

Chief Port Health Officers & Nominated Officers for  
Imported Food (England) - for action  
Heads of Service of Feed Authorities with  
responsibilities at points of entry – for action

Border Inspection Posts (England) – for action

cc: APHA  
CIEH  
LACORS  
APA  
Trading Standards Institute  
Health Protection Agency

6 May 2008

Reference: ENF/E/08/032

Dear Colleagues,

## **IMPORTS OF GUAR GUM AND FOODSTUFFS/FEEDINGSTUFFS CONTAINING GUAR GUM FROM INDIA**

This letter is addressed to Chief Port Health Officers, Nominated Officers for Imported Food and Border Inspection Posts in England and Heads of Service of Feed Authorities with responsibilities at points of entry only.

The Commission has issued Commission Decision 2008/352/EC which imposes special conditions on guar gum originating in or consigned from India due to the risk of contamination by pentachlorophenol (PCP) and dioxins. Decision 2008/352/EC was published on the Commission's website on 1 May 2008 and comes into force from 5 May 2008. I attach a link here <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:117:0042:0044:EN:PDF>

This new Decision requires that consignments of guar gum, falling within CN code 1302 32 90, and products containing at least 10% guar gum, originating in or consigned from India will need to be accompanied by an original analytical report stating that the consignment does not contain more than 0.01 mg/kg of PCP.

The analytical report needs to be issued by a laboratory accredited according to EN ISO/IEC 17025 for the analysis of PCP in food and feed or by a laboratory pursuing the necessary accreditation procedures – see Article 2(1). The analytical report shall be endorsed by a representative of the competent authority from the country where the laboratory is based – see Article 2(2). In order to facilitate this process, the

Commission has produced a list of approved laboratories within the EU for which this endorsement by the Competent Authority can be assumed. The list is available on the SANCO website at [http://ec.europa.eu/food/food/chemicalsafety/contaminants/new\\_measures\\_guar\\_gum\\_india.pdf](http://ec.europa.eu/food/food/chemicalsafety/contaminants/new_measures_guar_gum_india.pdf)

In the absence of an analytical report the consignment should be detained until the feed or food business operator arranges and pays for the consignment to be tested by an accredited laboratory. In this event samples should be taken by, or under the supervision of the relevant authority. Sampling and analysis should be undertaken as set down in Article 2(6) of the Decision. Consignments may be detained for up to 60 days pending the report being provided. If the consignment is found to be non-compliant or if the report is not provided within the 60 days then appropriate enforcement action should be taken – see Article 2(5).

The Decision provides for random sampling and analysis to take place with a frequency of 5% of consignments. Consignments may be detained for up to 15 working days – see Article 3.

All incidences of non-compliant consignments should be notified to the Commission through the usual RASFF notification system, and a quarterly report must be submitted by Member States of all analytical reports in April, July, October and next January – see Article 3(1). We will write out nearer the time to request these in the usual way.

Costs from sampling, analysis, storage or measures following non-compliance are borne by the importer – see Article 6.

Consignments originating or consigned from India which left India before the Decision comes into force on 5 May 2008 are not required to be accompanied by an analytical report – see Article 7.

Decision 2008/352/EC is implemented into UK law by means of Declaration OFFC 2008/E/001 under regulation 33 of the Official Feed and Food Controls (England) Regulations 2007. For instances where guar gum is an ingredient of a Product of Animal Origin (POAO) compound product, a declaration (Declaration POAO REG 61/019) has been issued under regulation 61 of the Products of Animal Origin (Third Country Imports) (England) Regulations 2006. The same procedure will be used for Scotland, Wales and Northern Ireland. To view a copy of the Declarations go to <http://www.food.gov.uk/foodindustry/imports/legislation/legislation>

If you have any queries relating to policy issues in this letter please contact my colleague David Mortimer in the Agency's Incident Prevention & Chemical Risk Management Unit on 020 7276 8731,  
Email: [david.mortimer@foodstandards.gsi.gov.uk](mailto:david.mortimer@foodstandards.gsi.gov.uk)

The advice contained in this letter should not be taken as an authoritative statement of the law or its interpretation. Only the courts can decide whether in particular circumstances an offence has been committed.

If you need any further information please let me know. You may also be aware that the Agency has an imports section on its website and can be found at <http://www.food.gov.uk/imports>

Yours sincerely

Ian Grist  
Imported Food Branch  
Enforcement Support Division

Keith Millar  
Head of Animal Feed Unit  
Primary Production Division