

DVMs for distribution

Border Inspection Posts (England) – for action
First Points of Introduction (England) – for action
Chief Port Health Officers & Nominated Officers for
Imported Food (England) – for action

cc: APHA
CIEH
LGGPT
APA
Trading Standards Institute
Public Health England

10 February 2015

Reference: IFD/E/2015/003
OVS/2015/07

Dear Colleagues,

CONTAMINATION OF GUAR GUM FROM INDIA - COMMISSION REGULATION (EU) NO 2015/175

This letter is addressed to Border Inspection Posts, Chief Port Health Officers and Nominated Officers for Imported Food in England only.

Further to my previous letter of 9 April 2010 (reference IFD/E/10/004), Commission Implementing Regulation (EU) No 2015/175 was published in the Official Journal on 6th February and come into force on 26th February. It can be seen via the following link: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_030_R_0003&from=EN.

The Regulation repeals Commission Regulation (EU) 258/2010.

The Regulation requires consignments of guar gum, falling within CN codes 1302 32 90 10 or 1302 32 90 19 intended for animal or human consumption and compound feed and food containing at least 20% guar gum, originating in or consigned from India to be accompanied by:

- a health certificate, a model of which is provided at the Annex. The certificate must be signed by an authorised representative of the Ministry of Commerce and Industry of India, and



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- shall be valid for up to 4 months from the date of issue - Article 5(4)
- an analytical report, issued by a laboratory accredited according to EN ISO/IEC 17025 for the analysis of PCP in feed and food, indicating the product does not contain more than 0.01 mg/kg pentachlorophenol (PCP) - Article 4(1). The report must show the results of sampling and analysis for the presence of PCP, the measurement uncertainty of the analytical result, the limit of detection (LOD) as well as the limit of quantification (LOQ) of the analytical method - Article 4(2).

However, the controls do not apply to consignments destined for private consumption. If there is any doubt on the destination, the burden of proof lies with the recipient of the consignment.

Article 6 requires that each consignment of guar gum be identified by a code, which shall be indicated on the health certificate and on the analytical report that accompany the consignment. Each individual bag or other packaging form of the consignment shall be identified with the code.

Article 7 requires feed and food business operators to give prior notification, of at least one working day, to the designated point of entry (DPE), giving the estimated date and time of arrival of the consignment. This shall be done by Part I of the common entry document (CED), provided by Regulation 669/2009.

Competent authorities at the DPE should carry out documentary checks on all consignments. Identity and physical checks, including sampling and analysis to control the presence of PCP, shall be carried out on 5% of the consignments arriving through a DPE.

Consignments shall not be split until all official controls have been completed. If a consignment is subsequently split, an authenticated copy of the CED shall accompany each part of the split consignment until its release into free circulation.

All costs resulting from these official controls, including any measures taken following non-compliance shall be borne by the feed and food business operator - Article 13.

Article 15 provides for a transitional period so that any consignments which leaves the country of origin before 26th February can be accompanied by a health certificate as provided for by Regulation 258/2010.

Regulation 2015/175 will be implemented by means of two Declarations. The first is issued under regulation 35 of the Official Feed and Food Controls (England) Regulations 2009 – OFFC 2015/E/02. The second has been implemented by means of Declaration TARP Reg 29/065. A copy of both Declarations has been included with the email accompanying this letter.

I hope that this is helpful but if you have any queries or need any further information please let me know.

Yours sincerely

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