



Ministry for Food and Consumer Protection in Hamburg (BGV)
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Import control of food of non- animal origin



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- EU import control system for food of non-animal origin (FNAO)
 - Safeguard measures
 - Increased control
 - MANCP control
- Import controls
 - Control steps and difficult areas
 - Findings
- Future developments



- In general the EU import control of food of animal and non-animal origin has to be distinguished
- **Import control of food of animal origin:**
 - EU-wide harmonised import control system
 - Border control posts (BIP) at the external EU border (port, airport; road/rail)
 - Legal requirement for pre-notification and control of all consignments of products of animal origin
- **Import control of food of non-animal origin:**
 - Only partly harmonised import control procedures in respect of increased levels of checks
 - EU and national law is applicable
 - Different import control systems in different Member States (MS) - checks in the MS differing between regular 100% checks over targeted checks up to checks mainly at the retail level

**Safeguard
measures
Art. 53 Reg. (EC)
No. 178/2002**

**Enhanced control level
Reg. (EC) No.669/2009**

**Risk based checks (regular official control)
Art. 15 (1) Reg. (EC) No. 882/2004**

Import Regime FOOD of Non Animal Origin

Legislation related to import controls

- Reg. (EC) No. 178/2002
 - General Food law legislation
- Reg. (EC) No. 882/2004
 - Official control regulation
- Reg. (EU) No. 669/2009
 - Enhanced controls of certain food and feed of non-animal origin from third countries
- Reg. (EU) No. 884/2014
 - Safeguard measure regarding aflatoxin controls
- Reg. (EU) No. 885/2014
 - Safeguard measure regarding pesticides
- Reg. (EU) 2016/166
 - Safeguard measure regarding microbiological contamination
- Legislation laying down methods of sampling and analysis for official controls, e.g. Reg. (EC) 401/2006; guidance documents

Safeguard measures according to Art. 53 Reg. (EC) No. 178/2002

- Emergency measures due to detected hazard
- Requirements for laboratory analysis in the relevant third countries
- Health certificate and analysis report
- Check at the point of entry in the EU
 - Designated points entries (DPE)
 - Pre-notification of the consignment
 - 100 % Documentary check at the DPE
- Identity and physical check (including the laboratory check) at the DPE [or at the designated point of import (DPI) in case of controls according to Reg. 884/2014]
- EU harmonised control document: Common entry document – CED

EUROPEAN COMMUNITY		COMMON ENTRY DOCUMENT (CED)	
		Common Entry Document, CED	
Part I: Details of dispatched consignment	1.1. Consignor Name Address Country + ISO code	1.2. CED reference number DPE DPE Unit N°	
	1.3. Consignee Name Address Postal code Country + ISO code	1.4. Person responsible for the consignment Name Address	
	1.7. Importer Name Address Postal code Country + ISO code	1.5. Country of origin + ISO code 1.6. Country from where consigned + ISO code	
	1.9. Arrival at DPE (estimated date) Date	1.8. Place of destination Name Address Postal code Country + ISO code	
	1.11. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Identification: Documentary references:	1.10. Documents Number Date of issue	
	1.12. Description of commodity	1.13. Commodity code (HS code)	
		1.14. Gross weight/Net weight	
		1.15. Number of packages	
	1.16. Temperature Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>	1.17. Type of packages	
	1.18. Commodity intended for Human consumption <input type="checkbox"/> Further process <input type="checkbox"/> Feedingstuff <input type="checkbox"/>		
1.19. Seal number and container number			
1.20. For transfer to <input type="checkbox"/> Control Point Control Point Unit N°	1.21.		
1.22. For import <input type="checkbox"/>	1.23.		
1.24. 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.			
1.25. 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.	1.25. Declaration Place and date of declaration Name of signatory Signature		

Examples:

pistachios (Aflatoxin) from Iran and Turkey

paranuts from Brazil

hazelnuts and figs from Turkey

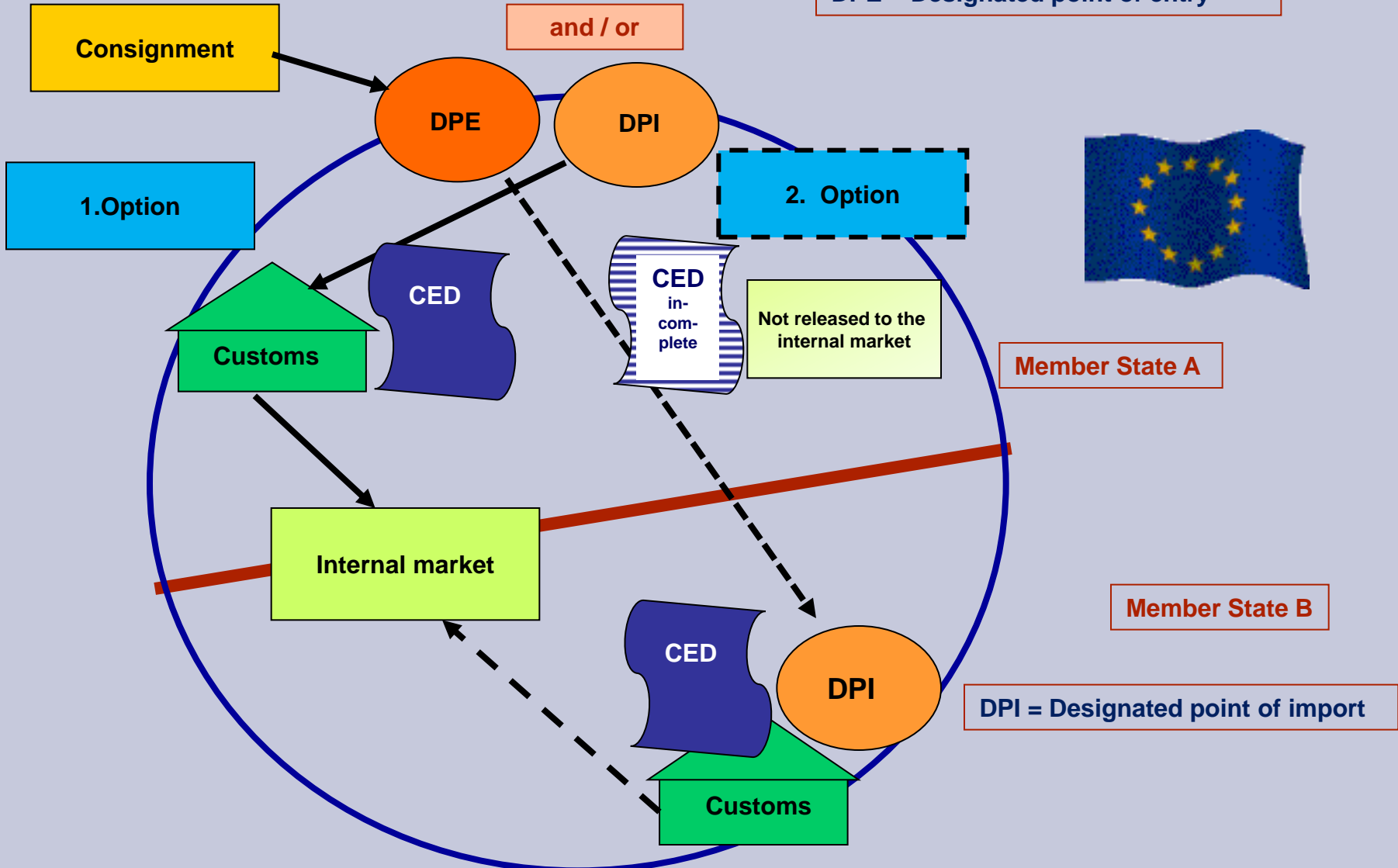
watermelon seeds from Nigeria

groundnuts from China

Betel leaves „Piper beetle“ from India

Onward transportation according to Reg. (EU) No. 884/2014

DPE = Designated point of entry



Border control according to Reg. (EC) No. 669/2009

- Increased control level for food and feed of non animal origin
- Prior notification and checks at the DPE (designated point of entry)
- List of products under increased control updated quarterly (semi-yearly in future) regime according to Annex I
- Special requirements for the control points, e.g. equipment, unloading facilities
- Common Entry Document (CED)
- Onward transportation to the place of destination may be granted by the competent authority before the laboratory result has been received

Feed and food (intended use)	CN code (*)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) (Food — fresh, chilled or dried)	0805 50 10		Turkey (TR)	Pesticide residues (?)	10
— Sweet Peppers (<i>Capsicum annuum</i>) (Food — fresh, chilled or frozen vegetables)	— 0709 60 10; 0710 80 51		Turkey (TR)	Pesticide residues (?) (16)	10
Vine leaves (Food)	ex 2008 99 99	11; 19	Turkey (TR)	Pesticide residues (?) (17)	50
— Pistachios, in shell	— 0802 51 00		United States (US)	Aflatoxins	20
— Pistachios, shelled (Food)	— 0802 52 00				
— Dried apricots	— 0813 10 00		Uzbekistan (UZ)	Sulphites (15)	50
— Apricots, otherwise prepared or preserved (Food)	— 2008 50 61				
— Coriander leaves	— ex 0709 99 90	72	Viet Nam (VN)	Pesticide residues (?) (18)	50
— Basil (holy, sweet)	— ex 1211 90 86; ex 2008 99 99	20 75			
— Mint	— ex 1211 90 86; ex 2008 99 99	30 70			
— Parsley (Food — fresh or chilled herbs)	— ex 0709 99 90	40			
— Okra	— ex 0709 99 90	20	Viet Nam (VN)	Pesticide residues (?) (18)	50
— Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh or chilled)	— ex 0709 60 99	20			

Examples

Dried apricots from Uzbekistan

Raspberries from Serbia

Groundnuts from Gambia, Madagascar and Sudan

Basil and Coriander leaves (Thailand)

Peppers (Capsicum) from Dominican Republic and Thailand

Nutmeg, Curry leaves (India)

Tea from China

Sesame seeds from India

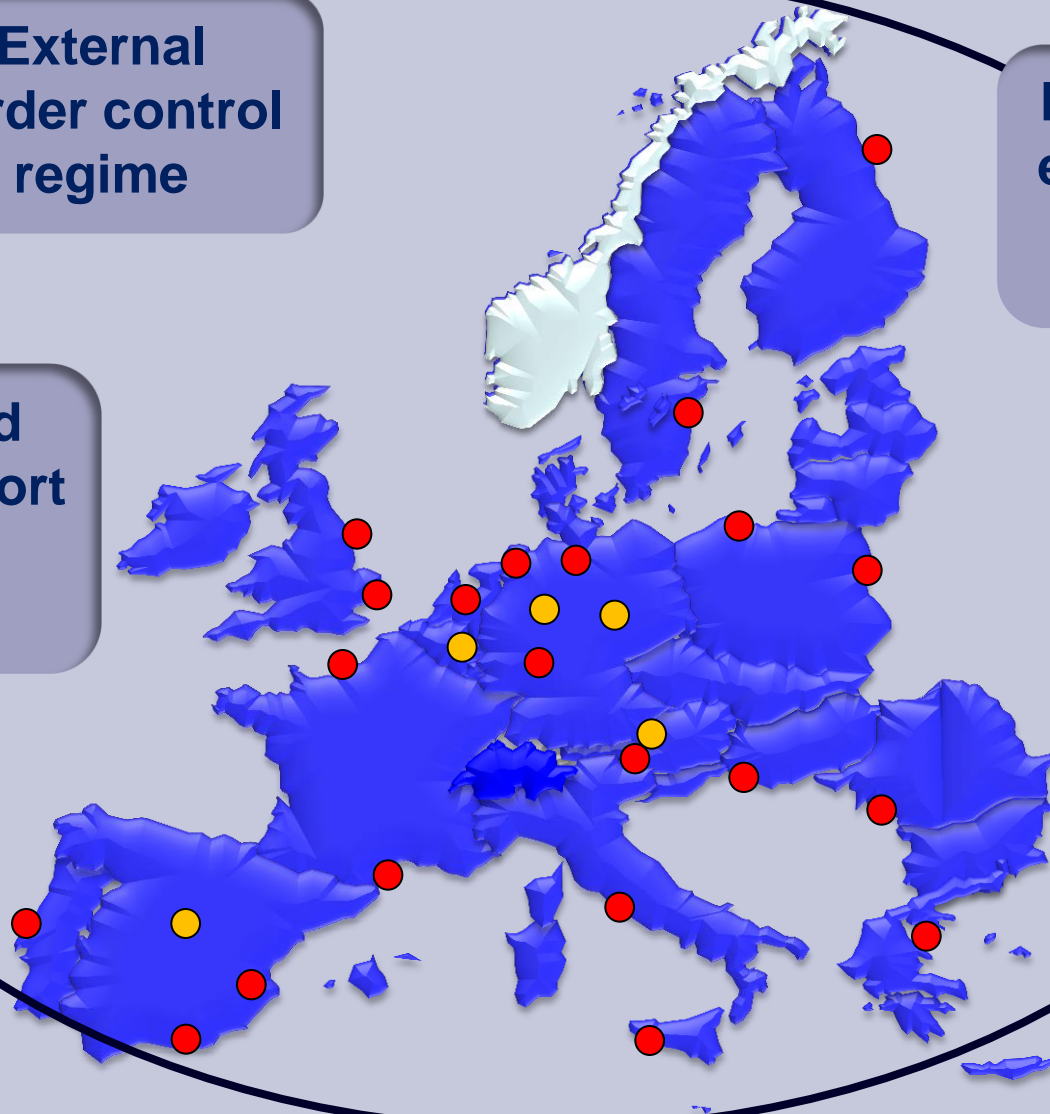
External
border control
regime

Designated point of
entries = **DPE** at the
external EU border

Designated
point of import
= **DPI**

Free trade
between
Member States

Communication
via RASFF (and
partly TRACES)



External
border control
regime

Designated point of
entries = **DPE** at the
external EU border



Free trade
between
Member States

Communication
via RASFF (and
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DPE in the Member States

Austria	Italy: Food  - Feed 
Belgium 	Latvia
Bulgaria: Food - Feed	Lithuania
Croatia	Luxembourg
Cyprus	Malta
Czech Republic: Food - Feed	Netherlands 
Denmark: Food - Feed	Poland: Food - Feed  (38 kB)
Estonia: Food - Feed 	Portugal
Finland	Romania 
France: Food - Feed	Slovakia 
Germany: Food  - Feed 	Slovenia: Food  - Feed  (30 kB)
Greece: EN  - EL 	Spain: Food - Feed
Hungary  (15 kB)	Sweden
Ireland	United Kingdom
	Norway

Risk based checks according to Art. 15 (1) Reg. (EC) No. 882/2004

- Regular checks on the basis of the MANCP (multi-annual national control plan)
- Controls of FNAO from third countries at all stages of the food chain at appropriate places e.g.
 - at the point of entry (= at the border)
 - within the T1-procedure
 - in customs stores, free zones and free warehouses
 - at the time of customs clearance for free release to the market

Risk assessment in consideration of

- Risks associated with the type of product
- Results of previous control (history of compliance with regard to the
 - Third country
 - Establishment
 - Importer
- Controls carried out by the importer himself
- Guarantees given by the competent authority of the third country



... hampered by:

- no regular harmonised control regime throughout the EU
- Missing data and information; e.g. about
 - total number of imports
 - origin of food products
 - purpose of consignments

Documentary check

- Health certificate and laboratory test report in case of safeguard measures
 - ⇒ Compliance with legal requirements
 - ⇒ Compliance with laboratory standards
- Accompanying documents e.g. bill of lading, invoice, packing list

Difficult areas:

- Scope of legal measure:
 - ⇒ CN code established by customs law
- Competent authority
 - ⇒ Layout of certificate (head lines, seals, authorised signatures : missing references

Identity check

- Visual inspection to ensure that certificates or other accompanying documents tally with the labelling and the content of the consignment
 - ⇒ Kind of product
 - ⇒ Labelling
 - ⇒ Size of consignment (number of packages; net weight)

Difficult areas:

- No legal reference for the identification code (consignment code)
 - ⇒ Lot number, shipping mark, etc.
- Origin of consignments
 - ⇒ Country of origin; Country of dispatch
 - ⇒ Re-imports
 - ⇒ Splitting of consignments

Physical check

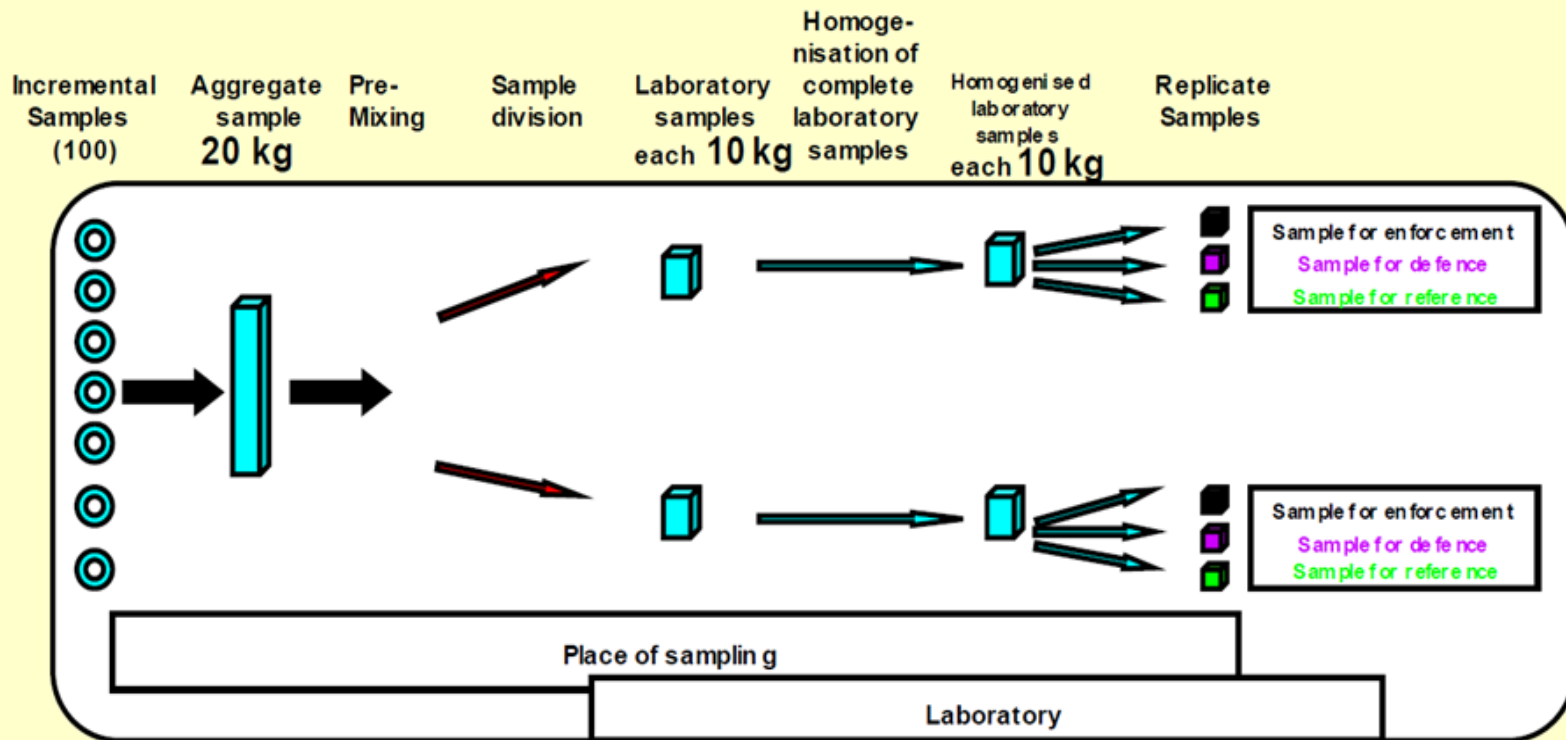
- Check on the feed or food itself
 - ⇒ Means of transport
 - ⇒ Packaging, labelling
 - ⇒ Sampling
 - ⇒ Laboratory analysis

Difficult areas:

- Partly complete unloading of consignments necessary e.g. in case of aflatoxin controls
 - ⇒ Access from different sides
- Urgent and/or perishable goods
- Sampling
 - ⇒ Difficult products, e.g. fig paste
 - ⇒ Extensive and time consuming sampling
 - ⇒ No EU harmonised sampling instructions and assessment, e.g. sesame seeds
 - ⇒ Secondary samples for the importer – not harmonised

Sampling

Samples for enforcement, defence and reference taken from homogenised laboratory or sub samples



Source: EU Guidance document for competent authorities for the control of compliance with EU legislation on aflatoxins



Consignment

EU conform

not EU conform

Released for free circulation in the Union

Not released

Further treatment

Rejection

Destruction

Results related to commodities listed for the presence of mycotoxins - examples

Dried spices from India - aflatoxins

YEAR 2014	CONSIGNMENTS	ANALYSED	NON COMPLIANT	% OF NON COMPLIANCE
Quarter I	407	59	4	6,8%
Quarter II	408	55	5	9,1%
Quarter III	350	35	2	5,8%
Quarter IV	324	40	2	5%
Total	1489	189	13	6,9%

History:

Listed spices: chilly, curry and nutmeg.
Listed as of 25 January 2010 and subject to frequency of physical and identity checks of 50%. Control frequency decreased to 20% as of 1 January 2012 and further decreased to 10% as of 1 January 2013. **Curry delisted as of July 2014.**

Frequency increased to 20% as of 1 January 2015

Nutmeg from Indonesia - aflatoxins

YEAR 2014	CONSIGNMENTS	ANALYSED	NON COMPLIANT	% OF NON COMPLIANCE
Quarter I	156	37	0	0%
Quarter II	132	26	0	0%
Quarter III	142	30	7	23,3%
Quarter IV	148	41	4	9,8%
Total	578	134	11	8,2%

History:

Listed as of 1 July 2012 and subject to frequency of physical and identity checks of 20%.

Now: no changes

Results related to commodities listed for the presence of pesticide residues - examples

Fresh herbs from Vietnam – pesticide residues

YEAR 2014	CONSIGNMENTS	ANALYSED	NON COMPLIANT	% OF NON COMPLIANCE
Quarter I	7	1	0	0%
Quarter II	33	9	2	22,2%
Quarter III	45	9	5	55,6%
Quarter IV	18	2	2	100%
Total	103	21	9	42,9%

History:

Listed herbs: basil, coriander leaves, mint and parsley. Listed as of 1 January 2013 and subject to frequency of physical and identity checks of 20%.

Now: 10%

Herbs and spices from Thailand – pesticides residues

YEAR 2014	CONSIGNMENTS	ANALYSED	NON COMPLIANT	% OF NON COMPLIANCE
Quarter I	321	32	0	0%
Quarter II	361	40	0	0%
Quarter III	393	36	1	2,8%
Quarter IV	399	36	0	0%
Total	1474	144	1	0,7%

History:

Listed herbs and spices: basil and coriander. Listed as of 7 October 2010 and subject to frequency of physical and identity checks of 20%. Control frequency reduced to 10% as of 1 April 2013. **Delisted as of 1 January 2015**

Source: http://ec.europa.eu/food/safety/docs/oc_leg_imports_dpe_ms_border-checks-results_2014.pdf

Results related to commodities listed for possible microbiological contamination

Sesamum Seeds from India – Salmonella

YEAR 2014	CONSIGNMENTS	ANALYSED	NON COMPLIANT	% OF NON COMPLIANCE
Quarter I	Not listed			
Quarter II	Not listed			
Quarter III	Not listed			
Quarter IV	788	157	21	13,5%
Total	788	157	21	13,5%

History:

Listed as of 1 October 2014 and subject to frequency of physical and identity checks of 20%

Betel leaves from India – Salmonella

YEAR 2014	CONSIGNMENTS	ANALYSED	NON COMPLIANT	% OF NON COMPLIANCE
Quarter I	Not listed			
Quarter II	146	21	5	23,8%
Quarter III	189	19	6	31,6%
Quarter IV	236	20	5	25%
Total	571	60	16	26,7%

History:

Listed as of 1 April 2014 and subject to frequency of physical and identity checks of 10%. Frequency increased to 50% as of 1 January 2015 → since 08.02.2016 safeguard measures laid down in Reg. (EU) No. 2016/166

.. to expected:

- New official control regulation (OCR)
 - presumably at the end of 2016
 - More harmonisation between controls of food of animal and non-animal origin
 - Harmonised control document CHED
 - Border Control Point (BCP)
- Notification of consignments in the scope of re-enforced checks via TRACES
 - Revision of the onward transportation (?)
 - More pre-export approvals from third countries
 - More international agreements
 - Stepping up of cooperation with customs (Single window- project)
 - Risk based checks ⇒ **Data mining**



Thank you for your attention!

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