Import Control of Products of Non-animal Origin

Updated January 2019
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Note 1: There is a link to all legislation referenced in this document and the links are highlighted in blue.

Note 2: Please do not refer to older versions of this document as the information may have been superceded.

Note 3: This document is for guidance only. This must be read in conjunction with the associated legislation.
There are essentially three levels of official controls for the import from Third Countries of food products of non-animal origin:

1. **Routine official controls under Regulation (EC) No 882/2004**

2. **Increased official controls due to known or emerging risks under Article 15.5 of Regulation (EC) No 882/2004 as implemented by Regulation (EC) No 669/2009 as amended**

3. **Emergency/Safeguard measures**
   a. under Article 53 of Regulation (EC) No 178/2002
   b. under other legislation

Note: The key points for each piece of legislation are set out below. For specific details refer to the legislation. Links are provided.
1. **REGULATION (EC) NO 882/2004 TITLE II CHAPTER V: OFFICIAL CONTROLS ON THE INTRODUCTION OF FEED AND FOOD FROM THIRD COUNTRIES**

- Sets down the general requirements for routine official controls for the import of products of non-animal origin
- Regulation (EC) No 882/2004 has been amended fourteen times
- Provides for Regulations for increased levels of official controls on certain feed and food of non-animal origin on the basis of known or emerging risk (Article 15.5)

**Consolidated version of Regulation (EC) No 882/2004** (as at 16th July 2017)

**National legislation:**

Food of non-animal origin other than for pesticide residues:

Regulation (EC) No 882/2004 as amended is given effect in national legislation by European Communities (Official Control of Foodstuffs) Regulations 2010 **(S.I. No 117 of 2010)** as amended by **S.I. No. 344 of 2011**

Regulation (EC) No 882/2004 as amended insofar as it relates to import control for products of non-animal origin is given effect in national law by European Communities (Official Controls on the Import of Food of Non-Animal Origin) Regulations 2010 **(S.I. No. 391 of 2010)**

**Feed:**

Regulation EC No 882/2004 as amended is given effect in national legislation by European Communities (Food and Feed Hygiene) Regulations 2009 **(S.I. No. 432 of 2009)** as amended.

**Competent authority:**

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

Food of non-animal origin – pesticide residues: Pesticide Control Service, Department of Agriculture, Food and the Marine. They can be contacted at: pcs_icon@agriculture.gov.ie, Fax: 00353(0) 1 6157575.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: feedimports@agriculture.gov.ie Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or barry.o’reilly@agriculture.gov.ie Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955

**Food contact materials:**

In addition to the above provisions under Regulation EC No 882/2004 as amended for food and feed there are a number of provisions under Title VI Chapter II: Community Activities Import Conditions in particular Article 48. Special import conditions can be established by the Commission where they are not provided for by Community law (Article 48(1)). The Commission has used this provision to introduce emergency measures for certain food contact materials from China as the emergency measures provision in Article 53 of Regulation EC No 178/2002 relates only to food and feed. See section 3B for details.
2. INCREASED OFFICIAL CONTROLS


**Commission Regulation (EC) No 669/2009** implementing Article 15.5 of Regulation (EC) No 882/2004 sets out the requirements for increased official controls:

- Prior notification is required (at least 1 working day prior to the physical arrival of the consignment)
- Common Entry Document (CED) must be completed
- **Designated Points of Entry** are Dublin Port and Dublin Airport
- Minimum facilities that must be provided to carry out the official controls
- Documentary checks must be carried out on all consignments, identity and physical checks must be carried out on consignments at the frequency set out in Annex I
- Annex I sets out the list of products / country of origin / hazards / frequencies of identity and physical checks to be carried out
- Results of official controls are to be available as soon as technically possible
- Product is to be released only where the CED form is complete and where physical checks have been carried out, the results are satisfactory
- Consignments cannot be split until controls and the CED form are completed; if split before release for free circulation, an authorised copy of the CED form must accompany each part
- Cost recovery is required for increased official controls
- Report to the European Commission is required on a biannual basis except where Member States have registered the CEDs in TRACES; inform RASFF of non-compliances
- Annex I is reviewed at least biannually

**Commission Regulation (EC) No 669/2009** is currently amended by:

- **Regulation (EC) No 212/2010**
- **Regulation (EU) No 323/2014**
- **Regulation (EU) No 2016/1024**
- **Regulation (EU) 2017/1142**
- **Regulation (EU) 2017/2298**
- **Regulation (EU) 2018/941**
- **Commission Regulation 2019/35**

Note 1: Regulation (EU) No 323/2014 amends both Annex I and II. Minor amendments have been made to the CED form to provide clarity and compatibility with the CVED form. Regulation (EC) No 718/2014 provides for the extension of transitional measures for 10 years from the date of entry into force.

Note 2: Regulation (EU) 2016/1024 amends Article 2 and Article 15(1). Annex I must be reviewed on a regular basis, and at least biannually. To compliment this, the report on official controls carried out must be reported biannually by the end of the month following each semester.

Note 3: Regulation (EU) 2017/2298 amends Regulation (EC) No 669/2009 by replacing Article 9(2) regarding the derogation from Article 8(1) where identity and physical checks can be carried out at the
place of destination in certain exceptional circumstances. The amendment is to provide for any listed product and not just new products.

Note 4: Regulation (EU) 2018/941 amends Regulation (EC) No 669/2009 by:
- amending Article 3 to include aircraft and airports for the purposes of onward travel of transshipped consignments
- replacing Article 13 requiring all border rejections for non-compliance with a maximum residue level to notify that rejection in accordance with Article 19(3) of Regulation (EC) No 882/2004
- amending Annex I of Regulation (EU) No 885/2014 by deleting the listing of okra from India. This was simultaneously added to Annex I of Regulation (EC) No 669/2009.

- amending Article 15 to add that the reporting obligations are deemed to be met where the member state has registered in TRACES the CED issued by their respective competent authorities during the reporting period
- amending Article 19 by replacing paragraph 1 in relation to transitional arrangements until 13\(^{th}\) December 2019 (aligning with the application date for Regulation 2017/625) for DPEs which are not equipped with the facilities required to carry out identity and physical checks

All Regulations listed above amend Annex I.

**Annex I has been replaced by Regulation (EU) 2019/35. The changes are as follows:**

**Listing:**
- Aubergines from the Dominican Republic for the presence of pesticide residues
- Beans from Kenya for the presence of pesticide residues
- Peppers (other than sweet) from Uganda for the presence of pesticide residues
- Black pepper from Brazil for the presence of *Salmonella*
- Sweet peppers from China for the presence of *Salmonella*
- Sesamum seeds from Ethiopia for the presence of *Salmonella*

**Delisting:**
- Pineapples from Benin for the presence of pesticide residues

**Frequency of identity and physical checks:**
- Sweet peppers and peppers (other than sweet) from Egypt – frequency of controls increased from 10% to 20%
- Peppers (other than sweet) from India – frequency of controls increased from 10% to 20%
- Peppers (other than sweet) from Pakistan – frequency of controls increased from 10% to 20%
- Peppers (sweet or other than sweet) from Sri Lanka – frequency of controls increased from 20% to 50%
- Hazelnuts from Georgia – frequency of controls increased from 20% - 50%

The scope for hazelnuts from Georgia has been amended to include flour, meal and powder of hazelnuts and hazelnuts, otherwise prepared or preserved

**Note:**

were introduced to replace/amend Annex I. Regulation (EU) No 2019/35 applies from 14th January 2019.

*Regulation (EU) 2018/1660 applies from 8th December 2018 subject to transitional arrangements in respect of vine leaves from Turkey and Pityhaya (dragon fruit) from Vietnam. These products will be controlled under Regulation (EU) 2018/1660.

The following amendments have been made by the replacement of Annex I by Regulation (EU) No 2018/941 (italics):

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Country</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aflatoxins</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peanuts and derived products</td>
<td>Bolivia</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Peanuts and derived products</td>
<td>Gambia</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Hazelnuts, in shell and shelled, flour, meal and powder of hazelnuts</td>
<td>Georgia</td>
<td>Frequency of identity and physical checks increased to 50%</td>
</tr>
<tr>
<td>Hazelnuts, otherwise prepared or preserved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peanuts and derived products</td>
<td>Madagascar</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Peanuts and derived products</td>
<td>Senegal</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Watermelon seeds and derived products</td>
<td>Sierra Leone</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Peppers (sweet or other than sweet) (Capsicum spp.)</td>
<td>Sri Lanka</td>
<td>Frequency of identity and physical checks increased to 50%</td>
</tr>
<tr>
<td>Peanuts and derived products</td>
<td>Sudan</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Pistachios, in shell and shelled</td>
<td>United States</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Ochratoxin A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dried grapes</td>
<td>Turkey</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Pesticide Residues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pineapples</td>
<td>Benin</td>
<td>Delisted from 14th January 2019</td>
</tr>
<tr>
<td>Yardlong beans</td>
<td>Cambodia</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Chinese celery</td>
<td>Cambodia</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Gogi berries</td>
<td>China</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Tea, whether or not flavoured</td>
<td>China</td>
<td>Retain status quo</td>
</tr>
<tr>
<td>Aubergines</td>
<td>Dominican</td>
<td>New listing from 14th January</td>
</tr>
</tbody>
</table>
Republic & 2019 with identity and physical checks at a frequency of 20%

| Peppers (sweet and other than sweet) and yard long beans | Dominican Republic | Retain status quo |
| Peppers (sweet and other than sweet) | Egypt | Frequency of identity and physical checks increased to 20% |
| Okra | India | Retain status quo |
| Peppers (other than sweet) | India | Frequency of identity and physical checks increased to 20% |
| Beans | Kenya | New listing from 14th January 2018 with identity and physical checks at a frequency of 5% |
| Peppers (other than sweet) | Pakistan | Frequency of identity and physical checks increased to 20% |
| Peppers (other than sweet) | Thailand | Retain status quo |
| Lemons | Turkey | Retain status quo |
| Sweet peppers | Turkey | Retain status quo |
| Pomegranates | Turkey | Retain status quo |
| Peppers (other than sweet) | Uganda | New listing from 14th January 2018 with identity and physical checks at a frequency of 20% |
| Coriander leaves, basil, mint and parsley | Viet Nam | Retain status quo |
| Okra | Viet Nam | Retain status quo |
| Peppers (other than sweet) | Viet Nam | Retain status quo |

Contaminants

| Palm oil (Sudan dyes) | Ghana | Retain status quo |
| Pickled turnips (Rhodamine B) | Lebanon | Retain status quo |
| Pickled turnips (Rhodamine B) | Syria | Retain status quo |

Microbiological contamination

| Black pepper (Salmonella) | Brazil | New listing from 14th January 2018 with identity and physical checks at a frequency of 20% |
| Sweet peppers (Salmonella) | China | New listing from 14th January 2018 with identity and physical checks at a frequency of 20% |
| Sesamum seeds (Salmonella) | Ethiopia | New listing from 14th January 2018 with identity and physical checks at a frequency of 50% |
| Sesamum seeds (Salmonella) | Nigeria | Retain status quo |
| Raspberries (Norovirus) | Serbia | Retain status quo |
| Sesamum seeds (Salmonella) | Sudan | Retain status quo |
| Sesamum seeds (Salmonella) | Uganda | Retain status quo |

Additives

| Dried apricots, apricots otherwise prepared or preserved (Sulphites) | Turkey | Retain status quo |
| Dried apricots, apricots otherwise prepared or preserved (Sulphites) | Uzbekistan | Retain status quo |

To support the harmonized approach to the implementation of Regulation (EC) No 669/2009 as amended by member states the Commission has published a [Commission Staff Working Document](#) to set out a
comprehensive summary of the procedure that must be applied by customs authorities in order to ensure the enforcement of Regulation (EC) No 669/2009 correctly and consistently throughout the EU (July 2014).

The European Commission has recently updated its Q&A Paper on the implementation of Regulation (EC) No 669/2009 as amended.

**National Legislation:**

**Food of non-animal origin other than for pesticide residues:**

**European Communities (Official Controls on the import of food of non-animal origin) Regulations 2010 [S.I. No. 391 of 2010]**

- Provides for official detention of consignments in order to carry out official controls and deal with non-compliant products
- Sampling for specific hazards is to be carried out in accordance with relevant food legislation, e.g. mycotoxins are sampled under Regulation (EC) No 401/2006
- The food business operator / representative must be provided with a written notification of any action to be taken under these Regulations, the reasons and information on the right of appeal
- Fees must be set and charged to cover costs for increased official controls
- The FSAI or the HSE may order that a consignment be destroyed, or otherwise disposed of where a food business operator fails to pay the fee or where the consignment is abandoned

**European Communities (Official Controls on the import of food of non-animal origin) (Amendment) (No.2) Regulations 2013 [S.I. No 178 of 2013]**

- S.I. No 178 of 2013 amends S.I. No. 391 of 2010 by substituting European Economic Area for European Union in the definition of Designated Point of Entry

*European Communities (Official Controls on the Import of Food of Non-Animal Origin) (Amendment) (No.2) Regulations 2018 [S.I. No. 327 of 2018]*

- This is to continue to give effect to Regulation (EU) No 323/2014, Regulation (EU) No 718/2014, Regulation (EU) No 2016/1024 and to give effect to Regulation (EU) 2018/941 which since replaced Annex I of Regulation (EU) No 2017/2298. It is effective from 1st July 2018. The definition of Regulation (EC) No 669/2009 is substituted by a new definition to include Regulation (EU) No 2018/941 and replacing the footnote reference accordingly. The definition of designated point of entry has been replaced.
- European Communities (Official Controls on the Import of Food of Non-Animal Origin) (Amendment) Regulations 2018 [S.I. No. 3 of 2018] are revoked

Note: On the basis that the amendments are generally to Annex I only and not to the body of the Regulation, the DOH will introduce as required a new S.I. to give effect to the latest amendment to Regulation (EC) No 669/2009 and revoke the previous S.I. which gave effect to the last amendment. In essence at any one time S.I. 391 of 2010 [giving effect to Regulation (EC) No 669/2009 and 212/2010], S.I. No. 178 of 2013 [amending S.I. No 391 of 2010] and another S.I. [amending the definition of Regulation EC No 669/2009] will be in place to give full effect to the EU Regulations.

*DoH will introduce an S.I. to replace S.I. No. 327 of 2018 shortly.
Food of non-animal origin for pesticide residues:

European Communities (Official Controls on the Import of Food of Non-Animal Origin for Pesticide Residues) Regulations 2011 [S.I. No. 426 of 2011]


- Provides for official detention of consignments in order to carry out official controls and deal with non-compliant products
- Sets out provisions for action to be taken for non-compliances in accordance with Regulation (EC) No 882/2004
- Import must be through a DPE
- Prior notification of arrival of consignment of at least two working days by completing Part I of the CED form
- Official controls are to be carried out in accordance with Regulation (EC) No 669/2009
- The food business operator / representative must be provided with a written notification of any action to be taken under these Regulations, the reasons and information on the right of appeal
- Fees must be set and charged to cover costs for increased official controls
- The Minister may order that a consignment be destroyed, or otherwise disposed of where a food business operator fails to pay the fee or where the consignment is abandoned

*European Communities (Official Controls on the Import of Food of Non-Animal Origin for Pesticide Residues) (Amendment) (No.2) Regulations 2018 [S.I. No. 330 of 2018]

S.I. No. 426 of 2011 has been further amended by European Communities (Official Controls on the Import of Food of Non-Animal Origin for Pesticide Residues) (Amendment) (No.2) Regulations [S.I. No. 330 of 2018]

- This is to give further effect to Commission Regulation (EC) No 669/2009 as amended by Commission Regulation (EC) No 323/2014, Commission Regulation (EU) No 718/2014, Commission Regulation 2017/1142 and to 1,2,3Commission Regulation 885/2014 (curry leaves from India) and *Commission Regulation (EU) No 2015/943 (dried beans from Nigeria)


*DAFM will introduce an S.I. to replace S.I. No. 330 of 2018 shortly.

Note: On the basis that the amendments are generally to Annex I only and not to the body of the Regulation, the DAFM will introduce as required a new S.I. to give effect to the latest amendment to Regulation (EC) No 669/2009 and revoke the previous S.I. which gave effect to the last amendment. In essence at any one time S.I. No. 426 of 2011 [giving effect to Regulation (EC) No 669/2009 and 212/2010] and another S.I. [giving effect to the current amendment to Annex I and any amending Regulation relating to the Articles] will be in place to give full effect to the EU Regulations.

1Note: Regulation (EU) No 885/2014 sets out the specific import conditions for +okra curry leaves from India for the presence of pesticide residues. It also repeals Regulation (EU) No 91/2013. Regulation EU No 885/2014 is included in the current definition of Regulation (EC) No 669/2009 in S.I. No. 330 of 2018.
2Okra was delisted from Regulation 885/2014 and listed in Regulation (EC) No 669/2009 from 6th July 2018.
Regulation (EU) No 885/2014 has been repealed by Commission Implementing Regulation (EU) 2018/1660. It applies from 8th December 2018 subject to transitional arrangements. See Regulation for details.


Feed:

European Communities (Food and Feed Hygiene) (Amendment) Regulations 2010 [S.I. No. 312 of 2010]

Regulation EC No 669/2009 as amended by Regulation EC No 212/2010 is given effect in national legislation by European Communities (Food and Feed Hygiene) (Amendment) Regulations 2010 [S.I. No. 312 of 2010].

Competent authority:

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

Food of non-animal origin for pesticide residues: Pesticide Control Service, Department of Agriculture, Food and the Marine: Pesticides Control Service. They can be contacted at pcs_icon@agriculture.gov.ie Fax: 00353(0)1-6157575.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: feedimports@agriculture.gov.ie Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or barry.o’reilly@agriculture.gov.ie Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955.
3. EMERGENCY MEASURES

A. REGULATION EC NO 178/2002 ON GENERAL FOOD LAW AS AMENDED

**Regulation (EC) No 178/2002 on General Food Law**

- Article 53 sets out the provision for bringing in emergency measures for third country imports

The following emergency measures are currently in place under Regulation (EC) No 178/2002. See details in following pages:

a) **Aflatoxins:** Commission Implementing Regulation (EU) No 884/2014 as amended imposing special conditions governing the import of certain feed and food from certain third countries due to the contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 as amended

b) **Pesticide residues:** Commission Implementing Regulation (EU) 2018/1660 imposing specific conditions governing the import of certain food of non-animal origin from certain third countries due to the risks of contamination with pesticide residues, amending Regulation (EC) No 669/2009 and repealing Implementing Regulation (EU) No 885/2014

c) **Microbiological contamination:** Commission Implementing Regulation (EU) No 2017/186 laying down specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination and amending Regulation (EC) No 669/2009

d) Commission Implementing Regulation (EU) No 2015/175 laying down special conditions applicable to the import of guar gum originating in or consigned from India due to the contamination risks by pentochlorophenol and dioxins

e) Commission Implementing Decision 2011/884/EU as amended on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC

f) Commission Implementing Regulation (EU) 2016/6 as amended imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station

g) Commission Implementing Decision 2014/88/EU as amended suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves (Piper betle)


i) Commission Regulation (EU) No 211/2013 as amended on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts
a) Commission Implementing Regulation (EU) No 884/2014 imposing special conditions governing the import of certain feed and food from certain third countries due to the contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009

Commission Implementing Regulation (EU) No 884/2014 now provides the overarching legislation to introduce emergency measures for specific import conditions for certain consignments from certain third countries due to contamination by aflatoxins. As necessary these Regulations will be amended to add new products, delete products and amend listings.

Commission Implementing Regulation (EU) No 884/2014 has been amended by Commission Implementing Regulation (EU) 2016/24 and Commission Implementing Regulation (EU) No 2016/2106. In addition to products already listed, consignments of peanuts originating in or consigned from Argentina, spices originating in or consigned from Ethiopia and hazelnuts originating in or consigned from Azerbaijan will now be subject to the provisions of Commission Implementing Regulation (EU) No 884/2014. It applies to consignments for food or feed and to derived products thereof and to compound food or feed where present in a quantity above 20%.

Note: Regulation (EU) No 884/2014 includes provisions for certain products from certain countries for the presence of aflatoxins for use as feed, while the previous legislation related to food only.

EU Guidance on the application of Article 9(4) The Commission has published guidance on the application of Article 9(4) relating to the authorisation of the transfer of consignments to a DPI for identity and physical checks after the favorable completion of documentary checks at a DPE.

EU Guidance on the application of Regulation (EU) No 884/2014 The Commission has also published guidance on the implementation of certain aspects of Regulation (EU) No 884/2014 and the List of Designated Points of Import

All almond and mixtures of nuts or dried fruits containing almonds imported from the USA are now covered by the Voluntary Aflatoxin Sampling Plan and the control results are favorable. They have therefore been removed from the Regulation. The frequency of identity and physical checks for hazelnuts from Turkey and Brazil nuts from Brazil have been reduced given the favorable control results. Groundnuts from India and Ghana, watermelon seeds from Nigeria, peanuts from Argentina, spices from Ethiopia and hazelnuts from Azerbaijan, have been added to the list of commodities which require special import conditions.

- Brought in under Regulation (EC) No 178/2002
- Similar arrangements as for Regulation (EC) No 669/2009 insofar as it is possible allowing for the practical constraints in carrying out the required physical checks at DPEs
- Increased controls on certain food and feed for aflatoxins are either set out in this Regulation or in Regulation (EC) No 669/2009 as amended (see above)
- Consignments of food or feed processed from food or feed within the scope of this Regulation and compound food or feed containing more than 20% of the controlled foodstuff are included
- Does not apply to consignments which are for private or personal use – the burden of proof is on the recipient
- Does not apply to consignments of feed and food of a gross weight not exceeding 20kg
- Designated Points of Import (DPI) is defined as any point designated by the competent authority, through which food or feed within the scope can be imported into the EU
- Designated Point of Entry is defined as in Regulation (EC) No 669/2009 – see 2 above
• Analytical certificate for sampling and analysis and a health certificate must accompany each consignment
• Sampling and analysis must be carried out in accordance with Regulation (EC) No 401/2006 for food and Regulation (EC) No 152/2009 for feed
• Health certificate:
  • Model to be completed set out in Annex II
  • Must be signed and verified by an authorised representative of the competent authority of the country of origin or the country the consignment has been consigned from if different from the country of origin. The list of authorised representatives has been amended by Commission Implementing Regulation (EU) No 2016/24
  • Must be in the language of the member state where the DPE is located or as agreed by them
  • Valid only for 4 months from the date of issue
• There must be a unique identification code on each consignment and individual packet which corresponds with the results of sampling and analysis and the health certificate. Commission Implementing Regulation (EU) No 2016/24 amends this requirement for consignments in which packaging is combining several small packages/entities in which case it is sufficient that the identification number of the consignment is mentioned on the package combining these small packages/entities
• Prior notification is required (at least 1 working day prior to arrival of the consignment) at the DPE. This notification is by way of completion of Part 1 of the Common Entry Document (CED) by the food business operator - guidance in Annex III
• Where the DPI is different from the DPE, prior notification is also required (at least 1 working day prior to the arrival of the consignment) at the DPI. This notification is by way of the food business operator sending a copy of the completed Common Entry Document (CED) as regards the documentary checks
• Designated Points of Import and Designated Points of Entry are Dublin Port and Dublin Airport for food and for feed
• Designated Points of Import (DPIs)
  • Minimum facilities that must be provided to carry out official controls
  • Member States must keep an up to date list of DPIs which are publically available
  • Commission must publish links to national lists
  • FBOs must ensure the unloading of consignments to allow representative sampling to take place
  • In the case of special transport or specific packaging, the FBO must make appropriate sampling equipment available to the competent authority insofar as representative sampling cannot otherwise be carried out
• Official controls:
  • The official controls are to be carried out within 15 working days
  • Where only documentary checks are carried out at the DPE, the DPE does not have to comply with the minimum requirements set out for DPEs in Regulation (EC) No 669/2009
  • Consignments not accompanied by the results of sampling and analysis and a health certificate or do not comply with the Regulation cannot enter the EU. They must be re-dispatched to the country of origin or destroyed
  • The competent authority must authorize the transfer of the consignment to the DPI once the documentary checks have been carried out, the outcome is favorable and the relevant entries of Part II of the CED form have been completed (II.3, II.5, II.8 and II.9). The original health certificate and results of sampling and analysis and the CED must accompany the consignment during transfer.
  • The competent authority at the DPE must inform the competent authority at the DPI that the consignment is being sent
  • The food business operator must inform the DPI of the arrival of the consignment at least one working day in advance
  • Physical checks for feed is for aflatoxin B1 and for food is aflatoxin B1 and total aflatoxin contamination
• Sampling of consignments for official control must be carried out in accordance with the frequency set out for the particular product
• Guidance on the completion of the CED – Annex III

• Original CED, health certificate and results of sampling and analysis must accompany the consignment until it is released for free circulation
• Consignments cannot be split until all official controls have been carried out and the CED fully completed. If subsequently split, an authenticated copy of the CED must accompany each part of the consignment during transport until it is released for free circulation
• Product released for free circulation only when the FBO or representative presents the completed CED (physically or electronically), the health certificate and the favorable results of any physical checks carried out are known.
• Action in the case of non-compliance in accordance with Regulation (EC) No 882/2004 Articles 19-21
• Report to the European Commission on a quarterly basis
• Cost recovery is required for increased official controls
• Regulation (EU) No 1152/2009 as amended is repealed

National legislation:

Food of non-animal origin other than for pesticide residues:

European Union (Special conditions governing the import of certain foods from certain third countries due to contamination risk by aflatoxins) Regulations 2015 [S.I. No. 250 of 2015].

Note: These Regulations have been further amended by S.I. No. 449 of 2016 and S.I. No. 251 of 2017 – see below for details

• This is to give effect to Commission Regulation (EU) No 884/2014
• Official controls must be carried out on consignments of foodstuffs covered by this Regulation
• Provides for official detention of consignments in order to carry out official controls and deal with non-compliant products subject to a time limit of 15 working days
• Products subject to Regulation EC No 884/2014 can only be imported from third countries into the EU through Designated Points of Entry for that food in Ireland or another member state
• If the import is through a DPE in Ireland prior notification one working day in advance of its physical arrival is required. Part 1 of the CED must be completed and transmitted
• If the import is through a DPE in another member state prior notification one working day in advance of its physical arrival is required. The CED form must be forwarded completed as regards the documentary check carried out in the other member state
• Results of required sampling and analysis must be presented at the time of import
• Sampling and analysis must be carried out in accordance with Regulation (EC) No 401/2006 and Part 4 of the EC (Certain Contaminants in Foodstuffs) Regulations 2010 [S.I. No 218 of 2010]
• A health certificate, signed and verified in accordance with Article 5 and issued not more than four months prior to the date of import, must be presented at the time of import
• A unique identifying code is required for each consignment. This unique code must correspond to the health certificate and the sampling and analysis results. Each individual bag or other form of packaging must be identified with this code
• Requirements on food business operators to ensure the unloading of consignments to allow representative sampling to be carried out by the FSAI or the HSE and to make available appropriate sampling equipment where necessary
• The original health certificate and results of sampling and analysis must accompany the consignment until it is released for free circulation
• Consignments cannot be split until all official controls have been carried out and the CED form completed by the FSAI or the HSE
• Where a consignment is subsequently split, each part of the consignment must be accompanied by an authenticated copy of the CED until it is released for free circulation
• Products which are not presented in accordance with the EU Regulation must be recalled and placed under official detention. The products must either be destroyed or re-dispatched in accordance with Article 21 of Regulation EC No 882/2004
• The consignment is subject to official controls at a DPI in accordance with Article 9 of the EU Regulation. Consignments for a private person for personal consumption and use are exempt
• Fees must be set and charged to cover costs for the official controls carried out
• The FSAI or the HSE may order that a consignment be destroyed, or otherwise disposed of where a food business operator fails to pay the fee or where the consignment is abandoned
• Requirement for a person to state their name and address and to provide corroborating evidence if necessary
• Offences are set out for non-compliance
• The following S.I.s are revoked:
  o European Communities (Special conditions governing the import of certain foods from certain third countries due to contamination risk by aflatoxins) Regulations 2011 (S.I. No 650 of 2011)
  o European Communities (Special conditions governing the import of certain foods from certain third countries due to contamination risk by aflatoxins) (Amendment) Regulations 2012 (S.I. No 472 of 2012)
  o European Communities (Special conditions governing the import of certain foods from certain third countries due to contamination risk) Regulations 2013 [S.I. No 176 of 2013] and
  o European Communities (Special conditions governing the import of certain foods from certain third countries due to contamination risk) (Amendment) Regulations 2013 [S.I. No 177 of 2013]

**European Union (Special conditions governing the import of certain foods from certain third countries due to contamination risk by aflatoxins) (Amendment) Regulations 2016 [S.I. No 449 of 2016]**

• This is to give effect to Commission Implementing Regulation (EU) No 2016/24 which further amends Commission Implementation Regulation (EU) No 884/2014
• Groundnuts from Brazil, *Capsicum annum* and nutmeg from India and nutmeg from Indonesia are now subject to Regulation (EU) No 884/2014
• The requirement for unique identification of each individual bag or other form of packaging of the consignment is amended to include a consignment in which packaging is combining several small entities, the package containing these small packages or entities
• Personal imports or consignments with a gross weight not exceeding 20 kg are exempt
• Importers who import consignments subject to the transitional measures are not guilty of an offence

**European Union (Special conditions governing the import of certain foods from certain third countries due to contamination risk by aflatoxins) (Amendment) Regulations 2017 [S.I. No. 251 of 2017]**

• This is to give effect to Commission Implementing Regulation (EU) No 2016/2106 which further amends Commission Implementation Regulation (EU) No 884/2014
• Spices from Ethiopia, groundnuts from Argentina and hazelnuts from Azerbaijan are now subject to Regulation (EU) No 884/2004
• The definition of ‘consignment’ has been replaced to include compound food as defined in Regulation (EU) No 2016/2106
• Importers who import consignments subject to the transitional measures are not guilty of an offence
Competent authority:

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: feedimports@agriculture.gov.ie Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or barry.o’reilly@agriculture.gov.ie Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955


Commission Implementing Regulation (EU) 2018/1660 provides the overarching legislation to introduce emergency measures for specific import conditions for certain consignments from certain third countries due to contamination by pesticide residues. As necessary these Regulations will be amended to add new products, delete products and amend listings.


- Brought in under Regulation (EC) No 178/2002
- Scope includes curry leaves from India; vine leaves from Turkey and Pityhaya (dragon fruit) from Vietnam and compound food containing any of these products in a quantity above 20% (Annex I)
- Does not apply to consignments which are for private or personal use – the burden of proof is on the recipient
- All consignments must enter through a Designated Point of Entry – Dublin Port and Airport
- All consignments must be accompanied by the results of sampling and analysis performed by the competent authority in the country of origin or the country where the consignment is consigned from if different from the country of origin along with a health certificate (Annex II) stating they have been sampled and tested and found compliant with relevant EU legislation
- Health certificate:
  - Model to be completed set out in Annex II
  - Original to accompany consignment. It must be presented to and retained by the competent authority at the DPE
  - Must be signed and verified by the competent authority of the country of origin or the country the consignment has been consigned from if different from the country of origin
  - Must be in the language of the member state where the DPE is located or as agreed by them
  - Must be issued before the consignment leaves the control of the competent authority issuing it
  - Valid only for 4 months from the date of issue
- There must be a unique identification code on each consignment and individual packet which corresponds with the code on the results of sampling and analysis and the health certificate
- Sampling and analysis for pesticide residues in food must be performed in accordance with Directive 2002/63/EC and comply with the maximum levels set down in Regulation (EC) No 396/2005
- Prior notification is required (at least 1 working day prior to arrival of the consignment) at the DPE. This notification is by way of completion of Part 1 of the Common Entry Document (CED) by the food business operator or their representative - follow the guidance for the CED in Annex II of Regulation (EC) No 669/2009
- Documentary checks must be carried out at the DPE on all consignments
• Identity checks and physical checks must be carried out
  • in accordance with Regulation (EC) No 669/2009
  • at the frequency set out in Annex I of this Regulation
• The CED must be completed by the competent authority
• Original CED and health certificate must accompany the consignment until it is released for free circulation. Where onward transportation is authorised pending the results of sampling and analysis, a certified copy of the original CED must be issued for this purpose
• Consignments cannot be split until all official controls have been carried out and the CED fully completed. If subsequently split, an authenticated copy of the CED must accompany each part of the consignment during transport until it is released for free circulation
• Product released for free circulation only when the FBO or representative presents the completed CED (physically or electronically), the health certificate and the favourable results of any physical checks carried out are known.
• Action in the case of non-compliance in accordance with Regulation (EC) No 882/2004 Articles 19-21
• Where the consignment is not accompanied by the results of sampling and analysis and the health certificate or if the results or the health certificate do not comply with EU legislation then the consignment cannot be imported. It must be re-dispatched or destroyed
• Non-compliances with the maximum levels must be reported through RASFF
• Report to the European Commission on a biannual basis
• Cost recovery is required for increased official controls
• Annex I to Regulation (EC) No 669/2009 is amended to delete vine leaves from Turkey and Pitahaya (dragon fruit) from Vietnam
• Regulation (EU) No 885/2014 as amended is repealed subject to transitional measures
  • Curry leaves from India: MS can authorise the import of consignments which have left India or the country from which they have been consigned if different, before 8\textsuperscript{th} December 2018 once they comply with Regulation (EU) No 885/2014
  • Vine leaves from Turkey and Pitahaya (dragon fruit) from Vietnam: MS can authorise the import of consignments which have left Turkey or Vietnam respectively or the country from which they have been consigned if different, before 8\textsuperscript{th} December 2018 once they comply with Regulation (EU) No 669/2009 as it applies on 7\textsuperscript{th} December 2018

**National Legislation:**

**Food of non-animal origin for pesticide residues:**

**European Communities (Official Controls on the Import of Food of Non-Animal Origin for Pesticide Residues) (Amendment) (No 2) Regulations 2018**


S.I. No. 426 of 2011 has been further amended by European Communities (Official Controls on the Import of Food of Non-Animal Origin for Pesticide Residues) (Amendment) (No 2) Regulations 2018 [S.I. No. 330 of 2018]


1 Note: Regulation (EU) No 885/2014 sets out the specific import conditions for okra curry leaves from India for the presence of pesticide residues. It also repeals Regulation (EU) No 91/2013. Regulation EU No 885/2014 is included in the current definition of Regulation (EC) No 669/2009 in S.I. No. 330 of 2018.

2 Okra was delisted from Regulation 885/2014 and listed in Regulation (EC) No 669/2009 from 6th July 2018.

3 Regulation (EU) No 885/2014 has been repealed by Commission Implementing Regulation (EU) 2018/1660. It will apply from 8th December 2018 subject to transitional arrangements. See Regulation for details

Competent authority:

Pesticide Control Service, Department of Agriculture, Food and the Marine. They can be contacted at pcs_icon@agriculture.gov.ie
c) **Commission Implementing Regulation (EU) No 2017/186 laying down specific conditions applicable to the introduction into the Union of consignments from third countries due to microbiological contamination and amending Regulation (EC) No 669/2009**

In order to ensure the efficient organisation and harmonised import controls at Union level with regard to the presence of microbiological pathogens in certain foods from certain third countries, specific import conditions for such foods have been laid down in **Commission Implementing Regulation (EU) No 2017/186**. This Regulation repeals Commission Implementing Regulation (EU) No 2016/166 laying down specific conditions applicable to the import of foodstuffs containing or consisting of betel leaves from India and Regulation (EC) No 669/2009 on sesame seeds from India.

Foodstuffs containing or consisting of betel leaves and *Sesamum* seeds from India were controlled under Regulation (EC) No 669/2009. The results of those increased controls show a continuous high frequency of non-compliance with microbiological criteria for foodstuffs for the presence of *Salmonella* spp. The import into the EU of those foodstuffs constitutes a risk for human health. Additional guarantees are required therefore all consignments of betel leaves and sesame seeds from India must be accompanied by a health certificate and favorable results of analysis for the presence of *Salmonella*.

**Commission Implementing Regulation (EU) No 2017/186** now provides the overarching legislation to introduce emergency measures for specific import conditions for certain consignments from certain third countries due to contamination by microbiological pathogens. As necessary these Regulations will be amended to add new products, delete products and amend listings.

- Applies to consignments of foodstuffs
  - betel leaves, declared under CN codes ex 1404 90 00 and TARIC sub-division 10 from India and
  - sesame seeds (*Sesamum* seeds), declared under CN code 1207 40 90 from India
- Consignments must enter the EU through a Designated Point of Entry (DPE - as defined by Regulation 669/2009)
- Consignments must be accompanied by the results of sampling and analysis performed by the competent authorities of the third country of dispatch verifying the absence of *Salmonella*
- Consignments must be accompanied by a health certificate – model set out in Annex III which must be completed, signed and verified by an authorised representative of the competent authority of the third country of dispatch
- The health certificate must be in the language of the MS where the DPE is located, unless otherwise agreed by the MS
- There must be an identification code which corresponds with the results of sampling and analysis and the health certificate. Each individual bag or other packaging form of the consignment must be identified with that identification code
- Prior notification is required at the DPE at least one working day in advance of arrival by completing and transmitting Part I of the CED form (Regulation (EC) No 669/2009)
- The CED must be completed in the in the language of the MS where the DPE is located, unless otherwise agreed by the MS
- Documentary checks are required on all consignments; identity and physical checks are required on 10% of consignments of betel leaves and 20% for consignments of sesame seeds
- Where the consignment is not accompanied by the results of sampling and analysis as required or where health certificates do not meet the requirements set, the consignment cannot be imported and must be re-dispatched to the third country of origin or destroyed
- The competent authority must complete Part II of the CED as specified, attach the results of sampling and analysis carried out by the competent authority in Ireland, provide the CED form with the reference number, stamp and sign the original CED, make and retain a copy of the signed and stamped CED
- The original CED, health certificate and results of sampling and analysis must accompany the consignment during transport until it is released for free circulation
• In the case of the authorisation of onward transportation pending the results of physical checks, a certified copy of the original CED must be issued for that purpose
• Consignments must not be split until all official controls have been carried out and the CED fully completed by the competent authority. In the case of the subsequent splitting of the consignment, an authenticated copy of the CED must accompany it until released for free circulation
• Product can only be released for free circulation when the FBO or representative presents the completed CED (physically or electronically), once all official controls have been carried out and there are favourable results of any physical checks carried out
• Action in the case of non-compliance with Regulation (EC) No 852/2004 must be taken in accordance with Articles 19, 20 and 21 of Regulation (EC) No 882/2004
• Reports of all analytical results of official controls on consignments must be submitted to the Commission on a six monthly basis, within one month from the end of the period
• All costs resulting from official controls and measures taken following non-compliance must be paid by the FBO
• MS shall authorise the introduction of consignments of food which left the third country of dispatch prior to the entry into force of this Regulation (23rd February 2017) without being accompanied by a health certificate and the results of sampling and analysis
• Sesame seeds from India are delisted from Annex I of Regulation (EC) No 669/2009
• Commission Implementing Regulation (EU) No 2016/166 is repealed.

Note: European Union (Specific conditions applicable to the import of foodstuffs containing or consisting of betel leaves from India) Regulations 2016 [S.I. No. 554 of 2016] was introduced to give effect to Commission Implementing Regulation (EU) No 2016/166 laying down specific conditions applicable to the import of foodstuffs containing or consisting of betel leaves from India. As this Regulation has been repealed S.I. No. 554 of 2016 cannot be used to enforce Commission Implementing Regulation (EU) No 2017/186.

European Union (Specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination) Regulations 2017 [S.I. No. 325 of 2017]

• This is to give partial effect to Commission Regulation (EU) No 2016/186
• Common entry document is defined for consignments to be imported into the State
• ‘Consignment’, ‘designated point of entry’, ‘food business operator’, ‘health certificate’, ‘official detention’ and ‘third country’ are defined for the purpose of this Regulation
• The competent authority is the FSAI and HSE
• The FSAI must submit biannual reports to the European Commission
• Official controls must be carried out on consignments of foodstuffs covered by this Regulation
• Provides for official detention of consignments in order to carry out official controls and deal with non-compliant products. The duration of detention is to be determined by the FSAI or the HSE as appropriate
• Products subject to Regulation EC No 884/2014 can only be imported from third countries into the EU through Designated Points of Entry for that food in Ireland or another member state
• If the import is through a DPE in Ireland prior notification one working day in advance of its physical arrival is required. Part 1 of the CED must be completed and transmitted
• Results of required sampling and analysis must be presented at the time of import
• Sampling and analysis must be carried out in accordance with Article 4(2) of Regulation (EU) No 2016/186
• A health certificate, which is in accordance with the model set out in Annex III to (EU) Regulation 2016/186 and signed and stamped by the competent authority of the exporting country in accordance with Article 5 (4) of that regulation and issued not more than six months from the date of analysis, must be presented at the time of import
• A unique identifying code (consignment code) is required for each consignment. This unique code must correspond to the code on the health certificate and the results of sampling and analysis. Each individual bag or other form of packaging must be identified with this code.
• The original health certificate and results of sampling and analysis must accompany the consignment until it is released for free circulation.
• Consignments cannot be split until all official controls have been carried out and the CED form completed by the FSAI or the HSE.
• Where a consignment is subsequently split, each part of the consignment must be accompanied by an authenticated copy of the CED until it is released for free circulation.
• Release for free circulation only when the CED is fully completed and results of sampling and analysis show compliance with food law.
• Fees must be set and charged to cover costs for the official controls carried out.
• The FSAI or the HSE may order that a consignment be destroyed, or otherwise disposed of where a food business operator fails to pay the fee or where the consignment is abandoned.
• Requirement for a person to state their name and address and to provide corroborating evidence if necessary.
• Offences are set out for non-compliance.

Competent authority:

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.
d) **Commission Implementing Regulation (EU) No 2015/175** laying down special conditions applicable to the import of guar gum originating in or consigned from India due to the contamination risks by pentachlorophenol and dioxins

Having reviewed **Regulation EC No 258/2010** imposing special on the imports of guar gum originating in or from India due to contamination risks by pentachlorophenol and dioxins, it was agreed that as the source of contamination is not yet eliminated it is appropriate to maintain special conditions for import. However, it is appropriate to bring the control measures at import in line with existing emergency measures at import applicable to certain food and feed of non-animal origin. **Regulation EC No 258/2010** is now repealed and replaced by **Regulation (EU) No 2015/175**.

- Applies to consignments of guar gum falling within CN code ex 1302 32 90 TARIC subdivision 10 and 19 and to compound feed and food in a quantity above 20%
- Does not apply to consignments of food and feed destined to a private person for personal consumption
- Consignments must enter through **Designated Points of Entry**
- Analytical certificate for sampling and analysis and a health certificate must accompany each consignment
- The health certificate must correspond with the model in Annex I, be signed by an authorised representative of the Ministry of Commerce and Industry of India or the country it is consigned from if different from the country of origin and in one of the official languages of the importing country or another official language if agreed by the member State at the DPE of import
- Health certificates are valid for four months from the date of issue
- Analytical report must be from an accredited laboratory for the analysis of PCP in feed and food, showing that the product does not contain more than 0.01mg/kg PCP
- The analytical report must contain specified information
- Unique identity code is required for each consignment. The same code must be on the analytical report, the health certificate and each individual bag or package of the consignment
- Prior notification is required at the DPE at least one working day in advance of arrival by completing and transmitting Part I of the CED
- Documentary checks are required on all consignments; identity and physical checks are required on 5% of consignments
- The competent authority must complete Part II of the CED form as specified
- The original CED form, analytical report and health certificate must accompany the consignment during transport until it is released for free circulation
- In the case of onward transportation (in accordance with Regulation (EU) No 669/2009), an authenticated copy of the original CED must accompany the consignment instead of the original
- Consignments must not be split until all the official controls have been carried out and the CED fully completed by the competent authority. In the case of subsequent splitting of the consignment, an authenticated copy of the CED must accompany it until released for free circulation
- Action in the case of non-compliance must be taken in accordance with Articles 19, 20 and 21 of **Regulation (EC) No 882/2004**
- **Report to the European Commission** is required on a quarterly basis
- All costs resulting from official controls and measures taken following non-compliance must be paid by the feed or food business operator
- **Transitional arrangements for the import of consignments which left the country of origin before the date of entry into force of this Regulation (26th February 2015)**
National legislation:

Food of non-animal origin other than for pesticide residues:

European Communities (Special Conditions applicable to the import of guar gum originating in or consigned from India due to contamination risks by pentachlorophenol and dioxins) Regulations 2015 [S.I. No. 459 of 2015]

- Gives effect to Regulation (EU) No 2015/175 laying down special conditions applicable to the import of guar gum originating in or consigned from India due to the contamination risks by pentachlorophenol and dioxins insofar as it relates to food
- These Regulations should be read in conjunction with European Communities (Official Controls on the import of food of non-animal origin) Regulations 2010 [S.I. No. 391 of 2010] as some of the general conditions relating to import of food of non-animal origin
- Official controls must be carried out on consignments of foodstuffs covered by this Regulation
- Provides for official detention of consignments in order to carry out official controls and deal with non-compliant products. The place and duration of detention will be determined by the FSAI or the HSE as appropriate
- Foodstuffs subject to these Regulations may only be imported into Ireland from India through Designated Points of Entry. Part 1 of the CED form must be completed and transmitted
- Results of required sampling and analysis must be presented at the time of import
- Sampling and analysis must be carried out in accordance with Article 4(3) and (4) of the Regulation
- A health certificate, signed and verified in accordance with Article 5 and issued not more than four months prior to the date of import, must be presented at the time of import
- A unique identifying code is required for each consignment. This unique code must correspond to the health certificate and the sampling and analysis results. Each individual bag or other form of packaging must be identified with this code
- The original health certificate and results of sampling and analysis must accompany the consignment until it is released for free circulation
- Consignments cannot be split until all the official controls have been completed by the FSAO or the HSE
- Where a consignment is subsequently split, each part of the consignment must be accompanied by an authenticated copy of the CED until it is released for free circulation
- Release for free circulation of consignments is subject to the presentation by the FBO to the Revenue Customs Service of the duly completed CED form (or electronic equivalent) once all the official controls have been carried out and a favourable decision by the HSE is indicated
- The above does not apply to consignments which are destined for a private person for personal consumption and use only
- Fees must be set and charged for the official controls carried out
- The FSAI or the HSE may order that a consignment be destroyed, or otherwise disposed of where a food business operator fails to pay the fee or where the consignment is abandoned
- Requirement for a person to state his or her name and address and to provide corroborating evidence if necessary
- Offences are set out for non-compliance

Competent authority:

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: feedimports@agriculture.gov.ie Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or barry.o’reilly@agriculture.gov.ie Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955
e) **Commission Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC**

- Commission Implementing Decision 2011/884/EU on emergency measures regarding the unauthorised genetically modified organism ‘Bt 63’ in rice products and repealing Decision 2008/289/EC has been amended by [Commission Decision 2013/287/EU](https://eur-lex.europa.eu) on emergency measures regarding the unauthorised genetically modified rice in rice products originating from China.
- Broadened the scope to include genetically modified organisms found in rice products originating in or consigned from China. The Decision applies to food and feed.
- List of products set out in Annex I. The list is the same as in Decision 2011/884/EC with the addition of extruded or expanded products (sweetened, neither sweetened, nor savouried, nor salted) and the removal of peptones.
- MS may carry out random checks on other products not listed in Annex I but which may contain genetically modified organisms.
- Consignments to private persons for personal use are exempted. The onus of proof is on the person importing.
- Definitions for lot, increment sample, bulk sample, laboratory sample and analytical sample.
- Prior notification at [Designated Points of Entry](https://eur-lex.europa.eu) or Border Inspection Post as appropriate.
- Operators must indicate if the product is for food or feed.
- Part I of the CED form in accordance with Regulation (EC) No 669/2009 or a CVED form in accordance with Regulation (EC) No 136/2004 must be completed as appropriate and transmitted to the DPE or the BIP as appropriate at least one working day before the physical arrival of the consignment. This is not required where products in Annex I do not contain or consist of rice or are not produced from rice.
- Each consignment must be accompanied by an analytical report for each lot and a health certificate. The health certificate must be in the form of the model set out in Annex III and the analytical report in the form set out in the model in Annex IV. It must be signed by an authorized representative of AQSIQ.
- The analytical report and the health certificate must be drawn up in the official language of the MS of import or in another language that the competent authorities of the MS have decided to accept.
- Derogation from the requirement for accompanying analytical report and health certificate for products which left China prior to 1st February 2012 provided sampling and analysis has been carried out in accordance with Annex II.
- The analytical report and health certificate can be replaced by a statement from the operator responsible if a product in Annex I doesn’t contain rice.
- Sampling and analysis must be carried out in accordance with Annex II. This is based on [Commission Recommendation 2004/787/EC](https://eur-lex.europa.eu). The previous method of sampling and analysis is no longer sufficient.
- There must be a unique identification code on each consignment and individual packet which corresponds with the results of sampling and analysis and the health certificate.
- Documentary checks required on all consignments.
- If a consignment which contains rice is not accompanied by the analytical report and health certificate the consignment must be re-dispatched to the country of origin or destroyed.
- Sampling for official control must be carried out at a frequency of 100% on all consignments. If the consignment consists of several lots, each lot must be sampled.
- Provision for onward transportation pending the results of physical checks subject to the consignment remaining under official control of the competent authorities pending the results.
- Release for free circulation when the CED or CVED form is completed and results of sampling and analysis show compliance with EU law.
- The original CED or CVED must accompany the consignment during onward transportation until it reaches its final destination.
- Consignments cannot be split until all official controls have been carried out. If split later, then each part must be accompanied by an authenticated copy of the health certificate and the analytical report.
• Report to the European Commission is required on a quarterly basis; inform RASFF of non-compliances
• Cost recovery is required for increased official controls
• Date of application 4th July 2013 – except where transitional arrangements applied [no longer applicable as transitional period has passed].

National legislation:

Food of non-animal origin other than for pesticide residues:

**European Union (Emergency measures regarding unauthorised genetically modified rice in rice products for food use originating in or consigned from China) Regulations 2015 [S.I. No 138 of 2015]**

• This Regulation gives partial effect to *Commission Implementing Decision 2011/884/EU* on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC as amended by *Commission Decision 2013/287/EU* insofar as it relates to food.
• Official controls must be carried out on consignments of rice products for food use covered by the EU Decision and these Regulations.
• Provides for official detention of consignments for food use in order to carry out official controls and deal with non-compliant products subject to a time limit of 15 working days.
• Products subject to Decision 2011/884 as amended can only be imported from third countries into Ireland through Designated Points of Entry for that food.
• Prior notification one working day in advance of its physical arrival is required. Part 1 of the CED must be completed and transmitted.
• Results of required sampling and analysis must be presented at the time of import for each lot, completed, signed and verified in accordance with Article 4(1) of the Decision.
• Sampling and analysis must be carried out in accordance with Annex II to the Decision.
• A unique identifying code is required for each consignment. This unique code must correspond to the health certificate and the sampling and analysis results. Each individual bag or other form of packaging must be identified with this code.
• Products which are not presented in accordance with the EU Regulation must be recalled and placed under official detention. The products must either be destroyed or re-dispatched to the country of origin in accordance with Article 5(2) of the Decision.
• Release for free circulation of such consignments which are not presented in accordance with the Decision is subject to confirmation that sampling and analysis has been carried out in accordance with Annex II of the Decision and that all lots of that consignment are compliant.
• Consignments cannot be split until all official controls have been carried out and the CED form completed by the FSAI or the HSE.
• Where a consignment is subsequently split, each part of the consignment must be accompanied by an authenticated copy of the CED until it is released for free circulation.
• Consignments covered by Article 1(1) and Annex I of the Decision but not containing, consisting of, or produced from rice are exempt from the following provisions provided that a statement to that effect, completed in English, is provided by the food business operator in accordance with Article 4(2) of the Decision.
  • Requirement to present an analytical report for each lot
  • Requirement to present a health certificate
  • Requirement for sampling and analysis to be performed in accordance with Annex II
  • Requirement for recall and placing under official detention of consignments which are not accompanied by an analytical report and health certificate.
• Consignments for a private person for personal consumption and use are exempt.
• Consignments covered by Article 1(1) and Annex I which do not contain, consist of or are not produced from rice do not need to be presented at a DPE, they do not need to give prior notification and a completed CED is not required before release for free circulation
• Official sampling and analysis must be carried out in accordance with Annex II to the Decision
• Sampling and analysis provisions are set out including the form of certificate of integrity of the sample and the certificate of analysis
• Fees must be set and charged to cover costs for the official controls carried out
• The FSAI or the HSE may order that a consignment be destroyed, or otherwise disposed of where a food business operator fails to pay the fee or where the consignment is abandoned
• Requirement for a person to state their name and address and to provide corroborating evidence if necessary
• Offences are set out for non-compliance

Competent authority:

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: feedimports@agriculture.gov.ie Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or barry.o’reilly@agriculture.gov.ie Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955
f) **Commission Implementing Regulation (EU) 2016/6** imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station as amended by **Commission Implementing Regulation (EU) 2017/2058**

**Commission Implementing Regulation (EU) No 322/2014** imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station as amended by **Commission Implementing Regulation 2015/328** has been repealed and replaced by **Commission Implementing Regulation (EU) 2016/6** as amended by **Commission Implementing Regulation (EU) 2017/2058**.


**Commission Implementing Regulation (EU) 2016/6** as amended by **Commission Implementing Regulation (EU) 2017/2058** applies to all feed and food, including *minor food, originating in or consigned from Japan with the exclusion of*

- products which have been harvested and/or processed before 11 March 2011
- personal consignments of feed and food of animal origin within the scope of Regulation (EC) No 206/2009
- personal consignments of feed and food of non-animal origin which are not commercial and destined for a private person for personal consumption and use only.

*Minor foods are foods which are listed in Annex II of **Council Regulation (Euratom) 2016/52**

- Products can only be imported into the EU if they comply with this legislation
- Products must comply with the max. level for the sum of caesium 134 and 137 in Annex I (replaced by Annex I of Commission implementing Regulation (EU) 2017/2058)
- Each consignment of
- Feed and food referred to and falling under the CN codes listed in Annex II (replaced by Annex II of Commission implementing Regulation (EU) 2017/2058) and the compound feed and food containing more than 50% of these feed and food, originating in or consigned from Japan, must be accompanied by a valid declaration (Annex II which is replaced by Annex III of Commission implementing Regulation (EU) 2017/2058), drawn up and signed in accordance with Article 6, stating that:

  - product complies with Japanese legislation [Annex I] and

    1. product was harvested and/or processed before 11 March 2011 or
    2. product does not originate in and is not consigned from one of the prefectures listed in Annex II for which the sampling and analysis of this product is required or
    3. product is consigned from but does not originate in one of the prefectures listed in Annex II for which the sampling and analysis of this product is required and where it has not been exposed to radioactivity during transit or processing or
    4. product originates in one of the prefectures listed in Annex II for which the sampling and analysis of this product is required and is accompanied by an analytical report containing the results of sampling and analysis or
    5. origin of the product or of its ingredients present at more than 50% is unknown, the product is accompanied by an analytical report containing the results of sampling and analysis

Fish and fishery products listed in Annex II, caught or harvested in the coastal waters of the prefectures of Fukushima; Gunma; Tochigi; Miyagi; Ibaraki; Chiba or Iwate must be accompanied by the declaration and an analytical report on the results of sampling and analysis irrespective of where such products are landed.
• Consignments falling within 1 - 3 above must be signed by an authorised representative of the competent authority of Japan or by an authorised representative of an instance authorised by the competent authority of Japan under the authority or supervision of the competent Japanese authority.
• Consignments falling within 4 - 5 above must be signed by an authorised representative of the competent Japanese authority and must be accompanied by an analytical report of the results of sampling and analysis.
• Each consignment must have a unique identifying code to be indicated on the declaration form, on the CED/CVED form, on the analytical report and on the sanitary certificate.
• Each consignment falling within Annex II
  o must be introduced into the EU either through a Designated Point of Entry (DPE - as defined by Regulation 669/2009 for products of non-animal origin including feed) or a Border Inspection Post (BIP – for food of animal origin i.e. fish and fishery products as defined by Council Directive 97/78/EC)
• Prior notification, using Part I of the Regulation 669/2009 CED form for products of non-animal origin or the CVED form for fish and fishery products, must be given to the competent authority at least 2 working days before arrival at BIP / DPE - except tea from prefectures other than Fukushima.
• Documentary checks must be carried out on all consignments set out above.
• Random identity and physical checks, including laboratory analysis, must be carried out on products on the presence of caesium-13 and caesium-137. Results of laboratory analysis must be available within a maximum of five working days.
• Where the results of physical checks shows non-compliance with the declaration, the declaration is considered not to be valid and the consignment does not comply with the Regulation.
• Costs for official controls arising from this Regulation must be borne by the FBO.
• Release for free circulation is subject to the presentation by the food or feed business operator / representative to the customs authorities of the completed CED/CVED form by the competent authority at the DPE/BIP.
• Products not in compliance with the Regulation must not be placed on the market. They must be safely disposed of or returned to Japan.
• This Regulation will be reviewed before 30th June 2019.
• Products complying with Commission Implementing Regulation (EU) 2016/6 which left Japan before 1st December 2017 may be imported into the EU once they comply with the requirements for import set out in Commission implementing Regulation (EU) 2016/6.

The Japanese competent authorities have introduced an online application system for the declaration. The declaration will be issued by only using the forgery prevention sheet and electronic official stamp instead of the original stamp.

Competent authority:

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

Food of animal origin: Department of Agriculture, Food and the Marine. They can be contacted at: Food Safety Liaison Unit, Agriculture House, Kildare Street, Dublin 2, Telephone: 00353(0) 1 6072896.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: feedimports@agriculture.gov.ie Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or barry.o’reilly@agriculture.gov.ie Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955.
g) **Commission Implementing Decision 2014/88/EU of 13 February 2014 suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves (Piper betle)**

**Commission Implementing Decision 2014/88/EU** has been amended by **Commission Implementing Decision 2014/510/EU**, **Commission Implementing Decision 2015/1028/EU**, **Commission Implementing Decision 2016/884/EU** and **Commission Implementing Decision (EU) 2018/935** to further extend the date of application to 30th June 2020.

The European Union has introduced a temporary suspension on the importation of betel leaves from Bangladesh pending the introduction of a programme for the export of pathogen-free betel leaves.

- Applies to all foodstuffs containing or consisting of betel leaves, including, but not limited to CN code 1404 90 00, originating or consigned from Bangladesh
- MS shall prohibit the importation of such products
- Costs incurred must be charged to the consignee or his agent
- The date of application has been extended until 30th June 2020.

**European Union (Temporary suspension of imports from Bangladesh of foodstuffs containing or consisting of betel leaves) Regulations 2016 [S.I. No. 553 of 2016]**

- Sets out a number of definitions including ‘consignment’
- A person is prohibited from importing a consignment as defined into the State
- Provision for the payment of fees by the consignee for costs incurred in the enforcement of this legislation
- Powers to require a person to state their name and address and provide corroborating evidence if required by the authorized officer
- Sets out offences, costs, expenses and penalties

**European Union (Temporary suspension of imports from Bangladesh of foodstuffs containing or consisting of betel leaves) (Amendment) Regulations 2018 [S.I. No. 328 of 2018]**

European Union (Temporary suspension of imports from Bangladesh of foodstuffs containing or consisting of betel leaves) Regulations 2016 [S.I. No. 553 of 2016] has been amended by European Union (Temporary suspension of imports from Bangladesh of foodstuffs containing or consisting of betel leaves) (Amendment) Regulations 2018 [S.I. No 328 of 2018]. This amendment extends the period of operation to 30th June 2020.

**Competent authority:**

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

There is evidence of the continuous high frequency of non-compliances with food law requirements regarding pesticides residues in dried beans from Nigeria under Regulation (EC) No 669/2009. Results of official controls show that most of the consignments contain the unauthorized active substance 'dichlorvos' at levels largely exceeding the acute reference dose. This presents a serious risk for human health and therefore the import of dried beans from Nigeria is now suspended by Commission Implementing Regulation (EU) No 2015/943.

Commission Implementing Regulation (EU) No 2015/943 on emergency measures suspending imports of dried beans from Nigeria and amending Annex I to Regulation (EC) No 669/2009 has been amended by **Commission Implementing Regulation (EU) No 2016/874** to extend the date of application to 30th June 2019 and to include additional CN codes.

- Brought in under Regulation (EC) No 178/2002
- The import of all dried beans from Nigeria declared under CN codes 0713 35 00, 0713 39 00 and 0713 90 00 is prohibited
- Cost recovery for the application of this Regulation must be charged back to the consignee or his agent
- This Regulation applies until 30th June 2019.

**National Legislation:**

**Food of non-animal origin for pesticide residues:**

**European Communities (Official Controls on the Import of Food of Non-Animal Origin for Pesticide Residues) (Amendment) Regulations 2018** [S.I. No. 85 of 2018]


S.I. No. 426 of 2011 has been further amended by European Communities (Official Controls on the Import of Food of Non-Animal Origin for Pesticide Residues) (Amendment) Regulations 2018 [S.I. No. 85 of 2018]


*Note: Regulation (EU) No 2015/943 as amended prohibits the import into the EU of dried beans from Nigeria due to the presence of pesticide residues. Regulation EU No 2015/943 is included in the current definition of Regulation (EC) No 669/2009 in S.I. No. 85 of 2018.*

**Competent authority:**
Food of non-animal origin for pesticide residues: Pesticide Control Service, Department of Agriculture, Food and the Marine: Pesticides Control Service. They can be contacted at pcs_icon@agriculture.gov.ie Fax: 00353(0)1-6157575.
i) **Commission Regulation (EU) No 211/2013** as amended by **Commission Regulation (EU) No 704/2014** on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts

**Commission Regulation (EU) No 211/2013** was introduced in order to protect public health and in view of the EFSA opinion following the outbreak of Shiga toxin-producing *E. coli* (STEC) in May 2011. A suite of regulations was adopted for sprouts and seeds intended for sprouting to provide that they comply with:

- Specific hygiene requirements and are produced in approved establishments (Regulation (EU) No 210/2013)
- additional traceability requirements (Regulation (EU) No 208/2013)
- microbiological criteria (Regulation (EU) No 209/2013) and
- certification for import (Commission Regulation (EU) No 211/2013)

**Commission Regulation (EU) No 704/2014** amends **Commission Regulation (EU) No 211/2013** to provide for a temporary derogation to allow producers of sprouts and seeds intended for sprouting, which are to be imported into the Union, to verify the hygienic conditions of production prior to export, by means of microbiological testing

**Commission Regulation (EU) No 211/2013** as amended by **Commission Regulation (EU) No 704/2014**:

- Applies to consignments of sprouts and seeds intended for the production of sprouts imported into the Union excluding sprouts which have undergone a treatment which eliminates microbiological hazards compatible with European legislation
- Consignments originating in or dispatched from a third country must be accompanied by a certificate – model in Annex – attesting that they were produced under conditions which comply with Part A of Annex I of Regulation (EC) No 852/2004; comply with the traceability requirements of Regulation (EU) No 208/2013; were produced in establishments approved in accordance with Regulation (EU) No 210/2013 and the microbiological criteria in Regulation (EU) No 209/2013
- By way of derogation, until 1st July 2015, from the requirement to officially attest that the seeds were produced in compliance with Part A of Annex I of Regulation (EC) No 852/2004, consignments of seeds for sprouting destined to be exported into the Union may be subjected to microbiological testing for *Enterobacteriaceae* to verify the hygiene conditions of production prior to exportation. The results may not exceed 1000 cfu/g
- Certificate of the results of microbiological testing, if applicable, must be made available by the food business operator producing the sprouts from imported seeds, to competent authorities on demand
- Certificate and when applicable the results of microbiological testing on *Enterobacteriaceae*, must be drawn up in the official language of the third country of origin or dispatch and the Member State into which it is imported. The Member State may consent to the use of another official language of the Union
- Original certificate must accompany the consignment until it reaches its destination as indicated in the certificate
- Where a consignment is split, a copy of the certificate must accompany each part of the consignment

**Commission Regulation (EU) No 210/2013** sets out the traceability requirements for imported seeds and sprouts.

- Consignments of seeds intended for the production of sprouts and consignments of sprouts must be accompanied, when imported, by a certificate as provided for in Regulation (EU) No 211/2013
- The food business operator must keep the certificate for a sufficient time after the sprouts can be assumed to have been consumed
- All food business operators handling imported seeds intended for the production of sprouts must provide copies of the certificate to all food business operators to whom the seeds are dispatched until those seeds are received by the producer of the sprouts
Where seeds for the production of sprouts are sold packaged at retail, all food business operators handling the imported seeds shall provide copies of the certificate to all food businesses to which the seeds are dispatched until they are packaged for sale at retail.

Note: The inclusion of this Regulation is for information only. Sprouts and seeds intended for sprouting which are imported into the Union must be accompanied by the certificate and, if applicable, the results of microbiological testing. Mandatory checks are not specifically required at the point of entry.

Competent authority:

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.
B. OTHER EMERGENCY MEASURES NOT INTRODUCED UNDER REGULATION (EC) NO 178/2002 AS AMENDED

a) Commission Regulation (EU) No 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China

b) Commission Implementing Regulation (EU) 2015/949 approving the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins as amended by Commission Implementing Regulation (EU) 2017/1269 amending Implementing Regulation (EU) 2015/949 as regards the withdrawal of groundnuts (peanuts) from the United States of America from the list of approved pre-export checks as regards aflatoxins

c) Council Regulation (EC) No 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station
a) **Commission Regulation (EU) No 284/2011** of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People’s Republic of China and Hong Kong Special Administrative Region, China

The European Union introduced **Regulation (EU) No 284/2011** imposing certain restrictions on the importation of polyamide and melamine plastic kitchenware from China and Hong Kong due to the unacceptable levels of primary aromatic amines (PAA) and formaldehyde which have been found in these products. It applies from the 1st July 2011.

This Regulation was introduced under the provisions of Article 48(1) of Regulation (EC) No 882/2004 as the emergency measures provision in Article 53 of Regulation (EC) No 178/2002 relates only to food and feed.

There have been several RASFF notifications relating to imported polyamide and melamine kitchenware from China and Hong Kong due to the release into food amounts of chemicals that are not in compliance with EU legislation for food contact materials in particular, PAA and formaldehyde. There are migration limits set in EU legislation for formaldehyde. PAA may arise in materials as a result of the presence of impurities or breakdown products. PAA should not be present in detectable levels.

The following import conditions and detailed procedures apply:

- Plastic kitchenware is defined in accordance with *Directive 2002/72/EC* (plastic materials and articles intended to come into contact with foodstuffs) and falling within CN code ex 3924 10 00. Polyamide and melamine kitchenware are a subset of this generic CN code.
- Consignment is defined but allows for multiple products or batches to be included as one consignment once they are all included on the one document and conveyed by the same means of transport.
- Definitions of documentary, identity and physical checks are specified for this Regulation and are different from those in Regulation (EC) No 882/2004. A physical check must include sampling for analysis and laboratory testing.
- A Declaration form must be completed for every consignment. A model of the form is set out in the Annex and is available at [Declaration of compliance under Regulation (EU) No 284/2011](#). A physical check must include sampling for analysis and laboratory testing.
- The declaration form must be accompanied by a laboratory report stating that the:
  - melamine kitchenware does not release formaldehyde into food in a quantity exceeding 15mg/kg.
  - polyamide kitchenware does not release PAA into food above the detectable level i.e. 0.01mg/kg.
- Prior notification is required (at least two working days) by the importer or their representative to the competent authority at the first point of introduction.
- Dublin Seaport and Dublin Airport have been designated as first points of introduction for Ireland.
- Documentary checks must be carried out on all consignments within two working days of their arrival.
- Identity and physical checks must be carried out at a frequency of 10% of consignments.
- Results of physical checks are to be available as soon as technically possible.
- Products are to be released only where the declaration form is complete and where physical checks have been carried out, the results are satisfactory.
- Non-compliances with the physical checks must be notified immediately through RASFF.
- Report to the European Commission is required on a quarterly basis on all official controls: templates for reporting on increased import controls have been agreed with the HSE.

*Directive 2002/72/EC has been repealed by Commission Regulation (EU) No 10/2011. Article 3 of Commission Regulation (EU) No 284/2011 states that polyamide and plastic kitchenware originating in or consigned from China and Hong Kong can only be imported if it meets the requirements concerning the release of primary aromatic amines and formaldehyde laid down in Part A of Annex V and in section A of Annex II to Directive 2002/72/EC. While that Directive is repealed, Article 21 of Commission Regulation (EU) No 10/2011 states that references to repealed Directives (i.e. Directive 2002/72/EC) shall be construed as references to that Regulation and shall be read in accordance with the correlation tables in Annex VI. The limits set for PAA and formaldehyde remain unchanged.*
To support the implementation of this Regulation the European Commission has developed guidelines and procedures. Technical Guidelines including sampling and analytical methods have been produced by JRC, the European Union Reference Laboratory for Food Contact materials.

**EU guidelines on conditions and procedures for the import of polyamide and melamine kitchenware originating in or consigned from People’s Republic of China and Hong Kong Special Administrative Region, China – Guidelines under Regulation (EU) No 284/2011.**

Technical Guidelines including sampling and analytical methods are available at the following [JRC weblink](#).

The European Commission has published the first points of introduction for the import of polyamide and melamine kitchenware from China and Hong Kong. This is available at: [First points of introduction for the import of polyamide and melamine kitchenware](#).

The declaration form set out in the Annex to the Regulation which must be forwarded to the competent authority at the first point of introduction into the European Union is available at: [Declaration of compliance under Regulation (EU) No 284/2011](#).

**National legislation:**

**Food of non-animal origin other than pesticide residues:**

**European Communities (Plastics and other materials) (Contact with food) Regulations 2017 [S.I. No 49 of 2017]**

This is an overarching S.I. to give effect to all legislation on plastics and other materials in contact with food including [Regulation (EU) No 284/2011](#).

- General and specific requirements for the importation of plastics are set out in Regulation 4 of S.I. No 49 of 2017
- It is an offence to import polyamide or melamine plastic kitchenware from China, including Hong Kong, other than in accordance with Articles 3 & 4 of Regulation (EU) No 284/2011 (i.e. completed the declaration form in the manner specified, confirming that the consignment meets EU requirements accompanied by the results of sampling and analysis and prior notification of the competent authority at the first point of introduction)
- Designated first points of introduction are Dublin port and seaport
- Powers for authorised officers are set out
- Compliance notices can be served on importers where the authorised officer believes that the provisions of Regulation (EU) No 284/2011 are not being complied with
- Using the compliance notice procedure the authorised officer can seize and detain the consignment or require the importer to take such action as the authorized officer considers necessary
- A laboratory certificate signed by a person employed at the laboratory where a sample is analysed under Regulation (EU) No 284/2011, stating the capacity in which they are employed and other specified information is unless the contrary is proved, evidence of the matters stated in the certificate
Competent authority:

The Department of Agriculture, Food and the Marine is responsible for legislation relating to materials and articles that come into contact with food. The Health Service Executive is the competent authority with responsibility for enforcement of legislation relating to the import of polyamide or melamine plastic kitchenware from China, including Hong Kong.

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.
b) **Commission Implementing Regulation (EU) 2015/949** approving the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins as amended by **Commission Implementing Regulation (EU) 2017/1269**

Article 23 of Regulation (EC) No 882/2004 provides that specific pre-export checks can be carried out on feed and food immediately prior to export to the EU with a view to verifying that the exported products meet EU requirements may be approved. Approval was previously given to the United States of America to carry out pre-export checks on almonds for the presence of aflatoxins and to Canada to carry out pre-export checks on wheat and wheat flour for the presence of ochratoxin A. These were established in Directive 2008/47/EC and in Commission Implementing Regulation (EU) No. 844/2011. These have now been repealed and replaced by **Commission Implementing Regulation (EU) 2015/949**. This Regulation has been amended by **Commission Implementing Regulation (EU) 2017/1269**.

**Commission Implementing Regulation (EU) 2015/949** provides approval for pre-export checks wheat and wheat flour from Canada for the presence of ochratoxin A and on peanuts and almonds from the USA for the presence of aflatoxins. An increase of non-compliance as regards the presence of aflatoxins in groundnuts from the U.S. has been observed since mid 2016. As the conditions leading to the approval of pre-export checks are no longer fulfilled groundnuts (peanuts) from the U.S. have been removed from the list of approved pre-export checks. **Commission Implementing Regulation (EU) 2017/1269** withdraws this approval. Pre-export checks approval remains in place for wheat and wheat flour from Canada for the presence of ochratoxin A and almonds from the USA for the presence of aflatoxins.

- Each consignment must be accompanied by a report containing the results of sampling and analysis performed in accordance with Regulation (EC) No 401/2006 or equivalent, by a laboratory approved by the competent authority for that purpose
- A certificate in accordance with the model in Annex II, completed, verified and signed by a representative of the competent authority. The certificate is valid for four months from the date of issue
- Each consignment must have a unique identification code which must be on the report and certificate, each individual bag or other packaging form containing the product
- If a consignment is split, copies of the certificate, certified by the competent authority where the consignment has been split, must accompany each part of the split consignment until it is released for free circulation
- The frequency of physical checks performed under Regulation (EC) No 882/2004 will be reduced and performed to the maximum percentage set out in Annex I subject to the consignment complying with the requirements of this Regulation

**Competent authority:**

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: porthealth@hse.ie, Telephone: 00353(0) 1 8976140.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: feedimports@agriculture.gov.ie Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or barry.o’reilly@agriculture.gov.ie Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955
c) **Council Regulation 733/2008** on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station


This Regulation applies to imports into the European Union from specified third countries which were directly affected by the Chernobyl disaster. Products which are considered unfit for human consumption due to their level of contamination are listed in Annex I. Maximum levels for caesium 134 and 137 are set for milk and milk products (370 Bq/kg) and for all other products (600 Bq/kg).

**Competent authority:**

Food of non-animal origin other than for pesticide residues: Health Service Executive. They can be contacted at: [portalhealth@hse.ie](mailto:portalhealth@hse.ie), Telephone: 00353(0) 1 8976140.

Food of animal origin: Department of Agriculture, Food and the Marine. They can be contacted at: Food Safety Liaison Unit, Agriculture House, Kildare Street, Dublin 2, Telephone: 00353(0) 1 6072896.

Feed: Department of Agriculture, Food and the Marine. They can be contacted at: [feedimports@agriculture.gov.ie](mailto:feedimports@agriculture.gov.ie) Telephone: 00353(0) 1 5058892, Fax: 00353(0) 1 6275935 or [barry.o’reilly@agriculture.gov.ie](mailto:barry.o’reilly@agriculture.gov.ie) Telephone: 00353(0) 1 5058766, Fax: 00353(0) 1 6275955
General:

Information for food importers is published on the FSAI website where prior notification is required and where points of entry/import have to be designated and published.

The European Commission website section on increased controls of products of non-animal origin (Regulation 669/2009) has a link to the FSAI website. The European Commission website provides updates on special import conditions and increased import controls for products of non-animal origin.