

IMPORT NOTIFICATION - FEED MATERIALS

IMPORTER:

DATE/S OF ARRIVAL OF CONSIGNMENT

- 1.
- 2.
- 3.
- 4.

SHIP NAME:

PORT/S OF LOADING:

HOLDING STORE/S:

COMMODITY DETAILS

TYPE

TONNAGE

- 1.
- 2.
- 3.
- 4.

GM STATUS OF CONSIGNMENT (Please tick relevant box)

1. Is the feed material labelled as consisting of or containing GM ingredients?

Yes

No

n/a (i.e. material other than Maize, Soya, O.S.R and Cotton)

If yes (and the feed material is unprocessed – e.g. whole grain),

please state unique identifier of product:

Return to: Bridget Cummins,
Animal Feedingstuffs
Department of Agriculture, Food and Fisheries
Phone (01) 5058763

Email: Feedimports@agriculture.gov.ie



COMMISSION REGULATION (EU) No 187/2011

of 25 February 2011

amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 15(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 669/2009 ⁽²⁾ lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.

(2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.

(3) The occurrence and relevance of food incidents notified through the Rapid Alert System for Food and Feed (RASFF), the findings of missions to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.

(4) In particular, the list should be amended by deleting the entries for commodities for which those information sources indicate an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official control is therefore no longer justified.

(5) In addition, certain other commodities for which the information sources indicate a degree of non-compliance

with the relevant safety requirements, thereby warranting the introduction of increased level of official controls, should be included in the list.

(6) Similarly, the list should be amended by decreasing the frequency of official controls of the commodities for which the information sources indicate an overall improvement of compliance with the relevant requirements provided for in Union legislation and for which the current level of official control is therefore no longer justified.

(7) The entries in the list for certain imports from China, the Dominican Republic, India and South Africa should therefore be amended accordingly.

(8) In the interests of clarity of Union legislation, it is also necessary to make a small precision in the list regarding the entries for imports of peppers from the Dominican Republic and sweet peppers from Turkey.

(9) The amendment to the list concerning the deletion of the references to commodities, and the reduction in the frequency of controls, should apply as soon as possible, as the original safety concerns have been satisfied. Accordingly, those amendments should apply from the date of entry into force of this Regulation.

(10) Taking into account the number of amendments that need to be made to Annex I to Regulation (EC) No 669/2009, it is appropriate to replace it by the text in the Annex to this Regulation.

(11) Regulation (EC) No 669/2009 should therefore be amended accordingly.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 669/2009 is replaced by the text in the Annex to this Regulation.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 194, 25.7.2009, p. 11.

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 April 2011.

However, the following amendments to Annex I to Regulation (EC) No 669/2009 shall apply from the date of entry into force of this Regulation:

(a) the deletion of the following entries on:

- (i) trace elements from China;
- (ii) mangoes from the Dominican Republic;
- (iii) the following feed and food from Vietnam:

— groundnuts (peanuts), in shell,

— groundnuts (peanuts), shelled,

— peanut butter,

— groundnuts (peanuts), otherwise prepared or preserved;

(b) the amendment on the frequency of physical and identity checks for the following food from all third countries:

- (i) chilli (*Capsicum annuum*), crushed or ground;
- (ii) chilli products (curry);
- (iii) *Curcuma longa* (turmeric);
- (iv) red palm oil.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 February 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

ANNEX I

(A) Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), in shell	— 1202 10 90	Argentina	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 20 00			
— Peanut butter	— 2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
— Groundnuts (peanuts), in shell	— 1202 10 90	Brazil	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 20 00			
— Peanut butter	— 2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
Dried Noodles	ex 1902	China	Aluminium	10
(Food)				
— Yardlong beans (<i>Vigna sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	Dominican Republic	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (2)	50
— Bitter melon (<i>Momordica charantia</i>)	— ex 0709 90 90; ex 0710 80 95			
— Lauki (<i>Lagenaria siceraria</i>)	— ex 0709 90 90; ex 0710 80 95			
— Peppers (<i>Capsicum</i> spp.)	— 0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59			
— Aubergines	— 0709 30 00; ex 0710 80 95			
(Food — fresh, chilled or frozen vegetables)				
— Oranges (fresh or dried)	— 0805 10 20; 0805 10 80	Egypt	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (2)	10
— Peaches	— 0809 30 90			
— Pomegranates	— ex 0810 90 95			
— Strawberries	— 0810 10 00			
— Green beans	— ex 0708 20 00			
(Food — fresh fruits and vegetables)				

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), in shell	— 1202 10 90	Ghana	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 20 00			
— Peanut butter	— 2008 11 10			
(Feed and Food)				
Curry leaves (<i>Bergera/ Murraya koenigii</i>)	ex 1211 90 85	India	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (2)	10
(Food – fresh herbs)				
— Chilli (<i>Capsicum annuum</i>), whole	— ex 0904 20 10	India	Aflatoxins	50
— Chilli (<i>Capsicum annuum</i>), crushed or ground	— ex 0904 20 90			
— Chilli products (curry)	— 0910 91 05			
— Nutmeg (<i>Myristica fragrans</i>)	— 0908 10 00			
— Mace (<i>Myristica fragrans</i>)	— 0908 20 00			
— Ginger (<i>Zingiber officinale</i>)	— 0910 10 00			
— <i>Curcuma longa</i> (turmeric)	— 0910 30 00			
(Food – dried spices)				
— Groundnuts (peanuts), in shell	— 1202 10 90	India	Aflatoxins	20
— Groundnuts (peanuts), shelled	— 1202 20 00			
— Peanut butter	— 2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
Okra	ex 0709 90 90	India	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (2)	10
(Food)				
Watermelon (<i>egusi, Citrullus lanatus</i>) seeds and derived products	ex 1207 99 97; ex 1106 30 90; ex 2008 99 99;	Nigeria	Aflatoxins	50
(Food)				
Basmati rice for direct human consumption	ex 1006 30	Pakistan	Aflatoxins	20
(Food — milled rice)				

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Chilli (<i>Capsicum annuum</i>), whole	— ex 0904 20 10	Peru	Aflatoxins and Ochratoxin A	10
— Chilli (<i>Capsicum annuum</i>), crushed or ground	— ex 0904 20 90			
(Food — dried spice)				
— Groundnuts (peanuts), in shell	— 1202 10 90	South Africa	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 20 00			
— Peanut butter	— 2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
— Coriander leaves	— ex 0709 90 90	Thailand	Salmonella (6)	10
— Basil (holy, sweet)	— ex 1211 90 85			
— Mint	— ex 1211 90 85			
(Food — fresh herbs)				
— Coriander leaves	— ex 0709 90 90	Thailand	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (4)	20
— Basil (holy, sweet)	— ex 1211 90 85			
(Food — fresh herbs)				
— Yardlong beans (<i>Vigna sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	Thailand	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (4)	50
— Aubergines	— 0709 30 00; ex 0710 80 95			
— Brassica vegetables	— 0704; ex 0710 80 95			
(Food — fresh, chilled or frozen vegetables)				
— Sweet Peppers (<i>Capsicum annuum</i>)	— 0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59	Turkey	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (5)	10
— Courgettes	— 0709 90 70; ex 0710 80 95			
— Tomatoes	— 0702 00 00; 0710 80 70			
(Food — fresh, chilled or frozen vegetables)				
Pears	0808 20 10; 0808 20 50	Turkey	Pesticide: amitraz	10
(Food)				
Dried grapes (vine fruit)	0806 20	Uzbekistan	Ochratoxin A	50
(Food)				

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Chilli (<i>Capsicum annuum</i>), crushed or ground	— ex 0904 20 90	All third countries	Sudan dyes	10
— Chilli products (curry)	— 0910 91 05			
— <i>Curcuma longa</i> (turmeric)	— 0910 30 00			
(Food — dried spices)				
— Red palm oil	— ex 1511 10 90			
(Food)				

(1) Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked "ex" (for example, ex 1006 30: only Basmati rice for direct human consumption is included).

(2) In particular residues of: Acephate, Methamidophos, Triazophos, Endosulfan, Monocrotophos.

(3) In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorienapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofol, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, Thiocloprid.

(4) In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, Triforine.

(5) In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyrifos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, Monocrotophos.

(6) Reference method EN/ISO 6579 or a certified method validated against it, as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).

(7) In particular residues of: Carbendazim, Cyfluthrin, Cyprodinil, Diazinon, Dimethoate, Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb, Methomyl, Omethoate, Oxamyl, Phenthoate, Thiophanate-methyl.

(8) In particular residues of: Methomyl, Oxamyl, Carbendazim, Clofentezine, Diafenthiuron, Dimethoate, Formetanate, Malathion, Procymidone, Tetradifon, Thiophanate-methyl.

(B) Definitions

For the purposes of this Annex, "Sudan dyes" refers to the following chemical substances:

- (i) Sudan I (CAS Number 842-07-9);
- (ii) Sudan II (CAS Number 3118-97-6);
- (iii) Sudan III (CAS Number 85-86-9);
- (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).

COMMISSION REGULATION (EC) No 669/2009

of 24 July 2009

implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁾, and in particular Article 15(5) and Article 63(1) thereof,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽²⁾, and in particular Article 53(1),

Whereas:

- (1) Regulation (EC) No 882/2004 establishes a harmonised framework of general rules for the organisation of official controls at Community level, including official controls on the introduction of food and feed from third countries. In addition, it provides for a list to be drawn up of feed and food of non-animal origin that is on the basis of a known or emerging risk to be subject to an increased level of official controls at the point of entry into the territories referred to in Annex I thereto (the list). Such an increased level of control should allow, on the one hand, the known or emerging risk to be countered more effectively, and, on the other hand, the collection of accurate monitoring data on the occurrence and prevalence of unfavourable results from laboratory analysis.
- (2) In order to draw up the list, certain criteria, which would allow the identification of a known or emerging risk linked to a specific feed or food of non-animal origin, should be taken into account.
- (3) Pending the adoption of a standardised methodology and criteria for the setting up of the list, data resulting from notifications received through the rapid alert system for food and feed (RASFF), as established by Regulation (EC) No 178/2002, reports by the Food and Veterinary Office,

reports received from third countries, exchanges of information between the Commission, Member States, and the European Food Safety Authority and scientific assessments, should be considered for the purposes of drawing up and updating the list.

- (4) Regulation (EC) No 882/2004 provides that Member States are, for the organisation of the increased level of controls, to designate particular points of entry which have access to the appropriate control facilities for the different types of feed and food. Accordingly, it is appropriate to set out in the present Regulation minimum requirements for designated points of entry in order to ensure a degree of uniformity in the effectiveness of the controls.
- (5) Regulation (EC) No 882/2004 provides that Member States are, for the organisation of the increased level of controls, to require feed and food business operators, responsible for consignments, to give prior notification of the arrival and nature of such consignments. Accordingly, a model form of common entry document (CED) should be laid down for imports of feed and food of non-animal origin covered by this Regulation, in order to ensure a uniform approach throughout the Community. The CED should be made available to the customs authorities when consignments are declared for the release for free circulation.
- (6) In addition, in order to ensure a certain level of uniformity at Community level with regard to the increased level of official controls, it is appropriate to lay down in this Regulation that those controls should cover documentary, identity and physical checks.
- (7) Adequate financial resources should be made available for organising the increased levels of official controls. Therefore, the Member States should collect the fees necessary to cover the costs occasioned by those controls. The calculation of those fees should be in accordance with the criteria laid down in Annex VI to Regulation (EC) No 882/2004.
- (8) Commission Decision 2005/402/EC of 23 May 2005 on emergency measures regarding chilli, chilli products, curcuma and palm oil⁽³⁾ provides that all consignments of such products are to be accompanied by an analytical report demonstrating that the product does not contain any of the following substances: Sudan I (CAS number 842-07-9), Sudan II (CAS number 3118-97-6), Sudan

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.⁽²⁾ OJ L 31, 1.2.2002, p. 1.⁽³⁾ OJ L 135, 28.5.2005, p. 34.

III (CAS number 85-86-9) or Sudan IV (85-83-6). Since the adoption of those measures, the frequency of the notifications to the RASFF has decreased, which indicates a significant improvement in the situation as regards the presence of Sudan dyes in relevant products. It is therefore appropriate to discontinue the requirement to provide the analytical report for each consignment of imported products laid down in Decision 2005/402/EC and to establish instead a uniform, increased level of controls on those consignments at the point of entry into the Community. Decision 2005/402/EC should therefore be repealed.

- (9) Commission Decision 2006/504/EC of 12 July 2006 on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins ⁽¹⁾, provides for an increased frequency of controls (50 % of all consignments) to be carried for the presence of aflatoxins in peanuts originating from Brazil. Since the adoption of those measures, the frequency of the notifications to the RASFF in relation to aflatoxins in peanuts from Brazil has decreased. It is therefore appropriate to discontinue the measures provided for in Decision 2006/504 as regards such commodities, which should instead be subject to a uniform, increased level of controls at the point of entry into the Community. Decision 2006/504/EC should be amended accordingly.
- (10) The application of the minimum requirements for designated points of entry may present practical difficulties for the Member States. Therefore, this Regulation should provide for a transitional period during which those requirements may be progressively implemented. Accordingly, the competent authorities in the Member States should be allowed, during that transitional period, to carry out the required identity and physical checks at control points other than the designated point of entry. In those cases, such control points should comply with the minimum requirements for designated points of entry set out in this Regulation.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down rules concerning the increased level of official controls to be carried out pursuant to Article 15(5) of Regulation (EC) No 882/2004 at the points of entry into the territories referred to Annex I thereto, on imports of the feed and food of non-animal origin listed in Annex I to this Regulation.

⁽¹⁾ OJ L 199, 21.7.2006, p. 21.

Article 2

Updates to Annex I

In order to set up and regularly amend the list in Annex I, at least the following sources of information shall be taken into account:

- (a) data resulting from notifications received through the RASFF;
- (b) reports and information resulting from the activities of the Food and Veterinary Office;
- (c) reports and information received from third countries;
- (d) information exchanged between the Commission and Member States, and the European Food Safety Authority;
- (e) scientific assessments, where appropriate.

The list in Annex I shall be reviewed on a regular basis, and at least quarterly.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'common entry document (CED)' means the document to be completed by the feed and food business operator or its representative as provided for in Article 6, a model of which is set out in Annex II, and by the competent authority confirming completion of official controls;
- (b) 'designated point of entry (DPE)' means the point of entry provided for in the first indent of Article 17(1) of Regulation (EC) No 882/2004, into one of the territories referred to in Annex I thereto; in cases of consignments arriving by sea, which are unloaded for the purposes of being loaded on another vessel for onwards transportation to a port in another Member State, the designated point of entry shall be the latter port;
- (c) 'consignment' means a quantity of any of the feed or food of non-animal origin listed in Annex I to this Regulation of the same class or description, covered by the same document(s), conveyed by the same means of transport and coming from the same third country or part of such country.

Article 4

Minimum requirements for designated points of entry

Without prejudice to Article 19, the designated points of entry shall have at least the following available:

- (a) a sufficient number of suitably qualified and experienced staff to perform the prescribed checks on consignments;

- (b) appropriate facilities for the competent authority to undertake the necessary checks;
- (c) detailed instructions regarding sampling for analysis and the sending of such samples for analysis to a laboratory designated pursuant to Article 12(1) of Regulation (EC) No 882/2004 (the designated laboratory);
- (d) facilities to store consignments (and containerised consignment) in appropriate conditions during the period of detention, where appropriate, awaiting the results of the analysis referred to in point (c), and a sufficient number of storage rooms, including cold stores, in cases where a controlled temperature is required due to the nature of the consignment;
- (e) unloading equipment and appropriate equipment for carrying out sampling for analysis;
- (f) the possibility to perform the unloading and the sampling for analysis in a sheltered place, where appropriate;
- (g) a designated laboratory which can perform the analysis referred to in point (c), situated at a place to which the samples can be transported within a short period of time.

Article 5

List of designated points of entry

The Member States shall maintain and make publicly available on the Internet for each of the products listed in Annex I an up-to-date list of the designated points of entry. The Member States shall communicate the Internet addresses of these lists to the Commission.

The Commission shall display the national links to those lists on the Commission's website, for information purposes.

Article 6

Prior notification of consignments

Feed and food business operators or their representatives shall give adequate prior notification of the estimated date and time of physical arrival of the consignment at the designated point of entry and of the nature of the consignment.

For that purpose, they shall complete Part I of the common entry document and transmit that document to the competent authority at the designated point of entry, at least one working day prior to the physical arrival of the consignment.

Article 7

Language of common entry documents

Common entry documents shall be drawn up in the official language, or in one of the official languages, of the Member State where the designated point of entry is located.

However, a Member State may consent to common entry documents being drawn up in another official language of the Community.

Article 8

Increased level of official controls at designated points of entry

1. The competent authority at the designated point of entry shall carry out without undue delay:

- (a) documentary checks on all consignments within 2 working days from the time of arrival at the DPE, unless exceptional and unavoidable circumstances arise;
- (b) identity and physical checks, including laboratory analysis, at the frequencies set out in Annex I, and in such a way that it is not possible for feed and food business operators or their representatives to predict whether any particular consignment will be subjected to such checks; the results of physical checks must be available as soon as technically possible.

2. After completion of the checks provided for in paragraph 1, the competent authority shall:

- (a) complete the relevant part of Part II of the common entry document; and the responsible official of the competent authority shall stamp and sign the original of that document;
- (b) make and retain a copy of the signed and stamped common entry document.

The original of the common entry document shall accompany the consignment on its onward transport until it reaches its destination as indicated in the CED.

The competent authority at the DPE may authorise onward transportation of the consignment pending the results of the physical checks. Where authorisation is given, the competent authority at the DPE shall notify the competent authority at the point of destination and appropriate arrangements shall be put in place to ensure that the consignment remains under the continuous control of the competent authorities and cannot be tampered with in any manner pending the results of the physical checks.

In cases where the consignment is transported pending the availability of results from the physical checks, a certified copy of the original CED shall be issued for that purpose.

*Article 9***Special circumstances**

1. On request of the Member State concerned, the Commission may authorise the competent authorities of certain designated points of entry operating under specific geographical constraints to carry out physical checks at the premises of a feed and food business operator, provided that the following conditions are met:

- (a) the efficiency of controls carried out at the DPE is not adversely affected;
- (b) the premises fulfil the requirements indicated in Article 4, as relevant, and are approved for that purpose by the Member State;
- (c) appropriate arrangements are in place to guarantee that the consignment remains under the continuous control of the competent authorities of the DPE as from the moment of its arrival at the DPE and cannot be tampered with in any manner throughout all checks.

2. By derogation to Article 8(1), under exceptional circumstances, the decision to list a new product in Annex I may provide that identity and physical checks on consignments of that product can be carried out by the competent authority of the place of destination as indicated in the CED, if appropriate at the premises of the feed and food business operator if the conditions laid down in paragraph 1 (b) and (c) are satisfied, provided that the following conditions are met:

- (a) the highly perishable nature of the product or the specific characteristics of the packaging are such that the performance of sampling operations at the DPE would inevitably result in a serious risk to food safety or in the product being damaged to an unacceptable extent;
- (b) appropriate cooperation arrangements are put in place by the competent authorities at the DPE and the competent authorities performing the physical checks to ensure that:
 - (i) the consignment cannot be tampered with in any manner throughout all checks;
 - (ii) the reporting requirements laid down in Article 15 are fully met.

*Article 10***Release for free circulation**

The release for free circulation of consignments shall be subject to the presentation by the feed and food business operator or their representative to the custom authorities of a common

entry document or its electronic equivalent duly completed by the competent authority once all controls required in accordance with Article 8(1) have been carried out and favourable results from physical checks, where such checks are required, are known.

*Article 11***Obligations of feed and food business operators**

In cases where the special characteristics of the consignment so warrant, feed and food business operator or their representative shall make available to the competent authority:

- (a) sufficient human resources and logistics to unload the consignment, in order that the official controls may take place;
- (b) the appropriate equipment for sampling for analysis as regards special transport and/or specific packaging forms, insofar as such sampling cannot be representatively performed with standard sampling equipment.

*Article 12***Splitting of consignments**

Consignments shall not be split until the increased level of official controls has been completed, and the common entry document has been completed by the competent authority as provided for in Article 8.

In the case of subsequent splitting of the consignment, an authenticated copy of the common entry document shall accompany each part of the consignment until it is released for free circulation.

*Article 13***Non-compliance**

If the official controls establish non-compliance, the responsible official of the competent authority shall complete Part III of the common entry document and action shall be taken pursuant to Articles 19, 20 and 21 of Regulation (EC) No 882/2004.

*Article 14***Fees**

1. Member States shall ensure the collection of fees occasioned by the increased level of official controls provided for in this Regulation in accordance with Article 27(4) of Regulation (EC) No 882/2004, and the criteria laid down in Annex VI to Regulation (EC) No 882/2004.

2. Feed and food business operators responsible for the consignment or their representatives shall pay the fees referred to in paragraph 1.

Article 15

Reporting to the Commission

1. Member States shall submit to the Commission a report on consignments, for the purposes of a continuous assessment of the feed and food of non-animal origin listed in Annex I.

That report shall be submitted quarterly by the end of the month following each quarter.

2. The report shall include the following information:

(a) details of each consignment, including:

(i) the size in terms of net weight of the consignment;

(ii) the country of origin of each consignment;

(b) the number of consignments subjected to sampling for analysis;

(c) the results of the checks as provided for in Article 8(1);

3. The Commission shall compile the reports received pursuant to paragraph 2 and make them available to the Member States.

Article 16

Amendment to Decision 2006/504/EC

Decision 2006/504/EC is amended as follows:

1. in Article 1, point (a) (iii), (iv) and (v) are deleted,

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 July 2009.

2. in Article 5, paragraph 2 (a) is replaced by the following:

'(a) each consignment of foodstuffs from Brazil'.

3. in Article 7, paragraph 3 is deleted.

Article 17

Repeal of Decision 2005/402/EC

Commission Decision 2005/402/EC is repealed.

Article 18

Applicability

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 25 January 2010.

Article 19

Transitional measures

1. For a period of five years from the date of entry into force of this Regulation, where a designated point of entry is not equipped with the facilities required to carry out physical checks as provided for in Article 8(1)(b), those checks may be carried out at another point of control in the same Member State, authorised for that purpose by the competent authority, before the goods are declared for release for free circulation, provided that such control point complies with the minimum requirements laid down in Article 4.

2. Member States shall make publicly available, by electronic publication on their website, a list of the control points authorised in accordance with the first paragraph.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX I

A. Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code	Country of origin	Hazard	Frequency of physical and identity checks ⁽¹⁾ (%)
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11;	Argentina	Aflatoxins	10
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11;	Brazil	Aflatoxins	50
Trace elements (feed and food) ⁽²⁾ ⁽³⁾	2817 00 00; 2820; 2821; 2825 50 00; 2833 25 00; 2833 29 20; 2833 29 80; 2836 99;	China	Cadmium and lead	50
Groundnuts (peanuts) and derived products (feed and food), in particular peanut butter (food)	1202 10; 1202 20 00; 2008 11;	Ghana	Aflatoxins	50
Spices (food): — <i>Capsicum</i> spp (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne and paprika) — <i>Myristica fragrans</i> (nutmeg) — <i>Zingiber officinale</i> (ginger) — <i>Curcuma longa</i> (turmeric)	0904 20; 0908 10 00; 0908 20 00; 0910 10 00; 0910 30 00;	India	Aflatoxins	50
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11	India	Aflatoxins	10
Melon (egusi) seeds and derived products ⁽⁴⁾ (food)	ex 1207 99	Nigeria	Aflatoxins	50
Dried vine fruit (food)	0806 20	Uzbekistan	Ochratoxin A	50
Chilli, chilli products, curcuma and palm oil (food)	0904 20 90; 0910 99 60; 0910 30 00; 1511 10 90	All third countries	Sudan dyes	20
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11	Vietnam	Aflatoxins	10
Basmati rice for direct human consumption (food)	ex 1006 30	Pakistan	Aflatoxins	50
Basmati rice for direct human consumption (food)	ex 1006 30	India	Aflatoxins	10
Mangos, yard long beans (<i>Vigna sesquipedalis</i>), melon bitter (<i>Momordica charantia</i>), Lauki, (<i>Lagenaria siceraria</i>), peppers and aubergines (food)	ex 0804 50 00; 0708 20 00; 0807 11 00; 0707 00; 0709 60; 0709 30 00	Dominican Republic	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS ^(*)	50

Feed and food (intended use)	CN code	Country of origin	Hazard	Frequency of physical and identity checks ⁽¹⁾ (%)
Bananas	0803 00 11	Dominican Republic	Pesticide residues analysed with Multi-residue methods based on CG-MS and LC-MS ^(*)	10
Vegetables, fresh, chilled or frozen (peppers, courgettes and tomatoes)	0709 60; 0709 90 70; 0702 00 00	Turkey	Pesticides: methomyl and oxamyl	10
Pears	0808 20 10	Turkey	Pesticide: amitraz	10
Vegetables, fresh, chilled or frozen (food) — yard long beans (<i>Vigna sesquipedalis</i>) — aubergines — Brassica vegetables	0708 20 00; 0709 30 00; 0704;	Thailand	Organo-phosphorus pesticide residues	50

(*) In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofol, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, oxamyl, Profenofos, Propiconazole, thiabendazol, Thiacloprid.

(1) Where only certain products under any code are required to be examined and no specific subdivision under this code exists in the goods nomenclature, the code is marked 'Ex' (for example Ex 2007 99 97: only products containing hazelnuts should be included).

(2) The trace elements referred to in this entry are the trace elements belonging to the functional group of compounds of trace elements referred to in Annex I, 3 b) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 29).

(3) The maximum levels established for lead and cadmium in additives belonging to the functional group of compounds of trace elements in Annex I of Directive 2002/32/EC of the European Parliament and of the Council (OJ L 140, 30.5.2002, p. 10) shall be the reference points for action. If the trace elements are labelled as food supplements as defined in Article 2 of Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51), the maximum levels set in Regulation (EC) No 1881/2006 shall apply.

(4) The maximum levels established for aflatoxins in groundnuts and derived products in the Annex to Regulation (EC) 1881/2006 (OJ L 364, 20.12.2006, p. 5) shall be the reference points for action.

B. Definitions

For the purposes of this Annex, the following definitions shall apply:

- (a) 'chilli' means fruits of the genus *Capsicum* dried and crushed or ground falling within CN Code 0904 20 90, in whatever form, intended for human consumption;
- (b) 'chilli products' means curry powder falling within CN Code 0910 99 60, in whatever form, intended for human consumption;
- (c) 'curcuma', means curcuma dried and crushed or ground falling within CN Code 0910 30 00, in whatever form, intended for human consumption;
- (d) 'palm oil', means palm oil falling within CN Code 1511 10 90, intended for direct human consumption.
- (e) 'Sudan dyes' refers to the following chemical substances:
 - (i) Sudan I (CAS Number 842-07-9);
 - (ii) Sudan II (CAS Number 3118-97-6);
 - (iii) Sudan III (CAS Number 85-86-9);
 - (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).

ANNEX II

COMMON ENTRY DOCUMENT (CED)

EUROPEAN COMMUNITY

Common Entry Document, CED

Part I: Details of dispatched consignment	I.1. Consignor Name Address Country + ISO code		I.2. CED reference number	
			DPE	
			DPE Unit N°	
	I.3. Consignee Name Address Postal code Country + ISO code		I.4. Person responsible for the consignment 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 DPE (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 intended for Human consumption <input type="checkbox"/> Further process <input type="checkbox"/> Feedingstuff <input type="checkbox"/>			
	I.19. Seal number and container number			
	I.20. For transfer to <input type="checkbox"/> Control Point Control Point Unit N°		I.21.	
I.22. For import <input type="checkbox"/>		I.23.		
I.24. Means of transport to Control Point Railway wagon <input type="checkbox"/> Registered No. Aeroplane <input type="checkbox"/> Flight No. Ship <input type="checkbox"/> Name Road vehicle <input type="checkbox"/> Plate No.				
I.25. Declaration I, the undersigned person responsible for the consignment detailed above, certify that to the best of my knowledge and belief the statements made in Part I 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.		Place and date of declaration Name of signatory Signature		

EUROPEAN COMMUNITY

Common Entry Document, CED

Part II: Decision on consignment	II.1. CED Reference Number	II.2. Customs Document Reference
	II.3. Documentary Check Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	II.4. Consignment selected for physical checks Yes <input type="checkbox"/> No <input type="checkbox"/>
	II.5. ACCEPTABLE for transfer Control Point <input type="checkbox"/> Control Point Unit N°	
	II.6. NOT ACCEPTABLE <input type="checkbox"/> 1. Re-dispatching <input type="checkbox"/> 2. Destruction <input type="checkbox"/> 3. Transformation <input type="checkbox"/> 4. Use for other purpose <input type="checkbox"/>	II.7. Details of Controlled Destinations (II.6) Approval no (where relevant) Address Postal code
	II.8. Full identification of DPE and official stamp <input type="checkbox"/> DPE Stamp DPE Unit N°	II.9. Official Inspector I the undersigned official inspector of the DPE, certify that the checks on the consignment have been carried out in accordance with Community requirements.
	II.10. II.10.	II.11. Identity check Yes <input type="checkbox"/> No <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>
	II.12. Physical Check Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	II.13. Laboratory Tests Yes <input type="checkbox"/> No <input type="checkbox"/> Tested for Results: Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>
	II.14. ACCEPTABLE for release for free circulation <input type="checkbox"/> Human consumption <input type="checkbox"/> Further process <input type="checkbox"/> Feedingstuff <input type="checkbox"/> Other <input type="checkbox"/>	II.15. II.15.
	II.16. NOT ACCEPTABLE <input type="checkbox"/> 1. Re-dispatching <input type="checkbox"/> 2. Destruction <input type="checkbox"/> 3. Transformation <input type="checkbox"/> 4. Use for other purpose <input type="checkbox"/>	II.17. Reason for Refusal 1. Absence/Invalid certificate (if applicable) <input type="checkbox"/> 2. ID: Mis-match with documents <input type="checkbox"/> 3. Physical hygiene failure <input type="checkbox"/> 4. Chemical contamination <input type="checkbox"/> 5. Microbiological contamination <input type="checkbox"/> 6. Other <input type="checkbox"/>
	II.18. Details of Controlled Destinations (II.16) Approval no (where relevant) Address Postal code	
II.19. Consignment resealed New seal no		
II.20. Full identification of DPE/Control Point and official stamp Stamp	II.21. Official Inspector I the undersigned official inspector of the DPE/Control Point, certify that the checks on the consignment have been carried out in accordance with Community requirements. Name (in capital) Date Signature	

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 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) Unit N° Address Signature Date Stamp

Notes for guidance for the CED

- General: Complete the document in capital letters. Notes are shown against the relevant box number.
- Part I** **This section is to be completed by the feed and food business operator or their representative, unless otherwise indicated.**
- 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 e-mail address is recommended.
- Box I.2. This box is to be filled in by the authorities of the Designated Point of Entry (DPE) as defined in Article 2.
- 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 e-mail address is recommended.
- Box I.4. Person responsible for the consignment (also agent, declarant or feed and food business operator): the person who is in charge of the consignment when presented to the DPE and makes the necessary declarations to the competent authorities on behalf of the importer. Indicate name and full address. Information on telephone and fax numbers or e-mail address is recommended.
- Box I.5. Country of origin: this refers to the country where the commodity is originating from, grown, harvested or produced.
- 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 Community.
- Box I.7. Importer: name and full address. Information on telephone and fax numbers or e-mail address is recommended.
- Box I.8. Place of destination: delivery address in the Community. Information on telephone and fax numbers or e-mail address is recommended.
- Box I.9. Arrival at DPE: give the estimated date on which the consignment is expected to arrive at the DPE.
- Box I.10. Documents: indicate the date of issue and the number of official documents accompanying the consignment, as appropriate.
- 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 the commodity: please provide a detailed description of the commodity (including for feed the type).
- Box I.13. Commodity 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 and of the immediate containers and all their packaging, but excluding transport containers and other transport equipment.
Net weight: weight of actual product in kg, excluding packaging. This is defined as the mass of the products themselves without immediate containers or any packaging.
- Box I.15. Number of packages.
- 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 intended for: tick the appropriate box depending on whether the commodity is destined for human consumption without prior sorting or other physical treatment (in this case tick 'human consumption') or is intended for human consumption after such treatment (tick 'further process' in this case), or is intended for use as 'feedingstuff' (in this case tick 'feedingstuffs').
- Box I.19. Give all seal and container identification numbers where relevant.
- Box I.20. Transfer to a control point: During the transitional period referred to in Art. 17, the DPE shall tick this box to allow onward transportation to another control point.
- Box I.21. Not applicable.
- Box I.22. For import: this box is to be ticked in case the consignment is intended for import (Article 8).
- Box I.23. Not applicable.
- Box I.24. Tick the appropriate means of transport.

Part II This section is to be completed by the competent authority.

- Box II.1. Use the same reference number as in Box I.2.
- Box II.2. For use by customs services if necessary.
- Box II.3. Documentary check: to be completed for all consignments.
- Box II.4. The DPE authority shall indicate whether the consignment is selected for physical checks, which during the transitional period referred to in Art. 17 can be performed by a different control point.
- Box II.5. The DPE authority shall indicate, during the transitional period referred to in Art. 17, following a satisfactory documentary/identity check, to which control point the consignment can be transported for a physical check.
- Box II.6. Indicate clearly the action to be carried out in case of rejection of the consignment due to the unsatisfactory outcome of the documentary or identity checks. The address of the destination establishment in case of 'Re-dispatching', 'Destruction', 'Transformation' and 'Use for other purpose' should be entered in Box II.7.
- Box II.7. Give as appropriate approval number and address (or ship name and port) for all destinations where further control of the consignment is required, for example for Box II.6, 'Re-dispatching', 'Destruction', 'Transformation' or 'Use for other purpose'.
- Box II.8. Put here the official stamp of the DPE competent authority.
- Box II.9. Signature of the official responsible of the DPE competent authority.
- Box II.10. Not applicable.
- Box II.11. The DPE authority or, during the transitional period referred to in Article 17, the competent authority of the control point, indicates here the results of the identity checks.
- Box II.12. The DPE authority or, during the transitional period referred to in Article 17, the competent authority of the control point, indicates here the results of the physical checks.
- Box II.13. The DPE authority or, during the transitional period referred to in Article 17, the competent authority of the control point, indicates here the results of the laboratory test. Complete this box with the category of substance or pathogen for which a laboratory test is carried out.
- Box II.14. This box is to be used for all consignments to be released for free circulation within the Community.
- Box II.15. Not applicable.
- Box II.16. Indicate clearly the action to be carried out in case of rejection of the consignment due to the unsatisfactory outcome of the physical checks. The address of the destination establishment in case of 'Re-dispatching', 'Destruction', 'Transformation' and 'Use for other purpose' must be entered in Box II.18.
- Box II.17. Reasons for refusal: use as appropriate to add relevant information. Tick the appropriate box.
- Box II.18. Give as appropriate approval number and address (or ship name and port) for all destinations where further control of the consignment is required, for example, for Box II.16, 'Re-dispatching', 'Destruction', 'Transformation' or 'Use for other purpose'.
- Box II.19. 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 must be kept.
- Box II.20. Put here the official stamp of the DPE authority or, during the transitional period referred to in Article 17, of the control point's competent authority.
- Box II.21. Signature of the official responsible of the DPE authority or, during the transitional period referred to in Article 17, of the control point's competent authority.

Part III This section is to be completed by the competent authority.

- Box III.1. Details on re-dispatching: the DPE authority or, during the transitional period referred to in Article 17, the competent authority of the control point, indicates the means of transport used, its identification, the country of destination and the date of re-dispatching, as soon as they are known.
- Box III.2. Follow-up: indicate the local competent authority unit responsible, as appropriate, for the supervision in case of 'Destruction', 'Transformation' or 'Use for other purpose' of the consignment. This competent authority shall report here the result of the arrival of the consignment and the correspondence.
- Box III.3. Signature of the official responsible for the DPE authority or, during the transitional period referred to in Article 17, the control point, in case of 'Re-dispatching'. Signature of the official responsible for the local competent authority in case of 'Destruction', 'Transformation' or 'Use for other purpose'.
-