INFORMATIVE NOTE ON DOCUMENTATION REQUIRED FOR CONSIGNMENTS OF FOODSTUFF SUBJECT TO OFFICIAL CONTROL BY BORDER HEALTH INSPECTION SERVICES

Article 11 of Regulation (EC) 178/2002[1] from the European Parliament and Council, establishes that *"foods and animal feeds imported into the Community and to be sold in it shall fulfil food legislation requirements or the conditions that the Community deems at least equivalent to said requirements or – in case a specific agreement exists between the Community and the exporting country – the requirements stipulated by said agreement."*

Furthermore, Article 17, Section 2 of the aforementioned Regulation requires Member States to oversee compliance to food legislation, controlling and verifying that the owners of food companies fulfil the specific requirements of food legislation at all stages of production, transformation, and distribution.

Along the same lines, Section e) of Article 14 of Regulation (EU) 2017/625[2] of the European Parliament and Council, dated 15 March 2017, empowers authorities charged with the official control to conduct the *"inspection of documents, traceability logs, and all other potentially relevant records to evaluate compliance with the standards in Article 1, Section 2, including any documentation accompanying animal feeds, food products, and any other substance or material entering or leaving an establishment."*

Likewise, Implementation Regulation (EU) 931/2011[3] from the Commission, dated 19 September 2011 states that its purpose is to "*establish specific standards for the animal food products industry to ensure correct application of traceability requirements established in article 18 of Regulation (EC) 178/2002",* so that, "*in particular, it is required to present additional information on the volume or quantity of the foods of animal origin, an identification reference for the batch or consignment, as applicable, a detailed description of the foods and the date of dispatch."* With respect to these requirements, Section 3, Article 3 of the aforementioned Implementation Regulation stipulates that, *"when the competent authority requires it, the food company operator shall produce the information without undue delay."*

[1] Regulation (EC) 178/2002 from the European Parliament and from the Council, dated 28 January 2002, establishing the general principles and requirements of food legislation, creating the European Food Safety Authority and establishing procedures concerning food security.

[2] Regulation (EC) 2017/625 from the European Parliament and Council, dated 15 March 2017, on controls and other official activities undertaken to enforce the legislation on food and animal feeds, and from the standards on the health and well-being of animals, on plant health and plant protection products, modifying Regulations (EC) 999/2001, (EC) 396/2005, (EC) 1069/2009, (EC) 1107/2009, (EU) 1151/2012, (EU) 652/2014, (EU) 2016/429 and (EU) 2016/2031 from the European Parliament and Council, Regulations (EC) 1/2005 and (EC) 1099/2009 from the Council, and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC from the Council, and repealing (EC) 854/2004 and (EC) 882/2004 from the European Parliament and Council, Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC y 97/78/EC from the Council and Decision 92/438/EEC from the Council (Regulation on official controls).

[3] Implementation Regulation (EU) 931/2011 from the Commission, dated 19 September 2011, on traceability requirements established by Regulation (EC) 178/2002 from the European Parliament and Council applicable to foods of animal origin.

Also, Subsection d) of Section 1 in Article 15 in the aforementioned Regulation establishes that *"to the extent that it is necessary for official controls (...) and when the competent authorities request it, operators shall provide access to their documents as well as any other relevant information to the personnel of the competent authority."*

Finally, the aforementioned article, in Section 2, establishes that *"during official controls and official activities, operators shall provide assistance and cooperate with the personnel of competent authorities (...) in the exercise of their function";* and, in Section 3, that *"the operator responsible for a shipment entering the Union, in addition to the obligations stipulated in Sections 1 and 2, shall provide, in printed or electronic form and without delay, all information concerning the animals and merchandise."*

The aforementioned clearly establishes the authority of agents of the competent authority to require, whenever necessary, the relevant documentation to check effective compliance of the imported products with national and Union regulations.

In all situations, taking into account the high volume of merchandise registered through Spanish borders, the frequent complexity of the document verifications performed in this area, and the resulting delay in dispatching shipments that could occur as a consequence of these variables, it is appropriate to include in a single document the general documentation that must accompany food product shipments at the time of its entry or importation into national territory.

1. SPECIFIC HEALTH DOCUMENTATION BASED ON PRODUCT TYPE

1.1. Products of animal origin

Products of animal origin shall be accompanied with the following documentation at the time of their presentation for official control:

a) Common Health Entry Document (CHED) –model P;

b) when applicable, the information notification form for transshipments pursuant to Article 16 of Delegated Regulation (EU) 2019/2124[4, 5];

c) when applicable, original of the official certificate issued by the competent authorityof the country of origin, in accordance with the stipulations of Implementation Regulation(EU) 2019/628[6] (from 21 April, in Implementation Regulation (EU) 2020/2235[7]); or

[4] Delegated Regulation (EU) 2019/2124 from the Commission dated 10 October 2019 completing Regulation (EU) 2017/625 from the European Parliament and Council, concerning standards applicable to official controls of animal and merchandise shipments in transit, transshipment and further transport in the Union modifying Regulations (EC) nº 798/2008, (EC) nº 1251/2008, (EC) nº 119/2009, (EU) nº 206/2010, (EU) n.º 605/2010, (EU) nº 142/2011, (EU) nº 28/2012 of the Commission, Implementation Regulation (EU) 2016/759 from the Commission and Decision 2007/777/EC from the Commission.

[5] The form may be downloaded from this URL:
https://www.mscbs.gob.es/profesionales/saludPublica/sanidadExterior/controlesSanitarios/procedControl/pdf/FormularioNotificacionInformacionPartidasTransbordadas.pdf

d) in case of fishery products imported directly from a fishing vessel or a freezer vessel, the original of the document signed by the captain;

e) in case of fishing products trans-boarded at sea or in port between two ships registered in non-EU countries or an EU country, the documentation published at this link: https://www.mscbs.gob.es/profesionales/saludPublica/sanidadExterior/guias_protocolos/Requisitos_prod_Pesca_transvasados.pdf;

f) in the case of frozen or processed fishery products, a copy of the capture certificate when required by the inspection personnel;

g) the original copy of the analytical report certifying compliance to specific health requirements, when required at the time of entry or importation in accordance with applicable regulation[8]:

h) original of a health attestation issued by the competent authority having issued the official certificate, with the full list of the lots included in the shipment, when the lot reference is not included in the official certificate;

i) the following information as required by Subsections a) and g) of Section 1 in Article 3 of Implementation Regulation (EU) 931/2011, when the latter is not included in the CHEDP or in the official certificate issued by the competent authority of the non-EU country:

- an exact description of the food products; and
- a reference indicating the batch or consignment, as applicable.

1.2. Composite products subject to inspection in the BCP[9] of entry into the Union

Consignments of composite products for which official controls are required in the BCP of Entry into the Union shall be accompanied by the following documentation:

[6] Implementation Regulation (EU) 2019/628 from the Commission, dated 8 April 2019, on official certification forms for specific animals and products modifying Regulation (EC) 2074/2005 and Implementation Regulation (EU) 2016/759 where referring to said certification forms.

[7] Implementation Regulation (EU) 2020/2235 from the Commission, dated 16 December 2020, establishing standards for the application of Regulations (EU) 2016/429 and (EU) 2017/625 from the European Parliament and Council to animal health certification forms, official certification forms, and official certification forms for entry into and transport within the Union of shipments of specific categories of animals and merchandise as well as official certification concerning the aforementioned certifications, repealing Regulation (EC) nº 599/2004, Implementation Regulations (EU) nº 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC.

[8] For instance, products affected by the following standards:

- **2002/994/EC**: Decision by the Commission, dated 20 December 2002, concerning specific protection measures relative to products of animal origin imported from China;
- **Implementation Regulation (EU) 2016/6** from the Commission, dated 5 January 2016, imposing special conditions to the importation of foods and animal feeds originating in or coming from Japan, stemming from the accident in the Fukushima nuclear power facilities and repealing Implementation Regulation (EU) 322/2014.

[9] BCP: Border control post.

a) Common Health Entry Document (CHED) –model P;

b) when applicable, the information notification form for transshipments pursuant to Article 16 of Delegated Regulation (EU) 2019/2124[10];

c) the original of the analytical report certifying compliance to specific health requirements, when required at the time of entry or importation in accordance with applicable regulation[11]:

d) original of a health certificate issued by the competent authority having issued the official certificate, with the full list of the lots included in the shipment, when the lot reference is not included in the official certificate; and

- *Until 20 April 2021*:

e) original of the official certificate issued by the competent authority of the country oforigin, in accordance with the form stipulated in Regulation (EU) 28/2012[12]; or

f) original copy of the official certificate issued by the competent authority of the country of origin, in accordance with the form stipulated in Annex I of Implementation Regulation (EU) 2019/628;

- *From 21 April 2021*:

g) Original copy of the official certificate issued by the competent authority of the country of origin, in accordance with the form stipulated in Chapter 50 (COM form) of Implementation Regulation (EU) 2020/2235[13].

[10] The form may be downloaded from this URL: https://www.mscbs.gob.es/profesionales/saludPublica/sanidadExterior/controlesSanitarios/procedControl/pdf/FormularioNotificacionInformacionPartidasTransbordadas.pdf

[11] For instance, products affected by the following standards:

- **2002/994/EC**: Decision by the Commission, dated 20 December 2002, concerning specific protection measures relative to products of animal origin imported from China;
- **Implementation Regulation (EU) 2019/1793** from the Commission, dated 22 October 2019, on the temporary increase of official controls and emergency measures regulating the entry into the Union of specific products from non-EU countries, implementing Regulations (EU) 2017/625 and (EC) 178/2002 from the European Parliament and Council and repealing Regulations (EC) 669/2009, (EU) 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660 from the Commission;
- **Implementation Regulation (EU) 2016/6** from the Commission, dated 5 January 2016, imposing special conditions to the importation of foods and animal feeds originating in or coming from Japan, stemming from the accident in the Fukushima nuclear power facilities and repealing Implementation Regulation (EU) 322/2014.

[12] Regulation (EU) 28/2012 from the Commission, dated 11 January 2012, establishing requirements for the certification of importations to the Union, and transport within it, of specific composite products, and modifying Decision 2007/275/EC and Regulation (EC) 1162/2009.

[13] However, in accordance with article 35 of Implementation Regulation (EU) 2020/2235, entry into the union of shipments with the corresponding certificate issued in accordance with Regulation (EU) 28/2012 and Implementation Regulation (EU) 2019/628 from the Commission will continue to be authorised until 15 March 2022 if the person authorised to sign the certificate in accordance with the aforementioned regulations did so before 15 January 2022.

h) Where non-shelf stable composite products, or shelf stable composite products containing other processed meat than gelatine, collagen or highly refined products referred to in section XVI of Annex III of Regulation (EC) nº 853/2004, the original official certificate issued by the competent authority of the country oforigin, in accordance with the form stipulated in Chapter 50 (COM form) of ImplementationRegulation (EU) 2020/2235; or

i) where shelf stable composite products not containing more processed meat than gleatine, collagen or highly refined products referred to in section XVI of Annex III of Regulation (EC) nº 853/2004, the "*model private attestation by the operator entering shelf-stable composite products into the Union in accordance with Article 14 of Regulation (EU) 2019/625*", as set out in Annex V to Commission Implementing Regulation (EU) 2020/2235.

1.3. Composite products exempted from inspection in the BCP of entry into the Union

Consignments of composite products exempt from inspection in the BCP of entry into the Union and the obligation to produce the official certification form stipulated in Regulation (EU) 28/2012, in Implementation Regulation (EU) 2019/628 or, from 15 March 2022, in Implementation Regulation (EU) 2020/2235, shall be accompanied by the following documentation:

a) Common Health Entry Document (CHED) –model D;

b) the original of the analytical report certifying compliance to specific health requirements, when required at the time of importation in accordance with applicable regulation[14]; and

- *Until 20 April 2021*:

c) where the composite products or parts thereof come from third countries which, in accordance with the Annex to Decision 2011/163/EU, have an approved monitoring plan for products of animal origin used in the manufacture of the composite products and, where they contain dairy products, originate in a EU Member State or in a third country listed in Annex I to Regulation (EU) No 605/2010, it shall be sufficient to providea declaration from the manufacturer confirming the origin (country) of each of the products of animal origin used in the manufacture of the composite product.

[14] For instance, products affected by the following standards:
- **2002/994/EC**: Decision by the Commission, dated 20 December 2002, concerning specific protection measures relative to products of animal origin imported from China;
- **Implementation Regulation (EU) 2019/1793** from the Commission, dated 22 October 2019, on the temporary increase of official controls and emergency measures regulating the entry into the Union of specific products from non-EU countries, implementing Regulations (EU) 2017/625 and (EC) 178/2002 from the European Parliament and Council and repealing Regulations (EC) 669/2009, (EU) 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660 from the Commission;
- **Implementation Regulation (EU) 2016/6** from the Commission, dated 5 January 2016, imposing special conditions to the importation of foods and animal feeds originating in or coming from Japan, stemming from the accident in the Fukushima nuclear power facilities and repealing Implementation Regulation (EU) 322/2014.

d) However, where the composite product comes from a country which does not have an approved residue monitoring plan for any of the products of animal origin or, where applicable, is not authorised to export dairy products to the Union territory, additional guarantees from the health authorities of the country where the composite product has been produced confirming the origin (country) of each of the processed products of animal origin forming part of the final product shall be required.

- *From 21 April 2021*:

e) the "*model private attestation by the operator entering shelf-stable composite products into the Union in accordance with Article 14 of Regulation (EU) 2019/625*", as set out in Annex V to Commission Implementing Regulation (EU) 2020/2235.

1.4 Products of non-animal origin

Consignments of products of non-animal origin must be accompanied by the following documentation at the time of presentation for official control:

a) Common Health Entry Document (CHED) -model D;

b) the original of the analysis report or the official health document issued by the competent authority of the country of origin attesting compliance with the specific health requirements, where required under the applicable legislation[17];

c) an original health attestation signed by the competent authority that issued the official health document indicating the complete list of lots making up the consignment, when the lot indication is not included in the official health document; and

d) original of the declaration issued by the operator responsible for the consignment, where provided for in the applicable legislation[18].

2. GENERAL HEALTH DOCUMENTATION TO BE SUBMITTED WITH ALL CONSIGNMENTS

Irrespective of the type of product (products of animal origin, composite products or products of non-animal origin), all consignments of products intended for human consumption shall be accompanied by the following information or documentation in order to check the compliance of the goods with national and Union food law:

[15] Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin.

[17] For example, products concerned by the following standards:

- **Commission Implementing Regulation (EU) 2019/1793** of 22 October 2019 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660;

a) the commercial name of the food;

b) the exact description of the food, where the commercial name may create doubt as to the type of product concerned (in any case, for products of animal origin where it does not appear on the CHED-P or on the official certificate issued by the competent authority of the third country);

c) the list of ingredients;

d) the percentage of each ingredient in relation to the food as a whole, in the case of products covered by CN codes which are to be subject to controls on entry or import on the basis of the proportion of certain ingredients[19];

e) the scientific name of the plant species, where they are among the ingredients or the consignment consists of products of plant origin;

f) the identification (name and E-number) and quantities of additives used in the manufacturing of the food, only in the following cases:

   i. for products of animal origin:
      - when processed products or products or subjected to some type of processing, such as filleted, boned, minced, peeled, skinned, crushed or ground products; or
      - when required by the official inspectors.

   ii. for products of non animal origin:
      - when transformed or processed products; or
      - when required by the official inspectors;

g) a signed declaration stating that the products presented for official control do not contain flavourings or flavouring substances; or

   i. identification of the flavourings and/or flavouring ingredients used and, where appropriate, their conditions of use; or

   ii. a signed declaration stating that Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods has been complied with; and

- **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
- **Commission Implementing Regulation (EU) 2016/6** of 5 January 2016 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 and repealing Implementing Regulation (EU) No 322/2014.

[18] For example, products concerned by Commission Implementing Decision (**2011/884/EU**) of 22 December 2011 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC.

[19] For example:

h) a signed declaration stating that the products presented for official control do not contain food enzymes, or

   i. identification of the food enzymes used, their technical characteristics (origin and purity criteria) and, where appropriate, their conditions of use, or

   ii. signed declaration stating that Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes has been complied with.

Optionally, the information indicated in this point may be provided using the model ***Declaration of general health information,*** available on the website of the Subdirectorate-General for Foreign Health via the link (https://www.mscbs.gob.es/profesionales/saludPublica/sanidadExterior/guias_protocolos/Importac_atun_para_industria_conservera_o_consumo_directo-210820.pdf).

In the event of opting for the submission of such a declaration, it may cover only one reference of the products, and as many declarations must be submitted as there are references to be imported. However, it is sufficient if it is submitted only once to the relevant Foreign Health Service, provided that there are no changes to the information relating to each product, and each consignment is accompanied by a signed declaration attesting to the link between the goods and the ***Declaration***.

3. OTHER DOCUMENTATION OF A COMMERCIAL OR ADMINISTRATIVE NATURE

In addition to the documentation indicated in the preceding paragraphs, the following documentation of a commercial or administrative nature must be provided in all cases:

a) copy of the commercial invoice;

b) copy of the bill of lading of the consignment (air - -Air Bill- or sea - -Bill of Lading) or the transport document (road or rail transport);

c) copy of the packing list, where available;

d) confirmation of the summary declaration or of arrival of the consignment, unless this information can be verified through the application of the port or airport; and

e) where applicable, a copy for the administration of the self-assessment form for the fee for veterinary checks on products of animal origin from third countries (Fee 060), or for official controls on imports of certain products of non-animal origin (Fee 071).

- CN code **ex 2106 10**, in accordance with Commission Implementing Regulation (EU) 2019/2007 of 18 November 2019 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC.

4. HOW TO SUBMIT THE DOCUMENTATION

The delivery of the documentation to be submitted to the Foreign Health Services in accordance with the provisions of this note must be made exclusively in electronic format, and submission through the General Electronic Register (https://rec.redsara.es/registro/action/are/acceso.do) will be considered sufficient.

Notwithstanding the above, original documents issued on paper by the competent authorities of third countries shall be submitted in physical format.

Confirmation of the activation of the summary declaration/arrival of the goods may also be sent by e-mail.

This is hereby communicated for your information and for all appropriate purposes.