Import control of food of non-animal origin
Overview

- EU import control system for food of non-animal origin (FNAO)
  - Safeguard measures
  - Increased control
  - MANCP control

- Import controls
  - Control steps and difficult areas
  - Findings

- Future developments
In general the EU import control of food of animal and non-animal origin has to be distinguished

**Import control of food of animal origin:**
- EU-wide harmonised import control system
- Border control posts (BIP) at the external EU border (port, airport; road/rail)
- Legal requirement for pre-notification and control of all consignments of products of animal origin

**Import control of food of non-animal origin:**
- Only partly harmonised import control procedures in respect of increased levels of checks
- EU and national law is applicable
- Different import control systems in different Member States (MS) - checks in the MS differing between regular 100% checks over targeted checks up to checks mainly at the retail level
Safeguard measures

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

Risk based checks (regular official control)

Import Regime FOOD of Non Animal Origin
Legislation related to import controls

- Reg. (EC) No. 178/2002
  - General Food law legislation
- Reg. (EC) No. 882/2004
  - Official control regulation
- Reg. (EU) No. 669/2009
  - Enhanced controls of certain food and feed of non-animal origin from third countries
- Reg. (EU) No. 884/2014
  - Safeguard measure regarding aflatoxin controls
- Reg. (EU) No. 885/2014
  - Safeguard measure regarding pesticides
- Reg. (EU) 2016/166
  - Safeguard measure regarding microbiological contamination
- Legislation laying down methods of sampling and analysis for official controls, e.g. Reg. (EC) 401/2006; guidance documents
Safeguard measures according to Art. 53 Reg. (EC) No. 178/2002

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

- pistachios (Aflatoxin) from Iran and Turkey
- peanuts from Brazil
- hazelnuts and figs from Turkey
- watermelon seeds from Nigeria
- groundnuts from China
- Betel leaves „Piper beetle“ from India
Onward transportation according to Reg. (EU) No. 884/2014

DPE = Designated point of entry

1. Option

Consignment

DPE

and / or

Customs

CED

Internal market

Customs

2. Option

DPI

Not released to the internal market

CED incomplete

Member State A

Member State B

DPI = Designated point of import

U. Gramm

Spiced Symposium 1-2, June, 2016
Border control according to Reg. (EC) No. 669/2009

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

Dried apricots from Uzbekistan
Raspberries from Serbia

Groundnuts from Gambia, Madagascar and Sudan

Basil and Coriander leaves (Thailand)

Peppers (Capsicum) from Dominican Republic and Thailand

Nutmeg, Curry leaves (India)
Tea from China

Sesame seeds from India
EU import control system for re-enforced controls of FNAO

External border control regime

Designated point of entries = DPE at the external EU border

Designated point of import = DPI

Free trade between Member States

Communication via RASFF (and partly TRACES)
External border control regime

Designated point of entries = DPE at the external EU border

Free trade between Member States

Communication via RASFF (and partly TRACES)
EU import control system for food of non-animal origin

DPE in the Member States

<table>
<thead>
<tr>
<th>Country</th>
<th>Type</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td></td>
<td>Latvia</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Food - Feed</td>
<td>Lithuania</td>
</tr>
<tr>
<td>Croatia</td>
<td></td>
<td>Luxembourg</td>
</tr>
<tr>
<td>Cyprus</td>
<td></td>
<td>Malta</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Food - Feed</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Denmark</td>
<td>Food - Feed</td>
<td>Poland: Food - Feed (38 kB)</td>
</tr>
<tr>
<td>Estonia</td>
<td>Food - Feed</td>
<td>Portugal</td>
</tr>
<tr>
<td>Finland</td>
<td></td>
<td>Romania</td>
</tr>
<tr>
<td>France</td>
<td>Food - Feed</td>
<td>Slovakia</td>
</tr>
<tr>
<td>Germany</td>
<td>Food - Feed</td>
<td>Slovenia: Food - Feed (30 kB)</td>
</tr>
<tr>
<td>Greece</td>
<td>EN - EL</td>
<td>Spain: Food - Feed</td>
</tr>
<tr>
<td>Hungary</td>
<td>(15 kB)</td>
<td>Sweden</td>
</tr>
<tr>
<td>Ireland</td>
<td></td>
<td>United Kingdom</td>
</tr>
<tr>
<td>Norway</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Risk based checks according to Art. 15 (1) Reg. (EC) No. 882/2004

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

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

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

**Documentary check**

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

**Difficult areas:**

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

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

Difficult areas:

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

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

Difficult areas:

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

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

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

Consignment

EU conform
- Released for free circulation in the Union
- Further treatment

not EU conform
- Not released
- Rejection
- Destruction

01.09.2015

Dr. Ute Gramm
Findings: Controls in the scope of Reg. 669/2009 – EU - Overview 2014

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

Dried spices from India - aflatoxins

<table>
<thead>
<tr>
<th>YEAR 2014</th>
<th>CONSIGNMENTS</th>
<th>ANALYSED</th>
<th>NON COMPLIANT</th>
<th>% OF NON COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter I</td>
<td>407</td>
<td>59</td>
<td>4</td>
<td>6.8%</td>
</tr>
<tr>
<td>Quarter II</td>
<td>408</td>
<td>55</td>
<td>5</td>
<td>9.1%</td>
</tr>
<tr>
<td>Quarter III</td>
<td>350</td>
<td>35</td>
<td>2</td>
<td>5.8%</td>
</tr>
<tr>
<td>Quarter IV</td>
<td>324</td>
<td>40</td>
<td>2</td>
<td>5%</td>
</tr>
<tr>
<td>Total</td>
<td>1489</td>
<td>189</td>
<td>13</td>
<td>6.9%</td>
</tr>
</tbody>
</table>

History:
Listed spices: chilly, curry and nutmeg. Listed as of 25 January 2010 and subject to frequency of physical and identity checks of 50%. Control frequency decreased to 20% as of 1 January 2012 and further decreased to 10% as of 1 January 2013. Curry delisted as of July 2014. Frequency increased to 20% as of 1 January 2015.

Dried spices from India - aflatoxins

<table>
<thead>
<tr>
<th>YEAR 2014</th>
<th>CONSIGNMENTS</th>
<th>ANALYSED</th>
<th>NON COMPLIANT</th>
<th>% OF NON COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter I</td>
<td>156</td>
<td>37</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Quarter II</td>
<td>132</td>
<td>26</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Quarter III</td>
<td>142</td>
<td>30</td>
<td>7</td>
<td>23.3%</td>
</tr>
<tr>
<td>Quarter IV</td>
<td>148</td>
<td>41</td>
<td>4</td>
<td>9.8%</td>
</tr>
<tr>
<td>Total</td>
<td>578</td>
<td>134</td>
<td>11</td>
<td>8.2%</td>
</tr>
</tbody>
</table>

History:
Listed as of 1 July 2012 and subject to frequency of physical and identity checks of 20%. Now: no changes


U. Gramm

Spiced Symposium 1-2, June, 2016
Results related to commodities listed for the presence of pesticide residues - examples

### Fresh herbs from Vietnam – pesticide residues

<table>
<thead>
<tr>
<th>YEAR 2014</th>
<th>CONSIGNMENTS</th>
<th>ANALYSED</th>
<th>NON COMPLIANT</th>
<th>% OF NON COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter I</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Quarter II</td>
<td>33</td>
<td>9</td>
<td>2</td>
<td>22.2%</td>
</tr>
<tr>
<td>Quarter III</td>
<td>45</td>
<td>9</td>
<td>5</td>
<td>55.6%</td>
</tr>
<tr>
<td>Quarter IV</td>
<td>18</td>
<td>2</td>
<td>2</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td>103</td>
<td>21</td>
<td>9</td>
<td>42.9%</td>
</tr>
</tbody>
</table>

**History:**
Listed herbs: basil, coriander leaves, mint and parsley. Listed as of 1 January 2013 and subject to frequency of physical and identity checks of 20%. Now: 10%

### Herbs and spices from Thailand – pesticides residues

<table>
<thead>
<tr>
<th>YEAR 2014</th>
<th>CONSIGNMENTS</th>
<th>ANALYSED</th>
<th>NON COMPLIANT</th>
<th>% OF NON COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter I</td>
<td>321</td>
<td>32</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Quarter II</td>
<td>361</td>
<td>40</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Quarter III</td>
<td>393</td>
<td>36</td>
<td>1</td>
<td>2.8%</td>
</tr>
<tr>
<td>Quarter IV</td>
<td>399</td>
<td>36</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Total</td>
<td>1474</td>
<td>144</td>
<td>1</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

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

Results related to commodities listed for possible microbiological contamination

Sesamum Seeds from India – Salmonella

<table>
<thead>
<tr>
<th>YEAR 2014</th>
<th>CONSIGNMENTS</th>
<th>ANALYSED</th>
<th>NON COMPLIANT</th>
<th>% OF NON COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter I</td>
<td>Not listed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarter II</td>
<td>Not listed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarter III</td>
<td>Not listed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarter IV</td>
<td>788</td>
<td>157</td>
<td>21</td>
<td>13,5%</td>
</tr>
<tr>
<td>Total</td>
<td>788</td>
<td>157</td>
<td>21</td>
<td>13,5%</td>
</tr>
</tbody>
</table>

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

Betel leaves from India – Salmonella

<table>
<thead>
<tr>
<th>YEAR 2014</th>
<th>CONSIGNMENTS</th>
<th>ANALYSED</th>
<th>NON COMPLIANT</th>
<th>% OF NON COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter I</td>
<td>Not listed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarter II</td>
<td>146</td>
<td>21</td>
<td>5</td>
<td>23,8%</td>
</tr>
<tr>
<td>Quarter III</td>
<td>189</td>
<td>19</td>
<td>6</td>
<td>31,6%</td>
</tr>
<tr>
<td>Quarter IV</td>
<td>236</td>
<td>20</td>
<td>5</td>
<td>25%</td>
</tr>
<tr>
<td>Total</td>
<td>571</td>
<td>60</td>
<td>16</td>
<td>26,7%</td>
</tr>
</tbody>
</table>

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


U. Gramm
Spiced Symposium 1-2, June, 2016
Future developments

.. to expected:

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

Dr. Ute Gramm
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