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COMMISSION DECISION

of 4 February 2002

**imposing special conditions on the import of peanuts and certain products derived from peanuts
originating in or consigned from China**

(notified under document number C(2002) 385)

(Text with EEA relevance)

(2002/79/EC)

(OJ L 34, 5.2.2002, p. 21)

Amended by:

	Official Journal		
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► <u>M1</u> Commission Decision 2002/233/EC of 20 March 2002	L 78	14	21.3.2002
► <u>M2</u> Commission Decision 2002/678/EC of 22 August 2002	L 229	33	27.8.2002
► <u>M3</u> Commission Decision 2003/550/EC of 22 July 2003	L 187	39	26.7.2003



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(2002/79/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾ and in particular Article 10(1) thereof,

Whereas:

- (1) Peanuts originating in or consigned from China have been found to be, in many cases, contaminated with excessive levels of aflatoxin B1 and total aflatoxin.
- (2) The Scientific Committee for Food has noted that aflatoxin B1, even at extremely low levels, causes cancer of the liver and in addition is genotoxic.
- (3) Commission Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾, as last amended by Regulation (EC) No 1566/1999 ⁽³⁾, sets maximum levels for certain contaminants and in particular aflatoxins in foodstuffs. These limits have been considerably exceeded in samples of peanuts originating in or consigned from China.
- (4) This constitutes a serious threat to public health within the Community and it is therefore imperative to adopt protective measures at Community level.
- (5) A mission was carried out by the European Commission's Food and Veterinary Office (FVO) in China from 8 to 21 May 2001 to assess the control systems in place to prevent aflatoxin contamination in peanuts intended for export to the European Community. The mission revealed, *inter alia*, that the control over aflatoxins in peanuts is minimal in production or general processing. Deficiencies in laboratory performance were also observed. It is therefore appropriate to subject peanuts or products derived from peanuts originating in or consigned from China to special conditions to provide a high level of protection to public health.
- (6) It is necessary that peanuts and products derived from peanuts have been produced, sorted, handled, processed, packaged and transported following good hygiene practices. It is necessary to establish the levels of aflatoxin B1 and total aflatoxin in samples taken from the consignment immediately prior to leaving China.
- (7) The Chinese authorities should provide documentary evidence to accompany each consignment of peanuts originating in or consigned from China, relating to the conditions of production, sorting, handling, processing, packaging and transport, as well as the results of laboratory analysis of the consignment for levels of aflatoxin B1 and total aflatoxin.
- (8) From the findings of the abovementioned mission, it can be concluded that the Chinese authorities cannot ensure currently dependable analytical results or guarantee lot integrity in respect

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 31, 1.2.1997, p. 48.

⁽³⁾ OJ L 184, 17.7.1999, p. 17.

▼B

of certification. Therefore, the reliability of any certificate issued for peanuts originating from China raises serious doubts with regard to its reliability.

- (9) It is therefore necessary in order to safeguard public health that all lots of peanuts originating in or consigned from China, imported in the European Community, are subjected to sampling and analysis for their aflatoxin level by the competent authority of the importing Member State prior to release onto the market. Given that this measure has a serious impact on the control resources of the Member States, the results of this measure will be evaluated after a short period of time and the measures amended if appropriate.
- (10) The Standing Committee for Foodstuffs has been consulted on 2 April 2001 and on 19 July 2001,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States may not import products falling in any of the following categories originating in or consigned from China, which are intended for human consumption or to be used as an ingredient in foodstuffs, unless the consignment is accompanied by the results of official sampling and analysis, and by the health certificate in Annex I completed, signed and verified by a representative of the State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China:

- peanuts falling within CN code 1202 10 90 or 1202 20 00,
- peanuts falling within CN code 2008 11 94 (in immediate packs of a net content exceeding 1 kg) or 2008 11 98 (in immediate packs of a net content not exceeding 1 kg),
- roasted peanuts falling within CN codes 2008 11 92 (in immediate packs of a net content exceeding 1 kg) or 2008 11 96 (in immediate packs of a net content not exceeding 1 kg).

2. Consignments may only be imported into the Community through one of the points of entry listed in Annex II.

3. Each consignment shall be identified with a code, which corresponds to the code on the health certificate and on the accompanying report containing the result of the official sampling and analysis referred to in paragraph 1.

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Each individual bag (or other packaging form) of the consignment shall be identified with that code. This requirement shall be applicable to the consignments, which have left China after 1 September 2002.

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4. The Competent Authorities in each Member State shall ensure that imported peanuts originating in or consigned from China are subject to documentary checks to ensure that the requirement for the health certificate and sampling results referred to in paragraph 1 are complied with.

▼M3

5. The competent authorities in each Member State shall undertake at random sampling of the consignments of peanuts and certain products derived from peanuts originating in or consigned from China for analysis of aflatoxin B1 and total aflatoxin.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of peanuts and certain products derived from peanuts originating in or consigned from China. This report shall be submitted during the month following each quarter ⁽¹⁾.

⁽¹⁾ April, July, October, January

▼M2

6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 10 % of consignments of products for each category of the products referred to in paragraph 1.

Any consignment, to be subjected to sampling and analysis, shall be detained before release onto the market from the point of entry into the Community ►**M3** for a maximum of 15 working days ◀. In this event, the competent authorities in the Member States shall issue an accompanying official document establishing that the consignment has been subjected to official sampling and analysis and indicating the result of analysis.

▼M3

7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.

▼M1*Article 1a*

By derogation from Article 1(1), the Member States shall authorise the imports of consignments not accompanied by the results of official sampling and analysis or by a health certificate, which left China before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC ⁽¹⁾, that these consignments comply with the provisions of Commission Regulation (EC) No 194/97 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

▼M3*Article 2*

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of China and on the basis of the results of the tests carried out by Member States in order to assess whether the special conditions set out in Article 1 provide a sufficient level of protection of public health within the Community. The review shall also assess whether there is a continuing need for those special conditions.

▼B*Article 3*

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

⁽¹⁾ OJ L 201, 17.7.1998, p. 93.

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ANNEX I

Health Certificate for the importation into the European Community of peanuts and certain products derived from peanuts originating in or consigned from China

Consignment code Certificate No

According to the provisions of Commission Decision 2002/79/EC imposing special conditions on the import of peanuts falling within CN codes 1202 10 90 (in shell) or 1202 20 00 and products derived from peanuts falling within CN codes 2008 11 92 or 2008 11 94 (in immediate packs of a net content exceeding 1 kg) and 2008 11 96 or 2008 11 98 (not exceeding 1 kg), originating in, or consigned from the People's Republic of China,

the
(State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China)

CERTIFIES:

that the peanuts 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)

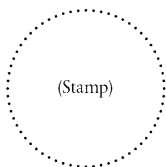
which comes from the establishment
.....
(Name and address of establishment)

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

From this consignment, (number of samples) samples of peanuts were taken 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.

Done at, on

*Representative of the State Administration
for Entry-Exit inspection and Quarantine
of the People's Republic of China*



.....
(Signature)

▼ M3

ANNEX II

List of points of entry through which consignments of peanuts and certain products derived from peanuts originating in or consigned from China may be imported into the Community

Member State	Point of entry
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Denmark	All Danish harbours and airports
Germany	HZA Lörrach — ZA Weil-am-Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Hof-Schirnding-Landstraße, HZA Weiden — ZA Furth-im-Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — 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-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — ZA Ludwigsdorf-Autobahn, 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 Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Berlin — ZA Dreilinden, 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 Potsdam — ZA Berlin-Flughafen-Schönefeld, HZA Düsseldorf — ZA Düsseldorf-Nord
Greece	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), 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 and airport, Cork — port and airport, Shannon — airport

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Member State	Point of entry
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima ed Aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
The Netherlands	All harbours and airports and all border stations
Austria	HZA Feldkirch, HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels, ZA Kledering, ZA Flughafen Wien, HZA Salzburg, ZA Klungenbach/ Zweigstelle Sopron, ZA Karawankentunnel, ZA Villach
Portugal	Lisboa, Leixões
Finland	All Finnish customs offices
Sweden	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlshamn, Landvetter, Arlanda
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middles- borough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport