

Chief Port Health Officers & Nominated Officers for  
Imported Food (England) - for action

Heads of Service of Feed Authorities with  
responsibilities at points of entry – for action

cc: APHA  
HM Revenue and Customs  
CIEH  
LACORS  
APA  
Trading Standards Institute  
Health Protection Agency

9th April 2008

Reference: IFD/E/08/0/011

Dear Colleagues,

**FURTHER INFORMATION ON CONTROLS FOR UNAUTHORISED “Bt 63”  
GENETIC MODIFICATION IN SPECIFIED PRODUCTS FROM CHINA**

This letter is addressed to Chief Port Health Officers and Nominated Officers for Imported Food in England and Heads of Service of Feed Authorities with responsibilities at points of entry only.

The Commission has now published the emergency measure, Commission Decision 2008/289/EC, which requires that consignments of food or feed products originating, or consigned, from China entering the European Community are accompanied by an analytical report issued by an official or accredited laboratory demonstrating that they do not contain or consist of, nor have been produced from, the genetically modified rice “Bt63”.

The Commission Decision accompanies this letter in PDF format and is also available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:096:0029:0034:EN:PDF>

National legislation to implement the Commission Decision in England has been prepared and is being submitted for Ministerial consideration under the title of “The Specified Products from China (Restriction on First Placing on the Market) (England) Regulations 2008. Further information on this legislation will be sent to you in due course.

The Commission Decision specifies that rice and rice products originating, or consigned from, China falling within the CN codes listed in the annex to the Commission Decision, which is reproduced at Annex 1 to this letter, may only be first placed on the EU market if:

- a. they are accompanied by an original analytical report issued by an official or accredited laboratory which demonstrates that the product does not contain, consist of, or have not been produced from, the genetically modified rice "Bt63", OR
- b. Satisfactory results of analysis are received by the food or feed authority at the point of entry to the Community, following sampling carried out by, or under the supervision of, that authority.

Once these conditions have been satisfied, the food or feed authority at point of entry should endorse the analytical report to indicate that these conditions have been met. EC Member States are required to prevent any consignments without the necessary analytical report from being placed on the EC market. A list of the accredited laboratories in China which can issue the analytical report are listed in Annex 2 to this letter and a sample analytical report can be found at Annex 3.

**For Action:**

**Designated Port Health Authorities (PHAs) and Local Authorities with points of entry**

**Identification of consignments and liaison between Authorities**

Authorities are requested to monitor manifest information and obtain information from importers (or their agents) to identify inbound consignments due to arrive on or after 15 April 2008 to be controlled. Where inbound consignments for use as animal feed are identified, food authorities are asked to liaise closely with relevant feed authorities so that they may discharge their functions. Food and feed business operators are not required to pre-notify arrival of consignments. However, authorities may wish to advise importers and their agents that voluntary pre-notification of arrival may help to prevent delays in obtaining clearance of products falling within the scope of the Commission Decision.

**Scope**

Products that have previously been found to be contaminated include rice protein concentrate (mainly for animal feed), rice stick noodles, rice crackers and rice vermicelli. Rice wine does not fall within the scope of these controls. Composite products are covered by these controls.

Where consignments of products falling within the CN Codes listed in the Annex to the Commission Decision do not contain, consist of, nor have been produced from rice, the Commission Decision allows the food or feed business operator to replace the analytical certificate with a declaration confirming that this is the case.

“Consignment” is not defined by the legislation. Food Standards Agency advice is that for practical purposes the following definition of consignment may be considered although officials should be aware that this does not have a legislative basis: *Consignment means a quantity of products of the same class or description, covered by the same certificate or other document(s) conveyed by the same means of transport and coming from the same third country or part of such country.*

### **Sampling and Analysis**

In the absence of an analytical report the food or feed business operator is required to have the products tested. In this eventuality, samples should be taken by, or under the supervision of the relevant authority.

The Agency recommends that bulk consignments of rice should be sampled in accordance with Commission Recommendation 2004/787/EC, resulting in a composite sample of 2.5kg that is sent for testing. The Recommendation also sets out protocols to be followed by the analyst i.e. the construct-specific method developed by D Mäde et al.

Samples taken for official control purposes should be submitted to the appointed analyst or agricultural analyst of the authority.

### **Submission of Analytical Results to the Food Standards Agency**

Please ensure that records of all sampling activity to control relevant products are maintained, including total samples taken and all analytical results obtained. Positive and negative results need to be reported immediately to the Food Standards Agency using a Food Incident Report Form which can be found on the Agency’s website at:

<http://www.food.gov.uk/multimedia/worddocs/lafoodincidentreportform.doc>

In accordance with the Commission Decision, any positive results reported to the Food Standards Agency will be reported to the European Commission via the RASSF system, and negative results will be reported to the Commission on a three-monthly basis.

### **Enforcement**

In the event that Bt63 is detected then the consignment should be rejected using the provisions of Regulation (EC) 882/2004. In practical terms this will require service of a Notice under Regulation 30 of the Official Feed and Food Controls (England) Regulations 2007.

Re-dispatch will be possible subject to procedures under Article 21 of Regulation 882/2004 (our letter IFD/E/8/004 refers). If contaminated product is to be destroyed then this should be via deep burial or incineration at a suitably approved and licensed waste disposal facility.

## **Customs Clearance**

The Food Standards Agency has worked closely with Her Majesty's Revenue and Customs (HMRC) who have established a national profile on the CHIEF system to prevent consignments falling within the CN codes stated from being cleared until necessary checks have been carried out. Consignments will be designated 'Route 1' which means that a copy of the endorsed certificate from the food or feed authority is required to be submitted by the importer in order to obtain release.

When documentary and/or physical checks have been satisfactorily concluded, the original certificate should be endorsed using an official stamp of the authority in a different colour ink to that of the certificate.

This should be provided to the importer or their agent and they should be advised to provide a copy of this to the HMRC hub at Salford alongside their Customs entry paperwork in the normal manner. HMRC will accept facsimile copies of these certificates from importers, but may carry out random checks to verify the documents submitted are valid.

## **Cost recovery**

Authorities will wish to be aware that cost recovery is provided for in relation to the control activities specified in Article 5 of Commission Decision 2008/289/EC.

## **Further information**

If further clarification is needed on technical matters including sampling and analysis, laboratories etc. please contact Dr. Trudy Netherwood, Novel Foods, Additives and Supplements Division on 020 7276 8592 (office hours), e-mail [Trudy.Netherwood@foodstandards.gsi.gov.uk](mailto:Trudy.Netherwood@foodstandards.gsi.gov.uk)

If further clarification on the use of enforcement powers is needed, please contact Mr Alistair Edwards, Enforcement Support Division on 020 7276 8018 (office hours), e-mail [imported.food@foodstandards.gsi.gov.uk](mailto:imported.food@foodstandards.gsi.gov.uk)

The advice contained in this letter should not be taken as an authoritative statement of the law or its interpretation. Only the courts can decide whether in particular circumstances an offence has been committed.

You may also be aware that we have an imports section on the Food Standards Agency's website. This may be found at [www.food.gov.uk/imports](http://www.food.gov.uk/imports)

Yours sincerely,

Mark Ball  
Head of Imported Food Branch  
Enforcement Support Division

Keith Millar  
Head of Animal Feed Unit  
Primary Production Division

**Annex 1 - CN codes of rice products to be controlled (from Commission Decision)**

<b>Product</b>	<b>CN Code</b>
Rice in the husk ("paddy" or rough)	1006 10
Husked (brown) rice	1006 20
Semi-milled or wholly milled rice, whether or not polished or glazed	1006 30
Broken rice	1006 40 00
Rice flour	1102 90 50
Rice groats and meal	1103 19 50
Rice pellets	1103 20 50
Flaked rice grains	1104 19 91
Rolled or flaked cereal grains (excluding grains of oats, wheat, rye, maize and barley, and flaked rice)	1104 19 99
Rice starch	1108 19 10
Preparations for infant use, put up for retail sale	1901 10 00
Uncooked pasta, not stuffed or otherwise prepared, containing eggs	1902 11 00
Uncooked pasta, not stuffed or otherwise prepared, not containing eggs	1902 19
Stuffed pasta, whether or not cooked or otherwise prepared	1902 20
Other pasta (other than uncooked pasta, not stuffed or otherwise prepared, and other than stuffed pasta, whether or not cooked or otherwise prepared)	1902 30
Prepared foods obtained by swelling or roasting cereals or cereal products, obtained from rice	1904 10 30
Preparations of the Muesli type based on unroasted cereal flakes	1904 20 10

Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes or swelled cereals, obtained from rice (excluding preparations of the Muesli type on the basis of unroasted cereal flakes)	1904 20 95
Rice, pre-cooked or otherwise prepared, not elsewhere specified or included (excluding flour, groats and meal, food preparations obtained by swelling or roasting or from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals)	1904 90 10
Rice paper	ex 1905 90 20
Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of rice with a starch content not exceeding 35% by weight	2302 40 02
Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of rice other than with a starch content not exceeding 35% by weight	2302 40 08
Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed	3504 00 00

## Annex 2 – List of official and accredited laboratories in China

附件 1: *Annex 1:*

### 中国国家质检总局认可转基因大米及米制品 检测实验室名单

*Name List of Laboratories Ratified by AQSIQ*

- 1、北京出入境检验检疫局食品安全检测中心  
Food Safety Testing Centre, Beijing Entry-Exit  
Inspection and Quarantine Bureau
- 2、天津出入境检验检疫局动植物与食品检测中心  
Animal & Plant & Foodstuffs Inspection Center of Tianjin  
Entry-Exit Inspection and Quarantine Bureau
- 3、河北出入境检验检疫局检验检疫技术中心  
Hebei Entry-Exit Inspection and Quarantine Bureau  
Inspection and Quarantine Technical Centre
- 4、秦皇岛出入境检验检疫局技术中心  
Qinhuangdao Entry-Exit Inspection and Quarantine Bureau  
Technical Center
- 5、山西出入境检验检疫局检验检疫技术中心  
The Inspection and Quarantine centre of Shanxi Entry-Exit  
Inspection and Quarantine
- 6、辽宁出入境检验检疫局检验检疫技术中心  
Inspection and Quarantine Technical Center Liaoning

Entry-Exit Inspection and Quarantine Bureau

7、吉林出入境检验检疫技术中心

The Inspection and Quarantine Technology Center of Jilin  
Entry-Exit Inspection and Quarantine Bureau

8、黑龙江出入境检验检疫局检验检疫技术中心

Heilongjiang Entry-Exit Inspection and Quarantine  
Bureau Inspection and Quarantine Technique Centre

9、上海出入境检验检疫局动植物与食品检验检疫技术中心

Technical Center of Animal, Plant and Foodstuff Inspection  
and Quarantine Shanghai Entry-Exit Inspection and  
Quarantine Bureau

10、江苏出入境检验检疫局食品实验室

Food Laboratory, Jiangsu Entry-Exit Inspection &  
Quarantine Bureau

11、浙江出入境检验检疫局动植检实验室

Animal and Plant Quarantine Laboratory of Zhejiang  
Entry-Exit Inspection and Quarantine Bureau

12、宁波出入境检验检疫局检验检疫技术中心

Inspection and Quarantine Technology Center of Ningbo  
Entry-Exit Inspection and Quarantine Bureau

13、安徽出入境检验检疫局生物技术分中心

Biological Branch of Technical Center Anhui Enter-Exit

Inspection and Quarantine Bureau

14、福建出入境检验检疫局检验检疫技术中心

Inspection and Quarantine Technique Center of Fujian  
Entry-Exit Inspection and Quarantine Bureau

15、厦门出入境检验检疫局检验检疫技术中心

Inspection and Quarantine Technology Center, Xiamen  
Entry-Exit Inspection and Quarantine Bureau

16、江西出入境检验检疫局检验检疫综合技术中心

Comprehensive Technology Centre, Jiangxi Entry-Exit  
Inspection and Quarantine Bureau

17、山东出入境检验检疫局检验检疫技术中心

Technical Center for Inspection & Quarantine of SDCIQ

18、烟台出入境检验检疫局检验检疫技术中心

Yantai Entry-Exit Inspection and Quarantine Technology  
Center

19、河南出入境检验检疫局检验检疫技术中心

Inspection & Quarantine Technology Center Henan  
Entry-Exit Inspection & Quarantine Bureau

20、湖北出入境检验检疫局技术中心

Technology Center, Hubei Entry-Exit Inspection and  
Quarantine Bureau

21、湖南出入境检验检疫局检验检疫技术中心

- 
- Inspection & Quarantine Technology Center of Hunan  
Entry-Exit Inspection & Quarantine Bureau
- 22、广东出入境检验检疫局检验检疫技术中心  
Inspection and Quarantine Technology of Guangdong  
Entry-Exit Inspection and Quarantine Bureau
- 23、深圳出入境检验检疫局动植物检验检疫技术中心  
The Technical Center of Animal and Inspection and  
Quarantine, Shenzhen Entry-Exit Inspection and  
Quarantine Bureau
- 24、珠海转基因检测中心实验室  
Zhuhai GMO Detection Laboratory
- 25、广西出入境检验检疫局检验检疫技术中心  
Inspection and Quarantine Technology Center of Guangxi  
Entry-Exit Inspection and Quarantine Bureau
- 26、重庆出入境检验检疫局检验检疫技术中心  
Inspection & Quarantine Technical Center of Chongqing  
Entry-Exit Inspection & Quarantine Bureau
- 27、四川出入境检验检疫局技术中心  
Technical Centre of Sichuan Entry-Exit Inspection and  
Quarantine Bureau
- 28、云南出入境检验检疫局检验检疫技术中心  
The Inspection & Quarantine Technology Center of Yunnan

---

Entry-Exit Inspection & Quarantine Bureau  
29、新疆出入境检验检疫局检验检疫技术中心  
Inspection and Quarantine Technique Centre of Xinjiang  
Entry-Exit Inspection and Quarantine Bureau

Annex 3 – Sample Analytical Report from China

附件 2 Annex 2:



中华人民共和国出入境检验检疫  
ENTRY-EXIT INSPECTION AND QUARANTINE  
OF THE PEOPLE'S REPUBLIC OF CHINA

第 1 页共 1 页 Page 1 of 1

卫生证书  
SANITARY CERTIFICATE

编号 No. \_\_\_\_\_

发货人名称及地址 Name and Address of Consignor _____	
收货人名称及地址 Name and Address of Consignee _____	
品名 Description of Goods _____	
加工种类或状态 State or Type of Processing _____	标记及号码 Mark & No. _____
报检数量/重量 Quantity /Weight declared _____	
包装种类及数量 Number and Type of Packages _____	
贮藏和运输温度 Temperature during Storage and Transport _____	
加工厂名称、地址及编号（如果适用） Name, Address and approval No. of the approved Establishment (if applicable) _____	
启运地 Place of Despatch _____	到达国家及地点 Country and Place of Destination _____
运输工具 Means of Conveyance _____	发货日期 Date of Despatch _____

兹证明上述产品已按照欧盟 D. MADE 的检测方法进行检验，不含有转 Bt63 基因成分。  
This is to certify that products described above have been tested according to European Union D. MADE method and free from genetically modified Bt63.

备注: Remark

检测实验室名称:  
The Name of Test Laboratory: \_\_\_\_\_

\*\*\*\*\*

印章 Official Stamp	签证地点 Place of Issue _____	签证日期 Date of Issue _____
	授权签字人 Authorized Officer _____	签名 Signature _____

0.1