

APRIL 2007 UPDATE ON EU REGULATION 882/2004 ON OFFICIAL CONTROLS – IMPLEMENTING RULES FOR IMPORT CONTROLS FOR 'HIGH RISK' FEED AND FOOD OF NON-ANIMAL ORIGIN

Further views from stakeholders are requested by 3 May 2007 and should be sent to:

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Introduction

1. On 1 March 2007, the Agency launched a full public consultation on the above proposed implementing rules (see link below). We are now updating stakeholders on the on-going EU level discussions and seeking any further comments that they may have on the latest version of the Commission's draft Working Document, a copy of which is enclosed at [Appendix 1](#).

<http://www.food.gov.uk/consultations/ukwideconsults/2007/nonpoaoimports>

2. The next EU level meeting is scheduled for 7 May so any responses are requested by 3 May 2007 - see above.

EU discussions

3. A Commission Working Group meeting was held on 19 March 2007 and the outcome of the discussions is summarised below.

Standard documentation for prior notification

4. There was general agreement among the Member States (MSs) that prior notification should be facilitated using standard documentation and that the Common Entry Document (CED) included in the Working Document appears to be appropriate for this. Several Member States, including the UK, have strong reservations about making it a legal and mandatory requirement to complete and issue the CED through TRACES at this stage as the system has yet to be shown to be working effectively and efficiently in respect of checks on products of animal origin (POAO) at Border Inspection Posts.

Designated points at which checks should be undertaken

5. Most (but not all) MSs appear to support the flexible approach that requires documentary checks to be carried out at the first point of arrival on Community territory but permits MSs, if they wish, to also designate points inland to which consignments may be transported under official control and where identity and physical checks can be carried out and consignments released for free circulation. There is as yet no firm agreement on what these designated points will be called or on what facilities must be available at the designated points where identity and physical check must be carried out.

List of 'high risk' products

6. Several MSs, including the UK, believe that before identifying particular products with a known or emerging risk, there must be discussion and agreement of the criteria

that will be used to determine when products should be included in, or removed from, the list at Annex I of the Working Document. The Commission is to consider this further in advance of the meeting in May.

Fees

7. Most MSs, including the UK, agree that fees for import controls for products that are included in Annex I of the Working Document should be mandatory. The current version of the Working document proposes an approach similar to that which already operates for POAO import controls where a minimum fee is set but with flexibility such that up to full costs may be recovered. As yet, however, there has been no detailed discussion on the level at which minimum fees should be set and no firm conclusions have been drawn.

Reporting to Commission

8. There has been some discussion as regards the frequency of reporting of results of controls of Annex I products by the MSs to the Commission. The Working Document has been amended such that reporting would be required only annually (rather than quarterly as was originally proposed). However, the UK and some other MSs suggested that more frequent reporting was more appropriate given the need to ensure that Annex I remains dynamic and that no unnecessary barriers to trade are created.

Latest version of Working Document

9. A revised draft of the Working Document has now been issued by the Commission and any further views you may have are welcome. As before, please note that the draft may not necessarily represent the views of the Commission and the document that is presented for formal adoption may differ.

Further information

10. We will keep you informed of further developments but, in the meantime, please get in touch with either Rufina Acheampong (contact details given above) or with Catriona Stewart on 020 7276 8498 (email: catriona.stewart@foodstandards.gsi.gov.uk) if you wish to discuss any of the above issues.

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
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WORKING DOCUMENT

on an increased level of official controls at the designated point of introduction or at the designated point of entry into the Community of feed and food of non-animal origin due to known or emerging risk as foreseen in art 15.5 of Regulation 882/2004 of the European Parliament and of the Council.

(Text with EEA relevance)

**THIS WORKING DOCUMENT DOES NOT NECESSARILY REPRESENT THE
VIEW OF THE COMMISSION**

Scope

It shall apply to official controls at the designated point of introduction or at the designated point of entry into the Community of feed- and food of non-animal origin due to known or emerging risk as foreseen in art 15.5 of Regulation 882/2004 of the European Parliament and of the Council referred to in Annex I.

It is without prejudice to the special conditions on the import of feed and food laid down in the safeguard measures according to Article 53 (1) (b) (ii) of Regulation (EC) No 178/2002.

Definitions

1. For the purposes of this Working Document, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002 and in Article 2 of Regulation (EC) No 882/2004 shall apply.
2. The following definitions shall also apply:
 - (a) ‘Designated points of introduction (DPI)’ means the points where import checks are carried out on feed and food of non animal origin referred to in the scope of this working document. At the DPI at least documentary checks must take place. When all checks are carried out at the DPI, then it can be considered as a designated point of entry (DPE).
 - (b) ‘Designated points of entry (DPE)’ means the only points where import checks on feed and food of non animal origin referred to in the scope of this working document are completed and the goods are released for free circulation into the Community.

Prior notification (Common Entry Document, CED)

1. The prior notification shall be done using the form set in Annex II, with part I properly filled out by the feed and food business operator responsible for the consignment and presented in an original form to the DPI.
2. The document shall be drawn up in one of the official languages of the country of arrival.
3. After the necessary controls at the DPI, one copy of the CED, duly endorsed by the competent authorities, should be presented for the customs clearance, and one copy for the importer.
4. In case physical and identity checks are carried out at the DPE, the original form of the CED, with the controls carried out, should accompany the goods. One copy of the CED should stay at the DPI. Elements foreseen in the prior notification shall be completed and issued through the TRACES system.

Official controls at the Designated Point of Introduction (DPI)

1. The competent authorities in the Member State shall carry out all the necessary controls on all consignments of feed- and food referred to in the scope of this working document at the DPI. However, on request of the feed and food business operator responsible for the consignment, and only if the competent authorities authorise, the identity and physical checks can be carried out at the DPE.
2. If at the DPI only documentary check has been carried out, the consignment remains under official control of customs authorities until the identity and physical checks established by the Competent Authorities at the DPE have been carried out.
3. The results of the checks have to be introduced in part II of the document mentioned in the section 'Prior notification (Common Entry Document)' and have to be introduced in TRACES system. The official of the competent authority shall stamp and sign the document including the copies.
4. If the feed and food business operator responsible for the consignment asks the competent authorities of the DPI to split the consignment, all the necessary controls must be carried out at that point. Authenticated copy(ies) of the CED shall accompany each part of the split consignment.
5. Competent Authorities shall provide a list for DPIs, and DPEs [at the moment of the enter into force of this document] The Commission Services shall provide for a link from their homepage to the national lists.
6. Release for free circulation of relevant goods is subject to the presentation to the customs authorities of a CED duly endorsed by a control authority designated pursuant to point 3 of this section.

Official controls at the Designated Point of Entry (DPE)

1. Feed- and food as referred to in Annex I may be released for free circulation in the Community only through a DPE (if different from DPI).
2. The competent authorities in each Member State shall ensure that the DPE on their territory comply at least with the requirements laid down in Annex III.
3. The responsible feed and food business operator must make available sufficient human resources and logistics to unload the consignment, thus enabling representative sampling to take place.

In the case of special transport and/or specific packaging forms, the responsible feed and food business operator must make available to the competent authority the appropriate sampling equipment insofar as the sampling cannot be representatively performed with the usual sampling equipment.

4. At the DPE (if different from DPI), the competent authority shall carry out identity and physical checks of products referred to in Annex I at the frequency laid down therein.

5. Any consignment which is to be subjected to sampling and analysis with a percentage of 100% as referred to in Annex I shall be detained before release for free circulation into the Community.
6. The results of the analysis and the decision on the consignment have to be laid down through TRACES system in part II of the document mentioned in the section 'Prior notification (Common Entry Document)'. The official of the competent authority shall stamp and sign the document including the copies.
7. The original of the document shall be forwarded to the feed and food operator responsible for the consignment at the DPE.
8. Customs authorities can release the goods for free circulation only after all the control procedures referred to in this working document have been favourably carried out.

Fees

1. All costs resulting from the official controls at the designated points of introduction and entry should be borne by the feed and food business operator responsible for the consignment or its representative.
2. The calculation of the costs shall use the criteria laid down in Annex VI of Regulation No 882/2004. The fees shall not be lower than the minimum rate specified in Annex IV and not higher than the costs borne by the responsible competent authority.

Reporting to the Commission and review

1. Member States shall submit to the Commission on annual basis a report of all analytical results of official controls on consignments of feed and food as referred to in this working document.
2. The list of feed and food as referred in Annex I shall be reviewed on the basis of the reports provided for in point 1 and guarantees provided by the competent authorities of exporting countries and on the basis of the results of the sampling and analysis carried out by Member States in order to assess whether the conditions set out in this working document provide a sufficient level of protection of public health within the Community and whether they are still necessary.

ANNEX I

FEED AND FOOD OF NON-ANIMAL ORIGIN WITH KNOW OR EMERGING RISK

Feeding-/ foodstuff	CN code	Country of origin	Hazard	Frequency of physical checks		

ANNEX II
COMMON DOCUMENT FOR CHECKS ON FEED AND FOOD OF NON ANIMAL ORIGIN
ENTERING THE EU FROM THIRD COUNTRIES

EUROPEAN COMMUNITY

Common Entry Document, CED

Part I: Details of consignment presented	I.1. Consignor Name Address Country + ISO code		I.2. CED reference number	
			DPI	
			DPI unit n° :	
	I.3. Consignee Name Address Postal code Country + ISO code		I.4. Person responsible for the load Name Address	
			I.5. Country of origin + ISO code	I.6. Country from where consigned + ISO code
	I.7. Importer Name Address Postal code Country + ISO code		I.8. Place of destination Name Address Postal code Country + ISO code	
	I.9. Arrival at DPI (estimated date) Date		I.10. Documents Number Date of issue	
	I.11. Means of transport: Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Identification: Documentary references:			
	I.12. Description of commodity		I.13. Commodity code (HS code)	
			I.14. Gross weight/Net weight	I.15. Number of packages
I.16. Temperature Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>		I.17. Type of packages		
I.18. Commodity certified as: Human consumption <input type="checkbox"/> Feedingstuff <input type="checkbox"/> Technical use <input type="checkbox"/> Other <input type="checkbox"/>				
I.19. Seal number and container numbers				
I.20. For transshipment to <input type="text"/> DPE DPE Unit number		/		
I.22. For import <input type="text"/>				
I.24. Means of transport after DPI Railway wagon <input type="text"/> Registered No. Aeroplane <input type="text"/> Flight No. Ship <input type="text"/> Name Road vehicle <input type="text"/> Plate No.		/		
I.26. Declaration I, the undersigned person responsible for the load detailed above, certify that to the best of my knowledge and belief the statements made in Part 1 of this document are true and complete and I agree to comply with the legal requirements of Regulation (EC) N° 882/2004, including payment for official controls, and consequent official measures in case of non compliance with the feed and food law.				
		I.25.		
		Place and date of declaration Name of signatory Signature		

Part II: decision on consignment	II.1.	II.2. CED Reference Number:
	II.3. Documentary Check: Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	II.4. Identity Check: Derogation <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>
	II.5. Physical Check: Derogation <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	II.6. Laboratory Tests: No <input type="checkbox"/> Yes <input type="checkbox"/> Tested for: Random <input type="checkbox"/> Suspicion <input type="checkbox"/> Results: Pending <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>
	II.7. ACCEPTABLE for Transhipment: <input type="checkbox"/> DPE <input type="checkbox"/> DPE Unit number	II.8.
	II.9. ACCEPTABLE for definitive import <input type="checkbox"/>	II.10.
	II.11. NOT ACCEPTABLE <input type="checkbox"/> 1. Re-dispatching <input type="checkbox"/> 2. Destruction <input type="checkbox"/> 3. Transformation <input type="checkbox"/>	II.12. Reason for Refusal 1. Absence/Invalid certificate <input type="checkbox"/> 2. Non approved country <input type="checkbox"/> 3. Non approved establishment <input type="checkbox"/> 4. Prohibited product <input type="checkbox"/> 5. ID: Mis-match with documents <input type="checkbox"/> 6. Physical hygiene failure <input type="checkbox"/> 7. Chemical contamination <input type="checkbox"/> 8. Micro biological contamination <input type="checkbox"/> 9. Other <input type="checkbox"/>
	II.13. Details of Controlled Destinations (II.11) Approval no (where relevant): Address: Postal code	II.16. Official Inspector I the undersigned official inspector of the DPI, certify that the checks on the consignment have been carried out in accordance with EU requirements. Name (in Capital): Date: Signature:
	II.14. Consignment resealed New seal no:	
	II.15. Full identification of DPI and official stamp. DPI Stamp DPI unit n° :	
	II.17. Customs Document Reference:	II.18.
Part III: Control	III.1. Details on re-dispatching: Means of transport n°: Railway wagon <input type="checkbox"/> Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Road vehicle <input type="checkbox"/> Country of destination: + ISO code Date:	
	III.2. Follow up Exit point <input type="checkbox"/> Arrival of the consignment Yes <input type="checkbox"/> No <input type="checkbox"/> Local Competent Authority Unit <input type="checkbox"/> Correspondence of the consignment Yes <input type="checkbox"/> No <input type="checkbox"/>	
	III.3. Official Inspector Name (in Capital): Address: Date: Stamp Unit N° Signature:	

Notes for guidance for the CED

General: Complete the document in capitals.

Part I. **This section is for completion by the declarant (feed and food business operator) or person responsible for the load. Notes are shown against the relevant box number.**

“ISO code” refers to the international standard two-letter code (ISO 3166-1 Alpha-2 Code) for a country produced by the International Organization for Standardization.

Box I.1. Consignor: name and full address of the natural or legal person (feed and food business operator) dispatching the consignment. Information on telephone and fax numbers or email address is recommended.

Box I.2. Designated point of introduction (DPI) as defined in Decision/XXX/EC. The CED reference number is the unique reference number given by TRACES. The DPI can also be a DPE if all the required controls are performed.

Box I.3. Consignee: name and full address of the natural or legal person (feed and food business operator) to whom the consignment is destined. Information on telephone and fax numbers or email address is recommended.

Box I.4. Person responsible for the load (also agent, declarant or feed and food business operator): this is the person who is in charge of the consignment when presented to the designated point of introduction or point of entry and makes the necessary declarations to the competent authorities on behalf of the importer: name and full address. Information on telephone and fax numbers or email address is recommended.

Box I.5. Country of origin: this refers to the country where the commodity is originating from.

Box I.6. Country from where consigned: this refers to the country where the consignment was placed aboard the means of final transport for the journey to the EU.

Box I.7. Importer: name and full address. Information on telephone and fax numbers or email address is recommended.

Box I.8. Place of destination: delivery address in the EU. Information on telephone and fax numbers or email address is recommended.

Box I.9. Arrival at DPI: give the estimated date that consignments are expected to arrive at the designated point of introduction.

Box I.10. Documents: indicate the date of issue and the number of official documents accompanying the consignment.

Box I.11. Give full details of the means of arrival transport: for aircraft the flight number, for vessels the ship name, for road vehicles the registration number plate with trailer number if appropriate, for railways the train identity and wagon number.

Documentary references: number of airway bill, bill of lading or commercial number for railway or truck.

Box I.12. Description of commodity: describe the commodity or use the titles as they appear in the Harmonized System of the World Customs Organization.

Box I.13. Heading or HS code of the Harmonized System of the World Customs Organization.

Box I.14. Gross weight: overall weight in Kg. This is defined as the aggregate mass of the products with immediate containers and all their packaging, but excluding transport containers and other transport equipment.

Net weight: weight of actual product excluding packaging in Kg. This is defined as the mass of the products themselves without immediate containers or any packaging.

Box I.15. Number of packages: quantity of the commodity.

Box I.16. Temperature: tick the appropriate mode of transport/storage temperature.

- Box I.17. Type of packaging: identify the type of packaging of products.
- Box I.18. Commodity certified as: tick the category for which the consignment is being presented; 'Human consumption', 'Feedingstuff', 'Technical use' and 'Other'.
- Box I.19. Give all seal and container identification numbers where relevant.
- Box I.20. Transhipment: must be used where a consignment is not to be released for free circulation at this designated point of introduction but is to travel onward either for importation into the EU at a designated point of entry (DPE) in the Community.
- Box I.21. Not applicable.
- Box I.22. For import: this also applies to those consignments that after receiving clearance as acceptable for free circulation, may be stored under customs control, and receive customs clearance at a later stage, either at the customs office on which the designated point of entry is geographically dependent, or at another location.
- Box I.23. Not applicable.
- Box I.24. Tick the appropriate means of transport.
- Box I.25. Not applicable.
- Box I.26. Place and date of declaration: this commits the signatory also to accept back consignments in transit that are refused entry by a third country.

Part II. This section is for the completion by the competent authority or designated official agent.

- Box II.1. Not applicable.
- Box II.2. This refers to the unique reference number given by the designated point of introduction issuing the certificate and is as in Box I.2.
- Box II.3. Documentary check: To be completed for all consignments.
- Box II.4. Tick 'Derogation' if an identity check has not been performed.
- Box II.5. Physical checks:

Reduced checks: tick the box only when a consignment is considered checked satisfactorily with documentary check only.
- Box II.6. Complete with the category of substance or pathogen for which an investigation procedure is undertaken. 'Random' indicates sampling where the consignment is not detained pending a result, in which case the competent authority of destination must be notified.
- Box II.7. Complete where relevant for acceptability for transhipment.
- Box II.8. Not applicable.
- Box II.9. This box is to be used for all consignments approved for free circulation within the single market. (It should also be used for consignments that meet EU requirements but for financial reasons are not being customs cleared immediately at the designated point of entry, but are being stored under customs control in a customs warehouse or will be customs cleared later and/or at a geographically separate destination.)
- Box II.10. Not applicable.
- Box II.11. Indicate clearly when import is refused, the subsequent process to be carried out. The address of any transformation establishment should be entered in Box II.13.
- Box II.12. Reasons for refusal: for use as appropriate to add relevant information. Tick the appropriate box.

- Box II.13. Give approval number and address (or ship name and port) for all destinations where further control of the consignment is required i.e. for Boxes I.10., 'Specific procedure' and I.11., 'Re-dispatching', 'Destruction' or 'Transformation'.
- Box II.14. Use this box when the original seal recorded on a consignment is destroyed on opening the container. A consolidated list of all seals that have been used for this purpose should be kept.
- Box II.15. Put here the Official Stamp of the designated point of introduction or competent authority.
- Box II.16. Signature of the official responsible (competent authority).
- Box II.17. For use by Customs services to add relevant information (e.g. for the number of the customs document) where consignments remain under customs control for a period. This information is normally added after signature by the official responsible.
- Box II.18. Not applicable.

Part III **This section is for the completion by the competent authority or designated official agent for control**

- Box III.1. Details on re-dispatching: the official agent at designated point of introduction or point of entry or must indicate the used means of transport, its identification and the country and date of re-dispatching as soon as they are known.
- Box III.2. Follow-up: indicate the exit point in case of Transit or Transshipment to a third country and local competent authority unit responsible for the supervision in case of destruction or transformation of the consignment.
- Box III.3. Refer to box II.16.

ANNEX III.

MINIMAL REQUIREMENTS TO BE ENSURED AT THE DPE

- (1) Availability of unloading equipment and appropriate sampling equipment.
- (2) Possibility to perform the unloading and the sampling in a sheltered place; it must be possible to place the consignment under the official control of the competent authority from the designated point of import onwards in cases where the consignment has to be transported in order to perform the sampling.
- (3) Availability of storage rooms, including cold stores if the nature of goods requires controlled temperature, warehouses to store detained consignments in good conditions during the period of detention awaiting the results of analysis.

ANNEX IV.

MINIMUM RATES FOR FEES

Kind of control	Net weight of consignment		
	< 1 t ¹	1 – 30 t	> 30 t
Documentary			
Identity/physical check (Sampling and analysis) ²			

¹ Consignments smaller than 50 kg do not have to be charged

² To be adapted for certain hazard causing significantly higher costs for sampling and analysis