

Third Party Approvals- When Appropriate

A **third party facility** is a facility that exports materials processed entirely at a different facility approved by APHIS to export the same material to the EU. The material must not be commingled with any other animal origin material after leaving the APHIS approved processing facility.

How to determine if a facility is a third party approval is appropriate.

I. When product is shipped directly from the manufacturer, no third party approval would be appropriate.

When a product is shipped directly from the manufacturer, only one approval code will be granted. These facilities may not be approved as third party facilities. The manufacturer must be approved under the criteria for the specific facility type.

In these cases, where the product is exported from the manufacturer, if the product is produced or exported under a different company name, the manufacturer could request to have their facility “also known as” the name of the exporter. The manufacturer should request through their Veterinary Services Area Office to have their facility appear on the list of facilities approved to export to the EU with each name the company exports under. The “**Notification of Name Change**” form, included as Appendix Four of this document should be used for this request. The Area Office will then forward this request to the National Center for Import and Export (NCIE) who will grant final approval to the change. The exporter cannot do this- it must be done by the manufacturer.

For example, Exporter B contracts with Manufacturer A to produce a product to be labeled as “Exporter B Pet Food” and exported directly from Manufacturer A to the EU. In this case, only one approval number will be assigned. Manufacturer A would go through the pet food approval process, and be granted an approval number. Manufacturer A could then request that their approval number be linked to the name “Manufacturer A AKA Exporter B.” The export certificate would then list Exporter B and the approval code.

II. When product is shipped from a facility other than the manufacturer, under some circumstances a third party approval would be appropriate.

When a product is shipped to a warehouse type facility other than the manufacturer, that facility may be granted an approval number (a third party approval) specific for items purchased from an approved manufacturer. **However, the third party facility must not export product labeled as the same brand name as the approved facility. That third party facility also must not add anything to the material or process the material in any way, other than repackaging. Further, if the facility is exporting materials imported from a foreign entity and not repackaged at the facility, the materials could not be covered by the third party approval.**

Example 1: Manufacturer A sells cans of Manufacturer A Brand dog food to Exporter C. Exporter C takes the food to their facility and relabels the food as Exporter C brand dog food. In this case exporter C could be granted an approval number (a third party approval).

Example 2: Manufacturer A sells cans of Manufacturer A Brand dog food labeled as Exporter C Brand dog food to Exporter C. Exporter C takes the food to their facility and then re-exports it without relabeling. In this case, no approval number would be granted to Exporter C. Rather, Manufacturer A would need to request to have their approval amended to note that they are “Manufacturer A AKA Exporter C.”

Example 3: Manufacturer A produces food that they label as “Exporter C Brand dog food”. Manufacturer A is approved to export to the EU, but does not export “Exporter C’s Dog Food” directly to the EU. Rather, they sell this food to Exporter C who does nothing (not even re-packaging) to the food prior to export. In this case, either Manufacturer A may request to have their approval amended to be “Manufacturer A AKA Exporter C”, or Exporter C may request an approval number (third party approval).

III. Materials eligible to be exported under a third party approval include ONLY:

- Materials supplied directly from a facility approved by **APHIS** to export those same materials to the EU under Regulation (EC) 1774/2002; and
- Under limited circumstances, materials imported from a country which has supplied all required Regulation (EC) 1774/2002 certification, if those materials are re-packaged in the US. **These products must be at least repackaged in the US!!!**

IV. Examples of materials not eligible to be exported under a third party approval include:

- Any materials produced in a US facility approved by another agency such as FSIS or AMS. Facilities exporting these commodities that are unable to obtain export certification from the other agency, may be able to obtain APHIS Regulation (EC) 1774/2002 approval, but they would have to successfully complete and maintain the approval specific to the commodity (not the third party approval).
- **Imported materials** that will not be repackaged/re-labeled or further processed in the US. The only certification that APHIS would provide for these products is a certification of non-commingling. This would be provided, after verification by inspection, on a Veterinary Services Form 16-4 (VS Form 16-4). This form would be attached to the appropriate Regulation (EC) 1774/2002 certificate endorsed by an official veterinarian of the country of origin, and contain the following statement: “Materials described below were legally imported into the United States, supported by the attached certificate number [insert number of certificate issued by the government of origin] and not commingled with any other animal origin materials while in the United States. As always, the exporter

would need to confirm prior to shipment that the importing country would allow entry of the product with this certification. **Relabeling here refers to the individual package container- not the outside “container.” For example, they cannot simply relabel the shipping palate. It must be relabeling which creates a scenario where the third party approval is necessary to protect the “source” of the material. If the identity of the producing facility in the foreign company is still obvious, then a third party approval is not necessary to prevent the US company from divulging their supplier.**

- Any materials that are in any way processed (other than possibly repackaging) after leaving an APHIS approved facility. (This includes at the third party facility, where the repackaging may occur).
- Materials that are in any way mixed or combined with any other materials after leaving the APHIS approved manufacturing facility.

V. Major summary points:

- Physical entity: Facilities must be physically handling the product in order to be approved as a third party facility. Broker entities exporting from numerous other facilities would not qualify for a third party approval. Those other facilities could receive the appropriate approval- under some circumstances the approval name of those other facilities could be linked to the broker’s name.
- Activities: When product is exported from a facility other than the manufacturer, under some circumstances a third party approval would be appropriate. However, the third party facility must not export product labeled as the same brand name as the approved facility.

There is often confusion between blending and third party facilities. Here is a chart comparing some of the differences in the blending and third party facilities.

Differences in Blending and Third Party Facilities		
	Blending Facility	Third Party Facility
May export directly to the EU	No	Yes
May have an approval number even if all they do is relabel product	Yes	Yes
May combine materials	Yes	No
May relabel materials	Yes	Yes
May repackage materials	Yes	Yes
May supply another facility who may export the product to the EU w/o further processing	No	Yes
May in some cases receive materials from facilities approved by US agencies other than APHIS	Yes (e.g. fish meal from NOAA approved materials to be supplied to pet food producers in US)	No
May receive approval to directly export imported items that are not in any way altered (not even repackaged) while in the US	No	No
May receive approval to directly export imported items that are repackaged	No	Yes
May utilized materials imported directly from foreign suppliers	Yes	Yes