

COMMISSION

COMMISSION DECISION

of 4 August 2003

amending Decision 2000/49/EC repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt

(notified under document number C(2003) 2800)

(Text with EEA relevance)

(2003/580/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:

(1) Commission Decision 2000/49/EC of 6 December 1999 repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt ⁽²⁾ provides for a review of this Decision.

(2) A mission has been carried out by the European Commission's Food and Veterinary Office (FVO) in Egypt from 2 to 6 September 2001 to assess the facilities and measures in place for the determination of aflatoxin levels in peanuts intended for export into the European Union. The mission revealed that significant steps to improve the controls on peanuts exported to the European Union had been made by the Egyptian authorities. The improvements in relation to peanut growing were particularly evident with an extensive education programme. Furthermore, the process of export and associated analysis and certification for aflatoxin was seen as satisfactory, with the exception of the applied sampling procedure. Laboratory performance was found acceptable for export procedures. It was observed that not all the legal requirements for peanut storage were applied.

(3) Written guarantees have been received from the Egyptian authorities concerning the applied sampling procedure and the reinforcement of the controls on the storage conditions for peanuts.

(4) The findings of the mission, the written guarantees from the Egyptian authorities and the favourable results until October 2002 of the sampling and analysis of consignments of peanuts by the importing Member States demonstrate that there is no longer need for the systematic sampling and analysis of consignments of peanuts originating in or consigned from Egypt. However a significant increase in notifications of non-complying consignments were observed from November 2002 until February 2003. This is apparently due to a bad harvest year 2002 combined with insufficient controls by the Egyptian authorities. These authorities have taken additional measures to improve the situation.

(5) It is therefore appropriate to maintain the sampling and analysis by the competent authority of the importing Member State at a significant level in order to protect public health.

(6) In order to ensure that the random sampling and analysis of consignments of peanuts and products derived from peanuts originating in or consigned from Egypt are performed in a harmonised manner throughout the Community, it is appropriate to fix an approximate frequency for the random sampling and analysis.

(7) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽³⁾ provides for the establishment of the Rapid Alert System for Food and Feed (RASFF).

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 19, 25.1.2000, p. 46.

⁽³⁾ OJ L 31, 1.2.2002, p. 1.

- (8) In the interests of public health, Member States should provide the Commission with periodical reports of all analytical results of official controls carried out in respect of consignments of peanuts and certain products derived from peanuts originating in or consigned from Egypt. Such reports should be in addition to the notification obligation under the Rapid Alert System for Food and Feed.
- (9) At the request of certain Member States, It is necessary to update the list of points of entry through which the products concerned by Decision 2000/49/EC may be imported into the Community. For the sake of clarity, that list should be replaced.
- (10) Decision 2000/49/EC should therefore be amended accordingly.
- (11) The Standing Committee on the Food Chain and Animal Health has been consulted,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/49/EC is amended as follows:

1. Article 1 is amended as follows:

(a) Paragraph 5 is replaced by the following:

‘5. The competent authorities in each Member State shall undertake at random sampling of the consignments of peanuts and certain products derived from peanuts originating in or consigned from Egypt for analysis of aflatoxin B1 and total aflatoxin.

Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of peanuts and certain products derived from peanuts originating in or consigned from Egypt. This report shall be submitted during the month following each quarter (*).

(*) April, July, October, January.’

(b) The following paragraphs 6 and 7 are added:

‘6. The random sampling and analysis referred to in paragraph 5 shall be carried out on approximately 20 % 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, should be detained before release onto the market from the point of entry into the Community for a maximum of 15 working days. In this event, the 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.

7. In case a consignment is split, copies of the health certificate and accompanying documents referred to in the paragraphs 1 and 6 and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment.’

2. Article 2 is replaced by the following

‘Article 2

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

3. Annex II is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 August 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

‘ANNEX II

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

Member State	Point of entry
België — Belgique	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Danmark	All Danish harbours and airports
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 Oldenburg — ZA Stade, HZA Dresden — ZA Dresden-Friedrichstadt, HZA Pirna — ZA Altenberg, HZA Löbau — Zollamt Ludwigsdorf-Autobahn, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelmshaven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, 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, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Billbrook, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Großmarkt, HZA Potsdam — ZA Berlin — Flughafen Schönefeld, HZA Düsseldorf — ZA Düsseldorf Nord
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), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (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), Villagarcia (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

Member State	Point of entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
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 Klingenbach/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'