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COMMISSION IMPLEMENTING REGULATION (EU) No 885/2014

of 13 August 2014

laying down specific conditions applicable to the import of okra and curry leaves from India and repealing Implementing Regulation (EU) No 91/2013

(Text with EEA relevance)

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Article 1

Scope

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1. This Regulation shall apply to consignments of the food of non-animal origin which is listed in Annex I.

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2. This Regulation shall also apply to compound food, containing any of the food referred to in paragraph 1 in a quantity above 20 %.

3. This Regulation shall not apply to consignments of food referred to in paragraphs 1 and 2 which are destined to a private person for personal consumption and use only. In case of doubt, the burden of proof lies with the recipient of the consignment.

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002, Article 2 of Regulation (EC) No 882/2004 and Article 3 of Regulation (EC) No 669/2009 shall apply.

For the purpose of this Regulation, a consignment corresponds to a lot as referred to in Directive 2002/63/EC.

Article 3

Import into the Union

Consignments of food referred to in Article 1(1) and (2) may only be imported into the Union in accordance with the procedures laid down in this Regulation.

Consignments of such food can only enter the Union through the Designated Point of Entry (DPE).

Article 4

Results of sampling and analysis

1. Consignments of the food referred to in Article 1(1) and (2) shall be accompanied by the results of sampling and analysis performed by the competent authorities of the country of origin, or of the country where the consignment is consigned from if that country is different

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from the country of origin, to ascertain compliance with Union legislation on maximum residue levels of pesticides, for the food referred to in Article 1(1)(a) and (b) including compound food containing such food in a quantity above 20 %.

2. The sampling referred to in paragraph 1 must be performed in accordance with Directive 2002/63/EC for pesticide residues.

Article 5

Health certificate

1. The consignments shall also be accompanied by a health certificate in accordance with the model set out in Annex II.

2. The health certificate shall be completed, signed and verified by an authorised representative of the competent authority of the country of origin or the competent authority of the country where the consignment is consigned from if that country is different from the country of origin.

3. The health certificate shall be drawn up in the official language, or in one of the official languages, of the Member State where the DPE is located. However, a Member State may consent to health certificates being drawn up in another official language of the Union.

4. The health certificate shall only be valid during four months from the date of issue.

Article 6

Identification

Each consignment of the food referred to in Article 1(1) and (2) shall be identified with an identification code which corresponds to the identification code mentioned on the results of the sampling and analysis referred to in Article 4 and the health certificate referred to in Article 5. Each individual bag, or other packaging form, of the consignment shall be identified with that identification code.

Article 7

Prior notification of consignments

1. Food business operators or their representatives shall give prior notification of the estimated date and time of physical arrival of consignments of the food referred to in Article 1(1) and (2) to the competent authorities at the DPE and of the nature of the consignment.

2. For the purpose of prior notification, they shall complete Part I of the common entry document (CED) and transmit that document to the competent authority at the DPE, at least one working day prior to the physical arrival of the consignment.

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3. For the completion of the CED in application of this Regulation, food business operators shall take into account for the food referred to in Article 1(1)(a) and (b) of this Regulation including compound food containing such food in a quantity above 20 %, the notes for guidance for the CED laid down in Annex II to Regulation (EC) No 669/2009.

Article 8

Official controls

1. The competent authority at the DPE shall carry out documentary checks on each consignment of the food referred to in Article 1(1) and (2) to ascertain compliance with the requirements laid down in Articles 4 and 5.

2. The identity and physical checks on the food referred to in Article 1(1)(a) and (b) and the related compound food referred to in Article 1(2) of this Regulation shall be carried out in accordance with Articles 8, 9 and 19 of Regulation (EC) No 669/2009 at the frequency set out in Annex I to this Regulation.

3. After completion of the checks, the competent authorities shall

(a) complete the relevant entries of Part II of the CED;

(b) join the results of sampling and analysis carried out in accordance with paragraph 2 of this Article;

(c) provide and fill the CED reference number on the CED;

(d) stamp and sign the original of the CED;

(e) make and retain a copy of the signed and stamped CED.

4. The original of the CED and of the health certificate with the accompanying results of sampling and analysis referred to in Article 4 shall accompany the consignment during its transport until it is released for free circulation. For food referred to in Article 1(1) and (2), in case of authorisation of onward transportation of the consignments pending the results of the physical checks, a certified copy of the original CED shall be issued for that purpose.

Article 9

Splitting of a consignment

1. Consignments shall not be split until all official controls have been completed, and the CED has been fully completed by the competent authorities as provided for in Article 8.

2. In the case of subsequent splitting of the consignment, an authenticated copy of the CED shall accompany each part of the consignment during its transport until it is released for free circulation.

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Article 10

Release for free circulation

The release for free circulation of consignments shall be subject to the presentation (physically or electronically) by the food business operators 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 and signed in box II.21 of the CED.

Article 11

Non-compliance

If the official controls establish non-compliance with the relevant Union legislation, the competent authority shall complete Part III of the CED and action shall be taken pursuant to Articles 19, 20 and 21 of Regulation (EC) No 882/2004.

Article 12

Reports

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of food pursuant to this Regulation. That report shall be submitted during the month following each quarter.

The report shall include the following information:

— the number of consignments imported,

— the number of consignments subjected to sampling for analysis,

— the results of the checks as provided for in Article 8(2).

Article 13

Costs

All costs resulting from the official controls including sampling, analysis, storage and any measures taken following non-compliance, shall be borne by the food business operators.

Article 14

Repeal

Implementing Regulation (EU) No 91/2013 is hereby repealed.

Article 15

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

Food of non-animal origin subject to the measures provided for in this Regulation:

	Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%) at import
▼M1	_____					
▼B	Curry leaves *(Bergera/ Murraya koenigii)* ***(Food — herbs — fresh dried and frozen)***	ex 1211 90 86	10	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (3)	20

(1) Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked 'ex'.

(2) ►M1 _____ ◄

(3) Certification by the country of origin and control at import by the Member States to ensure compliance with Regulation (EC) No 396/2005 in particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyriphos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, Monocrotophos.

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ANNEX II

Health Certificate for the importation into the European Union of

..... (*)

Consignment Code .....**Certificate Number** .....

According to the provisions of Commission Implementing Regulation (EU) No 885/2014 laying down specific conditions applicable to the import of okra and curry leaves from India and repealing Commission Implementing Regulation (EU) No 91/2013, the

.....

..... (competent authority referred to in Article 5(2) of Regulation .....)

CERTIFIES that the .....

..... (insert food referred to in Article 1 of Regulation .....)

of this consignment 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, samples were taken in accordance with the Union legislation Commission Directive 2002/63/EC

On ..... (date), subjected to laboratory analysis on .....

(date) in the .....

(name of laboratory). The details of sampling, methods of analysis used and all results are attached.

This certificate is valid until .....

Done at ..... on .....

Stamp and signature of
authorised representative of competent authority referred to in Article 5(2) of Regulation .....

(*) Product and country of origin.