

## **Endorsement of VS Form 16-4s for Products Exported to the EU**

### **I. When an exporter claims that a VS Form 16-4 is needed in addition to a letterhead certificate.**

A VS Form 16-4 should not be endorsed in addition to a harmonized EU letterhead certificate located on the IREGS.

The EU has verified that a VS Form 16-4 is not required in addition to these harmonized certificates.

In the rare case that a “letterhead type document” is endorsed in addition to a VS Form 16-4, that document should be completed as an additional page to the VS Form 16-4, with the same certificate number, following the policies of VS Memo 594.1.

### **II. How to determine if a VS Form 16-4 may be endorsed (instead of a letterhead certificate) for animal products being exported to the EU**

First, you must determine if the product being exported is covered by a harmonized letterhead certificate, using the following resources.

For products not covered by Regulation (EC) 1774/2002, you may refer to the IREGS.

For products covered by Regulation (EC) 1774/2002, you can refer to both the IREGS and the “EU By-Products Certificate Reference Table” at

<http://inside.aphis.usda.gov/property/apps/products/1774chart.pdf>

#### **A. If the product is not covered by a harmonized certificate, then a VS Form 16-4 MAY be endorsable, if all of the following items are met:**

- The exporter must have their importer confirm prior to export what certificate is required. (The exporter does not need to provide anything in writing verifying this information.)
- If the commodity is covered by Regulation (EC) 1774/2002, the exporter must still be approved, even though the export certificate does not necessarily have to be a letterhead certificate, e.g., feathers.
- VS Memos 594.1 and 594.2 should be consulted prior to endorsement.

**B. If the product is covered by a harmonized letterhead certificate, but being exported for a non-commercial purposes, such as research, display, or personal use,** VS Forms 16-4 may be endorsed instead of the harmonized letterhead certificate if ALL of the following conditions are met:

- The exporter has been advised to have their importer contact the Ministry of Animal Health in the Importing Country (and the Country of the port of entry into the EU) to request an import permit and import requirements for the product. (Note- the importing country may not issue an import permit- the exporter is not required to show anything in writing from the importing country- although we highly recommend that they obtain this documentation.)
- The requested VS Form 16-4 is endorsable under VS Memo 594.1 and makes no reference to Regulation (EC) 1774/2002 or Regulation (EC) 1774/2002 type terminology.
- The exporter is shipping at their own risk (they do not need to sign a “shipping at their own risk document”).
- The exporter has been advised that if the shipment arrives at the EU, and is placed on hold pending the issuance of a Regulation (EC) 1774/2002 certificate, it is unlikely APHIS will be able to assist in obtaining release of the product.
- The AVIC feels that the product is truly being shipped for non-commercial purposes.

**C. If the product is covered by a harmonized letterhead certificate, and being exported for commercial purposes, e.g. is going to be sold<sup>\*</sup>,** VS Forms 16-4 may **NOT** be endorsed instead of the harmonized letterhead certificate unless ALL of the following conditions are met:

- The exporter has been advised to have their importer contact the Ministry of Animal Health in the Importing Country (and the Country of the port of entry into the EU) to request an import permit (or other equivalent document) and import requirements for the product.
- The above referenced import permit or other written document from the Ministry of Animal Health (and a translation if needed) is provided to the Area Office and states that the product may be imported without Regulation (EC) 1774/2002 approval and certification, but does require [insert the requested animal health certifications].
- The requested VS Form 16-4 is endorsable under VS Memo 594.1 and makes no reference to Regulation (EC) 1774/2002 or Regulation (EC) 1774/2002 type terminology.
- The exporter is shipping at their own risk (they do not need to sign a “shipping at their own risk document”).
- The exporter has been advised that if the shipment arrives at the EU, and is placed on hold pending the issuance of a Regulation (EC) 1774/2002 certificate, it is unlikely APHIS will be able to assist in obtaining release of the product.

**\* sold- if an item is being shipped to make a product which is going to be sold- this is also considered a commercial shipment. For example, if a bottle of material is sent that is then subdivided into smaller bottles, and those bottles are then sold, this is still a commercial shipment, even if the initial bottle is not sold in its same form.**

The above recommendations supercede previous announcements on this subject.