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Date: 6/10/2009 GAIN Report Number: CH9053

# China, Peoples Republic of

# FAIRS Export Certificate Report

# Annual

2009

# Approved by:

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## **Report Highlights:**

This report lists major export certificates required by the Chinese government from exporters of food and agricultural products.

Includes PSD Changes: No Includes Trade Matrix: No Annual Report Beijing [CH1] [CH]

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#### EXECUTIVE SUMMARY & DISCLAIMER

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

#### SECTION I. LIST OF ALL EXPORT CERTIFICATES REQUIRED BY GOVERNMENT

China has strict documentation requirements for imported food and agricultural products. The certifications for quality, quarantine, and import control are required for the majority of products entering the country. The information required to gain entry varies between products and product categories. In addition, many regulations and requirements are updated frequently and often without prior notice. Although China has notified to the WTO of many sanitary and phytosanitary measures since joining the WTO on December 11, 2001, the number of changes is not completely captured by WTO submissions.

The rapid changes in Chinese regulations are expected to accelerate. In July 2007, the Standardization Administration of China (SAC) announced plans to revise up to 4,000 of China's food safety standards, particularly in the areas of food additives, dairy, meat and eggs, and fisheries. The passage and implementation of China's first Food Safety Law (GAIN Report CH9019) is expected to further accelerate changes in China's regulation of domestic and imported foods.

The complexity of documentation requirements make it vital for U.S. exporters to work closely with their Chinese importers to ensure that <u>all</u> documentation requirements are met <u>before</u> shipping. Failure to do so could result in delays in product entering the country or even a rejection at the border.

#### **Export Certification Requirement Examples**

The requirements listed in the table in the following section are provided as a representative sample of products that have been identified as having excellent prospects in the Chinese market. Apart from these specific 'attestations' which refer only to export certification requirements, products must meet a range of other criteria specific to each commodity which may include, but are not limited to: packaging requirements, pre-clearance (if applicable), treatment options, labeling requirements, container conditions. A large amount of additional information may be required for each shipment. Example copies of certificates are not available as they differ for each product and are subject to change. Lastly, there may be some variation between ports regarding the documentation that may be used to meet certain Chinese requirements. Additional information on the technical requirements for approved ingredients.

# Table 1. Documentation Requirements

Products	Title of Certificate	Attestation Required on Certificate	Purpose	Requesting Ministry
	oortiniouto			linitiotity
All Agricultural and Food Products	Quarantine Inspection Permit	Information regarding the content, volume, and physical characteristics of the shipment	General Import Certificate	AQSIQ
Milk and Milk Products	AMS Export Sanitary Certificate	"Product has been heat treated and conforms to processing requirements of country.	Sanitary Certificate	AQSIQ
Dairy Products for Feed	APHIS Export Health Certificate	Certifies that the U.S. is free of animal diseases such as rinderpest, foot and mouth disease, and contagious bovine pleuropneumonia.	Health Certificate	AQSIQ
Milk and Milk Products	Certificate of Origin	Certifies origin of dairy imports.	Product Origin	AQSIQ
Frozen Potatoes/ Processed Products	AMS Export Certificate	Export certificates for frozen potatoes, fries, and flakes require a certificate from AMS that authenticates quality and industry standards.	Product Quality	AQSIQ
Fresh Fruits & Vegetables, Tree Nuts, & Forest Products	Phytosanitary Certificate	Varies by product. Certifies product is free of quarantine pests. (Note: for apples, the shipment must also show proof that cold treatment was applied)	Plant Health	AQSIQ
Fresh Fruits & Vegetables, Tree Nuts	Certificate of Origin	Varies by product. State Chamber of Commerce certifies product originates from China-approved growing sites.	Product Origin	AQSIQ
Tree Nuts	Heat treatment Certificate	Third party or packer certifies packing material has been properly treated (if packed in wood).	Plant Health	AQSIQ
Tree Nuts	Certificate of Quality	Processor or packer provides certificate authenticating quality and standards.	Product Quality	AQSIQ
Cotton	APHIS Phytosanitary Certificate	Certifies cotton free of quarantine pests.	Plant Health	AQSIQ
Cotton	AMS Quality Classification	Certifies quality of cotton imports.	Product Quality	AQSIQ
Cotton	Certificate of Origin	Certifies origin of cotton imports.	Product Quality & Plant Health	AQSIQ
Poultry & Meat Products	FSIS Export Health Certificate	Certifies quality and safety of products.	Food Safety	AQSIQ
Poultry & Meat Products	Meat Quarantine Import Permit	Import Permit.	Import Control	AQSIQ
Poultry	Automatic Registration Form	Import Permit.	Import Control	MOFCOM
Processed Products	Certificate of Origin	Varies by product. State Chamber of Commerce certifies product originates from China-approved growing sites.	Product Origin	AQSIQ

Processed	Certificate of	Varies by product. State Chamber of	Product	AQSIQ
Products	Free Sale	Commerce or State or local government certifies that a product is approved for interstate commerce in the United States. Acts as <i>de facto</i> certification of	Approval	
		product approval.		
Imported Animal Feed	Imported Feed and Feed Additive Registration Regulation	Control imported feed and feed additives and to protect animal production safety. (Note: Entry quarantine should be done by AQSIQ)	Animal Health	ΜΟΑ
Imported Animal Feed	Facility Registration	Certifies that the production facility meets phytosanitary requirements.	Animal and Plant Health	AQSIQ
Animal Genetic Materials	APHIS Export Heath Certificate	Certifies animal health, and certifies BSE free for bovine genetic materials.	Animal Health	AQSIQ
Live Animals	APHIS Export Health Certificate	Certifies animal health. (Note: Cattle cannot be exported to China due to BSE-related restrictions.)	Animal Health	AQSIQ
Soybeans	APHIS Phytosanitary Certificate	Certifies soybeans free of quarantine pests.	Plant Health	AQSIQ
Soybeans	Biotech Safety Certificate	An MOA certificate is needed that indicates that the product "contains GMO's," proper labeling is also required for all biotech products.	Plant Health	MOA
Soybeans	FGIS Grain Inspection Service	Certifies product quality.	Product Quality	AQSIQ
Corn	APHIS Phytosanitary Certificate	Certify corn free of quarantine pests.	Plant Health	AQSIQ
Corn	Biotech Safety Certificate	An MoA certificate is needed that indicates that the product "contains GMO's," proper labeling is also required for all biotech products.	Plant Health	MOA
Corn	FGIS Grain Inspection Service	Certifies product quality.	Product Quality	AQSIQ
Fisheries	DOC Health Certificate	Certifies imported fishery products come from approved establishments, and free of pathogenic bacteria, harmful substances or foreign substances.	Health Certificate	AQSIQ
Wood and Wood Products	APHIS Phytosanitary Certificate	Certifies imported wood and wood products free of quarantine pests	Plant Health	AQSIQ
Wood and Wood Products	Certificate of Origin	Certifies origin of wood and wood product imports.	Product Origin	AQSIQ
Wood and Wood Products	Declaration of No-Wood Packing Materials	To certify that shipments do not contain wood packing materials, if requested.	Declaration	AQSIQ
Wood	Certificate of Fumigation	To certify only logs with bark that they are fumigated to prevent pests.	Plant Health	AQSIQ

### SECTION II. PURPOSE OF SPECIFIC EXPORT CERTIFICATES

Until acceding to the World Trade Organization (WTO) in December 2001, China maintained a highly restrictive import regime for food and agricultural products. As a part of its WTO

commitments, China reduced tariffs, established tariff rate quotas for commodities formerly under quantitative import restrictions, and pledged to reduce non-tariff barriers, including phytosanitary and sanitary restrictions. Many of these changes have affected export certification requirements. See table in Section I above for information on specific commodities.

#### SECTION III. SPECIFIC ATTESTATIONS REQUIRED ON EXPORT CERTIFICATES

The original export certificates should accompany each individual export consignment of the product at the time of entry into China. The government of China does not accept export declarations by suppliers or manufacturers as proof of compliance nor does it accept an export or phytosanitary certificate issued by a U.S. State. However, China will accept State-issued certificates of origin. In order to enter China, each certificate must match the container numbers in the shipment. The certificate must accompany each shipment.

For example, the original phytosanitary certificate must accompany each consignment of fresh fruits, vegetables, or tree nuts. China will only accept a valid APHIS phytosanitary certificate – a company declaration of compliance is not accepted. See table in Section I for examples of specific attestations that should meet all specific conditions. These conditions may change over time.

#### SECTION IV. GOVERNMENT CERTIFICATES LEGAL ENTRY REQUIREMENTS

Apart from quarantine regulations, products being imported into China must also meet a number of other requirements. Details of these requirements are contained in the Food and Agriculture Import Regulations and Standards (FAIRS) report updated each year by this office. The most recent update was June 2008. The report can be downloaded on the FAS website by conducting a search for report number CH8064 at the following website: <a href="http://www.fas.usda.gov/scriptsw/AttacheRep/default.asp">http://www.fas.usda.gov/scriptsw/AttacheRep/default.asp</a>

#### SECTION V. OTHER CERTIFICATION/ACCREDITATION REQUIREMENTS

#### Certificate of Origin/Certificate of Free Sale

For some products, China requires a certificate of origin, which is a document issued by the relevant authority of the exporting country's government, local or state Chambers of Commerce, state government, industry association, or manufacturer/supplier. This certificate should accompany the export consignment of all food and agricultural products, including processed and packaged food. Flexibly working with the importer is important for obtaining the type of certificate of origin that will satisfy the local quarantine and customs authorities. Though noted separately in the table above, some CIQs require only a certificate of origin. However, in most instances, CIQs want both the certificate of origin and a certificate of free sale.

This certificate should mention the order number, container number, port of discharge, buyer's name, and product description, in addition to a declaration along the following lines:

"The undersigned for (relevant organization) declares that the following mentioned goods as consigned above (or below) are the products of the United States of America (or any country of origin). We hereby certify the goods to be of United States of America (or any country) origin."

#### Quarantine Inspection Permit (QIP)

In order to import any agricultural good into China, a company must apply for a quarantine import permit to cover that contract amount. The importer must supply documentation regarding the volume of the shipment to AQSIQ with the QIP application. A QIP can technically cover multiple load/containers and is valid for six months.

In 2004, following repeated bilateral engagement and interventions made by the United States and other WTO members, some improvements were made to the QIP. In June 2004, AQSIQ issued Decree 73, *Items on Handling the Review and Approval for Entry Animal and Plant Quarantine* (GAIN CH4020). This regulation extended the validity period of QIPs from three months to six months. Though AQSIQ generally issues QIPs within established time lines, there remains a great deal of uncertainty. Even with the extended validity period, AQSIQ continues to administer the QIP system in a seemingly arbitrary manner and QIPs locks purchasers into a very narrow period to purchase, transport and discharge cargos or containers. Please refer to CH7043 for more information.

#### Meat Quarantine Import Permit (MQIP)

In order to import any meat product into China, a company must apply for a meat quarantine import permit (MQIP) to cover that contract amount. The importer must supply documentation regarding the volume of the shipment to AQSIQ with the MQIP application. A MQIP can technically cover multiple load/containers and are valid for six months. An importer can have multiple outstanding MQIPs with different companies, but can have only one outstanding MQIP with a particular production plant. Please refer to CH7043 for more information.

#### Automatic Registration Form (ARF) on Poultry

In addition to the AQSIQ regulated MQIP, MOFCOM also administers a separate import permit system for poultry importers, the Automatic Registration Form (ARF), which allocates a specific volume amount to eligible importers. Currently, there are around 200 MOFCOM accredited importers that are eligible for ARF allocation. According to MOFCOM, there is currently no predetermined trade volume limiting the issuance of ARFs; virtually all traders who applied for an ARF in 2006 received one. Please refer to CH7043 for more information.

#### **Biotech Product Labeling Policy**

China's labeling regulations, governed by Ministry of Agriculture Decree 10 (CH7053), require approved agricultural biotech products be labeled and prohibits the importation and sale of any unlabeled or mislabeled products. The types of products listed are:

- 1. Soybean seed, soybeans, soybean powder, soybean oil and soybean meal;
- 2. Corn seeds, corn, corn oil and corn powder;
- 3. Rape seed for planting, rape seed, rape oil and rape meal;
- 4. Cotton seed;
- 5. Tomato seed, fresh tomato and tomato paste.

Decree 10 states that the reason for the regulation is "to strengthen the administration of GMO labeling, standardize the selling activities of agricultural GMOs, guide the production

and consumption of GMOs and protect consumers' right to be informed." The regulations spell out the type of labeling required as well as the specific language that is required on the individual labels.

#### Food Safety Law

On June 1, 2009, China's new Food Safety Law (FSL) will go into effect (see GAIN Reports CH9018, CH9019, and CH9051). Given the short period of time since the passage of the law and its implementing regulations and the proposed implementation date, important information regarding the implementation of the law is currently unknown. However, various sources have outlined key changes in law that should be reviewed by exporters of food and agricultural products to China. While Chinese authorities have outlined how some of these changes will be implemented, others have not been explained and exporters should seek legal counsel to evaluate compliance and other potential impacts on their business. The brief guidance below highlights specific issues that U.S. exporters should evaluate in-depth.

• Note: The FSL only specifies Chapter 6 as directly related to the import and export of food. The food safety law does not specify how other Chapters of the FSL relate to products exported to China from third countries. If a company produces or directly distributes within China, Chapters in addition to Chapter 6 should be reviewed for compliance issues. Please rely on GAIN Report CH9019 for a full translation of the Articles mentioned below.

Chapter 6

- Article 62: All imported products "shall comply" with Chinese standards. If a product containing an ingredient or compound does not have a Chinese standard or is not approved for use in China, the product will not be permitted entry. Similarly, if a product category is new to the Chinese market a "novel food"; it must have a standard or be approved for sale in China (see Article 64 below). These stipulations are problematic in that industry has identified many compounds that are either not registered for direct use in China or do not have the full range of applications registered. In the past, AQSIQ held the ability to review imported products and permit entry of products containing compounds (ingredients, additives, etc) that were widely used internationally and/or held international accreditation or standards. It appears that this flexibility has been removed. At this time, the Ministry of Health has provided guidance for application for use or expanded use and is reportedly, in coordination with Chinese industry, reviewing a list of compounds widely used but that do not currently have a Chinese standard. It is unclear how this will be implemented in relation to traded goods.
- Article 64: Novel foods retain specific requirements for registration prior to marketing in China. This applies to categories of food that have never been marketed in China before. See the definition of a novel food in Chapter 1 of the regulation cited in CH7020. See CH9051 for new proposed rules on registering novel foods, i.e. foods without a Chinese standard.
- Article 65 Exporter Registration: This section does not apply to U.S. exporters. The requirements for the importer of record for U.S. agricultural products do not change with the passage of the FSL. Currently, an importer must obtain a standard business license and the proper documentation listed in Table 1. Exporters of meat and poultry products should follow the specific requirements posted by USDA's Food Safety and Inspection Service.
- Article 66: Pre-packaged Food Labeling: There is contradictory information in the FSL regarding labeling provisions related to classification of food service containers and whether they require the same labeling as consumer-ready packages. While retail packaging labeling requirements remain, it is unclear whether the language in the FSL

expands the labeling requirement to encompass food service. The Chinese Government has yet to clarify this definitional issue. Secondly, it appears that a new labeling requirement increases disclosure requirements and eliminate the use of class names for the labeling of food additives (Article 42).

#### SECTION VI. OTHER RELEVANT REPORTS

#### FAS Beijing Reports

FAIRS ANNUAL

CH8064 – FAIRS Country Report - China

#### Other Resources – U.S. Export Certifying Authorities

The U.S. issuing agencies are identified by their acronyms. Following is a list of these and the relevant websites of each agency for further information.

#### Food Safety and Inspection Service - USDA

Export Requirements for China: <u>http://www.fsis.usda.gov/regulations\_&\_policies/China\_Requirements/index.asp</u>

#### Animal and Plant Health Inspection Service - USDA

USDA International Animal Export Regulations: <u>http://www.aphis.usda.gov/regulations/vs/iregs/animals/</u>

International Animal Product Export Regulations: <u>http://www.aphis.usda.gov/regulations/vs/iregs/animals/</u>

Export Services:

http://www.aphis.usda.gov/import\_export/plants/plant\_exports/

#### Federal Grain Inspection Service - USDA

Grain Inspection, Packers and Stockyards Administration <u>http://www.gipsa.usda.gov/GIPSA/webapp?area=home&subject=grpi&topic=is</u>

#### **Food and Drug Administration – Health & Human Services** FDA Export Requirements http://www.fda.gov/Food/InternationalActivities/Exports/default.htm

#### National Oceanic and Atmospheric Administration – Commerce

National Marine Fisheries Export Services <u>http://www.nmfs.noaa.gov/sfa/PartnershipsCommunications/contactus.htm</u>

## APPENDIX I. ELECTRONIC COPY OR OUTLINE OF EACH EXPORT CERTIFICATE

# Meat Products Sanitary Certificate

U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE FIELD OFFRATIONS MEAT AND POULTRY EXPORT CERTIFICATE OF WHOLESOMENESS		DF Adds	than \$10,000 or imprisones innal penables exist under th 50 6761 and the Poultry Pres	teration of any entry on this certificate may result in a fir inf for not more than fire years or both (18 USC 1001). Federal Meat Inspection Act (21 USC 611 (b) (1), (2), hats Inspection Act (21 USC 458 (c) (1), (2), and (5), 2 direction or misuse of this certificate.	ană (5).
DISTRICT OFFICE	COUNTRY OF DES	TINATION	DATE ISSUE	MPF -	
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PRODUCT AS LAB		WEIGHT OF	MP		
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By order of the Secre	tary of Agriculture	INSPECTOR A	ND DISTRICT		
This certificate does not excuse f.	ailure to comply with	any of the regul	atory laws enforced b	e truth of the statements therein containe $\gamma$ the United States Department of Agricul	d. Iture.
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# Plant Products Phytosanitary Certificate

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procedures and are considered to be free from the quarantite per	shi, specified by the importing contracting party and	to conform with the current
phytosanitary requirements of the importing contracting party including precedent and the importance as	protector regulated non-qualification press	
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		1. SHIPPERS ORIGINAL

#### APHIS Animal Health Certificate

UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE	FOR OFFICIAL USE ONLY
Health Certificate	PORT
EXPORT CERTIFICATE	DATE
EM OKI CENTITICATE	AND NO.
Animal Products	

This is to certify that rinderpest, foot-and-mouth disease, hog cholera, swine vesicular disease, African swine fever, bovine spongiform encephalopathy (BSE), and contagious bovine pleuropneumonia do not exist in the United States of America.



(SIGNATURE OF ENDORSING OFFICIAL)	(TYPED NAME)	(TITLE OF ENDORSING OFFICIAL)
DESCRIPTIO	ON OF THE CONSIGNME	ENT
NAME AND ADDRESS OF EXPORTER	NAM	IE AND ADDRESS OF CONSIGNEE
PRODUCT (Quantity, unit of measure and ki	nd)	
IDENTIFICATION	CON	IVEYANCE

No liability shall attach to the United States Department of Agriculture or to any officer or representative of the Department with respect to this certificate. VS FORM 16-4

APHIS' United States Origin Health Certificate (Form VS 17-140).

Federal agencies other than APHIS are also involved in providing certificates for the export of animal products. Some examples are indicated below.

June 9, 2009

#### AMS Dairy Certificate

To whom it may concern

With regard to: , plant number

For the period to.

This is to certify that:

- (1) The product(s) listed below—hereinafter called "the product"—was manufactured in the United States, in accordance with its laws and regulations
- (2) The product was prepared from pure milk obtained from holdings under official sanitary control
- (3) During preparation of the products a heat treatment has been applied or adequate safeguards have been taken with the aim of avoiding public health hazards arising from pathogenic organisms associated with milk
   (4) The product was manufactured in premises and processing plants inspected and
- (4) The product was manufactured in premises and processing plants inspected and approved by the United States Department of Agriculture and subjected to regular audits or inspections
- (5) The product has been subjected to a general surveillance scheme including laboratory tests to validate the microbial and compositional quality
- (6) To the best of our knowledge, the product contains no harmful levels of contaminants and is fit for human consumption
- (7) Identification and description of the goods is the responsibility of the manufacturer or exporter.

Products covered by this letter:

Sincerely,	1883 AGRICULTURE IS THE AND COMMERCE
SIGNED	FOUNDATION OF MANUFACTURE
USDA AMS	DGB

### Processed Plant Products Certificate

UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE	FOR OFFICIAL USE ONLY
PLANT PROTECTION AND QUARANTINE	
	PLACE SAMPLE
EXPORT CERTIFICATE	DATE
PROCESSED PLANT PRODUCTS	NUMBER P XXXXXX
NAME AND ADDRESS OF EXPORTER	NAME AND ADDRESS OF CONSIGNEE
SAMPLE	SAMPLE
MEANS OF CONVEYANCE	POINT OF ENTRY
DESCRIPTION	OF CONSIGNMENT
PRODUCT (Kind, Quantity, and Weight)	
SAMPLE	SAMPLE
DENTIFICATION	
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WARNING: Any alteration, forgery, or unauthorized use of this phytosanitary	certificate is subject to civil penalties of up to \$250,000 (7 U.S.C. Section not more than 5 years, or both (18 U.S.C. Section 1001).
WARNING: Any alteration, forgery, or unauthorized use of this phytosanitary 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of This is to affirm that, based upon inspection of submitted samples an	I not more than 5 years, or both (18 U.S.C. Section 1001).
NARNING: Any alteration, forgery, or unauthorized use of this phytosanitary (734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of This is to affirm that, based upon inspection of submitted samples an	I not more than 5 years, or both (18 U.S.C. Section 1001).
NARNING: Any alteration, forgery, or unauthorized use of this phytosanitary (734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of This is to affirm that, based upon inspection of submitted samples an	I not more than 5 years, or both (18 U.S.C. Section 1001).
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NARNING: Any alteration, forgery, or unauthorized use of this phytosanitary (734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of This is to affirm that, based upon inspection of submitted samples an	I not more than 5 years, or both (18 U.S.C. Section 1001). d/or by virtue of processing received, the plant products described NAME OF AUTHORIZED OFFICER
WARNING: Any alteration, forgery, or unauthorized use of this phytosanitary 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of This is to affirm that, based upon inspection of submitted samples an above are believed to be free from injurious plant pests.	I not more than 5 years, or both (18 U.S.C. Section 1001). Id/or by virtue of processing received, the plant products described NAME OF AUTHORIZED OFFICER SAMPLE
	I not more than 5 years, or both (18 U.S.C. Section 1001). Id/or by virtue of processing received, the plant products described NAME OF AUTHORIZED OFFICER SAMPLE