

OCTOBER 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 26 October 2007 and should be sent to:

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Introduction

1. Since the update on 03 July about the above implementing rules, this note is to update you on developments following a further Commission Working Group meeting in Brussels on 24 September (the meeting scheduled for July was cancelled).
2. We are grateful for the comments from stakeholders that we have received to date, and have taken these into account in developing the UK position for the on-going negotiations. The next EU meeting is expected to take place in late October so any further comments on the main issues - see below - are requested by Friday 26 October - contact details are given above.

Main issues from EU discussions

Common Entry Document - use of TRACES

3. As highlighted previously, some Member States (MSs), including the UK, have concerns about making use of TRACES mandatory for the completion and issuing of the Common Entry Document. In recognition of these concerns, a transitional period for implementing this requirement has been considered and there now appears to be agreement that this should be until 1 January 2011.

Designated points at which checks should be undertaken

4. A number of MSs emphasised the importance of providing greater transparency for both importers and the competent authorities regarding the procedures to be followed at designated points of first arrival (DPFA) and designated points of import (DPI), and the Commission has agreed that re-drafting of the text is required in order to achieve this.
5. The UK highlighted the need for the rules to be clearer regarding the responsibilities of the MS in authorising DPFAs and DPIs, the requirements that must be met in order to achieve 'designated' status, and the measures that should apply in the case of those DPFA/DPI that perform poorly. The Commission acknowledged that this was necessary and we hope that the issues will be discussed in detail at the next meeting.
6. There was further discussion regarding a derogation for large consignments of bulk feed from the provision preventing splitting of consignments of 'high-risk' products until all controls have been completed but no progress was made in resolving the differences of views that exist.
7. Similarly, there remain differing views regarding detention of consignments of 'high-risk' products until the results of all the controls are obtained. At the most recent meeting, there was some discussion of restricting the time that consignments may be detained to a period of 15 days as is the case under Commission Decision 504/2006 on aflatoxins. Some MSs (including

the UK), however, argued that the authorities are already required under Regulation 882/2004 to ensure that controls are carried out efficiently and effectively and that this provision is sufficient.

Fees

8. There was only very limited discussion of fees and no progress has been made on determining whether minimum fees should be set (as is the case for products of animal origin) or whether the fees should be set at the level of the costs to the competent authority (as is the case under Decision 504/2006/EC).

List of 'high-risk' products

9. Here too little progress has been made. A number of MSs once again emphasised the importance of ensuring that the implementing rules do not disrupt or create unnecessary barriers to trade and highlighted that clear and robust criteria for the inclusion of products in the list are required, and that documented evidence is available in every case. In this respect, the Commission propose to identify products for inclusion on the list using evidence of a known or emerging risk from: notifications received from the Rapid Alert System for Food and Feed (RASFF); reports received from the Food and Veterinary Office (FVO); quantity of products introduced into the European Community; reports received from third countries; communication between Member States, European Commission and European Food Safety Authority (EFSA) and scientific assessment where appropriate.

10. MSs also highlighted that it will be essential to ensure that the list is dynamic and kept under regular review so that products may be removed when there is evidence that there is no longer a risk and there appeared to be general support for a system of three monthly reporting of control results by the MSs. It is proposed that this data, together with data on RASFF notifications, and other information from FVO reports etc. will be assessed regularly so that decisions may be taken quickly and the system of controls remains effective.

Further information

11. We will keep you informed of further developments but, in the meantime, please get in touch with 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.