

DVMs for distribution

Designated Point of Entry Authorities (England)  
Border Inspection Posts (England) – for action  
imported Food (England) – for action

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

6 March 2015

Reference: DPE/2015/01  
OVS/2015/13

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/328 AMENDING  
REGULATION (EU) NO 322/2014 AS REGARDS THE ENTRY DOCUMENT  
TO BE USED FOR FEED AND FOOD OF ANIMAL ORIGIN**

This letter is addressed to Authorities for Border Inspection Posts (BIPs), Designated Points of Entry (DPEs), Chief Port Health Officers and Nominated Officers in England.

Further to our letter of 31<sup>st</sup> March 2014 (DPE/2014/005, OVS/2014/13), I am writing to advise that Commission Implementing Regulation (EU) No 2015/328 as regards the entry document to be used for feed and food of animal origin, was published in the Official Journal on 3<sup>rd</sup> March 2015.

Commission Implementing Regulation (EU) No. 2015/328 will enter into force on 6<sup>th</sup> March. A link to the Regulation follows: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL\\_2015\\_058\\_R\\_0007&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_058_R_0007&from=EN).

The amendments allow, in Article 9, for the pre-notification of consignments by either a CED for products of non-animal origin, or a CVED for products of animal origin. This must be at least two working days prior to the physical arrival of the consignment. Likewise, release for free circulation under Article 12, can be by a completed CED or CVED. This follows the guidance given in my email of 28<sup>th</sup> May 2014.



Department  
for Environment  
Food & Rural Affairs



Animal &  
Plant Health  
Agency



Regulation 2015/328 has been implemented by means of Declaration OFFC 2015/E/003 issued under Regulation 35 of the Official Feed and Food Controls (England) Regulations 2009 and Declaration TARP REG 29/066 issued under Regulation 29 of The Trade in Animals and Related Products Regulations 2011. Copies of these Declarations are attached to the email accompanying this letter as PDF documents.

If you have any queries on the content of this letter please contact the Agency's Imported Food Team by email at [imported.food@foodstandards.gsi.gov.uk](mailto:imported.food@foodstandards.gsi.gov.uk)

Yours sincerely

Simon Petty

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Food Standards Agency  
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Reference: TARP REG 29/066

## **THE TRADE IN ANIMALS AND RELATED PRODUCTS REGULATIONS 2011 (SI 2011/1197) (the “Regulations”)**

### **DECLARATION UNDER REGULATION 29**

Whereas the Food Standards Agency has reasonable grounds to suspect that food and animal feed originating in or consigned from Japan may contain radioactivity which is above the legal maximum permitted levels for trade within the European Union.

Whereas products originating in, or derived from products originating in, the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Nagano, Yamanashi, Saitama, Chiba, Iwate, Niigata, Aomori, Shizuoka, Akita, Yamagata or Nagano may contain levels of the radionuclides caesium-134 and caesium-137 which would be above the maximum permitted levels and such products are liable to present a serious threat to public health. This applies also to products originating in the coastal waters of these prefectures, irrespective of where such products are landed.

This excludes:—

- products which left Japan before 28 March 2011;
- products which have been harvested and/or processed before 11 March 2011;
- alcoholic beverages falling within CN codes 2203 to 2208;
- personal consignments of feed and food of animal origin which are covered by Article 2 of Regulation (EC) 206/2009; and
- personal consignments of feed and food other than of animal origin which are non-commercial and destined to a private person for personal use and consumption only.

Whereas on 28 March 2014 the Commission of the European Union adopted Commission Implementing Regulation (EU) No. 322/2014 (OJ No. L 95, 29.3.2014, p.1) 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.

Whereas on 31 March 2014 the Food Standards Agency declared in accordance with regulation 29 of the Regulations that with effect from 1 April 2014 the importation into England of feed and food that is a product for the purposes of regulation 2(1) of the Regulations and within the scope of Article 1 of Commission Implementing Regulation (EU) No. 322/2014 originating in or consigned from Japan is subject to the conditions specified in Articles 3, 4, 5, 6, 7, 8, 9 and 10 of Commission Implementing Regulation (EU) No. 322/2014, which imposes special conditions governing the import of feed and food




originating in or consigned from Japan, as read with Article 16 of that Regulation (transitional measures).

And whereas on 2 March 2015 the Commission of the European Union adopted Commission Implementing Regulation (EU) 2015/328 (OJ No. L 58, 3.3.2015, p.50) amending Implementing Regulation (EU) No. 322/2014 as regards the entry document to be used for feed and food of animal origin.

**The Food Standards Agency declares** in accordance with regulation 29 of the Regulations that with effect from **6 March 2015** importation into England of feed and food that is a product for the purposes of regulation 2(1) of the Regulations and within the scope of Article 1 of Commission Implementing Regulation (EU) No. 322/2014 originating in or consigned from Japan is subject to the conditions specified in Articles 3, 4, 5, 6, 7, 8, 9 and 10 of Commission Implementing Regulation (EU) No. 322/2014, which imposes special conditions governing the import of feed and food originating in or consigned from Japan, as read with Article 16 of that Regulation (transitional measures) and as amended by Commission Implementing Regulation (EU) 2015/328 (OJ No. L 58, 3.3.2015, p.50) amending Implementing Regulation (EU) No. 322/2014 as regards the entry document to be used for feed and food of animal origin.

Declaration TARP REG 29/060 is revoked with effect from 6 March 2015.

Signed by:  Date: 6/3/15

Print name: Rod Ashworth

Give details of post held: Director of Regulatory and Legal Strategy

For and on behalf of the Food Standards Agency

#### NOTES

1. Any expression used in both this declaration and Commission Implementing Regulation (EU) No. 322/2014, has the same meaning as it bears in that Implementing Regulation.
2. The importation into England of feed and food originating in or consigned from Japan in contravention of this declaration is an offence, punishable by a fine or with imprisonment or both.

Reference: OFFC 2015/E/003

**THE OFFICIAL FEED AND FOOD CONTROLS (ENGLAND)  
REGULATIONS 2009 (SI 2009/3255) (the “Regulations”)**

**DECLARATION UNDER REGULATION 35**

Whereas the Food Standards Agency has reasonable grounds to suspect that food and animal feed originating in or consigned from Japan may contain radioactivity which is above the legal maximum permitted levels for trade within the European Union.

Whereas products originating in, or derived from products originating in, the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Nagano, Yamanashi, Saitama, Chiba, Iwate, Niigata, Aomori, Shizuoka, Akita, Yamagata or Nagano may contain levels of the radionuclides caesium-134 and caesium-137 which would be above the maximum permitted levels and such products are liable to present a serious threat to public health. This applies also to products originating in the coastal waters of these prefectures, irrespective of where such products are landed.

This excludes:—

- products which left Japan before 28 March 2011;
- products which have been harvested and/or processed before 11 March 2011;
- alcoholic beverages falling within CN codes 2203 to 2208;
- personal consignments of feed and food of animal origin which are covered by Article 2 of Regulation (EC) 206/2009; and
- personal consignments of feed and food other than of animal origin which are non-commercial and destined to a private person for personal use and consumption only.

Whereas on 28 March 2014 the Commission of the European Union adopted Commission Implementing Regulation (EU) No. 322/2014 (OJ No. L 95, 29.3.2014, p.1) 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.

Whereas on 31 March 2014 the Food Standards Agency declared in accordance with regulation 35 of the Regulations that with effect from 1 April 2014 the importation into England of food and feed that is a product for the purposes of regulation 22 of the Regulations and within the scope of Article 1 of Commission Implementing Regulation (EU) No. 322/2014 (OJ No. L 95, 29.3.2014, p.1) originating in or consigned from Japan is subject to the conditions specified in Articles 3, 4, 5, 6, 7, 8, 9, and 10 of Commission Implementing Regulation (EU) No. 322/2014, which imposes special

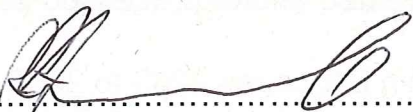


conditions governing the import of feed and food originating in or consigned from Japan, as read with Article 16 of that Regulation (transitional measures).

And whereas on 2 March 2015 the Commission of the European Union adopted Commission Implementing Regulation (EU) 2015/328 (OJ No. L 58, 3.3.2015, p.50) amending Implementing Regulation (EU) No. 322/2014 as regards the entry document to be used for feed and food of animal origin.

**The Food Standards Agency declares** in accordance with regulation 35 of the Regulations that with effect from **6 March 2015** importation into England of food and feed that is a product for the purposes of regulation 22 of the Regulations and within the scope of Article 1 of Commission Implementing Regulation (EU) No. 322/2014 (OJ No. L 95, 29.3.2014, p.1) originating in or consigned from Japan is subject to the conditions specified in Articles 3, 4, 5, 6, 7, 8, 9 and 10 of Commission Implementing Regulation (EU) No. 322/2014, which imposes special conditions governing the import of feed and food originating in or consigned from Japan, as read with Article 16 of that Regulation (transitional measures) and as amended by Commission Implementing Regulation (EU) 2015/328 (OJ No. L 58, 3.3.2015, p.50) amending Implementing Regulation (EU) No. 322/2014 as regards the entry document to be used for feed and food of animal origin.

Declaration OFFC 2014/E/002 is revoked with effect from 6 March 2015.

Signed by:  Date: 6/3/15

Print name: ROD AINSWORTH

Give details of post held: Director of Regulatory and Legal Strategy

For and on behalf of the Food Standards Agency

#### NOTES

1. Any expression used in both this declaration and Commission Implementing Regulation (EU) No. 322/2014, has the same meaning as it bears in that Implementing Regulation.
2. The importation into England of feed and food originating in or consigned from Japan in contravention of this declaration is an offence, punishable by a fine or with imprisonment or both.