relevance of pre-attestations on the base of which he is about to sign an export certificate, may request additional information from the operator that has received the pre-attestation / the operator(s) involved in the process of issuing a pre-attestation, or have a verification carried out at the operators.

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V. PRE-CERTIFICATION

A pre-certificate is a certificate issued by the competent authority of a MS and intended for the competent authority of another MS.

A. Cases subject to pre-certification

The pre-certificate provides guarantees / information that are not provided for by the European legislation in the frame of intra-Community trade, for products / animals sent by an operator of a MS to an operator of another MS.

B. General approach to be followed

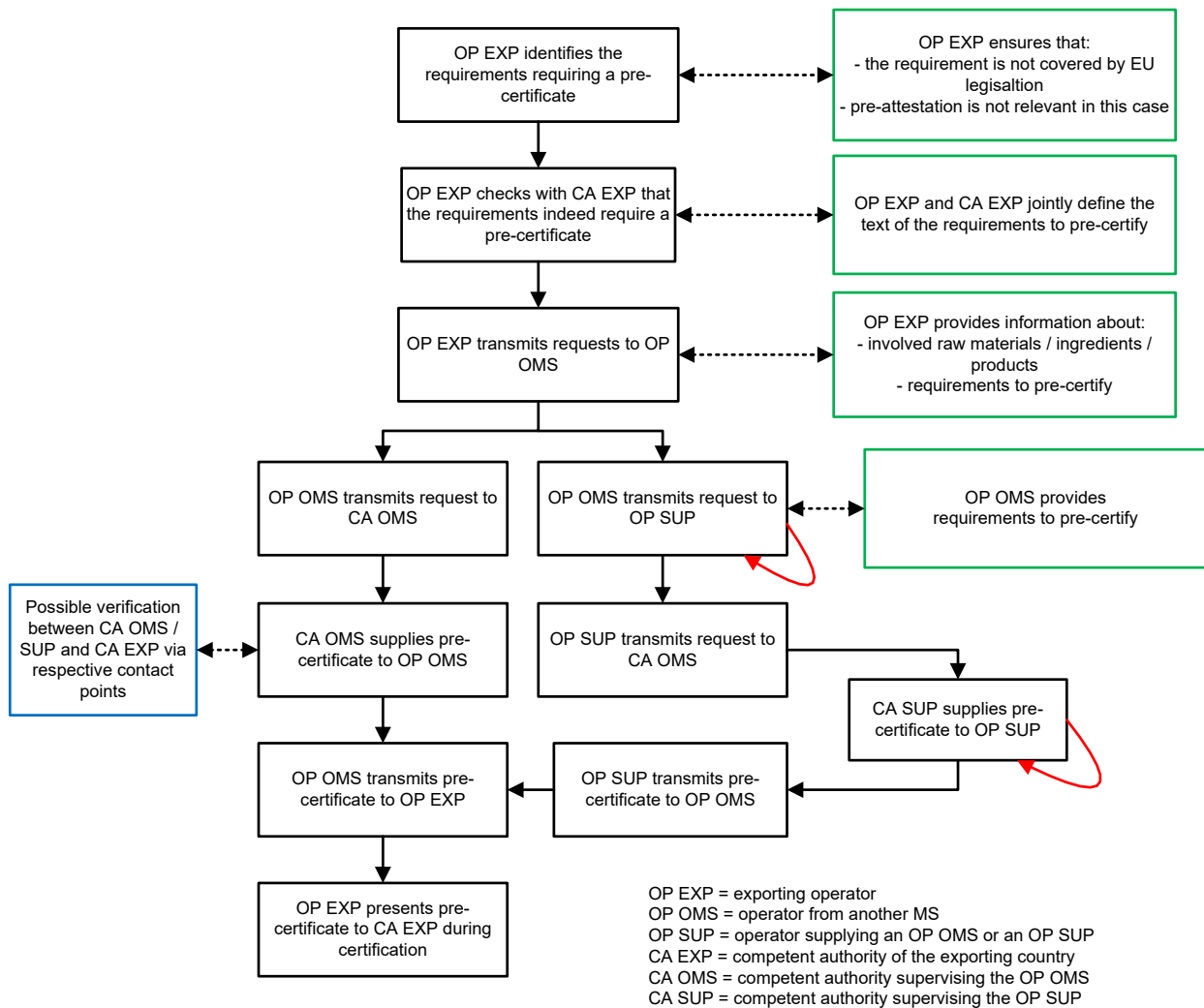
The exporting operator bears primary responsibility for:

- the compliance of the products / animals he intends to export to a third country with the requirements of that third country → its export activities and the planning of its supply and production activities should take these requirements into account,
- the traceability of all the raw materials / ingredients he's using for the manufacture of its products.

1. Approach to follow when there is no specific bilateral agreement between Belgium and another MS for a specific *country – product* combination

A pre-certificate request must be submitted in accordance with the approach described in the following diagram:

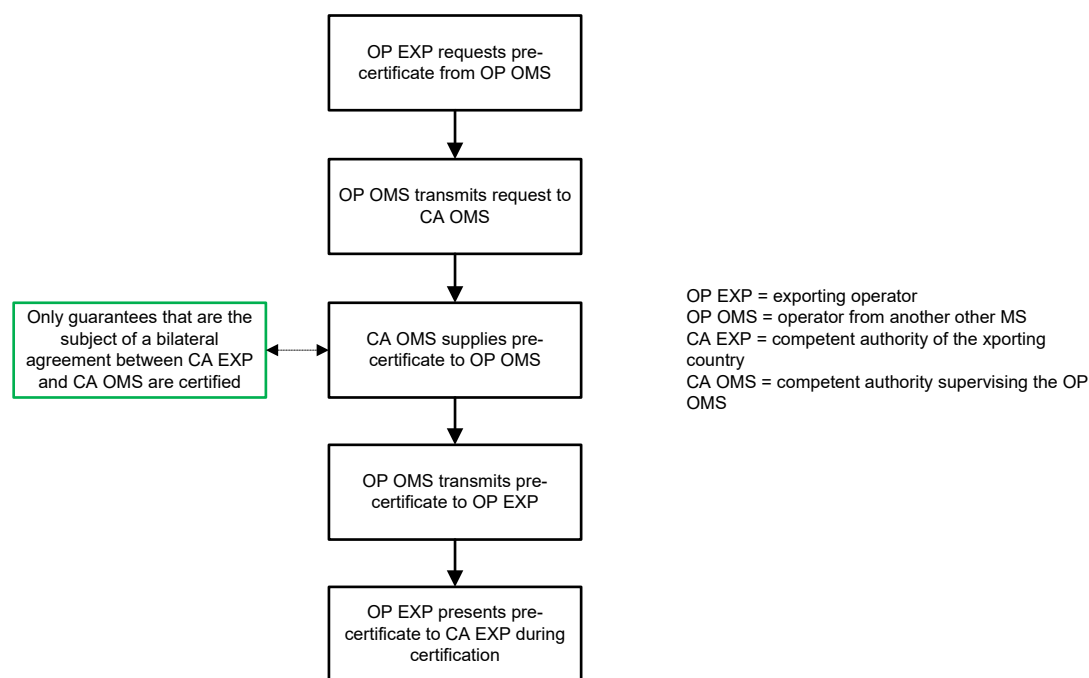
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2. Approach to follow when there is a specific bilateral agreement between Belgium and another MS for a specific *country – product* combination

A pre-certificate request must be submitted in accordance with the approach described in the following diagram:

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Such an agreement exists between the FASFC and the following MS for the following products.

<i>Products</i>	<i>Third country</i>	<i>MS with which there is an agreement</i>	<i>Content of the pre-certificate *</i>
Red meat : bovine, porcine, ovine	Hong Kong	the Netherlands	Annex 1

See point VI. of this instruction manual

C. Pre-certification from the competent authority of another MS, intended for the FASFC

A Belgian operator may have to request a pre-certificate from an operator located in another MS:

- in order to obtain guarantees that the animals / products / raw materials this operator has supplied meet the export requirements which are not covered by the European legislation;
- in order to obtain information relating to animals / products / raw materials that do not need to be provided in the frame of intra-Community trade or free trade of goods, and that are necessary for issuing an export certificate.

The Belgian operator must first ensure himself that these requirements are more stringent than what is required by European legislation or that the requested information is not already provided in the frame of intra-Community trade or free trade of goods. For the identification of the requirements that requiring a pre-certificate, the operator can refer to the instruction manuals specific to a *country – product* combination published on the website of the FASFC.

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The Belgian operator informs its supplier located in another MS of the content of the requirements / information that need to be included in the pre-certificate, and provides the description (batch number, identification, etc.) of the animals / products / raw materials to which the pre-certificate must relate to.

The operator of the other MS contact its own competent authority to obtain the requested pre-certificate, and transmits it to the Belgian operator once it has obtained it.

The Belgian operator submits the pre-certificate to the FASFC when applying for certification.

- If necessary, the operator also provides a sworn translation to the applicable Belgian language,.
- The link between the pre-certificate and the products / animals to be exported must be clear.

D. Pre-certification from the FASFC to the intention of the competent authority of another MS

1. Approach to follow when there is no specific bilateral agreement between Belgium and another MS for a specific *country – product* combination

A Belgian operator may request a pre-certificate from the FASFC, provided that the following conditions are met.

- The operator has a document issued by the competent authority of the other MS (for example a mail addressed by the competent authority of the other MS to the operator of the other MS, **an instruction published on the website of the competent authority of the other MS, etc... – non limitative examples!!!**).
 - o that confirms that this MS requires a pre-certificate, AND
 - o that details all the requirements / information to be mentioned on the pre-certificate.

If the said document is not available in a language that the certifying agent understands, the operator must provide a sworn translation of the said document.

Such a document only needs to be provided once to the FASFC for a specific destination, provided that the requirements / information to include on the pre-certificate remain the same.

- The operator has gathered all the evidence that guarantee compliance with the requirements and / or that are necessary to provide the information to be included in the pre-certificate.

When an operator has a consignment leaving for other MS that needs to be pre-certificate, he must contact its LCU, present the requirements / information to include in the pre-certificate, and provide all the guarantees that confirm that the requested requirements are met / the requested information is complied with. The operator

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provides, if necessary, a sworn translation of the requested requirements / information, to the applicable official Belgian language

When the requirements to pre-certify are indeed met or when the information to pre-declare can be verified, the FASFC establishes a pre-certificate to the intention of the competent authority of the other MS, by using one of the templates available on the website of the FASFC:

- template EX.AA.VTL.Background.01 when the goods are live animals or live products;
- template EX.AA.VTP.Background.01 when the goods are products.

The document is completed as follows.

- Part I of this document is completed beforehand by the operator.
- Part II of the document is completed by the FASFC. The guarantees to be declared / the information to provide must be recorded in the applicable official Belgian language and in English. The operator is responsible for providing the certifying agent with a sworn translation of the guarantees to be declared / the information to provide into English and / or the applicable official Belgian language, if necessary.

The pre-certificate is issued by the certifying agent to the Belgian operator, who forwards it to the operator of the other MS who requested it.

The issuance of a pre-certificate by the FASFC is subject to retribution.

A pre-certificate is issued for a particular shipment, the description of which is given on the said pre-certificate.

The FASFC refuses to issue guarantees / requirements / information on a pre-certificate when these are covered by intra-Community legislation, provided that these must not be covered by an intra-Community certificate in accordance with the same legislation.

2. Approach to follow when there is a specific bilateral agreement between Belgium and another MS for a specific country – product combination

In this particular case, the operator must no longer provide a document from the authority of the other MS confirming the need for a pre-certificate. The need for a pre-certificate and the requirements to be guaranteed on this pre-certificate are already known to the FASFC.

Only the requirements which are the subject of a bilateral agreement between the FASFC and the competent authority of the other MS will be mentioned on the pre-certificate, provided that the operator can demonstrate that they are met.

See point VI. 'Annexes' of this instruction for more information about the content of the bilateral agreements between the FASFC and the competent authorities of other MS.

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E. Derogation to pre-certification

In certain specific cases, an exemption can be made to the obligation to pre-certify.

When this exemption applies, it is described in the specific instruction manual for the concerned *country – product* combination.

- The pre-certificate is then replaced by a declaration of the operator, written on the commercial document / delivery document / document with the letterhead of the issuing establishment that accompanies the products.
- The declaration to be provided is detailed in the specific instruction manual for the concerned *country – product* combination.
- Such a declaration is only admissible if it is issued by an operator who is approved for the production of the products to which the declaration relates (unless otherwise specified in the specific instruction manual for the concerned *country – product* combination).

VI. **ANNEXES**

Annex 1: Bilateral agreement between Belgium (FASFC) and the Netherlands (NVWA) concerning the export of red meat from bovine, porcine and ovine animals with destination Hong Kong.

A. Declarations to be obtained by the FASFC from NVWA

See specific instruction for this *country – product* combination: IB.HK.Traces.01

B. Declarations to be delivered by the FASFC to NVWA

The meat, part of the batch with number....., has been obtained from animals:

- Born in.....
- Raised in.....
- Slaughtered in.....
- Packed in.....