

ANNEX XII TO CHAPTER 4

CERTIFICATION

A. Principles of certification

Plants and plant products and other objects:

In respect of certification of plants and plant products and other objects, the competent authorities shall apply the principles laid down in the relevant ISPMs

Animals and animal products:

1. The competent authorities of the Parties shall ensure that certifying officers have a satisfactory knowledge of the veterinary legislation as regards the animals or animal products to be certified and, in general, are informed as to the rules to be followed for drawing up and issuing the certificates and - if necessary - as to the nature and extent of the enquiries, tests or examinations which should be carried out before certification.
2. Certifying officers must not certify data of which they have no personal knowledge or which cannot be ascertained by them.
3. Certifying officers must not sign blank or incomplete certificates, or certificates relating to animals or animal products, which they have not inspected or which have passed out of their control. Where a certificate is signed on the basis of another certificate or attestation, the certifying officer shall be in possession of that document before signing.
4. A certifying officer may certify data which have been:
 - (a) ascertained on the basis of paragraphs 1 to 3 by another person so authorized by the competent authority and acting under the control of that authority, provided that certifying authority can verify the accuracy of the data; or
 - (b) obtained, within the context of monitoring programmes, by reference to officially recognized quality assurance schemes or by means of an epidemiological surveillance system where this is authorized under veterinary legislation.
5. The competent authorities of the Parties shall take all necessary steps to ensure the integrity of certification. In particular they shall ensure that certifying officers designated by them:
 - (a) have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate; and
 - (b) are fully aware of the significance of the contents of each certificate which they sign.
6. Certificates shall be drawn up as to ensure a link between the certificate and the consignment, at least in a language understood by the certifying officer and at least

in one of the official languages of the importing Party as set out in part C of this Annex.

7. Each competent authority shall be in a position to link certificates with the relevant certifying officer and ensure that a copy of all certificates issued is available for a period to be determined by it.
8. Each Party shall introduce such checks and have such control measures taken as are necessary to prevent the issuing of false or misleading certification and the fraudulent production or use of certificates purported to be issued for the purposes of veterinary legislation.
9. Without prejudice to any legal proceedings or penalties, the competent authorities shall carry out investigations or checks and take appropriate measures to penalize any instances of false or misleading certification, which are brought to their attention. Such measures may include the temporary suspension of the certifying officers from their duties until the investigation is over. In particular:
 - (a) if it is found in the course of the checks that a certifying officer has knowingly issued a fraudulent certificate, the competent authority shall take all necessary steps to ensure, as far as is possible, that the person concerned cannot repeat the offence;
 - (b) if it is found in the course of the checks that an individual or an undertaking has made fraudulent use of or has altered an official certificate, the competent authority shall take all necessary measures to ensure, as far as possible, that the individual or undertaking cannot repeat the offence. Such measures may include a refusal subsequently to issue an official certificate to the person or undertaking concerned.

B. Certificate referred to in Article 69(2)(a) of this Agreement

The health attestation in the certificate reflects the status of equivalence of the commodity concerned. The health attestation states compliance with the production standards of the exporting Party recognized equivalent by the importing Party.

C. Official languages for certification

1. Import into the European Union

For plants, plant products and other objects:

Certificates shall be drawn up at least in a language understood by the certifying officer and at least in one of the official languages of the country of destination.

For animals and animal products:

The health certificate must be drawn up in at least one of the official languages of the Member State of destination and in one of those of the Member State in which the import checks provided for in Article 73 of the Agreement are carried out.

2. Import into Ukraine

The health certificate must be drawn up in Ukrainian or another language, in which case a translation into Ukrainian must be provided.