

Stamping of certificates

- Our understanding is that it is not always necessary for every page of the certificate to be signed and stamped by the Certifying Officer. The relevant bit of legal text is Article 3 of [Regulation \(EU\) 2019/628](#). We interpret Article 3, paragraph 3(b) to mean that if the document (i.e the certificate in English and it's equivalent in another European language if required, depending on the BCP of entry, and any schedules) is stapled and clearly fan stamped so all the sheets are indivisible and constitute an integral whole, then Article 3, paragraph 3(c) applies and therefore Article 3, paragraph 4 is not relevant. In other words, there is no requirement to sign and stamp every page.

DG SANTE: An “*indivisible*” document is, for example, an A4 paper printed on both sides or an A3 paper folded in half to form a 4-page document. But it can hardly be a document of loose sheets only attached by a staple. In addition, this “*fan stamped*” method is not mentioned in Article 3 of Regulation (EU) 2019/628. Therefore, in order to avoid any confusion, we would recommend in this case to number, sign and stamp every page.

We remind you that the documentary requirements of Article 3 of Regulation (EU) 2019/628 do not apply where official certificates are produced in TRACES. Producing the certificates in TRACES would avoid such clerical issues.

- We also understand that where a certificate complies with Article 3, paragraph 3(b) (all the sheets are indivisible and constitute an integral whole) it is not necessary for each page to be sequentially numbered. So, even if the certificate in English is numbered 1/10, and the different language versions are also separately numbered 1/10, there would be no issue. Article 3, paragraph 3(b) permits this so long the whole document is stapled and fan stamped such that it is clearly one integral whole.

DG SANTE: Please see above. In case of translation, the several language versions must be considered as belonging to the same certificate. Therefore the requirements on loose sheets of paper (even attached by a staple) apply, meaning that a certificate of 10 pages presented in two language versions must numbered 1/20.

Colour of stamp/signature

- Our understanding is that the only requirement for the colour of the stamp and signature on the original certificate is that it is clearly different from the print colour of the document. This is our interpretation of Article 3, paragraph 1. Some BCPs have insisted the colour is blue and we think that degree of specificity is unnecessary.

DG SANTE: Your understanding is correct. The colour of signature must be different to the colour of the printing, whatever they both are.

Consignee details on EHC and CHED

- Our understanding is that:
 - The details of the consignee (name, address) entered into Part I of the EHC can be different from those of the details of the operator responsible for the consignment. As per Part I of Annex II of [2019/628](#) the former is the natural or legal person for whom the consignment is intended in the Member State of destination whereas the latter is the person responsible for the consignment on arrival at the EU BCP.

DG SANTE: Your understanding is correct, as reflected in the Explanatory Notes about box I.6 of the CHED (Regulation 2019/1715).

- That the details of the consignee presented on the EHC should match those on the CHED.

DG SANTE: Your understanding is not correct. As reflected in the Explanatory Notes of the model official certificate (see Annex II to Regulation 2019/628), the consignee details can change after the certificate has been issued. In this case, a different consignee can be entered in the CHED.

- That the address of the consignee included in part I of the EHC and on the CHED could be different from the address of the place of destination, entered separately into part 1 and could be in a different EU member state or in a third country. For example, where a company headquartered in GB are the legally responsible entity for a consignment of product imported to one of their stores in the Republic of Ireland the consignee address could be in GB. If this is not acceptable, would the EU headquarters of the legal entity be acceptable?

DG SANTE: It is technically possible to enter in TRACES CHED a consignee who is not located in the EU (e.g. in the case of transit), but in the case of consignments intended to be placed on the EU market, we expect a consignee located in the EU.

- We understand the point of destination need not be mentioned on the EHC but the operator responsible for the consignment needs to mention it on the CHED as part of pre-notification and if the consignment is to be split at the BCP, the other destinations mentioned in the daughter CHEDs created.

DG SANTE: Where consignments are split at the BCP, Article 5 of Regulation (EU) 2019/1602 must apply. The initial CHED must indicate the BCP as place of destination, and the various, real places of destinations must be declared in the subsequent CHEDs. In such a case, obviously, the place of destination entered in the single certificate (EHC) can differ.

Operator responsible for the consignment to be physically present at the BCP

- Our understanding is that the operator responsible for the consignment (who might be e.g. an import agent) does not by default need to be physically present at the BCP. Some BCPs appear to be demanding this as standard practice. As per Article 15 and 66 of [2017/625](#) we understand that the operator should at least be available remotely (e.g. contactable but not necessarily physically present).

DG SANTE: According to Article 15 OCR, the operators “*shall assist and cooperate with the staff of the competent authorities in the accomplishment of their tasks*”. It is therefore up to the competent authorities to decide which kind of assistance they need. In the event that BCPs do not have their own workforce to handle the loads, they may request the operator responsible for the consignment or it(s) representative(s) to be physically present at the BCP.

It must be noted that the operator responsible for the consignment must be located in the EU territory. If he/she cannot be physically present at the BCP, he/she must take the necessary arrangements so as to provide the necessary assistance at the BCP. In the case where no one could

assist at the BCP, it might happen that the consignment is rejected if this absence prevents the official controls from being properly performed.

Issuing CHED Pt.2 at the BCP

- Our understanding is that that each consignment clearing an EU BCP should be issued with pt. 2 of the Common Health Entry document or, if COVID measures prevent this, a CHED reference number. Exporters are reporting that consignments are being cleared without this being issued and then being held by customs authorities in their member state of destination.

DG SANTE: Your understanding is correct. According to Article 56 OCR, the CHED (paper document and/or electronic equivalent must be finalised at the BCP as soon as a decision on the consignment has been taken.

Time of departure

- Our understanding is that entering a time of departure in Part I on the Export Health Certificate is optional for exports of products of animal origin. Some BCPs are insisting that a time is provided. The guidance for completing Part I of the certificate in Part I of Annexe II of [2019/628](#) is clear that a time of departure is mandatory for live animals but that for products, only a date is required.

DG SANTE: Your understanding is correct. As indicated in the Explanatory Notes about box I.14 of the model official certificate (Annex II to Regulation 2019/628), the time of departure is not compulsory for products.

Commodity code

- Our understanding is that the commodity (HS) code entered into the relevant discrete box in Part I of the certificate can be a four-digit code and does not need to be a full ten-digit code. Certain BCPs are demanding that the full ten-digit code is entered.

For example, the certificate for export of fresh bovine meat outlined in Part II of Annexe II of 206/2010 includes the following guidance for the completion of Box 1.19 – ‘Use appropriate HS Code: 02.01, 02.02, 02.06 or 05.04.’

We accept that ten digit commodity codes may need to be provided as part of the pre-notification undertaken by the importer/import agent but believe that a consignment should not be rejected on the basis of a four digit code being used in the discrete commodity code box in Part I of the certificate.

DG SANTE: Your understanding is correct. The CN codes (8 digits or more) cannot be required in the official certificate (EHC), as only HS codes (max 6 digits) are required here. In any case, the best accuracy for the classification of the goods is expected in the CHED, not in the certificate.

Transits – Retention of original health certificate at BCP of entry

- Our understanding is that where a consignment of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products are transiting from one third country to another third country through the Union territory, the original health certificate should be retained by the BCP of entry. The CHED should accompany the consignment to the BCP of exit. These requirements are specified in Section 1, Articles 19 and 20 and Section 3, Articles 32 and 33 of Chapter IV of Commission Delegated Regulation (EU) 2019/2124. Some BCPs are insisting that the original EHC is presented on exit from the EU.

DG SANTE: Your understanding is correct. Please note there is a difference between the EU certificate of transit which must be retained at the BCP of entry and the third country certificate which must accompany the consignment until the third country of destination.

According to Article 32 and 33 of Regulation (EU) 2019/2124, the CHED must be presented at the BCP of exit where the goods leave the EU.

However, I remind you that the BCP of Algeciras is not entitled to apply exit controls on goods transiting to Gibraltar, as this BCP is not located at the border between Spain and Gibraltar (and as long as no ferry line operates between both ports)