

FREQUENTLY ASKED QUESTIONS

Disclaimer: These FAQs are meant to serve merely as guidance and consequently have no legal merit. They can also be subject to amendments.

1. THE LEGISLATION

Q: Where can I get a copy of the EU measures on food and feed originating in or consigned from Japan?

A: The relevant legislation is available at

http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2016_003_R_0003&from=EN

Q: Who are the competent authorities in Japan that can sign the declarations concerning the consignments?

A: A list is available on MAFF's website (http://www.maff.go.jp/j/export/e_shoumei/index.html, only in Japanese). For any questions concerning the list, please contact MAFF directly.

2. THE SCOPE OF THE LEGISLATION

Q: Does the prefecture of origin apply to the place of the manufacturing plant?

A: Yes, it applies to the plant.

Q: What about the origin of raw material for processed products?

A: Each consignment of mushrooms, fish and fishery products, with the exception of scallops, rice, soybeans, (Japanese) persimmon, Japanese or giant butterbur (fuki), Aralia spp., bamboo shoot, bracken, Japanese royal fern, ostrich fern and koshiabura or a derived product thereof or a compound feed or food containing more than 50 % of those products, originating in or consigned from Japan, shall be accompanied by a valid declaration (the model set out in Annex III). If the product originates in one of the prefectures listed in Annex II, the sampling and analysis of this product is required. Also, fish and fishery products caught or harvested in the coastal waters of the prefectures of Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Chiba or Iwate shall be accompanied by a declaration as outlined in Annex III and by an analytical report containing the results of sampling and analysis, irrespective of where such products are landed.

Q: In case of marine products, if the fishing or harvesting ground is outside the designated prefectures but the vessel uses a port in a designated prefecture, what is required?

A: Fish and fishery products caught or harvested in the coastal waters of the prefectures of Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Chiba or Iwate shall be accompanied by a declaration as outlined in Annex III and by an analytical report containing the results of sampling and analysis, irrespective of where such products are landed.

Q: Are food additives including flavourings included within the scope of Regulation?

A: Yes they are.

Q: This regulation applies to food and feed. Does food include enzymes? If so, which enzymes (enzymes for food/ medical use/ industrial use) are included?

A: It includes enzymes for the feed and food production. It does not include enzymes used for non-feed or non-food purposes but this must be clearly mentioned on the accompanying documents.

Q: Does the regulation include pharmaceuticals?

A: Pharmaceuticals are not included.

Q: What about alcoholic beverages?

A: Alcoholic beverages excluded from the scope of the regulation.

3. BORDER CONTROLS

Q: Can Member States impose stricter measures that go beyond the Regulation?

A: Member States cannot go beyond the safeguard measures in this Regulation before they have notified the European Commission. So far, no Member State has notified the Commission of additional measures.

Q: For goods coming from the listed prefectures, are testing results other than Caesium-134 and Caesium-137 required at border controls?

A: No, official border controls will not require more than the test result of these 2 substances.

4. SAMPLING AND TESTING

Q: Is there an official testing method prescribed?

A: There is no official testing method. Spectrometry is relatively straightforward and therefore does not allow for a wide variety of testing methods.

Q: How can we show that the test result of the sample reflects the shipment? Does the Regulation require any matching proof that the result applies to the consignment?

A: That is the reason why the batch identification code should appear on the declaration and on the analysis bulletin. This should ensure that the analytical result and the declaration relate to the consignment they are accompanying.

Q: Does the testing have to be done on the manufacturing date or on the packaging date? If it is on the basis of the manufacturing date, can a copy of that test result be used for the same product even if it has different packaging date?

A: If the product is sold as one batch then you have only to sample and analyse once. If you use the same batch of raw materials, it needs to be sampled and analysed only once. But traceability must be ensured for the batches of food produced from this raw material and there should be no possibility for additional exposure to radio-activity during processing and packaging.

Q: Do we have to expect any further difficulties if we want to dispatch samples for analysis from Japan to the EU? For example, if samples come from one of the items on Annex II and/or were produced/harvested after the 11th of March?

A: No, but the samples should be clearly marked as samples for analysis, and should be destined to a laboratory.

Q: Samples are going to be dispatched by aircraft. Do we have to consider special packaging instructions?

A: No, usual packaging will suffice.

Q: In which way will samples be observed at the airport? Do common procedures exist among Member States?

A: These samples should be accepted for transmission to the laboratory without any problem. But again, it has to be clearly mentioned that it concerns a sample for analysis and the addressee needs to be a laboratory.

Q: How is bottled drink tested? Will the bottle be tested or the actual drink itself?

A: Usually the analysis is done on the drink itself. So the bottles will have to be opened.

Q: The regulation says that the testing will be done at the expense of the exporter. How much does the testing cost?

A: There might be some differences amongst Member States but they all have to abide by the rule that financial charge has to relate to the effective costs of the control. The European Commission has been informed that laboratory analysis itself costs about 50 – 150€.

Q: What does "results of sampling" mean?

A: It means the analytical results.

5. LABORATORIES

Q: Do you have any requirement for testing laboratories? Do you have a list of laboratories which you accept?

A: We have no specific requirements for the laboratories. But the laboratories must be accredited or have quality procedures in place. These should ensure that the analytical results are reliable. In case there is a need for an analytical result, by signing the declaration the competent authority confirms that the analytical result is reliable.

Q: Is it acceptable to send samples from Japan to a foreign laboratory for testing, or does the testing need to be completed in Japan?

A: The sampling of a batch should be done in Japan, but the sample can be sent for analysis to any accredited laboratory in the world (or one with quality procedures in place), but on the condition that the Japanese authorities accept this analysis as sufficient basis for signing the declaration. The sample has to be clearly labelled indicating that it is a sample for analysis and this should also be evident from the accompanying documents.

6. USE OF CODE

Q: The Commission regulation requires a "code". Does it refer to the HS code?

A: No, it is the batch identification code. Every batch has an identification code (production code) to ensure its traceability.

7. USE OF CERTIFICATE

Q: If the certificate is not ready before the sea shipment departs Japan can it be sent to the importer at a later stage for the importer to submit it to customs? Or does the certificate have to be attached to the shipment all time?

A: That is not absolutely necessary. But some basic rules have to be respected:

- (1) The sample has to be taken before the shipment leaves Japan;
- (2) All documents must be available so that the competent authority in Japan can verify all the points he is attesting and in that case mentioning the unique batch identification code is of major importance;
- (3) The attestation and the analytical bulletin must be available at the time of arrival of the consignment.

Q: Does the original of the test have to be attached or is a copy also acceptable?

A: A copy is acceptable but it must refer to a specific batch (batch identification code).

Q: If a product which is one of the items in Annex II imported from a third country is kept in storage in the prefectures mentioned in Annex II and then exported to the EU, do you require a certificate?

A: If it has not been exposed to any radio-activity it does not need to be analysed. However, because it might appear from the documents accompanying the product that it is consigned from the prefectures mentioned in Annex II, it is appropriate to enclose an attestation indicating that the product has been harvested and produced in a region outside the prefectures mentioned in Annex II.

The attestation could also indicate that the product has only been stored for a short period in the affected region and that it has not been exposed to radio-activity.