

Commission Implementing Regulation (EU) 2020/1158 of 5 August 2020 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1158
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on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)⁽²⁾, and in particular point (b) of the first subparagraph of Article 54(4) and points (a), (c) and (f) of the first paragraph of Article 90 thereof,

Whereas:

- (1) Council Regulation (EC) No 733/2008⁽³⁾ had established maximum permitted levels of radioactivity in certain agricultural products originating in third countries. It also established that Member States are required to carry out checks on such products, in order to ensure their compliance with the levels of radioactivity set out in that Regulation, before the product is released for free circulation. That Regulation expired on 31 March 2020. Given that Commission Recommendation 2003/274/Euratom⁽⁴⁾ refers to the maximum permitted levels of radioactivity established by that Council Regulation, it should be amended to refer the maximum levels established by this Regulation.

- (2) Following the accident at the Chernobyl nuclear power station on 26 April 1986, considerable quantities of radioactive elements were released into the atmosphere and affected a wide range of third countries. Such contamination may still constitute a threat to public and animal health in the Union and it is therefore appropriate to have measures in place at Union level to ensure the safety of the feed and food originating in or consigned from these third countries.
- (3) Article 53(1) of Regulation (EC) No 178/2002 provides for the possibility to adopt certain Union measures for food and feed imported from a third country where it is evident that such food or feed is likely to constitute a serious risk to human health, animal health or the environment and such risk cannot be contained satisfactorily by means of measures taken by the Member State(s) concerned. In line with the practice adopted after the accident at the Fukushima nuclear power station starting with Commission Implementing Regulation (EU) No 297/2011⁽⁵⁾ to base such measures on Article 53(1)(b)(ii) of Regulation (EC) No 178/2002, the Commission proposes to introduce follow-on measures based on that provision.
- (4) In its opinions of 15 November 2018⁽⁶⁾ and of 13 June 2019⁽⁷⁾, the Group of Experts referred to in Article 31 of the Euratom Treaty confirmed that the currently applicable maximum permitted levels of radioactivity in terms of radioactive caesium of 370 Bq/kg for milk, milk products and “foodstuffs for infants” and 600 Bq/kg for all other products provide an adequate level of protection. As the term “foodstuffs for infants” in the opinions of the Group of Experts refers to foodstuffs for children up to three years, it is appropriate to use the term “foodstuffs for infants and young children”, in accordance with the definitions for infants and young children provided in Article 2(2)(a) and (b) of Regulation (EU) No 609/2013 of the European Parliament and of the Council⁽⁸⁾. The other products to which the maximum level of 600 Bq/kg applies are food, including minor food, other than foodstuffs for infants and young children, and feed within the meaning of Article 1 of Council Regulation (Euratom) 2016/52⁽⁹⁾.
- (5) Certain products originating in third countries affected by the Chernobyl accident still show radioactive caesium contamination exceeding the above-mentioned maximum permitted levels. Findings in recent years provide evidence that the caesium-137 contamination following the Chernobyl accident remains high for a number of products originating from species living and growing in forests and wooded areas. This is related to continued significant levels of radioactive caesium in this ecosystem and its physical half-life of 30 years.
- (6) While the radionuclide caesium-134, with a physical half-life of about 2 years, has completely decayed since the Chernobyl accident, it is appropriate that the maximum level refers only to caesium-137, as from an analytical point of view the analysis of caesium-134 constitutes an additional burden.
- (7) Cases of non-compliance with the maximum levels have been notified in the past 10 years to the Rapid Alert System for Food and Feed (RASFF) in consignments of mushrooms imported from a number of third countries. In the past 10 years, a few non-compliances with the maximum levels have been reported to the RASFF in

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1158. (See end of Document for details)

consignments of cranberries, bilberries and other fruits and derived products of the genus *Vaccinium* and no non-compliance in game meat has been reported.

- (8) It follows that food and feed imported from certain third countries may contain radioactive contamination and therefore are likely to pose a serious risk to human health, animal health or the environment that requires measures at Union level before those products enter the Union market.
- (9) Commission Regulation (EC) No 1635/2006⁽¹⁰⁾ lays down detailed rules for the application of Regulation (EC) No 733/2008. It requires Member States to ensure that the competent authorities of third countries affected by the Chernobyl accident issue for certain agricultural products export certificates which attest that the products that they accompany comply with the maximum permitted levels set out in Regulation (EC) No 733/2008. The specific third countries concerned are listed in Annex II to Regulation (EC) No 1635/2006.
- (10) Commission Regulation (EC) No 1609/2000⁽¹¹⁾ establishes a list of products to which Regulation (EC) No 733/2008 applied.
- (11) Regulation (EU) 2017/625 integrates into a single legislative framework the rules applicable to official controls on animals and goods entering the Union in order to verify compliance with Union agri-food chain legislation and governs obligations to present certain categories of goods from certain third countries at border control posts for official controls to be performed prior to their entry into the Union.
- (12) In order to facilitate the performance of official controls at the entry into the Union, it is appropriate to establish a single model official certificate for the entry into the Union of food and feed subject to special conditions for the entry into the Union.
- (13) Official certificates should be issued either on paper or in electronic form. Therefore, it is appropriate to establish common requirements as regards issuance of official certificates in both cases, in addition to the requirements laid down in Chapter VII of Title II of Regulation (EU) 2017/625. In this regard, point (f) of the first paragraph of Article 90 of that Regulation provides for the adoption by the Commission of rules for the issuance of electronic certificates and for the use of electronic signatures including in relation to official certificates issued in accordance with that Regulation. In addition, provisions should be made to ensure that the requirements for official certificates not submitted in the Information Management System for Official Controls (IMSOC) laid down in Commission Implementing Regulation (EU) 2019/628⁽¹²⁾ also apply to official certificates issued in accordance with this Regulation.
- (14) To avoid misuse and abuse, it is important to define the cases where a replacement official certificate may be issued and the requirements that need to be met by such certificate. Such cases have been laid down in Implementing Regulation (EU) 2019/628 in relation to official certificates issued in accordance with that Regulation. With a view to ensure a coherent approach, it is appropriate to provide that, in the case of issuing replacement certificates, official certificates issued in accordance with this Regulation should be replaced in accordance with the procedures for the replacement certificates laid down in Implementing Regulation (EU) 2019/628.

- (15) Due to the long lasting effects of radioactive contamination, it is appropriate not to change the list of third countries affected by the Chernobyl incident at this stage. However, Bulgaria and Romania, which have become Member State in the meantime, should therefore not be included in that list. Liechtenstein and Norway, which are part of the European Economic Area (EEA) and therefore not subject to the relevant controls, should not be included in that list either. A review of this Regulation as regards the list of affected third countries should be carried out by 31 March 2030. In parallel, an adjustment to the measures on a country-by-country basis, may take place at an earlier stage, if a more detailed analysis of the level of contamination in a respective country shows lower levels.
- (16) The United Kingdom of Great Britain and Northern Ireland had been added to the list of countries covered by Regulation (EC) No 733/2008 through Commission Implementing Regulation (EU) 2019/595 from the day following that on which Union law ceases to apply to and in the United Kingdom.⁽¹³⁾ Regulation (EC) No 733/2008 was later included in Annex 2 to the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement⁽¹⁴⁾. Pursuant to Article 6(3) of the Withdrawal Agreement this reference also includes Regulation (EC) No 1635/2006. It follows, that for the purposes of the application of Regulations (EC) No 1635/2006, and (EC) No 733/2008 in combination with Regulation (EU) 2019/595, as well as of this Regulation replacing these acts, the United Kingdom in respect of Northern Ireland has to apply this Regulation as if Northern Ireland were a Member State of the Union. Northern Ireland should therefore not be included in Annex I to this Regulation while the rest of the United Kingdom should be included in that Annex. Since this Regulation applies only to third countries, the addition of the United Kingdom to the Annex applies only from the date Union law is no longer applicable to and in the United Kingdom pursuant to the Withdrawal Agreement.
- (17) Given the experience with current controls and the low number of cases exceeding the maximum permitted levels, it is considered sufficient to require documentary checks on all consignments of mushrooms except cultivated mushrooms and of wild cranberries, bilberries and other fruits and derived products of the genus *Vaccinium* accompanied by an official certificate, complemented by identity checks and physical checks, including laboratory analysis on the presence of radioactive caesium, of these consignments at a frequency of 20 %.
- (18) Since this Regulation replaces Regulations (EC) No 1609/2000 and (EC) No 1635/2006, those Regulations should be repealed.
- (19) In order to allow a smooth transition to the new measures, it is appropriate to provide for a transitional measure as regards consignments accompanied by certificates issued in accordance with Regulation (EC) No 1635/2006, provided that such certificates were issued before 1 September 2020.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1 This Regulation shall apply to food, including minor food, and feed within the meaning of Article 1 of Regulation (Euratom) 2016/52 originating in or consigned from third countries listed in Annex I to this Regulation ('the products') intended for placing on the Union market.

2 This Regulation shall not apply to the following categories of consignments of the products, unless their gross weight exceeds 10 kg of fresh product or 2 kg of dry product:

- a consignments sent as trade samples, laboratory samples or as display items for exhibitions, which are not intended to be placed on the market;
- b consignments which form part of passengers' personal luggage and are intended for personal consumption or use;
- c non-commercial consignments sent to natural persons which are not intended to be placed on the market;
- d consignments intended for scientific purposes.

In case of doubt on the intended use of the products referred to in points (b) and (c), the burden of proof lies with the owner of the personal luggage and with the recipient of the consignment, respectively.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'border control post' means 'border control post' as defined in point (38) of Article 3 of Regulation (EU) 2017/625;
- (2) 'consignment' means 'consignment' as defined in point (37) of Article 3 of Regulation (EU) 2017/625.

Article 3

Conditions for entry into the Union

1 The products may only enter the Union if they comply with this Regulation.

2 The products shall comply with the following accumulated maximum permitted levels of radioactive contamination in terms of caesium-137:

- a 370 Bq/kg for milk and milk products and for food for infants and young children as defined in Article 2(2)(a) and (b) of Regulation (EU) No 609/2013;
- b 600 Bq/kg for all other products concerned.

3 Each consignment of products listed in Annex II, with reference to the relevant code from the Combined Nomenclature, from third countries listed in Annex I, shall be accompanied by an official certificate referred to in Article 4. Each consignment shall be identified by means of an identification code which shall be indicated on the official certificate and on the Common Health Entry Document (CHED), as provided for in Article 56 of Regulation (EU) 2017/625.

Article 4

Official certificate

1 The official certificate referred to in Article 3(3) shall be issued by the competent authority of the third country of origin or of the third country where the consignment is consigned, if that country is different from the country of origin, in accordance with the model set out in Annex III.

2 The official certificate shall comply with the following requirements:

- a it shall bear the identification code referred to in Article 3(3), of the consignment to which it relates;
- b it shall be issued before the consignment to which it relates leaves the control of the competent authority of the third country issuing the certificate;
- c it shall be valid for not more than 4 months from the date of issue, but in any case no longer than 6 months from the date of the results of the laboratory analysis referred to in paragraph 6.

3 The official certificate which is not submitted in the Information Management System for Official Controls (IMSOC) by the competent authority of the third country issuing it shall also meet the requirements for model official certificates not submitted in IMSOC laid down in Article 3 of Implementing Regulation (EU) 2019/628.

4 Competent authorities may issue a replacement official certificate only in accordance with the rules laid down in Article 5 of Implementing Regulation (EU) 2019/628.

5 The official certificate shall be completed on the basis of the instructions set out in Annex IV.

6 The official certificate shall attest that the products comply with the maximum permitted levels laid down in Article 3(2). The official certificate shall be accompanied by the results of sampling and analysis performed on that consignment by the competent authority of the third country of origin or of the country where the consignment is consigned from, if that country is different from the country of origin.

Article 5

Official controls at entry into the Union

1 Consignments of products referred to in Article 3(3) shall be subject to official controls at their entry into the Union through a border control post and at control points.

2 The competent authorities of the border control post shall carry out identity checks and physical checks on these consignments, including a laboratory analysis on the presence of caesium-137, at a frequency of 20 %.

Article 6

Release for free circulation

Customs authorities shall only allow the release for free circulation of consignments of the products referred to in Article 3(3), upon presentation of a duly finalised CHED,

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as provided for in Article 57(2)(b) of Regulation (EU) 2017/625, which confirms that the consignment is in compliance with the applicable rules referred to in Article 1(2) of that Regulation.

Article 7

Review

The Commission shall review this Regulation at the latest by 31 March 2030.

A detailed assessment on the level of contamination in the third countries referred to in Annex I shall be performed on the basis of available control results and, if appropriate, on the basis of the outcome of this assessment, the third countries listed in Annex I, products listed in Annex II and the measures referred to in Article 5(2) shall be reviewed accordingly before that date.

Article 8

Repeals

Regulations (EC) No 1609/2000 and (EC) No 1635/2006 are repealed.

Article 9

Transitional provision

For a transitional period until 31 December 2020, consignments of products referred to in Article 3(3) accompanied by the relevant certificates issued before 1 September 2020 in accordance with the provisions of Regulation (EC) No 1635/2006 shall be authorised for entry into the Union.

Article 10

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.

Done at Brussels, 5 August 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1158. (See end of Document for details)*

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ANNEX I

List of third countries referred to in Article 1(1)

Albania

Belarus

Bosnia and Herzegovina

Kosovo⁽¹⁵⁾

North Macedonia

Moldova

Montenegro

Russia

Serbia

Switzerland

Turkey

Ukraine

United Kingdom of Great Britain excluding Northern Ireland⁽¹⁶⁾

ANNEX II

List of products to which the conditions laid down in Article 3(3) apply

CN code	Description
ex 0709 51 00	mushrooms of the genus <i>Agaricus</i> , fresh or chilled, other than cultivated mushrooms
ex 0709 59	other mushrooms, fresh or chilled, other than cultivated mushrooms
ex 0710 80 61	mushrooms of the genus <i>Agaricus</i> (uncooked or cooked by steaming or boiling in water), frozen, other than cultivated mushrooms
ex 0710 80 69	other mushrooms (uncooked or cooked by steaming or boiling in water), frozen, other than cultivated mushrooms
ex 0711 51 00	mushrooms of the genus <i>Agaricus</i> provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, other than cultivated mushrooms

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ex 0711 59 00	other mushrooms provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, other than cultivated mushrooms
ex 0712 31 00	mushrooms of the genus <i>Agaricus</i> , dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms
ex 0712 32 00	wood ears (<i>Auricularia</i> spp.) dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms
ex 0712 33 00	jelly fungi (<i>Tremella</i> spp.) dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms
ex 0712 39 00	other mushrooms, dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms
ex 2001 90 50	mushrooms prepared or preserved by vinegar or acetic acid other than cultivated mushrooms
ex 2003	mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid, other than cultivated mushrooms
ex 0810 40	wild cranberries, wild bilberries and other wild fruits of the genus <i>Vaccinium</i> , fresh
ex 0811 90 50	wild fruits of the species <i>Vaccinium myrtillus</i> , uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter
ex 0811 90 70	wild fruits of the species <i>Vaccinium myrtilloides</i> and <i>Vaccinium angustifolium</i> , uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter
ex 0812 90 40	wild fruits of the species <i>Vaccinium myrtillus</i> , provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
ex 2008 93	wild cranberries (<i>Vaccinium macrocarpon</i> , <i>Vaccinium oxycoccos</i> , <i>Vaccinium vitis-idaea</i>), otherwise prepared or preserved, whether or not containing added sugar or other

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	sweetening matter or spirit, not elsewhere specified or included
ex 2008 99	other wild fruits of the genus <i>Vaccinium</i> , otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included
ex 2009 81	cranberry juices of wild fruits (<i>Vaccinium macrocarpon</i> , <i>Vaccinium oxycoccos</i> , <i>Vaccinium vitis-idaea</i>), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter
ex 2009 89	other juices of wild fruits of the genus <i>Vaccinium</i> , unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter

ANNEX III

MODEL OFFICIAL CERTIFICATE REFERRED TO IN ARTICLE 4 OF COMMISSION IMPLEMENTING REGULATION (EU) 2020/1158 ON THE CONDITIONS GOVERNING IMPORTS OF FOOD AND

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1158. (See end of Document for details)

FEED ORIGINATING IN THIRD COUNTRIES FOLLOWING THE ACCIDENT AT THE CHERNOBYL NUCLEAR POWER STATION

COUNTRY			Official certificate to the EU			
Part 1 : Details of dispatched consignment	I.1. Consignor/Exporter Name		I.2. Certificate reference No		I.2.a IMSOC reference No	
	Address Tel. No		I.3. Central Competent Authority			
	I.5. Consignee/Importer Name		I.6. Operator responsible for the consignment Name			
	Address Postal code Tel. No		Address Postal code			
	I.7. Country of origin	ISO	I.8. Region of origin		I.9. Country of destination	
			ISO	I.10.		
	I.11 Place of dispatch Name Address		I.12. Place of destination Name Address			
	I.13. Place of loading			I.14. Date and time of departure		
	I.15. Means of transport Aeroplane <input type="checkbox"/> Vessel <input type="checkbox"/> Other <input type="checkbox"/> Road vehicle <input type="checkbox"/> Railway <input type="checkbox"/>		I.16. Entry BCP			
	Identification:		I.17. Accompanying documents <input type="checkbox"/> Laboratory report No. Date of issuance: <input type="checkbox"/> Other Type No			
I.18. Transport conditions Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>						
I.19. Container No/Seal No						
I.20. Goods certified as Human consumption <input type="checkbox"/>						
I.21.			I.22. For internal market: <input type="checkbox"/>			
I.23 Total number of packages		I.24. Quantity Total number		Total net weight (Kg)	Total gross weight (Kg)	
I.25. Description of goods No Code and CN title						
Species (Scientific name)		Net weight		Batch No	Type of packaging	
Final consumer <input type="checkbox"/>	Number of packages					

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1158. (See end of Document for details)

COUNTRY **Certificate for the entry into the Union of food and feed**

II. Health information	II.a Certificate reference No	II.b IMSOC reference No						
<p>II.1. I, the undersigned, declare that I am aware of the relevant provisions of Regulation (EC) No 178/2002 of the European Parliament and of the Council, Regulation (EC) No 852/2004 of the European Parliament and of the Council and Regulation (EU) 2017/625 of the European Parliament and of the Council (Official Controls Regulation), and I certify that:</p> <p>II.1.1. <input type="checkbox"/> the food of the consignment described above with the identification code ... (indicate the identification code for the consignment referred to in Article 3(3) of Commission Implementing Regulation (EU) 2020/1158) was produced in accordance with the requirements of Regulations (EC) No 178/2002 and (EC) No 852/2004 and in particular:</p> <ul style="list-style-type: none"> — its primary production and associated operations listed in Annex I to Regulation (EC) No 852/2004 comply with the general hygiene provisions laid down in part A of Annex I to Regulation (EC) No 852/2004; — and, in the case of any stage of production, processing and distribution after primary production and related operations: <ul style="list-style-type: none"> — it has been handled and, where appropriate, prepared, packaged and stored in a hygienic manner in accordance with the requirements of Annex II to Regulation (EC) No 852/2004 and, — it comes from (an) establishment(s) implementing a programme based on the hazard analysis and critical control points (HACCP) principles in accordance with Regulation (EC) No 852/2004; <p>and</p> <p>II.2. I, the undersigned certify, in accordance with Commission Implementing Regulation (EU) 2020/1158, that:</p> <ul style="list-style-type: none"> — from the consignment described above, samples were taken on (date), subject to laboratory analysis on (date) in the (name of the laboratory) with methods for the analysis of caesium-137; — the details of the methods of laboratory analysis and all results are attached and show compliance with the maximum levels established in Article 3(2) of Commission Implementing Regulation (EU) 2020/1158. <p>Notes</p> <ul style="list-style-type: none"> — See instructions for completion in Annex IV to Commission Implementing Regulation (EU) 2020/1158. — Part II: The colour of the signature shall be different to that of the printing. The same rule applies to stamps other than those that are embossed or are a watermark. 								
<div style="border: 1px solid black; padding: 2px; width: fit-content; margin-left: 5px; transform: rotate(-90deg); transform-origin: left top;">Part II Certification</div> <p>Certifying officer:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Name (in capital letters):</td> <td style="width: 40%;">Qualification and title:</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> <tr> <td>Stamp</td> <td></td> </tr> </table>			Name (in capital letters):	Qualification and title:	Date:	Signature:	Stamp	
Name (in capital letters):	Qualification and title:							
Date:	Signature:							
Stamp								

ANNEX IV

INSTRUCTIONS FOR THE COMPLETION OF THE OFFICIAL CERTIFICATE REFERRED TO IN ARTICLE 4 OF COMMISSION IMPLEMENTING

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1158. (See end of Document for details)

REGULATION (EU) 2020/1158 ON THE CONDITIONS GOVERNING IMPORTS OF FOOD AND FEED ORIGINATING IN THIRD COUNTRIES FOLLOWING THE ACCIDENT AT THE CHERNOBYL NUCLEAR POWER STATION

General

To positively select any option, please tick or mark the relevant box with a cross (X).

Whenever mentioned, 'ISO' means the international standard two-letter code for a country, in accordance with the international standard ISO 3166 alpha-2⁽¹⁷⁾.

Only one of the options may be selected in boxes I.15, I.18, I.20.

Unless otherwise indicated, the boxes are compulsory.

If the consignee, the entry border control post (BCP) or the transport details (that is to say, the means and date) change after the certificate has been issued, the operator responsible for the consignment must advise the competent authority of the Member State of entry. Such a change shall not result in a request for a replacement certificate.

In case the certificate is submitted in IMSOC, the following applies:

- the entries or boxes specified in Part I constitute the data dictionaries for the electronic version of the official certificate;
- the sequences of boxes in Part I of the model official certificate and the size and shape of those boxes are indicative;
- where a stamp is required, its electronic equivalent is an electronic seal. Such seal shall comply with the rules for the issuance of electronic certificates referred to in point (f) of the first paragraph of Article 90 of Regulation (EU) 2017/625.

Part I: Details of the dispatched consignment

Country:	The name of the third country issuing the certificate.
Box I.1.	Consignor/Exporter: the name and address (street, city and region, province or state, as appropriate) of the natural or legal person dispatching the consignment that must be located in the third country.
Box I.2.	Certificate reference No: the unique mandatory code assigned by the competent authority of the third country in accordance with its own classification. This box is compulsory for all certificates not submitted in IMSOC.
a	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).
b	Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).
c	Last version: Revision 9 Annexes V and VI as published on: http://www.unece.org/tradewelcome/un-centre-for-trade-facilitation-and-e-business-uncfact/outputs/cefactrecommendationsrec-index/list-of-trade-facilitation-recommendations-n-21-to-24.shtml

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Box I.2.a	IMSOC reference No: the unique reference code automatically assigned by IMSOC, if the certificate is registered in IMSOC. This box must not be completed if the certificate is not submitted in IMSOC.
Box I.3.	Central competent authority: name of the central authority in the third country issuing the certificate.
Box I.4.	Local competent authority: if applicable, the name of the local authority in the third country issuing the certificate.
Box I.5.	Consignee/Importer: name and address of the natural or legal person to whom the consignment is intended in the Member State.
Box I.6.	Operator responsible for the consignment: the name and address of the person in the European Union in charge of the consignment when presented to the BCP and who makes the necessary declarations to the competent authorities either as the importer or on behalf of the importer. This box is optional.
Box I.7.	Country of origin: the name and ISO code of the country where the goods are originating from, grown, harvested or produced.
Box I.9.	Country of destination: the name and ISO code of the European Union country of destination of the products.
Box I.11.	Place of dispatch: the name and address of the holdings or establishments from which the products come from. Any unit of a company in the food sector. Only the establishment shipping the products is to be named. In the case of trade involving more than one third country (triangular movement), the place of dispatch is the last third-country establishment of the export chain from which the final consignment is transported to the European Union.
a	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).
b	Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).
c	Last version: Revision 9 Annexes V and VI as published on: http://www.unece.org/tradewelcome/un-centre-for-trade-facilitation-and-e-business-uncfact/outputs/cefactrecommendationsrec-index/list-of-trade-facilitation-recommendations-n-21-to-24.ahtml

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1158. (See end of Document for details)

Box I.12.	Place of destination: this information is optional. For the placing on the market: the place where the products are sent for final unloading. Give the name, address and approval number of the holdings or establishments of the place of destination, if applicable.
Box I.14.	Date and time of departure: the date when the means of transport departs (aeroplane, vessel, railway or road vehicle).
Box I.15.	Means of transport: means of transport leaving the country of dispatch. Mode of transport: aeroplane, vessel, railway, road vehicle or other. 'Other' means modes of transport not covered by Council Regulation (EC) No 1/2005 ^a . Identification of the means of transport: for aeroplanes, the flight number, for vessels, the ship name(s), for railways, the train identity and wagon number, for road transports, the registration number plate with trailer number plate if applicable. In the case of a ferry, the identification of the road vehicle, the registration number plate with trailer number plate if applicable, and the name of the scheduled ferry must also be provided.
Box I.16.	Entry BCP: state the name of the BCP and its identification code assigned by IMSOC.
Box I.17.	Accompanying documents: Laboratory report: indicate the reference number and the date of issuance of the report/results of laboratory analysis referred to in Article 4(6) of Commission Implementing Regulation (EU) 2020/1158 Other: the type and reference number of document must be stated when a consignment is accompanied by other documents such as a commercial document (for example, the airway bill number, the bill

a Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).

b Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

c Last version: Revision 9 Annexes V and VI as published on: <http://www.unece.org/tradewelcome/un-centre-for-trade-facilitation-and-e-business-uncfact/outputs/cefactrecommendationsrec-index/list-of-trade-facilitation-recommendations-n-21-to-24.shtml>

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	of lading number or the commercial number of the train or road vehicle).
Box I.18.	Transport conditions: category of required temperature during the transport of products (ambient, chilled, frozen). Only one category may be selected.
Box I.19.	Container No/Seal No: if applicable, the corresponding numbers. The container number must be provided if the goods are transported in closed containers. Only the official seal number must be stated. An official seal applies if a seal is affixed to the container, truck or rail wagon under the supervision of the competent authority issuing the certificate.
Box I.20.	Goods certified as: state the intended use for products as specified in the relevant European Union official certificate. Human consumption: concerns only products intended for human consumption.
Box I.22.	For internal market: for all consignments destined to be placed on the market in the European Union.
Box I.23.	Total number of packages: the number of packages. In the case of bulk consignments, this box is optional.
Box I.24.	Quantity: Total net weight: this is defined as the mass of the goods themselves without immediate containers or any packaging. Total gross weight: overall weight in kilograms. This is defined as the aggregate mass of the products and of the immediate containers and all their packaging, but excluding transport containers and other transport equipment.
Box I.25.	Description of goods: State the relevant Harmonised System code (HS code) and the title defined by the World Customs Organisation as referred to in Council

a Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).

b Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

c Last version: Revision 9 Annexes V and VI as published on: <http://www.unece.org/tradewelcome/un-centre-for-trade-facilitation-and-e-business-uncefact/outputs/cefactrecommendationsrec-index/list-of-trade-facilitation-recommendations-n-21-to-24.shtml>

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	<p>Regulation (EEC) No 2658/87^b. This customs description shall be supplemented, if necessary, by additional information required to classify the products. Indicate the species, types of products, the number of packages, type of packaging, batch number, net weight, and final consumer (i.e. products are packed for final consumer). Species: the scientific name or as defined in accordance with European Union legislation. Type of packaging: identify the type of packaging according to the definition given in Recommendation No 21^c of UN/CEFACT (United Nations Centre for Trade Facilitation and Electronic Business).</p>
a	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).
b	Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).
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Part II: Certification

This part must be completed by a certifying officer authorised by the competent authority of the third country to sign the official certificate, as provided for in Article 88(2) of Regulation (EU) 2017/625.

Box II.	<p>Health information: please complete this part in accordance with the specific European Union health requirements relating to the nature of the products and as defined in the equivalence agreements with certain third countries or in other European Union legislation, such as that for certification. In case the official certificate is not submitted in IMSOC, the statements which are not relevant must be crossed out, initialled and stamped by the certifying officer, or completely removed from the certificate. In case the certificate is submitted in IMSOC, the statements which are not relevant must be crossed out or completely removed from the certificate.</p>
Box II.a.	Certificate reference No: same reference code as in box I.2.

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Box II.b.	IMSOC reference No: same reference code as in box I.2.a. Mandatory only for official certificates issued in IMSOC.
Certifying officer:	Official of the competent authority of the third country authorised to sign official certificates by such authorities: Indicate the name in capital letters, qualification and title, where applicable, identification number and original stamp of the competent authority and date of signature.

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- (1) OJ L 31, 1.2.2002, p. 1.
- (2) OJ L 95, 7.4.2017, p. 1.
- (3) Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (OJ L 201, 30.7.2008, p. 1).
- (4) Commission Recommendation 2003/274/Euratom of 14 April 2003 on the protection and information of the public with regard to exposure resulting from the continued radioactive caesium contamination of certain wild food products as a consequence of the accident at the Chernobyl nuclear power station (OJ L 99, 17.4.2003, p. 55).
- (5) Commission Implementing Regulation (EU) No 297/2011 of 25 March 2011 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 (OJ L 80, 26.3.2011, p. 5).
- (6) Opinion of the Group of Experts referred to in Article 31 of the Euratom Treaty on the Prolongation of the latest Post-Chernobyl Regulation – Council Regulation 733/2008 amended by Council Regulation 1048/2009 (Adopted at the meeting on 15 November 2018) Available at: https://ec.europa.eu/energy/sites/ener/files/opinion_on_prolongation_of_post-chernobyl_regulations_15_november_2018.pdf
- (7) Opinion of the Group of Experts referred to in Article 31 of the Euratom Treaty on a draft proposal for an implementing regulation imposing conditions governing the import of food, minor food and feed originating in third countries following the accident at the Chernobyl nuclear power station (Adopted at the meeting on 13 June 2019) Available at: https://ec.europa.eu/energy/sites/ener/files/opinion_on_implementing_regulation_on_post-chernobyl_measures_13_june_2019.pdf
- (8) Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).
- (9) Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90 (OJ L 13, 20.1.2016, p. 2).
- (10) Commission Regulation (EC) No 1635/2006 of 6 November 2006 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (OJ L 306, 7.11.2006, p. 3).
- (11) Commission Regulation (EC) No 1609/2000 of 24 July 2000 establishing a list of products excluded from the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (OJ L 185, 25.7.2000, p. 27).
- (12) Commission Implementing Regulation (EU) 2019/628 of 8 April 2019 concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates (OJ L 131, 17.5.2019, p. 101).
- (13) Commission Implementing Regulation (EU) 2019/595 of 11 April 2019 amending Regulation (EC) No 1635/2006 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 by reason of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (OJ L 103, 12.4.2019, p. 22).
- (14) Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).
- (15) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.
- (16) Applicable as from the day following that on which Union law ceases to apply to and in the United Kingdom pursuant to the Withdrawal Agreement.

Changes to legislation: There are currently no known outstanding effects for the
Commission Implementing Regulation (EU) 2020/1158. (See end of Document for details)

- (17) List of country names and code elements under: http://www.iso.org/iso/country_codes/iso-3166-1_decoding_table.htm

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1158.