

**Guidance on the application of Article 9(4) of the
Commission Implementing Regulation (EU) No 884/2014 of
13 August 2014 imposing special conditions governing the
import of certain feed and food from certain third countries
due to contamination risk by aflatoxins and repealing
Regulation (EC) No 1152/2009**

Article 9(4) provides

4. The competent authority at the DPE shall authorise transfer of the consignment to a DPI after favourable completion of the checks referred to in paragraph 2. The original certificate, results of sampling and analysis referred to in article 4 and the CED shall accompany the consignment during transfer. The competent authority of the DPE shall immediately inform the competent authority at the DPI of the sending of the consignment and the business operator has to inform the competent authority at the DPI of the arrival of the consignment at least one working day prior to the physical arrival of the consignment. In case the business operator decides to change the DPI after the consignment has left the DPE, the documents have to be presented again to the competent authority of the DPE to agree and to perform the necessary changes on the CED and the competent authority of the DPE informs consequently the relevant DPIs of these changes.

“The competent authority at the DPE shall authorise transfer of the consignment to a DPI after favourable completion of the checks referred to in paragraph 2”

This authorisation for transfer of the consignment to a Designated Point of Import (DPI) for identity and physical check is given after the favourable completion of the documentary check in the Designated point of Entry (DPE) and on the condition that box I.20 of the Common Entry Document (CED) is correctly completed.

For the completion of the box I.20 the following is provided in Annex III to Regulation (EU) 884/2014:

“For transfer to Control Point: in case the consignment is intended for import (cf. Box I.22) and the operator uses the option to have the identity and physical control performed at a specific DPI, tick the box and identify in detail the DPI.”

In box I.20, the box requesting the transfer has to be ticked and the DPI has to be identified in detail. **In detail means** that the DPI must be unambiguously identified, the name of a contact person (if available) and an email address (from a person or functional mailbox) or in absence of an email address the fax number must be mentioned.

In case that the DPI uses the TRACES system also for food of non-animal origin, the TRACES Unit Code should be provided to enable eventually exchange of information between DPE and DPI via the TRACES system.

“Unambiguously identified” means that the **country has to be mentioned** and in case the DPI has a specific number, code, **the number and code identifying the DPI**. If the DPI does not have an unique number and code then sufficient detail must be provided to enable to identify unambiguously the DPI. The list of DPI is hereby enclosed and also available on http://ec.europa.eu/food/food/chemicalsafety/contaminants/docs/list_dpi_en.pdf



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Document

Furthermore the contact details of the DPI have to be mentioned in Box I.20:

- email address and name of the contact person (if available), or
- fax number with name of contact person (if available).

It is sufficient to mention in box I.20

- **the box requesting the transfer to the DPI, has to be ticked**
- **unambiguous identification of the DPI (country + number/code identifying the DPI – If no code available then address details might be necessary) (eventually also TRACES unit code)**
- **email address or in absence of an email address the fax number**
- **contact person (if available)**

If the outcome of the documentary check is favourable and the box I.20 of the CED is completed as explained above, the competent authority shall authorise the transfer of the consignment to the DPI for completion of the CED as regards identity and physical check, eventually after an effective identity and physical check performed by the DPI. .

If the outcome of the documentary check is favourable **but box I.20 is not filled**, then the CED can be completed by the competent authority at the DPE as regards the identity and physical check, if the DPE is also DPI.

Where the point of entry (DPE) is not a DPI, then the competent authority at the DPE

- * can require the business operator to complete box I.20 correctly (*a posteriori*), or if the business operator does not indicate a DPI and/or does not fill in box I.20 correctly,
- * can designate a DPI within their country

and authorise the transfer of the consignment to the DPI for completion of the CED as regards identity and physical check.

If the outcome of the documentary check is favourable **but box I.20 is not correctly completed** (see above), then the CED can be completed by the competent authority at the DPE as regards the identity and physical check, if the DPE is also DPI.

Where the point of entry (DPE) is not a DPI, then the competent authority at the DPE

- * can require the business operator to complete box I.20 correctly (*a posteriori*), or if the business operator does not fill in box I.20 correctly,
- * can designate a DPI within their country

and authorise the transfer of the consignment to the DPI for completion of the CED as regards identity and physical check.

“The original certificate, results of sampling and analysis referred to in article 4 and the CED shall accompany the consignment during transfer. The competent authority of the DPE shall immediately inform the competent authority at the DPI of the sending of the consignment and the business operator has to inform the competent authority at the DPI of the arrival of the consignment at least one working day prior to the physical arrival of the consignment”

The competent authority of the DPE shall immediately inform the competent authority at the DPI of the sending of the consignment after a favourable documentary check and authorisation for transfer to the DPI. This information to the DPI has to be provided preferably by email on the email address provided for in Box I.20 by providing the details of the consignment or a scan of the CED completed as regards part I and part II - documentary check or by faxing the CED, completed as regards part I and part II - documentary check to the fax number provided in box I.20 of the CED. In case that the DPI and the DPE are located in different MS and TRACES system is used in both Member States and it had been verified that the DPI is effectively operating the TRACES system, the competent authority at the DPI shall be sufficiently informed by means of the automatic email generated on the TRACES system by the competent authority at the DPE

The business operator has to inform the competent authority at the DPI of the arrival of the consignment at least one working day prior to the physical arrival of the consignment. The information must also be provided preferably by email on the email address provided for in Box I.20 of the CED or by fax on the fax number provided in box I.20 of the CED. Sufficient details of the consignment should be provided to enable the competent authority at the DPI to link the information provided by the food business operator to the information provided by the competent authority at the DPE and to the consignment that will arrive. **Preferably, a copy of the CED is provided to the DPI by the food business operator, ensuring that all necessary details of the consignment are provided.**

If a consignment arrives at the DPI, which has not been pre-notified by the competent authority of the DPE, the DPI should contact the DPE for an explanation. In the case consignments, on a regular basis, continue to not be pre-notified by the DPE, the DPI should inform the Commission, which will take the necessary actions to remedy this.

In case a consignment arrives at the DPI, of which the physical arrival of the consignment was not notified by the business operator, then the DPI can reject the consignment (or eventually, after having heard the reasons for not notifying by the food business operator the physical arrival of the consignment, decide to subject it to an effective identity and physical check instead of rejection of the consignment).

“In case the business operator decides to change the DPI after the consignment has left the DPE, the documents have to be presented again to the competent authority of the DPE to agree and to perform the necessary changes on the CED and the competent authority of the DPE informs consequently the relevant DPIs of these changes.”

It is the business' operator responsibility to present the CED again to the competent authority of the DPE to agree on the change of the DPI. The competent authority of the DPE informs the initially appointed DPI that the consignment will not be sent to the DPI (in the same way as the initial information – see above) and informs the new DPI of the sending of the consignment (see above).

In case the business operator has changed DPI without having again presenting the CED to and informed thereof the competent authority of the DPE, the consignment has to be rejected at the newly appointed DPI.