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COMMISSION DECISION

of 11 December 1997

repealing Commission Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from Iran

(Text with EEA relevance)

(97/830/EC)

(OJ L 343, 13.12.1997, p. 30)

Amended by:

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**COMMISSION DECISION****of 11 December 1997****repealing Commission Decision 97/613/EC and imposing special conditions on the import of pistachios and certain products derived from pistachios originating in, or consigned from Iran****(Text with EEA relevance)****(97/830/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 Commission Decision 97/613/EC of 8 September 1997 on the temporary suspension of imports of pistachios and certain products derived from pistachios originating in, or consigned from Iran ⁽²⁾ is applicable until 15 December 1997 and should be repealed;

Whereas pistachios originating in, or consigned from Iran have been found to be, in many cases, contaminated with excessive levels of Aflatoxin B1;

Whereas the Scientific Committee for Food has noted that Aflatoxin B1, even at extremely low doses, causes cancer of the liver and in addition is genotoxic;

Whereas this constitutes a serious threat to public health within the Community and it is imperative to adopt protective measures at Community level;

Whereas an examination of conditions of hygiene in Iran has been undertaken and revealed that improvements in hygiene practices and the traceability of pistachios are required; whereas the mission team was unable to check all stages of the handling of pistachios prior to exportation; whereas commitments have been received from the Iranian Authorities in particular in relation to improvements in production, handling, sorting, processing, packaging and transport practices; whereas it is therefore appropriate to subject pistachios or products derived from pistachios originating in, or consigned from Iran to special conditions to provide a high level of protection to public health;

Whereas pistachios and products derived from pistachios originating in, or consigned from Iran, may be imported, provided that these special conditions are applied;

Whereas it is necessary that pistachios and products derived from pistachios have been produced, sorted, handled, processed, packaged and transported following good hygienic practices; whereas it is necessary to establish the levels of Aflatoxin B1 and total Aflatoxin in samples taken from the consignment immediately prior to leaving Iran;

Whereas it is necessary for documentary evidence to be provided by the Iranian Authorities to accompany each consignment of pistachios originating in, or consigned from Iran, relating to the conditions of production, sorting, handling, processing, packaging and transport and the results of laboratory analysis of the consignment for levels of Aflatoxin B1 and total Aflatoxin;

Whereas, it is necessary to submit for analyses lots of pistachios originating in, or consigned from all third countries, in order to determine the levels of contamination of pistachios from all sources with Aflatoxin B1 and total Aflatoxin, whereas co-ordinated official control programmes for foodstuffs shall be completed to this end;

⁽¹⁾ OJ L 175, 19. 7. 1993, p. 1.

⁽²⁾ OJ L 248, 11. 9. 1997, p. 33.

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Whereas Member States have been consulted on 29 October 1997 and on 10 November 1997,

HAS ADOPTED THIS DECISION:

Article 1

This Decision repeals Decision 97/613/EC of 8 September 1997 on the temporary suspension of imports of pistachios and products derived from pistachios originating in, or consigned from Iran.

Article 2

1. Member States may import:
 - pistachios falling within CN code 0802 50 00,
 - roasted pistachios falling within CN codes 2008 19 13 and 2008 19 93;originating in, or consigned from Iran, only where the consignment is accompanied by the results of official sampling and analysis, and the health certificate in Annex I, completed, signed and verified by a representative of the Iranian Ministry of Health.
2. Pistachios and products derived from pistachios originating in, or consigned from Iran, 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 sampling results of the official sampling and analysis and health certificate referred to in paragraph 1.
4. The competent authorities in each Member State shall ensure that imported pistachios originating in, or consigned from Iran, 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.
5. The competent authority shall ensure that before release onto the market from the point of entry into the Community, each consignment is subject to systematic sampling and analysis for Aflatoxin B1 and total Aflatoxin. The Commission shall be informed by the competent authority of the results of these analyses.

Article 3

The present Decision shall be reviewed before the 31 October, 1998, in order to assess whether the special conditions referred to in Article 2 provide a sufficient level of protection to public health within the Community. The review shall also assess whether there is a continuing need for the special conditions.

Article 4

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

Article 5

This Decision is addressed to the Member States.

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ANNEX I

Consignment code:..... Certificate number:.....

HEALTH CERTIFICATE FOR THE IMPORTATION INTO THE EUROPEAN COMMUNITY OF PISTACHIOS AND CERTAIN PRODUCTS DERIVED FROM PISTACHIOS ORIGINATING IN, OR CONSIGNED FROM IRAN

According to the Provisions of European Commission Decision 97/830/EC imposing special conditions on the import of pistachios CN code 0802 50 00 and products derived from pistachios CN codes 2008 19 13 and 2008 19 93, originating in, or consigned from Iran

the
(health authority under direct control of Ministry of Health, Islamic Republic of Iran)

CERTIFIES:

that the pistachios 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 pistachios were taken on (date), subjected to laboratory analysis on (date) in the (name of laboratory) laboratory of the Ministry of Health, Islamic Republic of Iran, 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

Stamp and Signature of
Representative of the Ministry of Health,
Islamic Republic of Iran

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ANNEX II

List of points of entry through which pistachios and products derived from pistachios originating in, or consigned from Iran may be imported into the European Community

Member State	Point of entry
BELGIQUE-BELGIË	Antwerpen
DANMARK	All Danish harbours and airports and all border stations
DEUTSCHLAND	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München-Flughafen, HZA Hof — ZA Schirnding, 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 Bremerhaven — ZA Container Terminal, HZA Bremerhaven — ZA Rotersand, HZA Hamburg-Freihafen-Abfertigungsstelle, HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen — ZA Köhlfleetdamm, HZA Hamburg-St. Annen — ZA Altona, HZA Hamburg-Waltershof-Abfertigungsstelle, HZA Hamburg-Waltershof — ZA Flughafen, HZA Frankfurt am Main-Flughafen, HZA Braunschweig-Abfertigungsstelle, HZA Hannover-Abfertigungsstelle, HZA Lüneburg — ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weiseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe — ZA Pinneberg
ΕΛΛΑΔΑ	Αθήνα, Πειραιάς, Ελευσίνα, Αερολιμένας Αθηνών, Θεσσαλονίκη, Βόλος, Πάτρα, Ηράκλειο Κρήτης, Αερολιμένας Κρήτης, Εύζωνοι, Ειδομένη, Ορμένιο, Κήποι, Κακαβιά, Νίκη, Προμαχώνας, Πύθιο, Ηγουμενίτσα, Κρυσταλλοπηγή
ESPAÑA	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Barcelona (Aeropuerto, Puerto), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Gijón (Aeropuerto, Puerto), Huelva (Puerto), La Coruña-Santiago de Compostela (Aeropuerto, Puerto), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid-Barajas (Aeropuerto), Málaga (Aeropuerto, Puerto), Palma de Mallorca (Aeropuerto), Pasajes-Irún (Aeropuerto, Puerto), Santa Cruz de Tenerife (Aeropuerto, Puerto), Santander (Aeropuerto, Puerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Valencia (Aeropuerto, Puerto), Vigo-Vilagareia (Aeropuerto), Marín (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
FRANCE	Marseille (Bouches-du-Rhône) Le Havre (Seine-Maritime)
IRELAND	All harbours, airports and border stations
ITALIA	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)

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Member State	Point of entry
LUXEMBOURG	Centre douanier, Croix de Gasperich, Luxembourg
NEDERLAND	Rotterdam
ÖSTERREICH	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien
PORTUGAL	Lisboa
SUOMI-FINLAND	Helsinki
SVERIGE	Göteborg
UNITED KINGDOM	Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole Grangemouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury and Thamesport), Manchester Airport, Manchester Container Port, Manchester including Ellesmere Port, Middlesbrough, Newhaven, Poole, Shoreham, Southampton