



REPORT 01- Non-compliant insect-derived products within the EU

Relevant information contains:

- Report on invalid HS Code
- Failure of Specificity in Veterinary Attestations
- Report on documentation gaps and invalid signatures
- Report on lack of data Integrity and traceability discrepancies

1. Executive Summary

This report summarizes findings regarding the legal compliance status of dried insect larvae (specifically *Hermetia illucens*) imported from China into the European Union.

Based on documentation reviewed, there is **substantial evidence that these imports, while potentially biologically acceptable, suffer from critical legal and certification failures.**

These failures violate [EU Regulations \(EC\) No 1069/2009](#) and [\(EU\) No 142/2011](#), creating grounds for rejection at EU Border Control Posts (BCPs) and representing an unfair competitive advantage over EU-based producers who adhere to stricter regulatory standards.

2. Key Findings: Systemic Certification Failures

Analysis of two distinct Chinese veterinary/health certificates reveals a consistent pattern of non-compliance across four critical areas.

2.1. Invalid HS Code Classification

- **Finding:** The documentation uses **HS Code 0511 99 90**.
- **Issue:** Under EU law, this code is designated for "raw animal products/waste." However, the certificates simultaneously declare the goods as "processed pet food."
- **Legal Impact:** This creates a legal paradox. A product cannot be classified as both raw waste and a processed retail feed. This mismatch is a primary trigger for rejection at EU Border Control Posts (BCPs) and demonstrates a fundamental misunderstanding or circumvention of EU customs and sanitary classifications.

HS Code 0511 99 90

In the European Union (EU) refers to "Other" animal products not elsewhere specified or included, specifically covering dead animals of Chapter 1 or 3, or inedible animal products, which are unfit for human consumption.

Key Aspects of CN Code 0511 99 90 in the EU:

- **Classification:** This code falls under Chapter 5 (Products of animal origin),
- **Heading 0511** (Animal products not elsewhere specified) and Subheading **0511 99 (Other)**.



- **Scope:** It typically includes materials like dried pigs' ears (inedible), inedible offal, and animal products used for technical purposes (e.g., in cosmetics, pet food manufacturing, or fertilizers).
- **Excluded Items:** This code excludes fish, crustaceans, molluscs, or other aquatic invertebrates, as well as products meant for human consumption.
- **Regulatory Context:** It often covers products subject to Regulation (EC) No 1069/2009 regarding animal by-products not intended for human consumption.

2.2. Failure of Specificity in Veterinary Attestations

- **Finding:** The certificates utilize a generic Animal By-Product (ABP) template that lists broad categories (e.g., poultry, milk, mammalian).
- **Issue:** The documentation fails to isolate or specifically "lock" the safety guarantees to the specific pathway for terrestrial invertebrates (*Hermetia illucens*). Irrelevant categories are not struck out.
- **Legal Impact:** This violates the principles of legal certainty and traceability mandated by EU regulations. Inspectors require unambiguous attestation; the use of a generic template does not meet the required standards of specificity for the insect sector.

2.3. Documentation Gaps and Invalid Signatures

- **Finding:** The reviewed certificates show two distinct procedural failures:
 - **Retrospective Issuance:** One Certificate of Origin is marked "ISSUED RETROSPECTIVELY." For high-risk biological imports, this indicates certification was finalized after the goods left the point of origin, creating a significant traceability gap.
 - **Unauthorized Signatory:** A separate certificate (from Ameta, BG) is not signed by an official veterinarian or inspector but by a "Sales Manager."
 - **Legal Impact:** Retrospective issuance undermines real-time verification of mandatory microbiological standards (n, m, M, c). An unauthorized signature invalidates the entire safety guarantee under Reg. (EU) 1069/2009 and 142/2011, serving as sufficient standalone grounds for immediate rejection.

ISSUED RETROSPECTIVELY

- Issued retrospectively refers to trade documents, such as **Certificates of Origin** or **EUR.1 movement certificates**, **created after goods have already departed the exporting country, often due to errors, omissions, or special circumstances.**

Key Aspects of Retrospective Issuance:

- **Purpose:** Allows exporters to claim preferential duty rates even if the documentation was not available at the time of shipment.
- **Requirements:** Exporters must usually provide the issuing body with evidence of export, such as a bill of lading or export declaration, and explain why the certificate was not issued earlier.
- **Endorsement:** Certificates issued this way must be clearly marked in the "Remarks" column or designated box with phrases like "ISSUED RETROSPECTIVELY," "IZDATO NAKNADNO," or "DÉLIVRÉ A POSTERIORI".



- **Timing:** While they can be issued after shipping, they must still comply with specific regulatory time limits, often linked to the validity period of the original, if a replacement is needed.
- **This process is generally considered an exception, often used when an initial certificate was not accepted at importation due to technical errors**

2.4. Data Integrity and Traceability Discrepancies

- **Finding:** A mismatch exists between the Certificate of Origin and the Veterinary Certificate regarding total weight and carton counts.
- **Legal Impact:** Within the EU's TRACES (Trade Control and Expert System) framework, any discrepancy between "Origin" data and "Health" data constitutes a failure of identity. This provides legal grounds for the seizure or destruction of the consignment.

Within the EU's Trade Control and Expert System (TRACES) framework, a discrepancy between "Origin" data (such as country of origin, establishment approval number) and "Health" data (certification, official controls) does constitute a significant failure of compliance, typically classified as a failure in identity and documentation checks.

- **Failure of Identity:** TRACES requires strict conformity between the physical consignment and the accompanying documentation. Discrepancies between the declared origin and the health certificate, or between documentation and the actual goods, are treated as failures to establish identity, which can lead to refusal of entry into the EU.
- **Systemic Importance:** TRACES ensures that food and animal products are tracked and validated from non-EU countries and within the EU. The system requires accurate entry of data by authorized officials. In 2024, thousands of consignments were rejected due to improper documentation, certification fraud, and non-compliance with the required data.
- **Consequences of Discrepancies:** **When a discrepancy is detected (e.g., mis-match with documents or absence/invalid certification), the consignment is deemed not to satisfy safety standards.** Such discrepancies are identified in the system as a lack of proper certification, leading to official controls that may prevent the product from entering the EU market.
- **Legal Framework:** The requirements are governed by European Commission regulations, including the Official Controls Regulation (IMSOC), which mandates that official inspectors and certifying officers ensure the data matches across all documents, often with electronic seals to guarantee authenticity.
- **If the data entered into TRACES-NT does not match the actual consignment or the approved lists of establishments, the consignment will be rejected.**



3. Operational and Competitive Concerns

Beyond the legal documentation issues, significant operational discrepancies have been observed that distort the market:

- **Transport Non-Compliance:** The imported products (whole dried larvae in small bags) are reportedly not transported via **TRACES-registered transport**. This is a procedural violation for EU companies and creates an uneven playing field.
- **Unfair Cost Advantage:** Chinese products are offered at prices as low as **€1.60-1.70/kg DAP**. This price point is cited as being unattainable for EU producers due to higher production and compliance costs. The cost disparity is exacerbated by the Chinese imports bypassing the regulatory burdens (and associated costs) imposed on EU-based producers.
- **Consistency with IPIFF Findings:** The issues identified—biologically acceptable products entering the EU via legally non-compliant certification—are consistent with the broader concerns flagged by the International Platform of Insects for Food and Feed (IPIFF).

4. Conclusion

The evidence provided supports the hypothesis that Chinese dried insect larvae imports are currently circumventing the strict regulatory safeguards imposed on EU producers. The identified issues—invalid HS code usage, generic ABP templates, retrospective issuance, invalid signatures, and data discrepancies—represent critical legal non-compliance risks.

These failures not only pose a risk of rejection and destruction at the border but also create an uneven competitive environment. While EU producers incur higher costs to meet full regulatory compliance, importers utilizing these deficient certificates gain an unfair market advantage through lower operational standards and reduced costs.

5. Recommendations

1. **Documentation for Authorities:** Compile the reviewed certificates (P_057_1344_Projekt_Dokument (1) and PO70221185 Health Certificate New (1)) as concrete evidence to support IPIFF's position in regulatory discussions with the European Commission and national competent authorities.
2. **Market Intelligence:** Gather specific commercial offers (price lists, invoices) demonstrating the low price point (€1.60-1.70/kg DAP) to illustrate the tangible market distortion caused by non-compliant imports.
3. **Alert BCPs:** Consider escalating these findings to relevant MS Border Control Posts to flag the recurring patterns of non-compliance in Chinese insect product certifications.
4. **Monitor TRACES:** Further investigation is recommended to confirm whether these shipments are correctly recorded in the TRACES system, specifically regarding transport registration and HS code alignment.