

▼B**COMMISSION IMPLEMENTING REGULATION (EU) 2016/6****of 5 January 2016****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 and repealing Implementing Regulation (EU) No 322/2014****(Text with EEA relevance)***Article 1***Scope****▼M1**

This Regulation shall apply to feed and food, including minor food, within the meaning of Article 1 of Council Regulation (Euratom) 2016/52 ⁽¹⁾ ('the products') originating in or consigned from Japan, with the exclusion of:

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- (a) products which have been harvested and/or processed before 11 March 2011;
- (b) personal consignments of feed and food of animal origin which are covered by Article 2 of Commission Regulation (EC) No 206/2009 ⁽²⁾;
- (c) personal consignments of feed and food other than of animal origin which are non-commercial and destined to a natural person for personal consumption and use only. In case of doubt, the burden of proof lies with the recipient of the consignment.

*Article 2***Definition**

For the purposes of this Regulation, 'consignment' means:

- for products for which a sampling and analysis is required by Article 5, a quantity of any of the feed or food falling within the scope of this Regulation of the same class or description, covered by the same document(s), conveyed by the same means of transport and coming from the same prefecture of Japan,
- for the other products falling within the scope of this Regulation, a quantity of any of the feed or food falling within the scope of this Regulation, covered by the same document(s), conveyed by the same means of transport and coming from one or more prefectures of Japan, within the limits set in the declaration referred to in Article 5.

⁽¹⁾ OJ L 13, 20.1.2016, p. 2

⁽²⁾ Commission Regulation (EC) No 206/2009 of 5 March 2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004 (OJ L 77, 24.3.2009, p. 1).

▼B*Article 3***Import into the Union**

Products may only be imported into the Union if they comply with this Regulation.

*Article 4***Maximum levels of caesium-134 and caesium-137**

Products shall comply with the maximum level for the sum of caesium-134 and caesium-137 as set out in Annex I.

*Article 5***Declaration for certain products****▼M1**

1. Each consignment of feed and food referred to and falling under the CN codes mentioned in Annex II and the compound feed and food containing more than 50 % of these feed and food, originating in or consigned from Japan, shall be accompanied by a valid original declaration drawn up and signed in accordance with Article 6.

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2. The declaration referred to in paragraph 1 shall attest that the products comply with the legislation in force in Japan.

3. The declaration referred to in paragraph 1 shall furthermore certify that:

(a) the product has been harvested and/or processed before 11 March 2011; or

(b) the product does not originate in and is not consigned from one of the prefectures listed in Annex II⁽¹⁾, for which the sampling and analysis of this product is required; or

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(c) the 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 has not been exposed to radioactivity during transiting or processing; or

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(d) the 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

(e) where the 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.

⁽¹⁾ The list of products in Annex II is without prejudice to the requirements of Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients (OJ L 43, 14.2.1997, p. 1).

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4. Fish and fishery products referred to in Annex II, caught or harvested in the coastal waters of the prefecture of Fukushima shall be accompanied by a declaration referred to in paragraph 1 and by an analytical report containing the results of sampling and analysis, irrespective of where such products are landed.

▼B*Article 6***Drawing up and signing of the declaration**

1. The declaration referred to in Article 5 shall be drawn up in accordance with the model set out in Annex III.
2. For the products referred to in points (a), (b) and (c) of Article 5(3), the declaration shall be signed by an authorised representative of the competent Japanese authority or by an authorised representative of an instance authorised by the competent Japanese authority under the authority and supervision of the competent Japanese authority.
3. For the products referred to in points (d) and (e) of Article 5(3) and in Article 5(4), the declaration shall be signed by an authorised representative of the competent Japanese authority and shall be accompanied by an analytical report containing the results of sampling and analysis.

*Article 7***Identification**

Each consignment of products referred to in Article 5(1) shall be identified by means of a code which shall be indicated on the declaration referred to in Article 5, on the analytical report referred to in Article 6(3), on the common entry document or common veterinary entry document, referred to in Article 9(2) and on the sanitary certificate accompanying the consignment.

*Article 8***Border inspection posts and designated point of entry**

1. Consignments of products referred to in Article 5(1) shall be introduced into the Union through a designated point of entry within the meaning of point (b) of Article 3 of Commission Regulation (EC) No 669/2009 ⁽¹⁾ ('the designated point of entry').
2. Paragraph 1 shall not apply to consignments of products referred to in Article 5(1) falling within the scope of Council Directive 97/78/EC ⁽²⁾. Those consignments shall be introduced into the Union via a border inspection post within the meaning of point (g) of Article 2(2) of that Directive.

⁽¹⁾ Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

⁽²⁾ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).



Article 9

Prior notification

1. Feed and food business operators or their representatives shall give prior notification of the arrival of each consignment of products referred to in Article 5(1).
2. For the purpose of prior notification, feed and food business operators or their representatives shall complete:
 - (a) for products of non-animal origin: Part I of the common entry document (CED) referred to in point (a) of Article 3 of Regulation (EC) No 669/2009, taking into account the notes for guidance for the CED laid down in Annex II to that Regulation; for the purpose of this Regulation, Box I.13 of the CED can contain more than one commodity code;
 - (b) for fish and fishery products: the common veterinary entry document (CVED) set out in Annex III to Commission Regulation (EC) No 136/2004 ⁽¹⁾.

The respective document shall be transmitted to the competent authority at the designated point of entry or border inspection post, at least two working days prior to the physical arrival of the consignment.

Article 10

Official controls

1. The competent authorities of the border inspection post or designated point of entry shall carry out the following controls on the products referred to in Article 5(1):
 - (a) documentary checks on all consignments;
 - (b) random identity checks and random physical checks, including laboratory analysis on the presence of caesium-134 and caesium-137. The analytical results shall be available within a maximum of five working days.
2. In case the result of the laboratory analysis provides evidence that the guarantees provided in the declaration referred to in Article 5 are false, the declaration is considered not to be valid and the consignment of feed and food does not comply with this Regulation.

Article 11

Costs

All costs resulting from the official controls referred to in Article 10 and any measures taken following non-compliance shall be borne by the feed and food business operators.

⁽¹⁾ Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11).

▼B*Article 12***Release for free circulation**

1. The release for free circulation of each consignment of products referred to in Article 5(1) shall be subject to the presentation (physically or electronically) by the feed or food business operator or their representative to the custom authorities of a CED duly completed by the competent authority once all official controls have been carried out. The custom authorities shall only release the consignment for free circulation if a favourable decision by the competent authority is indicated in box II.14 of the CED and signed in box II.21 of the CED.

2. Paragraph 1 shall not apply to consignments of products referred to in Article 5(1) falling within the scope of Directive 97/78/EC. The release for free circulation of those consignments shall be subject to Regulation (EC) No 136/2004.

*Article 13***Non-compliant products**

Products which do not comply with this Regulation shall not be placed on the market. Such products shall be safely disposed of or returned to Japan.

▼M2*Article 14***Review**

This Regulation shall be reviewed before 30 June 2021.

▼B*Article 15***Repeal**

Implementing Regulation (EU) No 322/2014 is repealed.

*Article 16***Transitional provision**

By way of derogation from Article 3, products may be imported into the Union under the following conditions:

- (a) they comply with Implementing Regulation (EU) No 322/2014; and
- (b) either they left Japan before the entry into force of this Regulation or they left Japan after the entry into force of this Regulation but before 1 February 2016 and they are accompanied by a declaration in accordance with Implementing Regulation (EU) No 322/2014 which was issued before the entry into force of this Regulation.

*Article 17***Entry into force**

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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ANNEX I

Maximum levels for food ⁽¹⁾ (Bq/kg) as provided for in the Japanese legislation

| | Foods for infants and young children | Milk and milk-based drinks | Mineral water and similar drinks and tea brewed from unfermented leaves | Other food |
|------------------------------------|--------------------------------------|----------------------------|---|--------------------|
| Sum of caesium-134 and caesium-137 | 50 ⁽²⁾ | 50 ⁽²⁾ | 10 ⁽²⁾ | 100 ⁽²⁾ |

⁽¹⁾ For dried products that are intended to be consumed in a reconstituted state, the maximum level applies to the reconstituted product as ready for consumption.

For dried mushrooms a reconstitution factor of 5 is of application.

For tea, the maximum level applies to the infusion brewed from unfermented tea leaves. The processing factor for dried tea is 50, and therefore a maximum level of 500 Bq/kg on dried tea leaves ensures that the level in the brewed tea does not exceed the maximum level of 10 Bq/kg.

⁽²⁾ In order to ensure consistency with maximum levels currently applied in Japan, these values replace on a provisional basis the values laid down in Regulation (Euratom) 2016/52.

Maximum levels for feed ⁽¹⁾ (Bq/kg) as provided for in the Japanese legislation

| | Feed intended for cattle and horses | Feed intended for pigs | Feed intended for poultry | Feed for fish ⁽³⁾ |
|------------------------------------|-------------------------------------|------------------------|---------------------------|------------------------------|
| Sum of caesium-134 and caesium-137 | 100 ⁽²⁾ | 80 ⁽²⁾ | 160 ⁽²⁾ | 40 ⁽²⁾ |

⁽¹⁾ Maximum level is relative to feed with a moisture content of 12 %.

⁽²⁾ In order to ensure consistency with maximum levels currently applied in Japan, these values replace on a provisional basis the values laid down in Regulation (Euratom) 2016/52.

⁽³⁾ With the exemption of feed for ornamental fish.

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ANNEX II

Food and feed for which sampling and analysis regarding the presence of caesium-134 and caesium-137 are required before export to the Union**(a) products originating in the prefecture of Fukushima:**

- mushrooms and derived products thereof falling within CN codes 0709 51 00, 0709 59, 0710 80 61, 0710 80 69, 0711 51 00, 0711 59 00, 0712 31 00, 0712 32 00, 0712 33 00, ex 0712 39 00, 2003 10, 2003 90 and ex 2005 99 80;
- fish and fishery products falling within CN codes 0302, 0303, 0304, 0305, 0308, 1504 10, 1504 20, 1604 with the exception of:
 - Japanese amberjack (*Seriola quinqueradiata*) and yellowtail amberjack (*Seriola lalandi*) falling within CN codes ex 0302 89 90, ex 0303 89 90, ex 0304 49 90, ex 0304 59 90, ex 0304 89 90, ex 0304 99 99, ex 0305 10 00, ex 0305 20 00, ex 0305 39 90, ex 0305 49 80, ex 0305 59 85, ex 0305 69 80, ex 0305 72 00, ex 0305 79 00, ex 1504 10, ex 1504 20, ex 1604 19 91, ex 1604 19 97 and ex 1604 20 90;
 - greater amberjack (*Seriola dumerili*) falling within CN codes ex 0302 89 90, ex 0303 89 90, ex 0304 49 90, ex 0304 59 90, ex 0304 89 90, ex 0304 99 99, ex 0305 10 00, ex 0305 20 00, ex 0305 39 90, ex 0305 49 80, ex 0305 59 85, ex 0305 69 80, ex 0305 72 00, ex 0305 79 00, ex 1504 10, ex 1504 20, ex 1604 19 91, ex 1604 19 97 and ex 1604 20 90;
 - Japanese seabream (*Pagrus major*) falling within CN codes 0302 85 90, ex 0303 89 90, ex 0304 49 90, ex 0304 59 90, ex 0304 89 90, ex 0304 99 99, ex 0305 10 00, ex 0305 20 00, ex 0305 39 90, ex 0305 49 80, ex 0305 59 85, ex 0305 69 80, ex 0305 72 00, ex 0305 79 00, ex 1504 10, ex 1504 20, ex 1604 19 91, ex 1604 19 97 and ex 1604 20 90;
 - white trevally (*Pseudocaranx dentex*) falling within CN codes ex 0302 49 90, ex 0303 89 90, ex 0304 49 90, ex 0304 59 90, ex 0304 89 90, ex 0304 99 99, ex 0305 10 00, ex 0305 20 00, ex 0305 39 90, ex 0305 49 80, ex 0305 59 85, ex 0305 69 80, ex 0305 72 00, ex 0305 79 00, ex 1504 10, ex 1504 20, ex 1604 19 91, ex 1604 19 97 and ex 1604 20 90;
 - Pacific bluefin tuna (*Thunnus orientalis*) falling within CN codes ex 0302 35, ex 0303 45, ex 0304 49 90, ex 0304 59 90, ex 0304 89 90, ex 0304 99 99, ex 0305 10 00, ex 0305 20 00, ex 0305 39 90, ex 0305 49 80, ex 0305 59 85, ex 0305 69 80, ex 0305 72 00, ex 0305 79 00, ex 1504 10, ex 1504 20, ex 1604 14 41, ex 1604 14 48 and ex 1604 20 70;
 - Pacific chub mackerel (*Scomber japonicus*) falling within CN codes ex 0302 44 00, ex 0303 54 10, ex 0304 49 90, ex 0304 59 90, ex 0304 89 49, ex 0304 99 99, ex 0305 10 00, ex 0305 20 00, ex 0305 39 90, ex 0305 49 30, ex 0305 54 90, ex 0305 69 80, ex 0305 72 00, ex 0305 79 00, ex 1504 10, ex 1504 20, 1604 15 and ex 1604 20 50;
 - *Aralia* spp. and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;
 - bamboo shoot (*Phyllostacys pubescens*) and derived products thereof falling within CN codes ex 07 09 99, ex 0710 80, ex 0711 90, ex 0712 90, ex 2004 90 and 2005 91 00;

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- koshiabura (shoot of *Eleuterococcus sciadophylloides*) and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;
- (Japanese) persimmon (*Diospyros* sp.) and products derived thereof falling within CN codes 0810 70 00, ex 0811 90, ex 0812 90 and ex 0813 50;

(b) products originating in the prefecture of Miyagi

- mushrooms and derived products thereof falling within CN codes 0709 51 00, 0709 59, 0710 80 61, 0710 80 69, 0711 51 00, 0711 59 00, 0712 31 00, 0712 32 00, 0712 33 00, ex 0712 39 00, 2003 10, 2003 90 and ex 2005 99 80;
- *Aralia* spp. and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;
- bamboo shoot (*Phyllostacys pubescens*) and derived products thereof falling within CN codes ex 07 09 99, ex 0710 80, ex 0711 90, ex 0712 90, ex 2004 90 and 2005 91 00;
- bracken (*Pteridium aquilinum*) and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;
- koshiabura (shoot of *Eleuterococcus sciadophylloides*) and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;

(c) products originating in the prefecture of Gunma

- mushrooms and derived products thereof falling within CN codes 0709 51 00, 0709 59, 0710 80 61, 0710 80 69, 0711 51 00, 0711 59 00, 0712 31 00, 0712 32 00, 0712 33 00, ex 0712 39 00, 2003 10, 2003 90 and ex 2005 99 80;
- *Aralia* spp. and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;
- koshiabura (shoot of *Eleuterococcus sciadophylloides*) and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;

(d) products originating in the prefectures of Yamanashi, Yamagata or Shizuoka:

- mushrooms and derived products thereof falling within CN codes 0709 51 00, 0709 59, 0710 80 61, 0710 80 69, 0711 51 00, 0711 59 00, 0712 31 00, 0712 32 00, 0712 33 00, ex 0712 39 00, 2003 10, 2003 90 and ex 2005 99 80;
- koshiabura (shoot of *Eleuterococcus sciadophylloides*) and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;

(e) products originating in the prefectures of Ibaraki, Nagano or Niigata:

- koshiabura (shoot of *Eleuterococcus sciadophylloides*) and derived products thereof falling within CN codes ex 0709 99, ex 0710 80, ex 0711 90 and ex 0712 90;

(f) compound products containing more than 50 % of the products listed under points (a) to (e) of this Annex.

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ANNEX III

Declaration for the import into the Union of

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

Batch Identification Code **Declaration Number**

In accordance with 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 the

.....

(authorised representative referred to in paragraph 2 or 3 of Article 6 of Implementing Regulation (EU) 2016/6)

DECLARES that the
 (products referred to in Article 5(1) of Implementing Regulation (EU) 2016/6) of this consignment composed of
 (description of consignment, product, number and type of packages, gross or net weight) embarked at (embarkation place) on (date of embarkation)
 by (identification of transporter)
 going to (place and country of destination)
 which comes from the establishment
 (name and address of establishment)

is compliant with the legislation in force in Japan as regards the maximum levels for the sum of caesium-134 and caesium-137.

DECLARES that the consignment concerns:

- products referred to in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787, which have been harvested and/or processed before 11 March 2011;
- products referred to in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787, which do not originate in and are not consigned from one of the prefectures listed in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787, for which the sampling and analysis of this product is required;
- products referred to in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787, which are consigned from but do not originate in one of the prefectures listed in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787 for which the sampling and analysis of this product is required and have not been exposed to radioactivity during transiting;
- products referred to in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787, which originate in one of the prefectures listed in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787, for which the sampling and analysis of this product is required, and have been sampled on (date) and subjected to laboratory analysis on (date) in the (name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137. The analytical report is attached;

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- products referred to in Annex II to Implementing Regulation (EU) 2016/6 as amended by Implementing Regulation (EU) 2019/1787 of unknown origin or a derived product thereof or a compound feed or food containing more than 50 % of those products as (an) ingredient(s) of unknown origin, which have been sampled on (date) and subjected to laboratory analysis on (date) in the (name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137. The analytical report is attached.

Done at on

Stamp and signature of the
authorised representative referred to in
Article 6(2) or (3) of Implementing
Regulation (EU) 2016/6