



HM Government

UK TRANSITION

# Re-export of Products of Animal Origin

## Frequently Asked Questions

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The following FAQs will attempt to clarify some of the key changes surrounding the changes to the EU's rules for Re-export of Products of Animal Origin.

This document is intended to be continually edited and updated as and when new questions are received. The date on which the document was last updated, and version number is included for ease of reference. Any new chapters or questions that have been added since the last version are identified by **\*\*New\*\*** or **\*\*Updated\*\***

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## **Re-Exporting to Northern Ireland**

### **Can further clarity be provided on the standstill period and Trade in Animal Related Products (TARPE) notices issued at Belfast and what are the instruction from DAERA?**

DAERA responded to clarification from the EU, as per their obligations under the NI Protocol as the competent authority for administering NI's imports regime. There are regular conversations between DAERA's Chief Veterinary Officer team and their counterparts at the European Commission. However, the decision to clarify the position was taken by UK Ministers once they received internal advice on how this issue should interact with the standstill arrangement.

### **Will the Trader Support Service (TSS) inventory be linked with CNS regarding the movement of Rest of World (RoW) products of animal origin to Belfast?**

It has been clarified that Trader Support Service (TSS) will be linked with CNS regarding the movement of Rest of World POAO to Belfast. The Trader Support Service (TSS) has gone through the build and education process to enable help traders who are bringing goods into inventory linked ports and airports by air and sea. We have worked with the relevant Community Systems Providers (CSPs) in both these cases. Any agent/intermediary or trader who wishes to use TSS to move goods into the inventory in Belfast Harbour or Port should get in touch with TSS who can connect you with their team.

### **When a trader brings POAO into NI from RoW via GB, and then sells it to an end consumer what customs and tariffs liabilities will there be on such movements?**

If the RoW product moves between GB-NI and cannot be shown to be processed in NI for final use in GB, those goods will be 'at risk' and the applicable EU tariff will be payable for the GB-NI movement.

For further information it is advised to refer to HMRC pages on Gov.uk website.

## **Triangular Trade**

### **What is Triangular Trade?**

Triangular trade is a form of trading where a product is imported from one country and exported to another. This can be with or without further processing or as part of another product. In recent technical discussions with the EU and correspondence, the Commission has outlined new prohibitions and restrictions for certain types of triangular trade of products of animal origin.

The UK Government has updated the guidance to articulate the EU's current interpretation in respect of this type of movement, given the risk of refusal of consignments at EU Border Control Posts (BCPs).

The UK will seek to raise this issue at the Trade and Cooperation Agreement's SPS Trade Specialised Committee for an explanation of how this interpretation is consistent with obligations under the TCA.

### **Can businesses re-export products that have been further processed in GB to the EU?**

Yes, so long as the relevant conditions of the EHC are met. If a product originates in the EU or originates in a third country that is listed to send that product to the EU, and is subject to further processing in GB, it can be re-exported to the EU.

### **What is the definition of further processing for products of animal origin?**

For SPS purposes, **processing** is defined as any process that alters the initial product including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion, or a combination of these processes. Slicing and re-packaging do not meet the definition of processing. This is distinct from the definition of processing used to determine whether a product meets Rules of Origin requirements.

### **What about products that are only stored in GB before being re-exported? For example, chicken imported into GB from Thailand. Can this be re-exported to an EU Member State?**

Not unless it is further processed in GB. The EU have stipulated that Rest of World origin POAO cannot be re-exported to the EU if no processing takes place in GB. This only applies, however, if the EHC used to export the product contains animal health attestations.

A specific EHC ([8461](#)) exists which allows the re-export of **EU origin POAO** which has been subject to **no handling beyond unloading, storage and re-loading** in GB. The product must not be removed from the original packaging (from the EU) and must not be tampered with.

There are slightly different rules for fishery products and composite products. More detail is provided below and in the relevant Notes for Guidance.

### **EU origin POAO that is subject to storage only can be re-exported, but what about EU origin POAO that is not just stored, but also not subject to processing. For example, bacon from Denmark imported into GB, sliced and re-packaged. Can this be re-exported to the EU?**

In this example, the product would not be eligible to be re-exported to the EU.

A product that has undergone **slicing** and **re-packaging** does not meet the definition of processing.

EU origin POAO that has been sliced or re-packaged cannot be re-exported using either a standard EHC (unless it contains only public health attestations) or the EHC for re-export of EU origin POAO.

To re-export EU origin POAO that has been imported into GB the product must either undergo further processing to make it eligible to be exported to EU or meet the eligibility criteria for the re-export EHC.

### **What is the relationship change between triangular trade and new EHCs for dairy and meat products?**

The new restrictions placed upon EU origin POAO subject to slicing and re-packaging in GB result from the introduction of the new Animal Health Regulation EHCs

In a small number of cases pre-AHR EHCs will remain available for use until the end of April 2022. This includes meat and dairy products. Whilst the old certificates remain available, the re-export of this is POAO will be able to continue.

Although some pre-AHR EHCs will remain available for use until the end of April 2022, it is for individual member states to decide whether they will continue to accept the old certificates.

### **Can an extension be requested for the use of old EHCs, while triangular trade discussions continue?**

Defra will aim to pursue the issue of triangular trade via the Trade Cooperation Agreement (TCA) SPS Sub-Committee.

The EU has requested that Member States show flexibility if pre-AHR EHCs are used until the end of April 2022. It is for individual Member States to determine whether they will comply with the Commission's request, but France, Ireland and The Netherlands have confirmed to Defra they will do so.

The old EHCs that have been retained beyond 14 January are those for raw milk, dairy products, hatching eggs of poultry, certain germinal products, meat products, poultry meat and meat preparations.

We have formally written to the Commission requesting an extension of this period of flexibility but there is no guarantee of an extension being granted.

There is further information in this [briefing note on vet gateway](#).

### **Further guidance has been issued in relation to fishery products, however under the updated guidance imports of tinned fish from third countries to be re-exported to EU will not be permitted. When will the guidance be made available and will it include tinned fish?**

Provided that the tinned fish does not have an animal health attestation requirement then this re-export can continue to take place.

We have updated the Notes for Guidance for fishery products and Live Bivalve molluscs to clarify this.

**A company obtains fresh meat from the EU/Rest of World which is processed in Great Britain before being exported to the EU. Can these processed products of animal origin have a different “country of origin” in the Export Health Certificate to the country of origin used for customs purposes?**

For the purpose of certifying the Part I of the Export Health Certificate “Country of Origin” is the country where the goods were produced, manufactured or packaged (labelled with the identification mark). The economic origin of the product, for customs purpose, is set by different “Rules of Origin” which may differ from the country of origin for sanitary and phytosanitary certification purposes.

**When using the re-export certificate [8461EHC](#) to re-export EU origin products back to the EU (or to move products to Northern Ireland), can the original consignment imported from the EU be broken down into smaller consignments for export provided that the products themselves are packaged in the EU and are not tampered with?**

Yes. The breaking down of larger consignments into smaller ones can be considered as part of handling for unloading provided the products remain in their original EU packaging and are not tampered with.

**If a trader is importing fresh meat and flash-frying/adding a bread coating in Great Britain. Does this count as “further processing”?**

Yes, fresh meat which is manufactured into a meat preparation in Great Britain at an EU approved establishment can be regarded as having undergone a process which “*substantially alters the initial product.*” This counts as further processing for the purposes of triangular trade although this does not change any existing rules on the classification of products (e.g., as meat preparations, meat products or composite products)

## Composite Products

### What is a composite product?

Composite products are foodstuffs containing both products of plant origin and processed products of animal origin. In accordance with Regulation (EC) No 853/2004, the composite products must be manufactured with processed products of animal origin produced in EU-approved establishments located either in EU Member States or in third countries authorised for the entry into the European Union of those processed products of animal origin.

### Do triangular trade restrictions apply to composite products moved to Northern Ireland?

Composite products can continue to move to Northern Ireland as they have done since 1 January 2021 under the existing 'standstill' arrangement, announced on 10th September 2021.

### What about Composite Products exported to the EU?

Composite products which require an Export Health Certificate:

- Composite products can be manufactured in Great Britain using processed products of animal origin from the UK, EU and/or from other Rest of World (RoW) countries. Rest of World origin products must be obtained from EU approved establishments, in suitably listed countries/zones. For example, meat products must be obtained from countries listed for import of meat products into the EU without a specific risk-mitigating treatment. Further details can be found in the certificate and accompanying guidance.
- EU origin composite products that remain in their original packaging can be re-exported to the EU using the re-export [EHC \(8461\)](#) provided the products have undergone no other handling beyond unloading, storage, reloading and transporting.
- Rest of World origin composite products which require an export health certificate including animal health attestations cannot be re-exported to the EU.

Composite products which require a private attestation (signed by the EU importer):

- The triangular trade guidance does not change the rules on whether a private attestation or an EHC is required for the product.
- Composite products which are exported to the EU with a private attestation do not require animal health attestations to be certified by UK Competent Authorities. Our interpretation is that these products are not subject to triangular trade restrictions. Private attestations are signed by EU importers to verify that the products meet the EU's health requirements.

## **General Re-Export Queries**

### **Is there a difference between the triangular trade rules for PPOAO and POAO?**

The triangular trade rules set out in the trader notice apply to Products of Animal Origin (POAO) which require animal health attestations to be certified in an Export Health Certificate. This includes Processed Products of Animal Origin (PPOAO) which are a type of POAO.

A small number of EU EHCs contain no animal health attestation for example Honey. If the product originated from RoW, it can be re-exported without further processing in GB.

The restrictions mentioned above do not apply to Northern Ireland Trade.