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COMMISSION DECISION

of 4 February 2002

imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey

(notified under document number C(2002) 386)

(Text with EEA relevance)

(2002/80/EC)

(OJ L 34, 5.2.2002, p. 26)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Commission Decision 2002/233/EC of 20 March 2002	L 78	14	21.3.2002
► <u>M2</u> Commission Decision 2002/679/EC of 22 August 2002	L 229	37	27.8.2002



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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) Dried figs and pistachios and to a lesser extent hazelnuts originating in or consigned from Turkey 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 particular in samples of dried figs originating in or consigned from Turkey.
- (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 has been carried out by the European Commission's Food and Veterinary office (FVO) in Turkey from 4 to 8 September 2000 to assess the control systems in place to prevent aflatoxin contamination in hazelnuts, pistachios and dried figs intended for export to the European Community. The mission revealed, *inter alia*, that the control procedures in place for hazelnut, pistachio and dried fig consignments intended for export into the European Community do not ensure that the consignments comply with the maximum levels established in EC legislation. Insufficient training of responsible officials, insufficient sampling and testing procedures and insufficient evidence that the export certificates correlate to the concerned consignment have been observed. For these commodities originating in or consigned from Turkey, non-compliance with the maximum levels for aflatoxins are continuously observed and reported through the Rapid Alert System for Food. It is therefore appropriate to subject hazelnuts, pistachios and dried figs and products derived thereof originating in or consigned from Turkey to special conditions to provide a high level of protection to public health.
- (6) It is necessary that dried figs, hazelnuts and pistachios and products derived thereof have been produced, sorted, handled, processed, packaged and transported following good hygiene practices. It is necessary to establish the levels of aflatoxin B1

⁽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.

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and total aflatoxin in samples taken from the consignment immediately prior to leaving Turkey.

- (7) The Turkish authorities should provide documentary evidence to accompany each consignment of dried figs, hazelnuts and pistachios originating in or consigned from Turkey, 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) It is necessary in order to safeguard public health that consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey, imported into the European Community, are subjected to random sampling and analysis for their aflatoxin level by the competent authority of the importing Member State.
- (9) The Standing Committee for Foodstuffs has been consulted on 2 April 2001,

HAS ADOPTED THIS DECISION:

Article 1

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1. Member States shall not import products falling in any of the following categories, originating in or consigned from Turkey, 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 set out in Annex 1 completed, signed and verified by a representative of the General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs of the Republic of Turkey:

- dried figs falling within CN code 0804 20 90,
- hazelnuts (*Corylus* sp) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00,
- pistachios falling within CN code 0802 50 00,
- mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios,
- fig paste and hazelnut paste falling within CN code 2007 99 98,
- hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19.

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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.

4. The competent authorities in each Member State shall ensure that imported dried figs, hazelnuts and pistachios, as mentioned in paragraph 1, originating in or consigned from Turkey 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. Member States shall undertake at random sampling and analysis of the consignments of dried figs, hazelnuts and pistachios originating in or consigned from Turkey for aflatoxin B1 and total aflatoxin and shall inform the Commission of the results.

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6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 10 % of the 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 for a maximum of 10 working days. In this event, the

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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 the analysis.

For hazelnuts the sampling shall be performed according to the sampling procedure set out in point 5.2 of Annex I to Commission Directive 98/53/EC⁽¹⁾. In the case of hazelnuts traded in vacuum packs, for lots equal or more than 15 tonnes at least 25 incremental samples resulting in a 30 kg aggregate sample have to be taken and for lots less than 15 tonnes, 25 % of the incremental samples to be taken according to Directive 98/53 have to be taken.

▼ M1*Article 1a*

By derogation from Article 1(1), 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 Turkey 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.

▼ M2*Article 2*

This Decision shall be kept under review in the light of information and guarantees provided by the competent authorities of Turkey and on the basis of the results of the tests carried out by Member States.

This Decision shall be reviewed by 31 December 2002 at the latest, in order to assess whether the special conditions, referred to 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 the 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 figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey

Consignment code Certificat No

According to the provisions of Commission Decision 2002/80/EC imposing special conditions on the import of figs (falling within CN code 0804 20 10 or 0804 20 90), hazelnuts (falling within CN code 0802 21 00 or 0802 22 00) and pistachios (falling within CN code 0802 50 00), mixtures thereof (falling within CN code 0813 50) and products derived thereof (falling within CN code 2008 19) originating in or consigned from the Republic of Turkey,

the
(General Directorate of Protection and Control of the Ministry of Agriculture and Rural Affairs)

CERTIFIES:

that the figs/hazelnuts/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)

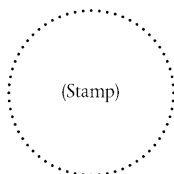
which comes from the establishment
.....
.....
(Name and address of establishment)

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

From this consignment, (number of samples) samples of figs/hazelnuts/pistachios 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 General Directorate of Protection
and Control of the Ministry of Agriculture
and Rural Affairs*



.....
(Signature)

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ANNEX II

List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the Community

Member State	Point of entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Danmark	All Danish harbours and airports and all border stations
Deutschland	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 Lüneburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — Zollamt Ludwigsdorf-Autobahn, HZA Itzehoe — ZA Pinneberg, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigfelde, 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
Ελλάς	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
España	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), A 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), Lyon 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
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) 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

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Member State	Point of entry
Nederland	All harbours and airports and all border stations
Österreich	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
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm, Helsingborg, Karlskrona, Karlsham, 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, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport