

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 25 June 2007

amending Decision 2006/504/EC on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins

(notified under document number C(2007) 3020)

(Text with EEA relevance)

(2007/459/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Decision 2006/504/EC⁽²⁾ establishes special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins.

(2) The application of Decision 2006/504/EC has revealed that certain amendments are necessary. The list of

designated points of import through which the products covered by that Decision may be imported into the Community should be updated, particularly in the framework of the accession of Bulgaria and Romania to the European Union.

(3) For the protection of public health it is important that compound foodstuffs containing to a significant amount the foodstuffs covered by this Decision are also within the scope of this Decision. A threshold of 10 % is established. Competent authorities may control at random for the presence of aflatoxins compound foodstuffs containing less than 10 % of foodstuffs covered by this Decision. In case monitoring data indicate that compound foodstuffs containing less than 10 % of foodstuffs covered by this Decision have been found in several cases to be non-compliant with the EU legislation on maximum levels for aflatoxins, this threshold should be reviewed.

(4) Decision 2006/504/EC provides that Member State may only permit imports of certain foodstuffs where the consignment is accompanied by, *inter alia*, a health certificate. That requirement applies from 1 October 2006. In order to avoid differences in the implementation of that Decision, it appears necessary to clarify that the requirement regarding the health certificate relates to the consignments which left the country of origin from 1 October 2006 onwards.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽²⁾ OJ L 199, 21.7.2006, p. 21.

- (5) Moreover, the model health certificate set out in that Decision should be amended by a separation of the health certificate to be completed by the competent authorities of the country of origin of the foodstuffs covered by Commission Decision 2006/504/EC from the information to be provided by the competent authorities of the Member States. Furthermore the common document containing the information on the checks performed has to be amended to provide also for the situation where the competent authority at the point of introduction into the Community is different from the competent authority at the designated point of import, or where a physical check is not mandatory.
- (6) Commission Decision 2006/504/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- (b) The following foodstuffs originating in or consigned from China:
- (i) peanuts falling within CN code 1202 10 90 or 1202 20 00;
 - (ii) peanuts falling within CN code 2008 11 94 (in immediate packings of a net content exceeding 1 kg) or 2008 11 98 (in immediate packings of a net content not exceeding 1 kg);
 - (iii) roasted peanuts falling within CN codes 2008 11 92 (in immediate packings of a net content exceeding 1 kg) or 2008 11 96 (in immediate packings of a net content not exceeding 1 kg);
- (c) The following foodstuffs originating in or consigned from Egypt:

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/504/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Scope

This Decision shall apply to the foodstuffs referred to in points (a) to (e) and to processed and compound foodstuffs derived from or containing a significant amount of the foodstuffs referred to in points (b) to (e). However, it shall not apply to consignments of foodstuffs with a gross weight not exceeding 5 kg.

Foodstuffs shall be considered as containing a significant amount of the foodstuffs referred to in points (b) to (e), where they are present therein in a quantity of at least 10 %.

(a) The following foodstuffs originating in or consigned from Brazil:

(i) Brazil nuts in shell falling within category CN code 0801 21 00;

(ii) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing Brazil nuts in shell;

(i) peanuts falling within CN code 1202 10 90 or 1202 20 00;

(ii) peanuts falling within CN code 2008 11 94 (in immediate packings of a net content exceeding 1 kg) or 2008 11 98 (in immediate packings of a net content not exceeding 1 kg);

(iii) roasted peanuts falling within CN codes 2008 11 92 (in immediate packings of a net content exceeding 1 kg) or 2008 11 96 (in immediate packings of a net content not exceeding 1 kg);

(d) The following foodstuffs originating in or consigned from Iran:

(i) pistachios falling within CN code 0802 50 00;

(ii) roasted pistachios falling within CN codes 2008 19 13 (in immediate packings of a net content exceeding 1 kg) and 2008 19 93 (in immediate packings of a net content not exceeding 1 kg);

(e) The following foodstuffs originating in or consigned from Turkey:

(i) dried figs falling within CN code 0804 20 90;

- (ii) hazelnuts (*Corylus* spp.) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00;
- (iii) pistachios falling within CN code 0802 50 00;
- (iv) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios;
- (v) fig paste and hazelnut paste falling within CN code 2007 99 98;
- (vi) hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19;
- (vii) flour, meal and powder of hazelnuts, figs and pistachios falling within CN code 1106 30 90;
- (viii) cut, sliced and broken hazelnuts.’.

2. In Article 3:

- (a) paragraph 3 is replaced by the following:

‘3. The competent authorities in the Member State of introduction shall ensure that the foodstuffs intended for import into the Community are subject to documentary checks to ensure that the requirement for the results of sampling and analysis and the health certificate provided for in paragraph 1 are complied with.’.

- (b) the following paragraph 7 is added:

‘7. The competent authorities at the points of introduction into the Community and at the designated point of import shall complete the common document for checks performed on foodstuffs covered by this Decision, as set out in Annex III, certifying the checks carried out on foodstuffs covered by this Decision.’.

3. in Article 5:

- (a) in paragraph 2, point (e) is replaced by the following:

‘(e) approximately 5 % of the consignments for each category of hazelnuts and derived products referred

to in point (e)(ii), (iv), (v), (vi), (vii) and (viii) of the second paragraph of Article 1 and derived products from such hazelnuts from Turkey and approximately 10 % of the consignments of other categories of foodstuffs from Turkey;’.

- (b) in paragraph 3, the second sentence is replaced by the following:

‘The competent authorities at the designated point of import shall ensure that the completed common document for checks performed on foodstuffs covered by this Decision, as set out in Annex III, is accompanied by the results of their sampling and analysis.’.

4. Article 8, paragraph 2 is replaced by the following:

‘2. All costs related to official measures taken by the competent authorities as regards non-compliance of consignments of foodstuffs referred to in Article 1(a) to (e) and to processed and compound foodstuffs derived from or containing the foodstuffs referred to in these points shall be borne by the food business operator responsible for the consignment or its representative.’.

5. The following Article 10a is inserted:

‘Article 10a

Transitional provisions

By way of derogation from Article 3(1), Member States shall authorise the imports of consignments which left the country of origin prior to 1 October 2006, accompanied by a health certificate as provided for by Commission Decision 2000/49/EC (*) as regards foodstuffs from Egypt, Commission Decision 2002/79/EC (**) as regards foodstuffs from China, Commission Decision 2002/80/EC (***) as regards foodstuffs from Turkey, Commission Decision 2003/493/EC (****) as regards foodstuffs from Brazil and Commission Decision 2005/85/EC (*****) as regards foodstuffs from Iran.

(*) OJ L 19, 25.1.2000, p. 46.

(**) OJ L 34, 5.2.2002, p. 21.

(***) OJ L 34, 5.2.2002, p. 26.

(****) OJ L 168, 5.7.2003, p. 33.

(*****) OJ L 30, 3.2.2005, p. 12.’.

6. Annex I is replaced by the text in Annex I to this Decision.

Article 3

This Decision is addressed to the Member States.

7. Annex II is replaced by the text in Annex II to this Decision.

8. The text in Annex III to this Decision is added as Annex III.

Done at Brussels, 25 June 2007.

Article 2

This Decision shall apply from 1 July 2007.

However, Article 1(5) shall apply from 1 October 2006 and Article 1(7) shall apply from 1 January 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

'ANNEX I

Health Certificate for the importation into the European Community of (*)

Consignment Code Certificate Number

According to the provisions of Commission Decision 2006/504/EC on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins,

The
(competent authority referred to in Article 3(1))

CERTIFIES:

that the of this consignment, code number *(Insert consignment code number)* composed of:

.....
.....
(description of consignment, product, number and type of packages, gross or net weight)

embarked at
(embarkation place)

by
(identification of transporter)

going to
(place and country of destination)

which comes from the establishment
.....
.....
(name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, samples were taken in accordance with Commission Regulation (EC) No 401/2006 on *(date)*, subjected to laboratory analysis on *(date)* in the *(name of laboratory)*, to determine the level of aflatoxin B1 and level of total aflatoxin contamination, and the details of sampling, methods of analysis used and all results are attached.

This certificate is valid until

Done at on

Stamp and Signature of
Authorised representative of competent authority referred to in Article 3(1)

.....
(*) Product and country of origin.

ANNEX II

'ANNEX II

List of designated points of import through which foodstuffs covered by Article 1 may be imported into the Community

Member State	Designated points of import
Belgium	Antwerpen/Anvers, Zeebrugge, Brussel/Bruxelles, Aalst/Alost
Bulgaria	Burgas, Airport, Burgas "West-Fish port", Varna Airport, Varna Port — West Varna Port, Varna — ferry-boat port, Svilengrad — railway station, Kapitan Andreevo, Ruse — terminal east port, Sofia — Airport Customs House — Sofia Customs House — Plovdiv
Czech Republic	Celní úřad Praha D5
Denmark	All Danish ports and airports
Germany	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München — Flughafen, HZA Berlin — ZA Dreilinden, HZA Frankfurt (Oder) — ZA Frankfurt (Oder) Autobahn, HZA Frankfurt (Oder) — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg — Hafen — ZA Waltershof, HZA Hamburg — Stadt, HZA Itzehoe — ZA Hamburg — Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — ZA Braunschweig-Broitzem, HZA Hannover — ZA Hannover-Nord, HZA Koblenz — ZA Hahn — Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin — Flughafen Schönefeld, HZA Potsdam — ZA Berlin — Flughafen Tegel, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil am Rhein — Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Billbrook, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Großmarkt, HZA Düsseldorf — ZA Düsseldorf Nord, HZA Köln — ZA Köln Niehl, HZA Erfurt — ZA Jena
Estonia	All Estonian Customs Offices
Greece	Athina, Pireas, Athina International Airport, Thessaloniki, Volos, Nafplio, Patra, Egion, Iraklion Kritis, Larisa, Ioannina, Katerini, Komotini, Veria, Drama, Serres, Kavala, Xanthi, Alexandroupolis
Spain	Algeciras (Puerto), Alicante (Puerto), Almería (Puerto), Barcelona (Puerto), Bilbao (Puerto), Cádiz (Puerto), Ceuta (Puerto), Las Palmas de Gran Canaria (Puerto), Málaga (Puerto), Melilla (Puerto), Sevilla (Puerto), Tarragona (Puerto), Valencia (Puerto), Juan Escoda S.A. — Tarragona (Puerto), Importaco — Valencia (Puerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), port de la Pointe des Galets à La Réunion
Ireland	Dublin — Port, Shannon — Airport

Member State	Designated points of import
Italy	Ufficio di Sanità, Marittima, Aerea e di Frontiera (USMAF) Bari, Unità Territoriale (UT) Bari USMAF Bologna, UT Ravenna, USMAF Brindisi, UT Brindisi USMAF Catania, UT Reggio Calabria USMAF Genova, UT Genova USMAF Genova, UT La Spezia USMAF Genova, UT Savona, USMAF Livorno, UT Livorno USMAF Napoli, UT Cagliari USMAF Napoli, UT Napoli, USMAF Napoli, UT Salerno, USMAF Pescara, UT Ancona, USMAF Venezia, UT Trieste, compresa dogana di Ferneti-interporto Monrupino USMAF Venezia, UT Venezia
Cyprus	Limassol Port, Larnaca Airport
Latvia	Grebneva – road with Russia Terehova – road with Russia Pātarnieki – road with Byelorussia Silene – road with Byelorussia Daugavpils – railway commodity station Rēzekne – railway commodity station Liepāja – seaport Ventspils – seaport Rīga – seaport Rīga – airport Rīga Rīga – Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai Airport: Vilnius Seaport: Malkū įlankos, Molo, Pilies Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre Douanier, Croix de Gasperich, Luxembourg Administration des Douanes et Accises, Bureau Luxembourg — Aéroport, Niederanven
Hungary	Ferihegy – Budapest – airport Záhony – Szabolcs–Szatmár–Bereg – road Eperjeske – Szabolcs–Szatmár–Bereg – railway Röske – Csongrád – road Kelebia – Bács-Kiskun – railway Letenye – Zala – road Gyékényes – Somogy – railway Mohács – Baranya – port All Hungarian Chief Customs Offices
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour.
Netherlands	All harbours and airports and all border stations
Austria	All Customs Offices

Member State	Designated points of import
Poland	Bezledy – Warmińsko – Mazurskie – road border point Kuźnica Białostocka – Podlaskie – road border point Bobrowniki – Podlaskie – road border point Koroszczyn – Lubelskie – road border point Dorohusk – Lubelskie – road and railway border point Gdynia – Pomorskie – seaport border point Gdańsk – Pomorskie – seaport border point Medyka – Przemyśl – Podkarpackie – railway border point Medyka – Podkarpackie – road border point Korczowa – Podkarpackie – road border point Jasionka – Podkarpackie – airport border point Szczecin – Zachodnio – Pomorskie – seaport border point Świnoujście – Zachodnio – Pomorskie – seaport border point Kołobrzeg – Zachodnio – Pomorskie – seaport border point Mazowieckie – Warsaw Airport and custom warehouses – supervised by BSES in Warszawa Custom warehouse – supervised by PSES in Bytom Custom warehouse – supervised by PSES in Gliwice Custom warehouse – supervised by PSES in Dąbrowa Górnicza Custom warehouse – supervised by PSES in Katowice Custom warehouse – supervised by PSES in Cieszyn 4 Custom warehouses – supervised by PSES in Poznań Custom warehouse – supervised by PSES in Łódź Custom warehouse – supervised by PSES in Łowicz Custom warehouse – supervised by PSES in Skierniewice Custom warehouse – supervised by PSES in Bytów Custom warehouse – supervised by PSES in Kraków 2 Custom warehouses – supervised by PSES in Biała Podlaska Custom warehouse – supervised by PSES in Bolesławiec 2 Custom warehouses – supervised by PSES in Bydgoszcz
Portugal	Lisboa, Leixões Sines, Alverca, Riachos, Setúbal, Bodadela, Lisbon airport, Porto airport
Romania	Constanta Nord harbour, Constanta Sud harbour, Otopeni International Airport, Sculeni – on the road, Halmeu – on the road Siret – on the road, Stamora Moravita – on the road Albita – on the road
Slovenia	Obrežje – road border crossing Koper – port border crossing Dobova – railway border crossing Brnik – airport border crossing Jelšane – road border crossing Ljubljana – railway and road border crossing Gruškovje – road border crossing Sežana – railway and road border crossing
Slovakia	Customs Offices: Banská Bystrica, Bratislava, Košice, Žilina, Nitra, Prešov, Trnava, Trenčín, Čierna nad Tisou

Member State	Designated points of import
Finland	All Finnish Customs Offices
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda
United Kingdom	Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Harwich, Heathrow Airport, Hull, Ipswich, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Base, Manchester International Freight Terminal, Manchester (Ellesmere Port only), Southampton, Teesport'

ANNEX III

'ANNEX III

Common document for checks performed on foodstuffs covered by Commission Decision 2006/504/EC

The consignment of (description of goods) from (third country) covered by the health certificate No issued on has been subjected to the following check (tick off as appropriate 1 or more boxes) with favourable result:

The consignment must not be cleared by customs until accepted and released for free circulation by the competent authority (see part C of the document)

A. AT THE POINT OF INTRODUCTION (*)

- Import Onward transit to designated point of import (***)
 Documentary check (**)

.....
 (Competent authority, Member State)

.....
 Date

.....
 Stamp

.....
 Signature

B. AT THE DESIGNATED POINT OF IMPORT

- Identity check (****)
- Certificates and other documents accompanying the consignment tally with the labelling of the consignment
- Certificates and other documents accompanying the consignment tally with the content of the consignment
- Identification codes on the certificates and other documents accompanying the consignment correspond to the identification code of individual entities of the consignment

.....
 (Competent authority, Member State)

.....
 Date

.....
 Stamp

.....
 Signature

- Physical check (sampling and analysis) — results of sampling and analysis enclosed

.....
 (Competent authority, Member State)

.....
 Date

.....
 Stamp

.....
 Signature

C. DECISION

- The consignment has been accepted and released for free circulation in the European Community

.....
 (Competent authority, Member State)

.....
 Date

.....
 Stamp

.....
 Signature

(*) In case the point of introduction is also the designated point of import, the part B (if relevant) and part C have to be completed.

(**) The documentary check consists of checking the commercial documents and if the consignment is accompanied by the health certificate, completed and signed and the results of sampling and analysis. Also the validity of the health certificate will be verified.

(***) The signed certificate must be forwarded to the competent authority of the designated point of import.

(****) The identity check can also be performed at the point of introduction.'