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WORKING PAPER

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REQUEST FOR CONTRIBUTION

From:	Presidency
To:	Working Party of Veterinary Experts (Potsdam Group)
Subject:	POTSDAM GROUP - Intracommunity certification in relation to export to third countries - Revised draft

Further to the discussion at the Potsdam Group on 31 May 2017, delegations will find attached a revised draft note from the Presidency on 'Certification of third country requirements in relation to EU exports'. Substantial changes to the previous draft are highlighted in yellow.

Any delegations that should have further comments on the note are invited to inform the General Secretariat of the Council (secretariat.dgb2b@consilium.europa.eu) as well as the Presidency (Martin.Chudy@mzv.sk and joseph.p.caruana@gov.mt) by 29 June 2017 close of business.

In the absence of reactions by the above deadline, the attached version will be considered as final and annexed to a partial outcome of proceedings of the Potsdam Group meeting on 31 May 2017.

Certification of third country requirements in relation to EU exports

Outcome of the discussions of the Potsdam Group

1. The issue at stake concerns only the certification of compliance, by the competent authorities of Member States (MS), of final products intended to be exported to third countries and/or of their raw materials/ingredients with specific third-country requirements additional to those set out by EU legislation.
2. Food business operators (FBOs) bear primary responsibility for:
 - ensuring that their products to be exported to third countries comply with the relevant export requirements of those third countries; and thus, if necessary, anticipating their export activities and planning their sourcing and production activities accordingly;
 - ensuring the traceability of all raw materials/ingredients used in their products.
3. Where a request for certification concerns two or more MS (the MS of the exporting FBO and the MS of the supplying FBO(s)), the management of this request should include the following steps:
 - a) The identification by the exporting FBO (e.g. final manufacturer) of the third-country requirements related to the certification request;
 - b) The verification and confirmation by the exporting FBO that these requirements are additional to EU legal requirements;
 - c) The transmission by the exporting FBO of these requirements together with the certification request to its competent authorities (competent authorities of the exporting MS);
 - d) The confirmation by the latter competent authorities to the exporting FBO that these requirements are additional to EU legal requirements;
 - e) The transmission of the certification of request (together with the confirmation of competent authorities of the exporting MS) by the exporting FBO to the supplying FBOs

(FBOs having supplied the raw materials/ingredients concerned by these third-country requirements), specifying:

- the raw materials/ingredients concerned by the certification request,
- the third-country requirements additional to the EU requirements concerned by the certification request;

f) The collection and transmission, by the supplying FBOs to their competent authorities (competent authorities of the supplying MS), of all the elements necessary for the latter competent authorities to be able to certify the compliance of these raw materials/ingredients with these third-country requirements;

g) The certification by the latter competent authorities of the compliance of these raw materials/ingredients with these third-country requirements. This certification takes the form of attestations that the competent authorities of the exporting MS need in order to issue the final certificates to be sent to the third countries ('background certificates');

h) The transmission, by the supplying FBOs to the exporting FBO, of the 'background certificates';

i) The transmission by the exporting FBO to its competent authorities (competent authorities of the exporting MS) of these 'background certificates' as well as of all the other elements necessary for the latter competent authorities to be able to certify the compliance of the final products with the third-country requirements additional to EU legal requirements;

j) The certification by the competent authorities of the exporting MS of the compliance of the products to be exported with these third-country requirements (issuance of the final certificates).

Before carrying out step e), the competent authorities of the supplying MS may verify that the third-country requirements concerned by the certification request are indeed additional to EU legal requirements. Particularly in cases where bilateral arrangements exist between the exporting MS and the third country concerned, the competent authorities of the supplying MS may seek a confirmation of this directly from the competent authorities of the exporting MS.

The exporting FBO may group several certification requests on a same product coming from different third countries and send these (together with the confirmation of competent authorities of the exporting MS) to the supplying FBO concerned so that the corresponding 'background certificate' certifies the compliance of the raw materials/ingredients concerned with third-country requirements of several third countries.

4. The competent authorities of the supplying MS and the competent authorities of the exporting MS may exchange information with each other at any step of the procedure; in particular the former may inform the latter of:
 - the reception of a certification request by an FBO concerning raw materials/ingredients of products intended to be exported by an FBO of the exporting MS,
 - the emission of certificates or 'background certificates' concerning raw materials/ingredients of products intended to be exported by an FBO of the exporting MS.

5. To facilitate the exchange of information between the competent authorities of the different MS concerned:
 - each MS should identify its respective central contact points;
 - a optional template for the 'background certificates' may be established; it should allow to provide the necessary information on the raw material(s)/ingredient(s)/ product(s)/consignment(s) concerned and contain blank parts for the third country requirement(s) to be certified which would be filled in by the certifying officers.