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## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
To: Delegations  
Subject: Working Party of Veterinary Experts (Potsdam Group) on 1 December 2017 - Partial outcome of proceedings

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### Certification of third country requirements in relation to European Union (EU) exports

At its meetings of 9 February, 5 April, 31 May, 19 September and 1 December 2017, the Working Party of Veterinary Experts (Potsdam Group) discussed the issue of certification of compliance, by the competent authorities of Member States, 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.

On 1 December 2017, the Potsdam Group agreed to:

- publish the note from the Presidency on the outcome of these discussions (see Annex I),
- annex to this note a template for the 'background certificate' that can in particular be used by the competent authorities of the Member State supplying the raw materials/ingredients (see Annex II).

The Potsdam Group further agreed that delegations would conduct necessary consultations with industry on the basis of these documents, and to test their practical application, with a view to sharing their views and experiences at one of the next meetings of the Potsdam Group.

**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 data and information necessary for the latter competent authorities to be able to verify and 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 data and information necessary for the latter competent authorities to be able to verify and 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 issuance 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 identifies its respective central contact points;
  - an optional template for the 'background certificates' has been established (see Annex I); this template allows to provide the necessary information on the raw material(s)/ingredient(s)/product(s)/consignment(s) concerned and contains a blank part for the third country requirement(s) to be certified that will be filled in by the certifying officers.

<p align="center"><b>Certification of third country requirements in relation to exports from Member States of the European Union to third countries</b></p> <p align="center"><b><u>Background Certificate</u></b></p>				
<b><u>Part I: Information related to the consignment</u></b>				
<p><b><u>I.1. Consignor</u></b></p> <p>Name:</p> <p>Address:</p>		<p><b><u>I.2. Competent authority of the supplying Member State</u></b></p>		
<p><b><u>I.3. Consignee or exporting food business operator</u></b></p> <p>Name:</p> <p>Address:</p>		<p><b><u>I.4. Competent authority of the exporting Member State</u></b></p>		
<b><u>I.5. Identification of the goods</u></b>				
<i>Type of goods</i>	<i>Date of production</i>	<i>Number of packages</i>	<i>Net weight</i>	<i>Consignment number</i>

**I.6. Name and EU-approval or registration number of the establishment of origin:**

**I.7. Name (and EU-approval or registration number if appropriate) of the establishment of destination:**

**I.8. Final (third) country of dispatch of the final consignment:**

**I.9. Container number or seal number (if appropriate):**

**Part II: Animal health and/or food safety requirement(s) of the third country beyond EU legislation<sup>1</sup>**

**I, the undersigned official veterinarian/official inspector, hereby certify that the goods described in Part I comply with the following conditions:**

\_\_\_\_\_ **Official stamp**

**Competent authority**

\_\_\_\_\_ **Title of the official veterinarian/inspector issuing the background certificate**

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**Name and surname of the official veterinarian/inspector issuing the background certificate (in capitals)**

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**Date of issuance of the background certificate**

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**Place of issuance of the background certificate**

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**Signature of the official veterinarian/inspector issuing the background certificate**

<sup>1</sup> The exporting food business operator has provided a confirmation from the competent authority of the exporting Member State, that the mentioned animal health and/or food safety requirement(s) are additional to EU legal requirements and are needed for an export certificate.