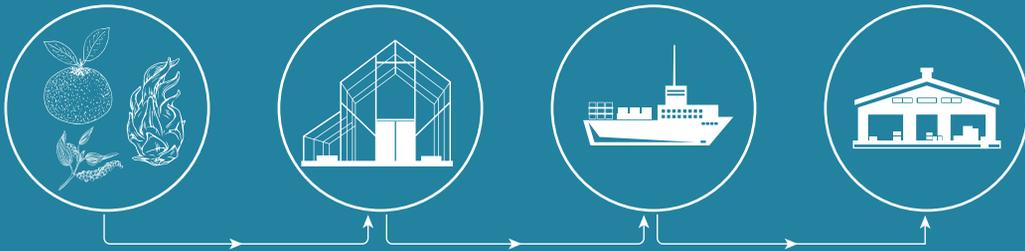


EU FOOD SAFETY AND PLANT HEALTH REGULATIONS FOR IMPORTED PLANT ORIGIN FOODS

(Guidance document with focus on Vietnamese fruits and vegetables exported to the EU)



SYMST - VIET NAM
THE SYSTEMATIC MECHANISM FOR SAFER TRADE PROJECT



International
Trade
Centre



European Union

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(Document for Internal Circulation Only)

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INTRODUCTION

The EU-Vietnam Free Trade Agreement (EVFTA), between the European Union (EU) and Vietnam took effect on August 1, 2020. The Agreement has paved the way for increased trade between the EU and Vietnam. The EU has become one of the most attractive markets for Vietnamese agricultural products including fruits and vegetables (F&V), but the EU regulatory standards for food imports are also among the highest in the world.

Apart from customs procedures, almost all EU mandatory requirements for imported plant products (including F&V) are related to food safety and plant health issues.

The EU has very detailed and strict rules to protect consumer health, animal and plant health, and environment. Every country which aims to export food products to the EU is obliged to meet established requirements. Without following the compliances, any food products are not allowed to enter the EU.

Due to lack of knowledge about EU requirements on food safety and plant health, Vietnamese F&V exported to the EU often face non-compliance or rejection, some commodities have been included in the list of products required special controls of EU competent authorities.

The International Trade Centre (ITC) implements SYMST (Systematic Mechanism for Safer Trade), a project funded by the European Union (EU) to develop a systematic approach for technical support to two countries in ASEAN, namely Vietnam and Lao PDR, for compliance with regulatory measures on food safety and plant health in F&V sectors, as well as on other plant products. The project aims at providing support in the area of plant health and pesticides use and control of the F&V as well as other plant product supply chains.

Plant Protection Department (PPD) of Viet Nam, designated as the National Plant Protection Organization (NPPO), is cooperating with the ITC as SYMST National Focal Point to implement SYMST in Vietnam with the purpose to enhance national capacity in dealing with food safety and plant health issues in F&V production and marketing.

The overall objective of the project is to improve food safety through better governance in Vietnam. The specific objective is to strengthen regulatory framework for control of plant health and pesticides in F&V sectors and other products through the application of norms and standards and improve market access.

Understanding EU regulatory requirements on food safety and plant health is key to successful access to EU market. Therefore, the most important activity of SYMST-Vietnam is focusing on the dissemination of information and awareness raising on plant health and pesticide issues in Vietnam. A priority activity identified by stakeholders of the project is publication of a bilingual English & Vietnamese guidebook on EU regulations related to food safety and plant health for imported plant products with focus on F&V and target products of the project (pomelo, dragon fruit, and black pepper) when applicable.

The purpose of this guidebook is to provide the producers and businesses, particularly small and medium-sized enterprises (SMEs) and other stakeholders of F&V production chain in Vietnam with an overview of EU legal requirements on food safety and plant health for imported plant products from outside the EU including Vietnam with focus on fruits and vegetables intended to be exported to the EU.

This guidebook also devotes one section for providing answers on some of the questions most frequently asked by Vietnamese F&V producers and exporters about topics related to current EU food safety and plant health rules. The information presented in this document will help the readers to understand and implement the EU SPS regulations for the plant products and F&V in order to export to EU markets.

This guidebook has been written mainly for Vietnamese producers and exporters of plant products including fruits and vegetables to EU markets and is intended to provide information on the legal requirements for market access. Information is given for producers and exporters of conventionally produced fresh and minimally processed fruits and vegetables, and a brief information is provided on export of organic fruits and vegetables.

The book does not cover EU requirements for planting material, genetically modified (GMO) products, products processed using quick freezing, canning, and products containing additives, composite foods, novel foods, or those prepared for special nutritional purposes as these have additional regulatory requirements.

It is hoped that this guidebook will be a useful reference material for Vietnamese producers, exporters, and related stakeholders of F&V production chains for export to the EU market and contributes to safer trade between Vietnam and EU.

Note: This document has been prepared based on of available sources of published information related to currently effective EU regulations on food safety and plant health. The EU regulations are subject to frequent amendments and change. The users of this document are strongly advised to check the relevant EU legislations and the information provided by the European Commission.

LIST OF ABBREVIATIONS

AD	- Additional Declaration
BCP	- Border Control Post
CA	- Competent Authority
CHED	- Common Health Entry Document
CHED-PP	- Common Health Entry Document for Plants and Plant Products
CP	- Control Point
DG SANTE	- Directorate General on Health and Food safety
e- COI	- Electronic Certificate of Inspection
EFSA	- European Food Safety Authority
EU	- European Union
EVFTA - EU	- Vietnam Free Trade Agreement
F & V	- Fruit and Vegetables
FAO	- Food and Agriculture Organization
FBO	- Food Business Operator
FFVs	- Fresh Fruits and Vegetables
GAP	- Good Agriculture Practice
GGN	- Global GAP Number
HACCP	- Hazard Analysis and Critical Control Points
IMSOC	- Information Management System for Official Control
IPM	- Integrated Pest Management
IPPC	- International Plant Protection Conventio
ISO	- International Organization for Standardization
ISPM	- International Standards for Phytosanitary Measures
ITC	- International Trade Center
LOD	- Limit of Detection
MARD	- Ministry of Agriculture and Rural development

MRL	- Maximum Residue Limit
NPPO	- National Plant Protection Organization
OFIS	- Organic Farming Information System
PAN	- Pesticide Action Network
PC	- Phytosanitary certificate
PPD	- Plant Protection Department
PRA	- Pest Risk Assessment
PUC	- Production Unit Code
QP	- Quarantine Pests
RASFF	- Rapid Alert System for Food and Feed
RNQP	- Regulated Non - Quarantine Pest
SMEs	- Small and Medium - sized Enterprises
SPS	- Sanitary and Phytosanitary Measures
SYMST	- Systematic Mechanism for Safer Trade
TBT	- Technical Barrier to Trade
TRACES	- Trade Control and Expert System
WTO	- World Trade Organization

DEFINITIONS

EU Regulation: The text of the law that must be applied directly by all EU member states without changing requirements or criteria.

EU implementing regulation: The legally binding act that is directly applicable in all member states of the European Union. Implementing regulations are always limited in scope. Their aim is to ensure uniform implementation of EU regulation, and the subject-matter of any implementing regulations serves that goal alone.

EU Delegated Regulation: The legally binding act of the European Union that is directly applicable in all member states. Delegated regulations are limited in what they can set out to regulate. Delegated regulations can be used to supplement existing legislation on non-essential parts or amend specific and non-essential elements of a legislative act.

EU Directive: The text of the law that must be interpreted and incorporated into national law by each member state. Directives require EU countries to achieve a certain result but leave them free to choose how to do so. EU countries must adopt measures to incorporate them into national law (transpose) in order to achieve the objectives set by the directive. National authorities must communicate these measures to the European Commission.

EU Decision: A specific time limited measure for additional official controls, and is normally made in response to recognition of a risk to human, plant or animal health via an existing or emerging risk.

Food: Food or foodstuff means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans.

Food of animal origin – includes all forms of meat, fish, shellfish, gastropods, crustaceans, milk and any products prepared from these foods.

Food of non-animal origin – refers to fruits, vegetables, cereals, roots, tubers, nuts, edible fungi, drinks prepared from fruit or vegetable products, spices, condiments and food of mineral origin such as salt.

Foods of plant origin: Produce (fruits and vegetables), sprouts, culinary herbs, nuts, edible fungi, maple and honey products.

Food business: means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food;

Food business operator: means the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control;

Food safety: refers to an entire system of managing risks of food contamination and food-borne illnesses.

Food hygiene: is all the measures that must be undertaken in order to ensure the safety of food at all stages of the production chain in the food industry. Food hygiene is a subcategory of food safety.

Official controls of foods: The activities carried out by competent authorities to ensure the safety and integrity of all food, food products and ingredients at each stage of the agri-food chain and verify that all involved in the agri-food chain are complying with legislation requirements and hygiene standards. Official controls include audits, inspections, sampling and analysis of food establishments, foods and goods.

Primary production: means the production, rearing or growing of primary products including harvesting, milking and farmed animal production prior to slaughter. It also includes hunting and fishing and the harvesting of wild products.

Post-harvest processing: refers to any procedure carried out on fruits or vegetables after harvesting (other than simple sorting and grading), this would include processes such as washing, trimming and cutting.

Sanitary and Phytosanitary (SPS) measures: refers to all measures intended to protect human, animal or plant health.

Technical Barriers to Trade (TBT) measures: refers to non-health related measures such as marking, labelling, packaging, market grade standards and conformity assessments to EU standards.

Precautionary principle: In case of emergencies, immediate action can be taken in the absence of scientific evidence and justified at a later date when the evidence becomes available.

Traceability: refers to the ability to trace and follow a food or substance intended to be incorporated into a food through all stages of production, processing and distribution.

In practice this means a system of record keeping and documentation by food businesses to enable tracing or tracking of the movement of a product or ingredient through every stage of the food chain.

Third country supplier: refers to any producer, processor or exporter in a country outside of the EU who wishes to supply foodstuffs or food ingredients to EU market

SECTION I

BRIEF INFORMATION ON SANITARY AND PLANT PHYTOSANITARY MEASURES IN GLOBAL AND EU - VIETNAM TRADE

1.1. WTO and SPS Agreement

The World Trade Organization (WTO) is the only global international organization that oversees the global trade rules among nations.

The WTO is based on agreements signed by the most of the world's trading nations. The main function of the organization is to help producers of goods and services, as well as exporters and importers, protect and manage their businesses. In early 2021, the WTO has 164 member countries representing more than 98% of world trade and 25 “observer” countries and governments.

European Union, all 27 members of the Union and Vietnam are the members of the WTO and the signatories of the Agreement on the Application of Sanitary and Phytosanitary Measures (the “SPS Agreement”). This Agreement concerns the application of food safety and animal and plant health regulations. The Agreement sets out the basic rules for food safety and animal and plant health standards in global trade between the WTO members. Being the members of WTO, EU and Vietnam have an obligation to fulfill the requirements of this Agreement in international and bilateral trade.

The SPS Agreement allows EU and Vietnam, as well as other WTO members to set their own regulations and standards. But it also requires regulations must be scientifically- based. They should be applied only to the extent necessary to protect human, animal or plant life or health. And they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

Member countries are encouraged to apply international standards, guidelines and recommendations where they exist. However, members may use measures which result in higher standards if there is scientific justification. They can also set higher standards based on appropriate assessment of risks if the approach is consistent, not arbitrary. The agreement also allows countries to use different standards and different methods of inspecting products.

All countries maintain measures to ensure that food is safe for consumers, and to prevent the spread of pests or diseases of animals and plants. The SPS measures can take many forms, such as requiring products to come from a disease-free area, inspection of products, specific treatment or processing of products, setting of allowable maximum levels of pesticide residues and harmful contaminants or permitted use of only certain additives in food. SPS measures apply to domestically produced food or local animal and plant diseases, as well as to products coming from other countries.

The European Community, all the EU member States, and Vietnam are also the members of the International Plant Protection Convention (IPPC), an international treaty which works to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control.

At present, SPS requirements for imported plant products are fully harmonized at the EU level. The same standards are applicable to all products regardless of origin – either produced in any of the EU Member States or imported from other countries. SPS requirements for commodities originating from non-EU countries have to fulfil the same standards or equivalent standards as those applicable for trade within the EU. Therefore, the same SPS standards apply to all EU Member States and trade partners exporting to the EU in a non-discriminatory manner.

Most EU regulatory requirements for plant products imports comply with the SPS agreement. However, some EU measures require higher standards than those set under the WTO agreements and the EU also applies the precautionary principle which allows for emergency measures to be applied without waiting for scientific evidence.

EU food legislation mainly consists of “Regulations” and “Directives” and rules for their implementation. Directives lay down results that must be achieved but each Member State is free to decide how to transpose directives into national law. Regulations do not require transposition. They are binding in their entirety and automatically enter into force on a set date in all EU Member States. Amendments to EU legislation are published in separate directives and regulations. Consolidated texts, i.e. the consolidation of a basic legal act and subsequent amendments into one text, are available on the European Commission’s Eurolex website. EU laws are translated into the 24 official languages in use in the EU-27 and published in the Official Journal as soon as they are translated. New SPS measures or modifications of existing regulations proposed by EU are notified as required by SPS Agreement.

1.2. EVFTA and SPS related issues

The EU is one of the most outward-oriented economies in the world. It is also the world's largest single market area. Free trade among its members was one of the EU's founding principles, and it is committed to opening up world trade as well.

The European Union-Vietnam Free Trade Agreement (EVFTA) came into force on August 1st, 2020. Since then, 65% of customs duties have already been eliminated on EU exports to Vietnam and 71% of customs duties have been eliminated in the other way. It is expected that 99% of the tariff lines will have disappeared for both parties over a period of 10 years. The creation of this free trade zone makes Vietnam attractive to European companies and investors and the Union attractive to the Vietnamese companies. With the implementation of the EVFTA, trade flows between EU and Vietnam is expected to increase. A large and high- value market has been opened for Vietnamese F&V products.

The EVFTA contains one Chapter on SPS measures application of the Parties. The objectives of this chapter are similar with the objectives of the WTO SPS Agreement: to protect human, animal or plant life or health in the territory of each Party while facilitating trade between the Parties and to ensure that SPS measures adopted by each Party do not create unnecessary obstacles to trade. However, this chapter aims at enhancing the effective implementation of the principles and disciplines of the SPS Agreement and international standards, guidelines and recommendations developed by relevant international organizations in EU- Vietnam trade.

Two specific objectives of this chapter are:

- To strengthen communication and cooperation on, and resolution of SPS matters that affect trade between the Parties and other agreed matters of mutual interest; and
- To promote greater transparency and understanding in the application of each Party's SPS measures.

The EVFTA also aims at supporting the implementation of the WTO SPS Agreement obligations, which are translated and made more operational within the EVFTA context.

Although EU legislation on food safety and plant health cannot apply directly outside the EU and in Vietnam, the buyers in the EU must comply with the law for all foodstuffs including imports and therefore will require Vietnamese exporters to meet the EU legal requirements for EU market access. Compliance with EU legislation on food

safety and plant health is a precondition for business cooperation between EU importers and Vietnamese exporters, including F&V exporters.

1.3. Summary of current legal requirements on food safety and plant health for plant origin products imported into the EU

Plant origin products including F&V exported to the EU and the exporters of these products do not need official approval from the EU authority prior to export. The approved countries and exporters list only applies to food of animal origin.

Apart from customs dossier for export and import, all consignments of plant origin products including F&V exported to the EU from Vietnam must comply with the following minimal legal requirements on plant health and food safety:

- The product must not be included in the list of plants, plant products prohibited or temporally suspended for entry into the EU countries;
- The product must be free from quarantine pests (QPs) of the EU and practically free from other pests;
- Each consignment must be accompanied by a phytosanitary certificate (PC) issued by Plant Protection Department (PPD). For obtaining the PC, some products need special quarantine treatment conducted by an accredited treatment provider according to requirements of the EU and instructions of PPD.
- Only five fruits (pineapple, banana, coconut, durian and dates) do not require a phytosanitary certificate;
- Contamination with pesticides and chemical contaminants (other than pesticides) must not exceed the maximum levels permitted under EU law;
- Contamination with microbial organisms in precut or processed fruits and vegetables must not exceed the maximum level permitted under EU law;
- Wooden packaging should comply with the international standard on wooden packaging (ISPM-15);
- Consignment packaging and labelling must comply with the EU rules;
- Consignments of products that fall under the EU market grade standards must have certificates of conformity;
- Be imported into the EU by a registered importer with a Member State's official Register;

- Be notified to the Border Control Post (BCP) via Trade Control and Expert System (TRACES) before arrival to the point of entry at least 01 working day before physical arrival of consignments;
- The suppliers must comply with the requirements for traceability and food hygiene, food safety culture and have a system in place with information to the Competent Authorities (CAs) of EU and Vietnam upon request;
- Organic products intended for export to the EU must comply not only with all requirements for conventional products, but also with additional specific requirements for these products;
- All consignments should undergo customs inspection, food safety and plant health official controls at the designated Border Control Post (BCP) at the point of entry into the EU.
- EU legislation may impose special import conditions related to food safety or plant health for specific products originating from certain third countries including Vietnam. Products which are required special import conditions shall be accompanied by the results of sampling and analyses performed by the competent authorities of the relevant third country and by an official certificate.

In practice, the EU importers are responsible for ensuring that all foodstuffs imported into the EU comply with the requirements of EU food law and must be able to provide evidence of compliance when required. As a result the EU importers are obliged to require third country suppliers to meet the requirements of EU food law.

EU legislation establishes the minimum requirements for market access. Apart from these mandatory requirements, EU buyers can also demand the suppliers to meet additional requirements such as food safety certification, food quality certification, lower pesticide residues than legally allowable levels, social and environment responsibilities of exporting enterprises...

EU regulations are subject for frequent amendments and change. The producers and companies exporting products to the EU are strongly advised always check the relevant EU legislations and the information provided by the European Commission.

What you must remember:

- *Vietnamese plant origin products including fruits and vegetables exported to the EU and the exporters do not need official approval from the EU authority prior to export*

- o *Apart from customs procedures, plant origin products exported to the EU must comply with legally binding requirements on plant health and food safety*
- o *EU legislation establishes the minimum requirements for market access. EU may impose special import conditions for specific products originating from certain third countries, including Vietnam.*
- o *EU buyers can require the exporters to meet additional or higher requirements on certification of food safety and quality.*

SECTION II

EU LEGISLATION ON FOOD SAFETY FOR IMPORTED PLANT PRODUCTS

2.1. Principles and objectives of EU food legislation

Regulation (EU) 178/2002 is called the EU General Food Law. It aims to provide the basis for high levels of protection for human health and consumers' interest in relation to food and feed. The Regulation lays down the general principles governing food and feed in general, and food and feed safety in particular at Community and national level. It establishes the European Food Safety Authority and lays down procedures for matters with a direct or indirect impact on food and feed safety. This Regulation applies to all stages of production, processing and distribution of food and feed. However, this regulation does not apply to primary production for private domestic use or to the domestic preparation, handling or storage of food for private domestic consumption.

Main principles EU food legislation

- Primary responsibility for food safety borne by the food business operators (FBOs)
- Food safety ensured throughout the food chain “from farm to fork”
- Procedures based on the Hazard Analysis and Critical Control Points (HACCP)
- Precautionary principle: Provisional risk management measures may be adopted to achieve high level of health protection without waiting for scientific evidence
- Transparency: Public consultation and information
- Application of basic common hygiene requirements and specific requirements for certain categories of food
- Registration or approval for food establishments
- Flexibility provided for food produced in remote areas (e.g high mountains, remote islands and for traditional production and methods).

Main objective of EU food legislation

- To guarantee a high level of protection of human life and health and the protection of consumers' interests
- To guarantee fair practices in food trade, taking into account animal health and welfare, plant health and the environment
- To facilitate global trade of safe food

The main requirements of EU General Food Law are:

- Food (and feed) must not be unsafe, i.e. it must not be injurious to health or unfit for human consumption
- Labelling, advertising and presentation of food must not mislead consumers
- Food businesses must be able to identify the businesses from whom they have obtained food, ingredients or food producing animals and the businesses they have supplied with products, and produce this information on demand
- Unsafe food must be withdrawn from sale or recalled from consumers if it has already been sold.

Traceability is a cornerstone of the EU's food safety policy. The EU's General Food Law makes traceability compulsory for all food and feed businesses. Traceability is a risk- management tool which allows food business operators or authorities to withdraw or recall products which have been identified as unsafe.

Under EU law, "traceability" means the ability to track any food, feed, food-producing animal or substance that will be used for consumption, through all stages of production, processing and distribution. It requires that all food and feed operators implement special traceability systems. They must be able to identify where their products have come from and where they are going and to rapidly provide this information to the competent authorities.

Traceability is a way of responding to potential risks that can arise in food and feed, to ensure that all food products are safe for consumers. It is vital that when national authorities or food businesses identify a risk they can trace it back to its source in order to swiftly isolate the problem and prevent contaminated products from reaching consumers. In addition, traceability allows targeted withdrawals and the provision of accurate information to the public, thereby minimising disruption to trade.

2.2. European Food Safety Authority (EFSA)

EFSA is a public European agency funded by the European Union that operates independently of the European legislative and executive institutions (Commission, Council, Parliament) and EU Member States. The agency was legally established in 2002 by the EU under the Regulation 178/2002.

The establishment of EFSA marked a crucial reform of European food system: the separation of **risk assessment** and **risk management**. EFSA's role is clearly defined as the EU's risk assessor and the provider of independent scientific advice and communication on risks associated with the food chain.

EFSA produces independent scientific opinions and advice that provide an evidence-based foundation for European policies and legislation and support the European

Commission, the European Parliament and Member States in taking effective, appropriate and timely risk management decisions. EFSA work forms the basis for the European policies and legislation in the food safety area. Its remit covers: food and feed safety; nutrition; animal health and welfare; plant protection and plant health.

EFSA's work involves:

- Gathering scientific data and expertise
- Providing independent, up-to-date scientific advice on food safety issues
- Communicating its scientific work to the public
- Cooperating with eu countries, international bodies, and other stakeholders
- Boosting trust in the EU's food safety system by providing advice dependable

Operating with a commitment to openness, independence and transparency, EFSA works in cooperation and dialogue with all stakeholders in the food chain advice.

EFSA's scientific work is led by its scientific committee and its 10 panels, made up of leading scientists. If more specialized knowledge is needed, a panel may set up a working group. These groups include both EFSA scientists and external experts. EFSA also works closely with other EU agencies active in the field of health and safety issues relating to humans, animals, and the environment.

Please, visit the Website of EFSA (<https://www.efsa.europa.eu/en>) for more detailed information.

2.3. Rapid Alert System for Food and Feed (RASFF)

Regulation (EC) No 178/2002 is the legal basis of the Rapid Alert System for Food and Feed (RASFF). The European Commission created the RASFF database to keep its information as transparent as possible to the consumers, business operators and authorities around the world.

RASFF is a concrete and visible result of European integration. The quick exchange of information about food and feed related risks to human health ensures coherent and simultaneous actions by all EU Member States. This is a major contribution to consumer safety.

RASFF is a key tool to ensure the flow of information to enabling rapid reaction when risks to public health are detected in the food chain. This tool enables all RASFF members to take coordinated, coherent and simultaneous actions with the objective to ensure the highest possible level of consumer protection. Thanks to RASFF, many food safety risks had been averted before they could have been harmful to the consumers.

At present, the members of RASFF include:

- All 27 EU Member States
- EEA countries (Norway, Liechtenstein and Iceland) and the EFTA Secretariat coordinating the input from the EEA countries
- The European Food Safety Authority (EFSA) and
- The European Commission as manager of the system
- Switzerland is a partial member of the system.

Members of RASFF must immediately notify the Commission via the system when they have information regarding a serious health risk deriving from food or feed. The specific criteria triggering a notification are set out in the legislation.

All starts with the notification by a member of the RASFF network of the existence of a serious, direct or indirect, risk to public health linked to food or feed. This information reaches the European Commission (as manager of the system), which in turn verifies the notification and immediately transmits it to the other members of the network.

A common template is used to provide all relevant and useful information including identification of the product, hazard(s) found, measure(s) taken and information on tracing the product.

Upon receiving the information, other member countries check if they are concerned. If the product is on their market, they can trace it using the information in the notification. They report back on what they have found and what measures they have taken for a transparent and mutual information of all RASFF members. In case of products from the EU, the Member State from which the product originates also reports on the outcome of its investigations regarding the origin, distribution and cause of the problem identified. This allows other member countries to take rapid action if and when needed.

In addition, following a notification by a member of RASFF, the system allows member countries to request clarification as regards the timing, scope or nature of notification. For instance, when there is evidence that an incident could have been reported earlier, it is possible to ask the notifying country for an explanation.

The RASFF portal gives public access to summary information about the most recently transmitted RASFF notifications as well as the ability to search for information on any notification issued in the past. The information on the type of product and the problem identified, the origin of the product and the notifying Member State is published. Trade names and the identity of individual companies are not published.

The RASFF Window is an online database of RASFF notifications classified as alert, information notification or border rejection as part of its RASFF Portal. One part of the database is public and accessible to any user, who can have a “view-only” access to the notifications. To be able to access also to follow-up notifications, add feedback and export or print the information in the database, you need to be member of RASFF

The RASFF consumers' portal is a consumer-friendly internet tool providing latest information on food recall notices. It includes also public health warnings issued by food safety authorities and food companies. By using this free tool, the consumers can identify food that has been flagged in the system allowing them to make more informed choices. In the RASFF consumers' portal, users get access to practical information on product recalls and public health warnings in any given EU country.

By selecting any EU country, the user can view the list of recent notices provided by EU countries or business operators on consumer recalls. The information can be consulted in the "Published" section of the portal. After a four-week period, notifications will be removed from portal.

For more detailed information on RASFF, please visit the following page: https://ec.europa.eu/food/safety/rasff_en.

What you must remember:

***Regulation (EU) 178/2002 (EU General Food Law)** is the most important legislative document laying down the general principles and rules governing food safety in the EU. It applies to all stages of production, processing and distribution of food (from farm to fork). All food products exported to the EU must comply with the requirements of this regulation.*

***EFSA** is the independent risk assessor and the provider of independent scientific advice for European policies and legislation and communication on risks associated with the food chain in general and food safety in particular.*

***RASFF** is a key tool to ensure the flow of information to enabling swift reaction of the EU Member States when risks to public health are detected in the food chain. The RASFF Window is an online database of RASFF notifications. One part of the database is public and accessible to any user, who can have a “view-only” access to the RASFF notifications.*

2.4. EU regulations on pesticides and pesticide residues in foods

EU legislation (particularly Council Directive 79/117/EEC) previously prohibited (sometimes known as "banned") the placing on the market and use of plant protection products containing certain active substances which, even if applied in an authorised manner, could give rise to harmful effects on human health or the environment.

From 14 June 2011, the marketing of plant protection products in the EU has been subject to **Regulation (EC) No 1107/2009**. The Regulation prohibits use of any active substances in plant protection products unless they have been approved for that purpose in accordance with the Regulation. This general prohibition rendered Council Directive 79/117/EEC superfluous and the Directive was therefore repealed, also from 14 June 2011.

A number of active substances remain specifically prohibited by **Regulation (EC) 850/2004** as persistent organic pollutants (POPs).

The approval of pesticide active substances and authorization of plant protection products in the EU have been regulated since 2011 by **Regulation (EC) 1107/2009** concerning the placing of plant protection products on the market. An active substance can be approved only if it is demonstrated that the substance and its residues:

- Do not have any immediate or delayed harmful effects on human or animal

health, directly or through drinking water, food, feed or air, or exposure in the workplace or through cumulative and synergistic effects (where the scientific methods to assess such effects are available)

- Do not have unacceptable effects on the environment, particularly with regards to non-target species and biodiversity

Pesticide active substances approved in the EU are listed in **Implementing Regulation (EC) 540/2011** and its amendments. The EU approved pesticides can also be found in the EU pesticide database.

The authority and consumers of EU are very concerned about pesticide residues in food. Since 2005, maximum residue levels are set using a harmonized approach in the European Union, according to **Regulation (EC) 396/2005 (MRL Regulation)** of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin.

Objectives of the MRL Regulation:

- Ensure a harmonized high level of consumer protection
- No unacceptable risk to humans
- MRL set at lowest achievable level consistent with Good Agricultural Practices (GAPs)
- Protecting vulnerable groups (children, unborn)
- Trade facilitation: Free circulation of food and feed in EU and Provisions for third countries (imports into EU)
- Transparency and predictability

This Regulation applies to products of plant and animal origin or parts thereof to be used as fresh, processed and/or composite food or feed in or on which pesticide residues may be present. The Regulation does not apply to the products with the evidence to be intended for:

- The manufacture of products other than food or feed;
- Sowing or planting;
- Activities authorized by national law for the testing of active substances.

Maximum residue levels for pesticides set in accordance with this Regulation also do not apply to products intended for export to third countries and treated before

export, where it has been established by appropriate evidence that the third country of destination requires or agrees with that particular treatment in order to prevent the introduction of harmful organisms into its territory.

According to **Regulation (EC) 396/2005**, products of plant and animal origin shall not contain, from the time they are placed on the market as food or feed, or fed to animals, any pesticide residue exceeding:

- The MRLs for those products set out in Annexes II and III of the regulation;
- **0,01 mg/kg** for those products for which no specific MRL is set out in Annexes II or III, or for active substances not listed in Annex IV **unless different default values are fixed** for an active substance while taking into account the routine analytical methods available. Such default values shall be listed in Annex V.

At present, about 70% of EU approved MRLs are at the same or higher values and 30% at lower values than CODEX Maximum Residue Limits.

List of EU approved MRL in food and feed is **frequently updated**, and there is a general tendency to lower pesticide limits. For example, there were 60 changes in the list of approved pesticides of EU during 2020. The European Union Directives on Maximum Residue Levels on Pesticides define these MRLs and should therefore be checked frequently by exporters and importers.

2.5. Searching for allowable MRLs from the EU Pesticide database

The EU Pesticides Database allows users to freely search for information on active substances approved for use in plant protection products and allowable MRL of pesticide residues in food products in EU Member States. Users can use the following search options to find their interested information:

- **Active substances**

The database contains information on active substances and basic substances, either approved or not approved in the EU.

The users can find the whole list of EU pesticides from the database by clicking the box “**export active substances**”. At present, the list contains a total of **1461** pesticide active ingredients arranged in alphabetical order in the Excel table, including **454 approved; 927 not approved; 63 pending; and 17 other** (not yet assessed at EU level) substances. The list also gives information on the category, date of approval, expiration of approval for each approved substance.

The absent of pesticide name in the list means the pesticide has not been registered in the EU.

- **Food products**

Users can search for a particular food product (e.g., pepper or pitaya/ dragon fruit) and retrieve the MRLs for all pesticide residues that apply to that product. For quick searching MRL of particular pesticide for selected product, the user can type the name of the active ingredient in the box “Filter option” to find the interested MRL. If the name of product interested by the user is not found, select “other products” in the group/ subgroup of the similar products.

- **Pesticide residues**

Users can select a particular pesticide residue in specific food products and find the current or historical MRLs that legally apply. If MRL of a specific pesticide for a particular product is not found in the database, it is likely that default MRL shall be applied unless the substance is exempt from MRL requirements (e.g. approved microbiological plant protection products)

According to current EU legislation on MRL of pesticide residues, A general

default **MRL of 0.01 mg/kg** applies where a pesticide is not specifically mentioned in the list of approved MRLs in the EU, unless different default values are fixed for an active substance while taking into account the routine analytical methods available.

It is important to note that a number of pesticides not approved or withdrawn in the EU are still legally permitted and popularly used in Vietnam (e.g. **Hexaconazole, mancozeb, propineb, zineb, imidacloprid, matriline, cartap, acephate, chlorfenapyr...**)(Annex 4). These pesticides should not be used in plant protection and must not be allowed to be contaminated with the products intended for export to the EU.

In addition, not all pesticide active substances permitted for use in Vietnam are registered in the EU and included in the EU list of approved pesticides. Very low MRL level (default MRL) of 0,01 ppm shall be applied for these substances in the Vietnamese products exported to the EU.

So, the best practical solution for Vietnamese F&V producers for exporting to the EU is to minimize the use of pesticides in general and avoid using the pesticides which are not in the list of approved pesticides in the EU. When it is necessary to use pesticides, the producers should select the active substances which are legally approved

in EU and permitted for use in Vietnam. EU also applies the policy to encourage the biological plant protection by removing the requirement on MRL for microbiological pesticides. So, along with the use of prevention, non-pesticide methods, biological pesticides should be a priority option in F&V pest management in case of need in order to ensure food safety requirements of the EU market.

In 2020, the European Union implemented a set of policies and actions called the **European Green Deal**, with the aim of making the European economy more sustainable and climate neutral by 2050. The action plan also includes a 50% reduction in the use of pesticides and an increase of the share of agricultural land used for organic farming to 25% by 2030. This means that many pesticides will be banned in the EU, and residue levels will decrease gradually over the next years.

The link for assessing the EU pesticide database: (https://ec.europa.eu/food/plants/pesticides/eu-pesticides-database_en)

2.6. Import tolerance

Regulation 396/2005 defines an import tolerance as being an MRL set for imported products to meet the needs of international trade where:

- The use of the active substance in a plant protection product on a given product is not authorized in the Community for reasons other than public health reasons for the specific product and specific use; or
- A different level is appropriate because the existing Community MRL was set for reasons other than public health reasons for the specific product and specific use.

An import tolerance is required when food or feed commodities imported in the EU contain residues of an active substance for which an MRL has not been set or is not set at the right level. This may be the case when:

- The imported commodity comes from a crop not grown in the EU;
- An existing MRL for the active substance does not reflect importation needs (e.g. it is too low for the specific crop use);
- The crop is grown in the EU but the active substance is not authorized for use on it;
- The active substance is not approved in the EU, i.e. has never been approved or has been withdrawn.

Applications for an import tolerance could be requested by manufacturers of plant protection products, growers/producers or importers. Applications are possible for active substances that are already approved in the EU or even those which are not.

For establishment of an import tolerance, data requirements, application dossiers, assessment, regulation setting process and timelines shall be the same as the establishment of a new MRL in the EU, but proof of authorization in third country and domestic MRL needed. In addition, EFSA also requires proof that the active substance has been approved and MRLs have been set in exporting countries.

You must remember:

- *The pesticide residues in the products exported to the EU must not exceed the maximum levels allowable under EU law.*
- *The **EU Pesticides Database** allows users to search for information on active substances approved for use in the EU and allowable MRL of pesticide residues in food products .*
- *If MRL of a specific pesticide for a particular product has not been established by the EU and is not found in the EU pesticide database, the default MRL of*
- ***0.01 mg/kg** shall be applied unless different default values are fixed for an active substance while taking into account the routine analytical methods available.*
- *There are pesticides not approved or withdrawn in the EU but still legally permitted for use in Vietnam. These pesticides should not be used in plant protection and not be allowed to be contaminated with the products intended for export to the EU.*
- *EU importers can demand the exporters to meet additional or stricter requirements about pesticide residues than the EU's acceptable levels.*
- *For application of an import tolerance, data requirements, application dossiers, assessment, regulation setting process and timelines shall be the same as the establishment of a new MRL in the EU and proof that the active substance has been approved and MRLs have been set in exporting countries is needed.*

2.7. EU regulation on food contaminants (other than pesticides)

Contaminants are substances that **have not been intentionally added to food**. These substances may be present in food as a result of the various stages of its production, packaging, transport or holding.

Food contamination generally has a negative impact on the quality of food and may imply a risk to human health, therefore the EU has taken measures to minimize contaminants in foodstuffs. Since many contaminants are naturally occurring, it would be impossible to impose a total ban on these substances.

EU has promulgated the Commission Regulation (EC)1881/2006 setting maximum levels for certain contaminants in foodstuffs. Maximum levels are set for the contaminants of greatest concern to EU consumers, either due to their toxicity or their potential prevalence in the food chain.

The most important contaminants of plant origin foods which are under strict controls of the EU include mycotoxins, heavy metals (such as lead and cadmium), dioxins and nitrates.

Vietnamese F&V producers and exporters should pay special attention on the contamination of lead, cadmium with allowable maximum levels as listed in Table 1. The rules for fruit and vegetables that are processed (for example, dried fruit or juices) may differ, considering dilution and concentration factors.

As the regulation on maximum levels of contaminants is also regularly updated, you must keep yourself up to date. By maintaining good contact with your buyers, they will often keep you up to date with changes in regulation which affect your food product business.

Read more about contaminants on the website of the European Commission and find an overview of the maximum contaminant levels **in the Annex of Regulation (EC) 1881/2006 and Regulation (EC) 2021/1317.**

You must remember:

- The most important contaminants of plant origin foods which are under strict controls of the EU include mycotoxins, heavy metals (such as lead and cadmium), dioxins and nitrates.
- Vietnamese F&V producers and exporters should pay special attention on the contamination of lead, cadmium.

Table 1: Current maximum limits of lead and cadmium in some F&V products

(According to Commission Regulations (EC) 1881/2006 amended and updated by (EC)2021/1317)

<i>Foodstuffs</i>	<i>Maximum level (mg/kgwet weight)</i>
Lead:	
<ul style="list-style-type: none"> • Root and tuber vegetables (excluding salsifies, fresh ginger and fresh turmeric), bulb vegetables, flowering brassica, head brassica, kohlrabies, legume vegetables and stem vegetables 	0,10
<ul style="list-style-type: none"> • Leafy brassica, salsify, the following fungi <i>Agaricus bisporus</i> (common mushroom), <i>Pleurotus ostreatus</i> (Oyster mushroom), <i>Lentinula edodes</i> (Shiitake mushroom) and leafy vegetables (excluding fresh herbs) 	0,30
<ul style="list-style-type: none"> • Wild fungi, fresh turmeric and fresh ginger Fruiting vegetables: 	0,80
<ul style="list-style-type: none"> • Sweetcorn 	0,10
<ul style="list-style-type: none"> • other than sweetcorn 	0,05
<ul style="list-style-type: none"> • Fruit, excluding cranberries, currants, elderberries and strawberry tree fruit 	0,20
Cadmium:	
<ul style="list-style-type: none"> • Vegetables and fruit, excluding root and tuber vegetables, leaf vegetables, fresh herbs, leafy brassica, stem vegetables, fungi and seaweeds 	0,050
<ul style="list-style-type: none"> • Root and tuber vegetables (excluding celeriac, parsnips, salsify and horseradish), stem vegetables (excluding celery); for potatoes, the maximum level applies to peeled potatoe 	0,10
<ul style="list-style-type: none"> • Leaf vegetables, fresh herbs, leafy brassica, celery, celeriac, parsnips, salsify, horseradish and certain fungi (common mushroom, Oyster mushroom, Shiitake mushroom) 	0,20

2.8. EU requirements on microbiological criteria

In regulation EC/2073/2005 microbiological criteria are divided into two types namely:

- **Food safety criteria** – dealing with the presence of micro-organisms in the food, that represent a risk to human health;

- **Process hygiene criteria** – dealing with micro-organisms that can be used as indicators of the level of hygiene present in the food business.

Regular testing of **fresh uncut unprocessed V&F**, excluding sprouted seeds as

required by Regulation (EC)2073/2005 is not applied under normal circumstances of primary production. This means that exporters of FFVs would not normally need to be concerned with the requirements of (EC)2073/2005.

However, if you are selling to a processing company in Vietnam or in the EU who supplies processed products to EU markets, you may be required by that company to take account of microbiological criteria. The processed products having problems with food safety or hygiene must be traced back to identify possible contamination from the unprocessed fruits or vegetables.

Suppliers and exporters of ready to eat sprouted seeds and pre-cut (fresh cut or minimally processed) which are known to be higher risk products must meet the food safety and hygiene criteria specified in Table 2.

Table 2: Food safety and process hygiene criteria for ready to eat sprouted seeds and fresh-cut fruits and vegetables as specified under EC/2073/2005

Food Category	Micro-organisms	Sampling plan		Limits CFU/g	
		n	c	m	M
Food Safety Criteria					
Sprouted seeds (ready to eat)	Salmonella	5	0	Absence in 25g	
Pre-cut fruit and vegetables (ready to eat)	Salmonella	5	0	Absence in 25g	
Unpasteurized fruit and vegetable juices (ready to eat)	Salmonella	5	0	Absence in 25	
Process Hygiene Criteria					
Pre-cut fruit and vegetables (ready to eat)	E.coli	5	2	100	1000
Unpasteurized fruit and vegetable juices (ready to eat)	E.coli	5	2	100	1000

Note to table 2:

CFU/g = Colony Forming Units per gram of samplen= n- number of units comprising the sample

c- Number of sample units giving values between m & M

For Salmonella as an important human pathogen, where 5 samples of 25g each are taken for microbiological test, none of the samples will contain detectable levels of Salmonella

For E.coli as an indicator of process hygiene the following apply:

- *Satisfactory if all values are less than 100 CFU/g (m)*
- *Acceptable if a maximum of c/n values are between 100 and 1000 CFU/g (m& M) and the rest of the values are less than 100 CFU/g (m)*

- *Unsatisfactory, if one or more values are more than 1000 CFU/g or more than c/n values are between 100 and 1000 CFU/g (m & M)*

In practice in order to comply with the microbiological criteria specified in **EC/2073/2005** suppliers of sprouted seeds, pre-cut fruits and vegetables and unpasteurized fruit juices will need to comply with the requirements for food hygiene specified under Regulation **EC/852/2004** and conduct regular sampling and analysis of products for *E.coli* and *Salmonella* as a means of verifying that process hygiene and food safety are satisfactory.

What you must remember:

- *Exporters of ready to eat fresh cut or minimally processed F&V which are known to be higher risk plant origin products must meet the micobiological criteria specified in Regulation EC/2073/2005 which are divided into Food safety criteria and Process hygiene criteria*
- *Special attention should be paid on Salmonella as an important human pathogen, where none of the samples will contain detectable levels of this pathogen*
- *E.coli as an indicator of process hygiene where the samples are allowed to contain only less number than maximum levels specified in the **Regulation 2073/2005***

2.9. EU General Hygiene Requirements

For pre-cut fruits and vegetables and unpasteurised fruit and vegetable juices the focus would be on the processing plant meeting the general hygiene requirements specified under **Annex II of EC/852/2004**. However, for sprouted seeds and in cases where problems with hygiene or safety of fruits and vegetables used for pre-cut or juice manufacture are traced to the farm it will be necessary to require the primary supplier to demonstrate that they meet the requirements specified under **Annex IA of EC/852/2004** on general hygiene requirements.

The F&V exporters must consider the following:

- Ensure food safety starting with primary production by preventing contamination of products from any source (physical, chemical, biological...)
- Foods exported to the EU are of at least the same hygiene standard as food produced in the EU, or are of an equivalent standard
- FBO is responsible for food safety

- HACCP does not apply to primary production on farm level and is not required by third country suppliers who simply box up whole fruits or vegetables for exports, but FBOs of primary production are obliged to comply with general hygiene provisions

There is no legal requirement on a certification of food hygiene but suppliers must keep documentary evidence and provide it to EU importer on request.

2.10. General hygiene provision for primary production and associated operations

Primary production means:

- Activities at farm or at similar level
- Production, rearing or growing of plant products such as grain, fruits, vegetables, and herbs
- Transportation within the farm, storage, and handling of products (without substantially changing their nature at the farm) and their future transport to an establishment
- Packing of FFVs without further treatment
- Washing of FFVs, removing leaves from vegetables for sorting of fruits, etc.
- Drying of cereals.

Food business operators (FBOs) carrying out primary production shall comply with following general hygiene provisions:

- to keep clean and, where necessary after cleaning, to disinfect, in an appropriate manner, facilities, equipment, containers, crates, vehicles and vessels;
- to ensure, where necessary, hygienic production, transport and storage conditions for, and the cleanliness of, plant products;
- to use potable water, or clean water, whenever necessary to prevent contamination;
- to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
- as far as possible to prevent animals and pests from causing contamination;
- to store and handle wastes and hazardous substances so as to prevent contamination;

- to take account of the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health; and
- to use plant protection products and biocides correctly, as required by the relevant legislation.

Food business operators are to take appropriate remedial action when informed of problems identified during official controls.

Record-keeping

FBOs are to keep and retain records relating to measures put in place to control hazards in an appropriate manner and for an appropriate period, commensurate with the nature and size of the food business. Food business operators are to make relevant information contained in these records available to the competent authority and receiving food business operators on request.

Food business operators producing or harvesting plant products are, in particular to keep records on:

- any use of plant protection products and biocides;
- any occurrence of pests or diseases that may affect the safety of products of plant origin; and
- the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health.

Good record-keeping and quality control allows the possibility to trace (both forwards and backwards) any possible source of contamination or to find the origin and cause of problems in the food chain. This helps to limit the impact of any measures which need to be taken to manage risks in the event of a problem in the food chain and will also help to identify you as a food business operator if any enquiry has to be made. Record-keeping can also reveal ways of reducing the future likelihood of contamination and the quantity of rejected products, whilst at the same time limiting the disposal of products. Therefore, farmers should ensure that record-keeping systems are in place so that traceability can be guaranteed.

The FBOs may be assisted by other persons, such as agronomists and farm technicians, with the keeping of records.

What you must remember

- *The FFVs suppliers must ensure food safety starting with primary production*

by preventing contamination of products from any source (physical, chemical, biological...)

- *HACCP does not apply to primary production on farm level and is not required by third country suppliers who simply box up whole fruits or vegetables for exports, but FBOs of primary production are obliged to comply with general hygiene provisions*
- *FFVs suppliers must keep documentary evidence to comply with general hygiene provisions and provide it to EU importers and competent authorities on request.*

2.11. Hygiene requirements for minimally processed F&V products:

FBOs carrying out any stage of production, processing and distribution of food after primary production shall comply with general hygiene regulations for primary production and following specific requirements:

HACCP

FBOs shall put in place, implement, and maintain a permanent procedure or procedures based on the HACCP principles, which consist of the following:

- (a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
- (b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
- (c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- (d) establishing and implementing effective monitoring procedures at critical control points;
- (e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
- (f) establishing procedures, which shall be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
- (g) establishing documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

When any modification is made in the product, process, or any step, FBOs shall review the procedure and make the necessary changes to it.

Requirements for food premises

- Food premises are clean, hygienic and maintained in good repair and condition
- Have satisfactory layout, design, construction, siting and size of food premises
- Provide sufficient sanitary conveniences and wash-hand basins
- Ensure there is adequate lighting, ventilation, changing areas and drainage
- Cleaning chemicals are stored away from food.

In areas where foodstuffs are prepared, treated or processed, these must be adequately designed and laid out to permit good hygienic practices. Walls, floors, ceilings, etc need to be easy to clean and maintain.

Moveable and temporary premises, domestic houses and vending machines must be designed and constructed in a way which allows them to operate in a hygienic way and to provide facilities to ensure hygiene standards can be maintained.

Transporting food requires the vehicles and containers to be kept clean and in good repair:

- Food vehicles must not be used for transporting anything that could contaminate food
- Effective cleaning between different loads is necessary
- Food must be placed to minimize risk of contamination
- Temperature control must be available and monitoring facilities installed as necessary.

Equipment requirements:

- All food contact equipment which must be kept clean, in good order, repair and condition
- Equipment which must be made of materials that do not contaminate food and that can be cleaned and installed to allow cleaning of the surrounding area
- The use and maintenance of equipment must not pose a risk of injury, eg from moving parts, electrical parts or hot parts.

Food waste requirements:

- Food waste, non-edible by-products and other refuse must be removed from a food room efficiently
- Waste containers must be lidded, kept in good condition and easy to clean and disinfect
- Refuse areas must be proofed against access by pests, and designed to be kept clean.
- Food premises must have provision of an adequate supply of potable (drinking) water. Ice must be made from potable water.

Personal hygiene requirements:

- Every person working in a food-handling area should maintain a high degree of personal cleanliness and wear suitable clean and, where necessary, protective clothing
- It is an offence for a food handler who is suffering from any illness or condition likely to contaminate food to continue with their duties.

Provisions applicable to foodstuffs area:

- Raw materials must not be accepted into a food business if they are, or are suspected to be, so contaminated with bacteria, parasites, decomposed materials or foreign bodies that even after normal sorting and processing procedures they would still be unfit for consumption
- Raw materials and ingredients should be kept in conditions that prevent harmful deterioration and protect them from contamination.

Other specific areas:

- The wrapping and packaging materials used for food must not be a source of contamination and stored to prevent contamination.

Food handlers must be trained in hygiene matters commensurate with work activities, and managers or supervisors that are responsible for implementing and maintaining HACCP systems must also be trained to do so. Food handlers also need to be instructed and supervised to ensure training can be put into practice.

What you must remember:

- *FBOs carrying out any stage of production, processing and distribution of*

*food after primary production shall comply with general hygiene regulations for primary production and other requirements specified under **Annex II of EC/852/2004**, especially implementing and maintaining HACCP system.*

2.12. Requirement on food safety culture

The new EU Regulation 2021/382, published on 3rd March, 2021 has integrated "**Food Safety Culture**" (FSC) into the obligations of FBOs. The aim of a food safety culture is to raise awareness and improve the behavior of employees regarding food safety. A corporate culture that values food safety shows employees directly and indirectly that food safety is important and necessary to be successful in the company. This influences the behavior of employees and helps ensure that they act appropriately.

The general requirements on food safety culture are:

1. FBOs shall establish, maintain, and provide evidence of an appropriate food safety culture by fulfilling the following requirements:
 - (a) commitment of the management and all employees to the safe production and distribution of food;
 - (b) leadership towards the production of safe food and to engage all employees in food safety practices;
 - (c) awareness of food safety hazards and of the importance of food safety and hygiene by all employees in the business;
 - (d) open and clear communication between all employees in the business, within an activity and between consecutive activities, including communication of deviations and expectations;
 - (e) availability of sufficient resources to ensure the safe and hygienic handling of food.
2. Management commitment shall include:
 - (a) ensuring that roles and responsibilities are clearly communicated within each activity of the food business;
 - (b) maintaining the integrity of the food hygiene system when changes are planned and implemented;
 - (c) verifying that the controls are being performed timely and efficiently and documentation is up to date;
 - (d) ensuring that the appropriate training and supervision are in place for personnel;

- (e) ensuring compliance with relevant regulatory requirements;
 - (f) encouraging continual improvement of the food safety management system of the business, where appropriate, taking into account developments in science, technology and best practices.
3. The implementation of the food safety culture shall take account of the nature and size of the food business.

Application of food safety culture is an important criterion to guarantee food safety of products exported to EU market. Although EU legal regulations on food safety culture do not apply for third countries FBOs, EU buyers may require exporters to provide evidence of their companies' food safety culture in compliance with current EU legal requirements.

2.13. EU requirements for ionizing radiation of foods

Treatment of the products with ionising radiation may be carried out only in accordance with the provisions of Directive 1999/2/EC. The foodstuffs, including fruits and vegetables, that may be treated with ionising radiation and the maximum overall average dose that may be imparted are listed in the Annex of this Directive.

- Foods can only be irradiated where there is a reasonable technological need to:
- Destroy microorganisms, viruses, bacteria, or insects;
- Prevent germination of sprouting of potatoes, onions, and garlic;
- Slow down ripening and ageing of fruits and vegetables;
- Prolong shelf life and prevent food-borne diseases in meat, poultry and sea foods
It cannot be used as a substitute for good hygienic or agricultural practices.

Approved sources of ionising radiation must be used within the maximum limits.

Decision 2002/840/EC allows foods to be irradiated in non-EU countries and then to be imported into the EU, so long as they meet EU rules and are irradiated in an approved facility, as listed in the annex to the Decision

Foods treated with ionizing radiation may not be imported from third countries to EU unless it:

- Complies with conditions which apply to those foods;
- Is accompanied by documents showing name and address of facility which carried out irradiation treatment and providing information required by EU;

- Was treated in irradiation facility approved by EU and appearing on list of EU approved facilities.

The words irradiated or treated with ionising radiation must appear on the label or packaging.

Requirements for information for each batch of food treated with ionizing radiation.

- Batch number
- Person ordering irradiation treatment
- Date of irradiation
- Packing material used during treatment
- Data for control of irradiation process
- Reference to initial dose validation measurement

You must remember:

Foods imported to the EU can only be irradiated where there is a reasonable technological need and treated in irradiation facility approved by EU.

*List of foodstuffs that may be treated with ionising radiation and the maximum overall average dose that may be imparted are listed in the Annex of the **Directive 1999/2/EC**.*

2.14. Requirements on marketing standards

European legislation sets general and specific marketing standards for the minimum quality and the minimum maturity of fresh fruit and vegetables. These standards apply to the quality of the products and how they are presented, graded and sold to consumers.

Most fruit and vegetables must comply with the general marketing Standard as listed in **Annex I, Part A, Regulation (EU) 543/2011**.

The general marketing standard introduces a definition of "sound, fair and of marketable quality" for these products and requires them to bear the full name of their country of origin. Products must be intact, clean, and practically free from pests, free of abnormal external moisture or any foreign smell and/or taste and arrive in satisfactory condition at the place of destination.

The products must be sufficiently developed, but not over-developed, and fruit must display satisfactory ripeness and must not be overripe.

The development and state of maturity of the products must be such as to enable them to continue their ripening process and to reach a satisfactory degree of ripeness.

A tolerance of 10 % by number or weight of product not satisfying the minimum quality requirements shall be permitted in each lot. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

Specific marketing standards apply to ten fresh products: **apples, citrus fruit, kiwifruit, lettuces (curled-leaved and broad-leaved endives), peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes**. These products are graded into three different classes (**Extra class, Class I and Class II**) and have defined rules when it comes to presentation and tolerances in respect of quality and size.

The CAs in the EU member states perform documental and/or physical inspections of the imported products in order to check their conformity with the EU marketing standards. A conformity certificate is required for all fresh produce shipments destined for the EU market. It is up to the importers to obtain the certificate at the point of import.

The European Commission may approve authorities in third countries to perform conformity certificates checking operations. This means that the third country's inspection bodies must check each lot of goods and issue a **certificate of conformity, prior to the entry into the EU**.

This approval has been granted to several countries: India, South Africa, Morocco, Kenya, Senegal and Turkey. These provisions can change over time, so we advise you as an exporter to talk to your EU importer in order to be informed on what applies for your products.

Imports of products intended for processing are not subject to compliance with the EU marketing standards. However, they must be clearly marked on the packaging with the words "intended for processing" or other equivalent wording.

2.15. EU requirement on labelling and packaging

How food must be labelled in general and what minimum information must be indicated on the packaging is uniformly regulated in the EU based on the Regulation (EU) 1169/2011.

Trade packages and cartons of FFVs must mention the following particulars:

- Name and address of the packer or dispatcher;
- Name and variety of the produce (if the produce is not visible from the outside of the packaging);
- Country of origin;
- Class and size (referring to the marketing standards);
- Lot number for traceability or GGN if certified GLOBALG.A.P. (recommended);
- Official control mark to replace name and address of the packer (optional);
- Post-harvest treatment; for example, anti-moulding agents added in a post-harvest treatment of citrus fruits must be mentioned on the trade package;
- Organic certification, including name of inspection body and certification number (if applicable).

When fruit or vegetables are processed or directly packed for consumption, you must include appropriate labelling for consumers:

- Common name of the product;
- Full name of the country of origin;
- Name and address of the producer, packer, importer, brand owner or seller (retailer) in the EU who places the product on the market;
- Net content in weight;
- Minimum durability – a best-before date (on all processed fruit and vegetables, such as freshly cut);
- Producer identification or lot number;
- List of ingredients (if applicable), including additives and post-harvest treatment;
- Allergenic declaration (if applicable);
- Declaration of nutritional value (when mixed with other foodstuffs);
- Packed in protective atmosphere, if applicable;
- Additional information about quality class, size, variety or commercial type and post-harvest treatment on the product labelling or in close proximity (on the shelf) for products with specific marketing standards.

The text on the label must be written in one of the official languages of an EU Member State and be understandable for the consumer.

Packaging marketed within Europe must comply with the general requirements, which aim at protecting the environment, as well as with the specific provisions designed to prevent any risk to the health of consumers. The packaging must protect the product against contamination, leakage and dehydration. Products and packaging should be uniform.

The Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment requires to limit the use of single-use plastics . More and more EU buyers demand alternative and environmentally friendly packaging.

2.16. EU regulations for imported organic plant products

In order to derive benefits from organic farming methods for farmers, consumers need to trust that the rules on organic production are being followed. Therefore, the EU maintains the strict system of control and enforcement to guarantee that organics rules and regulations are being followed properly. As organic farming is part of a larger supply chain which encompasses food processing, distribution and retail sectors, these are also subject to checks.

- Each EU member appoints ‘control bodies or authorities’ to inspect operators in the organics food chain. Producers, distributors and marketers of organic products must register with their local control body before they are allowed to market their food as organic.
- After they have been inspected and checked, they will be awarded a certificate to confirm that their products meet organic standards.
- All operators are checked at least once a year to make sure that they are continuing to follow the rules.
- Imported organic food is also subject to control procedures to guarantee that they have also been produced and shipped in accordance with organic principles.

For an imported product to be sold as organic in the EU, it must conform to standards as EU produced goods. To ensure this, there are procedures that all importers have to follow when they wish to market a product as organic. These procedures depend on where the goods have originated.

For products which originated in Argentina; Australia; Canada; Chile; Costa Rica; India; Israel; Japan; Tunisia; Republic of Korea; New Zealand; Switzerland; United States of America:

At present, inspection and certification of most organic products is carried out by the national authorities of the country of origin. This is because arrangements for the imports of organic products are in place with these countries as their standards and control measures have been assessed as equivalent to those in place in the EU. They are often referred to as ‘**equivalent**’ countries.

For products which originated in any other country:

In all other countries (including Vietnam), inspection and certification is the responsibility of **control bodies or authorities**. These are **independent bodies appointed by the Commission** to ensure that organic producers in their area of responsibility follow standards and control measures equivalent to the EU ones.

List of EU recognized control bodies and control authorities for the purpose of equivalence in organic certification is available on Website of **Organic Farming Information System (OFIS)**. At present, there are more than 10 EU recognized organic control bodies operating in Vietnam.

There may be additional controls or requirements on products imported from some non-EU countries.

Requirement on electronic certificate of inspection:

All organic products imported into the EU must have the appropriate electronic certificate of inspection (e-COI). These are administered through the Trade Control and Expert System (TRACES).

The certificate can be initiated by the importer, the exporter or the exporter's control body. This certificate then needs to be issued by the exporter's control body/authority:

- **Equivalent countries:** certificates are issued by the control bodies designated by the countries' national authorities.
- **All other countries (including Vietnam):** the certificates are issued by the control bodies designated by the EU.

If you do not have an electronic certificate of inspection, your products will not be released from their port of arrival in the EU.

The original certificate of inspection must be presented together with the imported organic products to the relevant Member State's authority. Usually it will be the authority at the point of entry, or the point from which the importer seeks to release the goods for free circulation into the Union.

EU organic logo

The organic logo gives a coherent visual identity to EU produced organic products sold in the EU. This makes it easier for EU based consumers to identify organic products and helps farmers to market them across all EU countries.

The organic logo can only be used on products that have been certified as organic by an authorized control agency or body. This means that they have fulfilled strict conditions on how they are produced, transported and stored.

2.17. New organic legislation in the EU

Regulation (EU) 2018/848 is the new organic legislation that will entry into force on **1-th January 2022**.

Under the new regulation products imported in the European Union (EU) may be placed on the market as organic only if they comply with the same set of rules that producers in the European Union have to meet. This is a move from the **principle of equivalence** to the **principle of conformity**.

In the new regulation, there will be two systems to import organic products from outside the EU:

Trade agreements: all Third Countries that are currently recognised as equivalent will have to renegotiate the terms for trade agreements under the new EU procedure. Under the current system, thirteen Third Countries are recognised: Argentina, Australia, Canada, Chile, Costa Rica, India, Israel, Japan, the Republic of Korea, Switzerland, Tunisia, the United States of America and New Zealand;

Certifiers: where there is not a trade agreement, the Commission will establish a **list of recognised control bodies / authorities** that will be authorised to perform controls and certification in Third Countries. The EU regulation will be implemented identically within the EU and outside the EU. Some flexibility will be allowed for the use of plant protection products and / or fertilizers traditionally used in Third Countries.

Main changes in the rules of production and processing of organic products:

For crop production: Details on the origin of the seeds and seedlings used have been provided. In addition, farms will be obliged to grow legumes, for their role on soil fertility. It should be noted that off-ground crops, including hydroponics, are still prohibited

Food processing: The major change concerns the manufacture and use of flavourings. Only natural flavourings whose source is 95% unique will be allowed (e.g. "natural vanilla flavouring").

Labelling: Greater flexibility on the origin of products is granted: products with the indication "EU Agriculture" will be allowed to contain 5% non-EU ingredients, instead of 2% as today.

Limiting the number of certification bodies:

If a company wishes to have a product category certified, only one certification body is required.

Certification of producer groups in all countries:

The certification of producer groups will now be accessible to all countries and will be accompanied by reinforced control: for example, the size of each farm and the number of members of the groups will be limited.

In the European Union, the current European regulations will be repealed in favour of the new European Organic Regulation on 01 January 2022. This is a basis, and will be supplemented by secondary acts, which will detail and complete the implementation of the regulation, some of which have already been published by the European Commission.

Outside the European Union, operators will have a transition period from January 01, 2022, to December 31, 2024, to adapt their activity to the new regulation.

You must remember:

- *All organic products imported into the EU must have the appropriate electronic certificate of inspection (e-COI) administered through the Trade Control and Expert System (TRACES). The certificates are issued by the control bodies designated by the EU. If you do not have an e-COI, your products will not be released from their port of arrival in the EU.*

- *New organic legislation (**Regulation (EU) 2018/848**) will entry into force on **1- th January 2022**. Products imported in the EU may be placed on the market as organic only if they comply with the same set of rules that producers in the EU have to meet. Producers and axporters from Third countries including Vietnam will have a transition period **from January 01, 2022 to December 31, 2024**, to adapt their activity to the new regulation.*

2.18. Pesticides approved for use in organic agriculture:

In organic farming, it is only when all other methods of dealing with pests have been exhausted and the farmer is faced with a potential loss of crops, that one of the approved pesticides can be used. It’s a controlled process and is never the first line of action.

Organic approved pesticides are primarily derived from natural substances and go through a strict regulatory approval process to ensure they are not harmful to the environment and human health.

There are naturally occurring pesticides that are allowed in organic farming, as they have low toxicity, such as spearmint oil, citronella and quartz sand. Others such as iron, potassium, beeswax and gelatine are all part of the human diet and have no toxicological issues.

The one non-naturally occurring product allowed in organic farming, if pests become a serious problem, is the use of pheromones to disrupt pest mating cycles. It is only allowed to be used in insect traps and is not applied directly to the soil or plants.

Table 3: List of active substances approved for use in EU organic agriculture Under EU Regulation (EC) No 889/2008

Active substance	Uses and restrictions
Azadirachtin extracted from <i>Azadirachta indica</i> (Neem tree)	Insecticide
Beeswax	Pruning agent
Gelatine	Insecticide
Hydrolysed proteins	Attractant, only in authorized applications in combination with other appropriate products of this list
Lecithin	Fungicide
Plant oils (e.g. mint oil, clove oil, citronella oil)	Insecticide, acaricide, fungicide and sprout inhibitor
Pyrethrins extracted from <i>Chrysanthemum cinerariaefolium</i>	Insecticide
Micro-organisms (bacteria, viruses and fungi)	

Spinosad	Insecticide; only where measures are taken to minimize the risk to key parasitoids and to minimize the risk of development of resistance
Diammonium phosphate	Attractant, only in traps
Pheromones	Attractant; sexual behaviour disrupter; only in traps and dispensers
Pyrethroids (only deltamethrin or lambda-cyhalothrin)	Insecticide; only in traps with specific attractants; only against <i>Bactrocera oleae</i> and <i>Ceratitis capitata</i> Wied.
Ferric phosphate (iron (III) orthophosphate)	Molluscicide
Copper in the form of copper hydroxide, copper oxychloride, (tribasic) copper sulphate, cuprous oxide, copper octanoate	Fungicide; up to 6 kg copper per ha per year For perennial crops, Member States may, by derogation from the previous paragraph, provide that the 6 kg copper limit can be exceeded in a given year provided that the average quantity actually used over a 5-year period consisting of that year and of the four preceding years does not exceed 6 kg
Ethylene	Degreening bananas, kiwis and kakis; Degreening of citrus fruit only as part of a strategy for the prevention of fruit fly damage in citrus; Flower induction of pineapple; sprouting inhibition in potatoes and onions
Fatty acid potassium salt (soft soap)	Insecticide
Potassium aluminium (aluminium sulphate) (Kalinite)	Prevention of ripening of bananas
Lime sulphur (calcium polysulphide)	Fungicide, insecticide, acaricide
Paraffin oil	Insecticide, acaricide
Mineral oils	Insecticide, fungicide; only in fruit trees, vines, olive trees and tropical crops (e.g. bananas)
Quartz sand	Repellent
Sulphur	Fungicide, acaricide, repellent
Calcium hydroxide	Fungicide; only in fruit trees, including nurseries, to control <i>Nectria galligena</i>
Potassium bicarbonate	Fungicide

2.18. EU official control on food safety of imported products

Official controls on food safety are carried out by competent authorities to:

- Ensure the safety and integrity of all food, food products and ingredients at each stage of the agri-food chain
- Verify that all involved in the agri-food chain are complying with legal requirements and hygiene standards

Official controls include audits, inspections, sampling and analysis of food establishments, foods, and goods.

Member States are required to organize official controls in a way that ensures efficient and effective coordination of all competent authorities involved in performing official controls.

The European Commission, in its role as guardian of the EC Treaties, is responsible for ensuring that Community legislation is properly implemented.

The Commission' Directorate-General for Health and Food Safety (DG SANTE) is responsible for EU policy on food safety and health and for monitoring the implementation of related laws.

The Directorate F – Health and food audits and analysis is part of the DG SANTE. The mission of the Directorate F includes checking compliance with the requirements of EU food safety and quality, animal health and welfare and plant health legislation **within the European Union and in third countries exporting to the EU**. Study visits are carried out to collect information and experiences made by member states and exporting countries.

The Directorate F carries out audits in the Member States and in the third countries concerned. The findings are presented in audit reports that are published on the internet. Before the final report is published on the internet, the competent authorities of the Member State or third country visited is given the opportunity to comment on the report at draft stage.

In the final report, the Directorate F also communicates recommendations to the competent authorities of the Member State, or the third country visited, if the audit has revealed any shortcomings. The Member State or exporting country then presents an action plan within a set deadline on how it intends to address the shortcomings. The Directorate F evaluates this action plan together with other Commission services and monitors its implementation through a number of appropriate follow-up activities.

Where appropriate, the Directorate F may highlight areas where the Commission may need to consider clarifying or amending legislation or areas where new legislation might be required. In this way, the results of Directorate F audits or study visits contribute to the development of EU legislation.

For imported foodstuffs, the country of origin is responsible for compliance with EU legislation, and this is controlled not only at EU borders but also on the market.

The EU's control and response procedures are based on a process of random checks undertaken by Member States. Member State authorities are responsible for

sampling food products, to ensure that they comply with the legislation. If a risk is identified, appropriate measures are rapidly taken. Member States perform random sampling and analysis of foodstuffs, regularly report findings, and take action if samples are not compliant with the legislation. The EU makes these findings available to all Member States. If, during their checks, national authorities identify a risk, they may temporarily suspend or restrict production or distribution of products. However, they must immediately inform the other Member States and the European Commission and give reasons for their decision. RASFF transmits information between national competent authorities, the European Commission and EFSA, enabling rapid action.

EC Regulation 2017/625 along with its delegated and implementing regulations, establishes an integrated approach to official control requirements including import controls. Common rules apply to all imported food and feed, with additional specific requirements for products of animal origin and other high risk products. All high- risk products are subject to the specific controls set down in law. These official controls are required to be carried out by Competent Authorities (CAs) at Border Control Posts (**BCPs**).

All imported products entering into the food chain, i.e. foodstuffs, including plants and plant products, fruits and vegetables, food contact materials, food supplements and food additives, etc. are subject to official controls on food safety at BCPs.

The controls aim to ensure that food products placed on the European market are compliant with EU regulations. These controls aim to prevent or eliminate health risks that could arise for human beings, animals, and plants or reduce such risks to an acceptable level.

Fruits and vegetables that have not been processed are also subject to plant health/ phytosanitary controls.

Operators responsible for imported consignments (normally EU buyers) should ensure that plant products are presented for official controls at BCP.

Consignments can go only through designated BCPs. Each Member State is responsible to make available on internet up-to-date list of BCPs on its territory, providing the following information for each:

- Contact details;
- Opening hour;
- Exact location and whether it is port, airport, rail, or road entry point;

- Categories of goods that are included in scope of its designation.

List of BCPs and Control points (CP) can be found at European Commission Website.

There are three types of official import controls:

- **Documentary:** the administration verifies the regulatory compliance of the certificates, health certificate or other accompanying documents
- **Identity:** the administration verifies the consistency between the documents and the product, by visual inspection
- **Physical:** the administration conducts an inspection of the product itself, and may collect samples for laboratory analysis.

The control procedure depends on the type of goods, their geographical origin and the type of control to which they are subject.

A **routine control** is carried out on importation as defined by the multi-annual control plan of each Member State. In this case documentary control is systematic, physical control is random according to a risk analysis. A sample of the products is collected and analyses are performed. The goods are not blocked while waiting for the analysis results.

Certain food and feed are subject to **increased levels of official import controls**. The current list of plant products subject to increased level of attention and control at borders can be found in Annexes I to the Regulation (EU) 2021/608.

List of products subject to enhanced controls is regularly updated according to new and known risks at the European level and based on information from various sources, including:

- Notifications received through the rasff;
- Reports from the health and food audits and analysis;
- Information from the eu countries and non-eu countries.

When the above sources indicate that there is the need to step up controls at EU borders because of the possible occurrence of a known or emerging risk, and in order to ensure a uniform intensity of such controls, the imported commodity which is associated with that risk is proposed for listing in Annex I to the Regulation .

Review of Annex I is to be carried out regularly and at least on a quarterly basis

as set by the Regulation. To this effect, relevant updates regarding any of the information sources listed above are taken into account. The review may lead to an update of the existing list (including de-listing and changes to the frequency of controls). In this context, other products may also be included in Annex I where appropriate.

There is no time limit established in the Regulation in this respect as de-listing depends on a number of factors which may vary from one feed/food to another.

Seasonal patterns, relevance of trade volumes and the outcome of control activities performed by Member States over a given period of time are amongst the factors that may condition the duration of the listing of a given import of non-animal origin

The enhanced control mechanism means that CAs will:

- Carry out systematic (100%) checks on documents accompanying the consignments;
- Conduct more stringent identity and physical checks, including laboratory analysis, at a frequency defined in the Annexes to the Regulation.

At the same time, when it is apparent that food of any origin is likely to constitute a serious risk for human health, plant health, animal health or the environment, the European Commission may **take emergency** measures. These consist mainly in suspension of marketing authorization or importation, the implementation of special conditions or any other measures for protection. If a health problem is detected, an alert is launched, and if necessary, a recall or withdrawal is issued.

EU legislation may impose special import conditions for specific products originating from certain third countries. These **specific import conditions** may include: a list of third countries from which specific products may be imported, the establishment of a specific certificate model to accompany each consignment of the products, the supply of analysis results, etc.

Products listed in Annex II to the **Regulation (EU) 2021/608** shall be accompanied by the results of sampling and analyses performed by the competent authorities of the relevant third country and by an official certificate.

Products listed in the Annex IIa of the Regulation are subject to suspension of entry into the European Union.

For example:

- *Coriander leaves, Basil (holy, sweet), Mint, Parsley (Food-fresh or chilled*

herb), Okra and Peppers (*Capsicum species (other than sweet)*) from Vietnam are listed in the Annex I and subject to a **temporary increase of official controls** at border control posts and control points with frequency 50% of physical and identity controls to detect **pesticide residues**.

- Dragon fruit (fresh or chilled) from Vietnam is included in the ANNEXT II and subject to **special conditions for the entry into the Union** because of pesticide residues with frequency of physical and identity check of 10%. Each consignment of Vietnamese dragon fruit shall be accompanied by an official certificate in accordance with the model set out in Annex IV (“official certificate”) of the **Regulation (EU) 2021/608**.
- The result of sampling and analysis on food safety accompanied with each consignment of Vietnamese dragon fruit must include the data on residues of at least those pesticides listed in the control program adopted in accordance with **Article 29(2) of Regulation (EC) 396/2005** related to maximum residue levels of pesticides in or on food of plant origin that can be analyzed with multi- residue methods based on GC-MS and LC-MS and residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos. Based on the result of sampling and analysis performed by an accredited laboratory, PPD issue “official certificate” in the form of “**Announcement of inspection results for food of plant origin for export**” for each consignment of dragon fruit intended to be exported to the EU.
- Foodstuffs consisting of dried beans from Nigeria are listed in ANNEXT IIa and subject to suspension of entry into the Union because of pesticide residues.

Controls performed by authorities of a third country prior to importation may be certified by the European Commission. These controls are used to verify that the exported products will meet community prescriptions before importation. In that case, the frequency of physical controls, performed in EU when the goods arrive, is less than in the case of reinforced controls. When these controls are certified, the frequency of controls on importation in the EU territory is reduced.

Plant products that are lawfully imported into a Member State from a non EU country may subsequently be distributed into other Member States without the need for further checks to be made. However, even if a consignment has come from within the EU, random spot checks may take place to verify its’ country of origin and whether relevant official controls have taken place.

2.19. Decisions to be taken in relation to non-compliant consignments imported from third countries to the EU

In case of detection of non-complaint consignments:

CAs should:

- Invalidate official certificates and other relevant documents
- Cooperate to take further measures that is not possible to reintroduce into EU consignments that have been refused entry

CAs will place under official detention any consignment of plant products entering EU that does not comply with relevant rules and shall refuse its entry into EU.

CAs should isolate or quarantine such consignment pending any further decision.

If consignment consist of plants or plant products, following measures should be applied at the cost of operator responsible for consignment:

- Destroy the consignment;
- Re-dispatch the consignment outside EU; or
- Subject consignment to special treatment or to any other measures necessary to ensure compliance with rules and change intended use of consignment.
- CAs can request third countries to provide following accurate and up-to- date information:
 - Any SPS rules adopted or proposed within their territory;
 - Risk assessment procedures and factors taken into consideration for assessment of risks and for determination of appropriate level of SPS protection;
 - Any control and inspection procedures and mechanisms;
 - Official certification mechanisms;
 - Results of controls performed on goods intended to be exported to EU;
 - Information on changes made to structure and functioning of control system adopted to meet SPS requirements of EU.

2.20. Common Health Entry Document of plant and plant products (CHED-PP)

CHED-PP is the Common Health Entry Document for consignments of plants,

plant products and other objects for which a phytosanitary certificate is required, and which are subject to official controls upon their entry into the EU Member States.

The CHED-PP is initiated by the operators responsible for the consignment (**RFC**).

The purpose of the CHED is:

- for the RFC to pre-notify the CAs of the BCP of the arrival of the consignment (Part I)
- for the CAs to record the outcome of official controls performed and any decisions taken on that basis (Part II)
- for the CAs to include information on follow-up measures taken on the consignment after a decision has been taken (Part III).

The CHED-PP is transmitted to the BCP online, through TRACES

2.21. TRACES

From December 2019 TRACES becomes the IT system used for notifying imports of the products from outside the EU. The person responsible for the consignment must be registered and have access to TRACES.

TRACES is part of the new computerized Integrated System for Official Controls (IMSOC) which allows the integration of existing computerized systems (TRACES; RASFF, EUROPHYT; AAC - Administrative Assistance and Cooperation System), to optimize the handling and exchange of information, data and documents necessary for the enforcement of agri-food chain rules.

TRACES is available in the 23 official languages of the EU and in **34 languages in total**; this facilitates the use of TRACES also for the non-EU countries' competent authorities and trading partners.

TRACES is accessible **24 hours** a day, **7 days** a week, **free** of charge. What is only needed in order to access, is to have an internet connection and set up an account.

TRACES is an efficient tool to ensure:

- **Traceability** (monitoring movements of consignments, both within the EU and from non-EU countries);
- **Information exchange** (enabling trade partners and competent authorities to

easily exchange information on the movements of their consignments and by significantly speeding up administrative procedures);

- **Risk management** (reacting rapidly to health threats by tracing the movements of consignments and facilitating the risk management of rejected consignments).

TRACES features electronic certification for both EU and non-EU countries competent authorities. This feature allows the authorities to acquire an electronic seal and electronic signature capacity for officials responsible to issue official certificates or to sign a decision taken on a consignment.

The standards applied in TRACES for electronic seals meet the qualified level of identity assurance set by **Regulation (EU) 910/2014**. This level of identity assurance enables electronic transactions with the same legal standing as transactions that are performed on paper.

The European Commission offers this feature free of charge and brings interested authorities in contact with the trust service provider it has selected to provide trust services for TRACES.

You can log in and assess TRACES through the link: <https://webgate.ec.europa.eu/sanco/traces>

2.22. Additional requirements of EU buyers on food safety

Certification as a proof of food safety

EU legislation establishes the minimum requirement for market access. However, European buyers often demand their suppliers to meet additional stricter requirements, depending on their sales channels and product segments.

Food safety certification is a basis for entering the European market. Although food safety certification is not obligatory under European legislation, it has become a must for almost all European food suppliers.

Common buyer requirements include **GLOBALGAP** (or equivalent) certification, and compliance with social and environmental standards. So, exporters of plant products, including FFVs should not only comply with EU legal requirements but also satisfy additional requirements of EU buyers.

In addition to **GLOBALGAP**, other food safety management systems may be required as well; for example, for the handling or processing of FFVs almost all buyers on the north-western European market will require their suppliers to comply with the BRC Global Standards, which are widely applied as a standard for hygiene and food safety. In Germany, the **IFS** food standard is very common.

Almost all EU buyers in the supply chain, such as traders, food processors and retailers, require the implementation of **HACCP** as a proof of ensuring food hygiene and safety.

Alternative food safety management certification includes the Safe Quality Food (SQF) program and FSSC 22000, an industry-developed standard developed by the International Organization for Standardization (ISO).

EU buyers may also require exporters to provide evidence of their social and environmental responsibility like Certification of ISO 26000 on Corporate Social Responsibility (CSR) or ISO 14001 (Environmental management).

All the above-mentioned management systems are recognised by the Global Food Safety Initiative (GFSI) and they are generally accepted by the major retailers in the EU. Compliance with certification schemes varies between countries, trade channels and market situations. Although these standards are voluntary, exporters can only do business when certifications and standards are in place. Requirements of EU buyers and consumers on these standards will become stricter and more widespread in the future.

Stricter requirement on MRL of pesticide residues

Major European supermarkets have taken steps to reduce the levels of pesticides present in the food items they sell. These commitments provide a concrete demonstration that major retailers recognise pesticides as a being problem and take the risks of pesticide contamination seriously. Many EU supermarkets in Northern and Western Europe only tolerate pesticide residues present at below 33%-80% of the MRLs allowed by EU law. These supermarkets also aim to ensure that food products contain no more than 3, 4 or 5 different pesticide residues depending on their produce group.

Laboratory test

EU buyers may ask for laboratory tests on food safety, especially pesticide residues. It is common practice in EU that F&V consignments are accompanied with documentation from accredited laboratories that is not older than six months.

The credibility of the laboratories that are performing testing is important to European buyers. This can be a potential issue for some developing country and Vietnamese exporters, as laboratories must be able to deal with all required tests. In some developing countries, laboratories can only perform a limited number of tests and for some, analysis samples must be sent to other countries. It is common for European buyers to ask for tests for a large number of different pesticide residues.

You must remember:

- *Check with your buyer about their preferred food safety management system and certification, which are often market-specific. At the least, become familiar with GLOBALGAP, as your EU market entry preparation is certain to include GLOBALGAP certification.*
- *EU buyers can ask you to meet additional requirements on lower MRLs and laboratory test results on pesticide residues in your products.*

SECTION III

EU REGULATORY REQUIREMENTS ON PLANT HEALTH FOR PLANT ORIGIN PRODUCTS

3.1. Key principles of EU plant health legislation

EU legal plant health provisions are based on:

- WTO/SPS principles
- FAO International Plant Protection Convention (IPPC)
- International standards of Phytosanitary measures (ISPMs)

Key principles in EU legislation on plant health:

- **All trade partners are eligible** for exporting plants and plant products to the EU
- **One single set** of conditions for all trade partners
- National Plant Protection Organizations (**NPPOs**) are responsible for the compliance with EU requirements
- Plants and plant products shall be **free from quarantine pests** at import controls
- **List of quarantine pests, list of controlled commodities** in the EU publicly available
- Capacity building provided
- Few prohibited items
- Possibility of derogations if justified.

3.2. EU Plant health Law- Regulation (EU) 2016/2031

In October 2016, the European Parliament and the Council adopted Regulation (EU) 2016/2031 on protective measures against pests of plants (“**Plant Health Law**”). This Regulation takes into account the IPPC, ISPMs, the Agreement on the Application of SPS and the guidelines set out under them. The Regulation is applicable **from 14 December 2019**.

Plant health law focuses particularly on the **prevention of entry or spread of plant pests within the EU territory**. It is based on the conclusion that EU members need to allocate more resources at an early stage in order to prevent future heavy losses due to the destruction of agricultural production or environment by plant pests.

It sets out detailed rules for the early detection and eradication of Union quarantine pests if found present in the EU territory. These rules establish obligations for the notification of outbreaks by professional operators, surveys and multiannual survey programs, demarcation of areas for the purpose of eradication, as well as enhanced requirements for the priority pests.

Under this Regulation, all Member States will have to immediately proceed with the eradication of a Union quarantine pest if found present in an area where it was not known to be present.

The Regulation gives definitions of three main categories of pests:

Union quarantine pests: Not present at all in the EU territory or, if present, just locally and under official control. Strict measures must be taken to prevent their entry or further spread within the EU due to their increased risk for plant health. These pests must be eradicated immediately if detected.

Protected zone quarantine pests: Present in most parts of the Union, but still known to be absent in certain demarcated areas called “protected zones”. These pests are thus not allowed to enter and spread within these protected zones. Measures are taken (such as prohibition or restriction of movement of commodities, surveys, etc.) to avoid the introduction of these pests into the protected zones or to ensure their eradication if found present in these zones.

Regulated non-quarantine pests: Widely present in the EU territory but, since they have an impact on the quality of the plants, plant reproductive material on the market should be guaranteed free or almost free from the pest. This way the starting quality and economic value of many agricultural crops as well as forestry and fruit plants can be ensured.

The Regulation also introduces the concept of “**priority pests**”. These are the **Union quarantine pests with the most severe potential impacts on the economy, environment and/or society of the EU**. They will be subject to enhanced measures concerning surveys, action plans for their eradication, contingency plans and simulation exercises. The prioritization of the most harmful pests is necessary for

the EU and the individual Member States in order to focus their resources in the most efficient manner for the protection of the agricultural production and environment. Enhanced EU co- financing to achieve these objectives is also foreseen.

Commission Implementing **Regulation (EU) 2019/2072** establishes uniform conditions to implement Regulation (EU) 2016/2031. The phytosanitary requirements for import into the EU are specified in the Annexes of this Regulation:

- Annex II, III and IV list the quarantine pests, protected zone quarantine pests and regulated non-quarantine pests
- Annex VI specifies the import prohibitions
- Annex VII lists specific phytosanitary import requirements which plants and plant products imported into the EU shall comply with
- Annex IX specifies import prohibitions for specific protected zones
- Annex X lists the special requirements for import in specific protected zones
- Annex XI specifies the list of plants, plant products and other objects subject to phytosanitary certificates (and those for which such certificates are not required for their introduction into the Union territory)
- Annex XII lists the plants, plant products and other objects for which a phytosanitary certificate is required for their introduction into a protected zone from certain third countries of origin or dispatch

3.3. EU plant quarantine pests

Commission Implementing **Regulation (EU) 2019/2072** establishes the list of Union quarantine pests (annex II). Part A of annex II lists 152 quarantine pests not known to occur in the Union and Part B includes 22 quarantine pests known to occur in the Union territory. EU quarantine pests are referenced by their scientific names in Latin. List of EU quarantine pests is subject to amendments and update.

Vietnamese plant health inspectors, FFV producers and exporters should pay a special attention on the EU quarantine pests which are known to be present in Vietnam, especially Citrus canker, Oriental fruit fly and Vegetable leaf miner (Table 4). These pests should be put under strict controls and must not be present on any plant products intended to be exported to the EU.

Table 4: Plant quarantine pests of the EU known to be present in Vietnam

Number	Scientific name	Common name
1	<i>Xanthomonas citri pv citri</i>	Citrus canker
2	<i>Citrus tristeza virus</i> *	Tristeza virus
3	<i>Ralstonia solanacearum</i> *	Bacterial wilt
4	<i>Bactrocera dorsalis</i> ***	Oriental fruit fly
5	<i>Bemisia tabaci</i> *	Silverleaf whitefly
6	<i>Scirtothrips dorsalis</i>	Chilli thrips
7	<i>Thrips palmi</i>	Melon thrips
8	<i>Liriomyza sativae</i> ***	Vegetable leafminer
9	<i>Liriomyza trifolii</i> *	Celery leaf miner
10	<i>Spodoptera litura</i> *	Tropical armyworm
11	<i>Spodoptera frugiperda</i> *	Fall armyworm
12	<i>Heliothis zea</i> *	Corn earworm

(Note: *- Low risk and ***- high risk of presence on FFVs products)

The regulation provides measures in case of suspicion and/or detection of Quarantine Pests:

- Notification by professional operators to the Competent Authority of any evidence they may have concerning an imminent danger related to Quarantine Pests,
- Notification by the relevant Member State to the Commission and the other Member States in the event of evidence of imminent danger of introduction of a Quarantine Pest in the EU territory.
- After official confirmation of the presence of the Quarantine Pest, notification by the Competent Authority to EU Commission, other Member States and professional operators,
- Implementation of the necessary measures by professional operators in accordance with instructions given by the Competent authority to eradicate the Quarantine Pest.
- When plants or plant products are imported into the EU, Phytosanitary Certificates will be required to guarantee the absence of Quarantine Pests on the concerned subjects.

3.4. EU priority pests

Commission delegated Regulation (EU) 2019/1702 establishes the list of priority pests of the Union. Priority pests are an extract from the Union list of Quarantine Pests. These pests potentially would have the most severe economic, environmental or social impact if they were to establish in the Union.

The list is based on impact assessments carried out by EFSA and the European Commission's Joint Research Centre (JRC) on a number of pests identified by the Commission. The assessments considered a number of indicators such as impact on crop yields, damage to trade and the cost of control measures; social consequences such as unemployment, reduced food safety and security, and impact on landscapes and cultural heritage; and damage to the environment such as reduced biodiversity and ecosystem services.

For each of the listed pests, EU Member States are required to carry out stricter import control, annual surveys, draw up and keep up to date a contingency plan, perform simulation exercises, communicate with the public, and adopt an eradication plan for any of the listed pests that are present in the Union territory. This means that the EU territory has a coordinated, harmonized preparedness strategy for protecting agriculture, the environment and the economy from dangerous pests.

List of 20 priority pests of the EU

Agrilus anxius Gory

Agrilus planipennis Fairmaire

Anastrepha ludens (Loew)

Anoplophora chinensis (Thomson)

Anoplophora glabripennis (Motschulsky)

Anthonomus eugeni Cano

Aromia bungii (Faldermann)

Bactericera cockerelli (Sulc.)

***Bactrocera dorsalis* (Hendel)* *Bactrocera zonata* (Saunders)**

Bursaphelenchus xylophilus (Steiner et Bühner) Nickle et al.

Candidatus Liberibacter spp., causal agent of citrus greening*

Conotrachelus nenuphar (Herbst)

Dendrolimus sibiricus Tschetverikov

Phyllosticta citricarpa (McAlpine) Van der Aa

Popillia japonica Newman

Rhagoletis pomonella Walsh

Spodoptera frugiperda (Smith)*

Thaumatotibia leucotreta (Meyrick)

Xylella fastidiosa (Wells et al.)

(*Note: *The pest known to be present in Vietnam*)

3.5. Regulated non-quarantine pests (RNQPs)

RNQPs are certain particularly dangerous plant pathogens and pests which are already widely distributed. Owing to their distribution, they are not subject to notification or control obligations. However, to avoid unacceptable economic impacts, certain plants and seed products may only be placed on the market for commercial purposes if they are free from RNQPs (or the level of infestation/infection is below a defined threshold).

EU Regulated Non-Quarantine Pests as well as associated thresholds are listed in **Annex IV of the Regulation (EU) 2016/2031**. However, this regulation mainly applies to plants, plant propagating material and seeds.

3.6. List of high- risk plants:

The Plant Health Regulation provides a list of **high-risk plants** which, on the basis of a preliminary assessment, present a phytosanitary risk considered as unacceptable for the European territory. Their introduction into European territory from a third country shall therefore be prohibited pending a risk assessment. This list of High- Risk plants is defined through the Commission Implementing Regulation (EU) 2018/2019 .

High-risk plants whose introduction into the Union territory shall be prohibited pending a risk assessment are currently:

- Plants for planting, other than seeds, in vitro material and naturally or artificially dwarfed woody plants for planting of the following species: *Acacia*, *Acer*, *Albizia*, *Alnus*, *Annona*, *Bauhinia*, *Berberis*, *Betula*, *Caesalpinia*, *Cassia*, *Castanea*, *Cornus*, *Corylus*, *Crataegus*, *Diospyros*, *Fagus*, *Ficus carica*, *Fraxinus*,

Hamamelis, Jasminum, Juglans, Ligustrum, Lonicera, Malus, Nerium, Persea, Populus, Prunus, Quercus, Robinia, Salix, Sorbus, Taxus, Tilia, Ulmus.

- Plants of *Ullucus tuberosus*
- Fruits of **Momordica** originating from third countries where Thrips palmi is known to occur
- Wood of *Ulmus* originating from third countries where Saperda tridentata is known to occur

Importing high-risk commodities is prohibited unless and until a detailed pest risk assessment (PRA) has been carried out to determine if imports are acceptable and under what conditions. These PRAs will only be conducted by the EU CAs “on request”, with the third country CAs being responsible for providing basic data on the pests and diseases present on the crop.

The rules concerning the procedure to be followed in order to carry out the risk assessment of high- risk plants are detailed in Commission Implementing Regulation **(EU) 2018/2018**.

Regarding Vietnamese F&V products, the exporters must be pay attention only on fruits of Momordica which are included in the list of high-risk plants of the EU and presently prohibited to entry the EU. However, this list is subject to amendments and some plants or plant products may be added or removed.

3.7. Requirements for wood packaging & dunnage

EU requirements for wood packaging material are based on the International Standard for Phytosanitary Measures (ISPM). Regulation (EU) 2016/2031 sets the requirements; All wood packaging material and dunnage from non-EU countries must be:

- either heat treated or fumigated in line with ISPM15 procedures;
- officially marked with the ISPM15 stamp consisting of 3 codes (country, producer and measure applied) and the IPPC logo;
- debarked.

These requirements do not apply to:

- wood 6mm thick or less;
- wood packaging material made entirely from processed wood produced using

glue, heat and pressure e.g. plywood, oriented strand board and veneer;

- wood packaging material used in trade within the EU.

You must remember:

- *Some quarantine and priority pests of the EU are present on F&V crops in Vietnam.*
- *The product intended for export to the EU must:*
 - a) be free from quarantine pests (QPs) of the EU and practically free from other pests.*
 - b) not be included in the list of plants, plant products prohibited or temporarily suspended for entry into the EU countries*
- *Wood packaging material must comply with the requirements of ISPM 15*

3.8. Phytosanitary certificate (PC)

Plants, plant products including FFVs and other material listed in Annex XI (part A & B) and XII (protected zones) of **Regulation 2019/2072** entering the EU must have a PC guaranteeing that they are:

- properly inspected;
- free from quarantine pests, within the requirements for regulated non-quarantine pests and practically free from other pests;
- in line with the plant health requirements of the EU, laid down in Regulation (EU) 2019/2072.

The exporting country's national plant protection organizations issue PCs. Department of Plant Protection (PPD) is national plant protection organization (NPPO) of Vietnam. The order and procedures for plant quarantine upon export must comply with the **Circular 33/2014/TT-BNNPTBT** of the Ministry of Agriculture and Rural Development

It is important to note that apart from general legal requirements, to obtain PCs for export to the EU, some FFVs products must satisfy additional specific requirements of the EU and PPD.

For example, Vietnamese pomelo (and other citrus) fruits intended to be exported to the EU must:

- Harvested from production sites, which are put under monitoring of plant quarantine inspectors and granted with PPD a production unit code (PUC) to ensure that they are free from EU quarantine pests and the production sites are traceable.
- Be treated with Calcium or Potassium Hypochloride (solution concentration of 200 ppm; minimum 2 minutes) by a PPD accredited treatment provider for disinfections of *Xanthomonas citri pv citri*. The treatments parameters must be written on the PCs.

According to article 2 of **Regulation (EU) 2016/2031**, **plants** shall be considered as living plants and the following living parts of plants:

1. seeds, in the botanical sense, intended for planting;
2. fruits, in the botanical sense;
3. vegetables;
4. tubers, corms, bulbs, rhizomes, roots, rootstocks, stolons;
5. shoots, stems, runners;
6. cut flowers;
7. branches with or without foliage;
8. cut trees retaining foliage;
9. leaves, foliage;
10. plant tissue cultures, including cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material;
11. live pollen and spores;
12. buds, budwood, cuttings, scions, grafts.

Plant products means unmanufactured material of plant origin and those manufactured products that, by their nature or that of their processing, may create a risk of the spread of quarantine pests. **Wood** shall only be considered as a plant product if it fulfills one or more of the following criteria:

1. it retains all or part of its natural round surface, with or without bark;
2. it has not retained its natural round surface due to sawing, cutting or cleaving;
3. it is in the form of chips, particles, sawdust, wood waste, shavings or scrap, and

has not undergone processing involving the use of glue, heat or pressure or a combination thereof to produce pellet, briquettes, plywood or particle board;

4. it is, or is intended to be, used as packaging material, whether or not it is actually in use for transport of goods.

PCs for exports to the EU are prepared and issued as required by ISPM 12. It is very important to note that the CAs of the EU only accept a phytosanitary certificate if it fulfils the following requirements:

- It is issued in at least one of the official languages of the Union;
- It is addressed to the NPPO of a Member State; and
- It has been issued **no more than 14 days** before the date on which the plant products or other subjects covered by it have left the country in which it was issued.

3.9. EU requirements on additional declarations on PCs

According to ISPM 12, additional declaration (AD) is a statement that is required by an importing country to be entered on a PCs and which provides specific additional information pertinent to the phytosanitary condition of a consignment.

Article 71.2 of the Plant Health Regulation (EU)2016/2031 requires ADs on PCs to be issued for plants, plant products and other regulated articles imported into the EU. The CAs shall not accept that phytosanitary certificate where the additional declaration, where applicable, is not present or not correct.

The ADs in full wording the CAs of exporting countries need to make on the PC are listed in **Annex VII** of Commission Implementing **Regulation 2019/2072**. The Annex includes the list of plants, plant products and other objects, originating from third countries, and the corresponding special requirements for their introduction into the Union territory. The **full wording** of the relevant requirement should be mentioned under "Additional Declaration" on the PC. It is not enough to mention the specific article. Reference must be made to annex VII of Commission Implementing Decision (EU) 2019/2072 (including the relevant position, **e.g., 28a*, 58c*, 60a*...**), as well as the required minimal AD text as it should appear on the certificate. The same approach must be followed for ADs mentioned in other Commission Implementing Decisions.

At the BCP in the EU, documentary check is part of the import inspection, with focus on the required ADs on the PCs. In case of incorrect ADs, i.e. the lack of reference to the relevant position, the consignment will be refused entry.

3.10. Exemption from the requirement on PCs

No phytosanitary certificate is required for the import of five fruits: **pineapple, banana, coconut, durian, and dates** (annex XI - part C of Regulation 2019/2072)

Any plants or plant products not included on this PC exemption list will be subject to import plant health checks and will need a PC.

Fruits, vegetables and other plant products that have been processed are in general not concerned by the PC. They are considered as foodstuffs and need to meet the requirements on food safety.

For example: frozen vegetables, fruits and pre cut ready to eat fruits are not concerned by the phytosanitary certificate.

Table 5: List of products exempted from the EU requirement on PCs

Plants	Respective description under Council Regulation (EEC) No 2658/87	Country of origin or dispatch
Fruits of <i>Ananas comosus</i> (L.) Merrill	Pineapples, fresh or dried:	All third countries
Fruits of <i>Cocos nucifera</i> L.	Coconuts, fresh or dried, whether or not shelled or peeled	All third countries
Fruits of <i>Durio zibethinus</i> Murray	Durians	All third countries
Fruits of <i>Musa</i> L.	Bananas, including plantains, fresh or dried:	All third countries
Fruits of <i>Phoenix dactylifera</i> L.	Dates, fresh or dried:	All third countries

You must remember

- *Each consignment of plant products exported to the EU must be accompanied by a phytosanitary certificate issued by PPD.*
- *PC must be prepared and issued by CAs of exporting countries in accordance with ISPM 12 and EU regulations. The EU shall not accept the phytosanitary certificate where the additional declaration, where applicable, is not present or not correct. In case of incorrect ADs, i.e. the lack of reference to the relevant position, the consignment will be refused entry.*

- *Only five fruits (pineapple, banana, coconut, durian and dates) do not require a phytosanitary certificate.*
- *Fruits, vegetables and other plant products that have been processed are in general not required to be accompanied by a phytosanitary certificate. They are considered as foodstuffs and need to meet the requirements on food safety.*

3.11. Phytosanitary border controls

In EU, phytosanitary import controls are carried out at the BCPs. Relocation of the physical check to an approved inspection site is also possible under specific conditions.

From a technical customs point of view, the shipment can only be imported after the phytosanitary inspection has been completed with favorable result. This means that a shipment remains under customs supervision until the result of the phytosanitary inspection is known.

Plant health Inspections and decision

Operators responsible for the consignment (normally EU importers) must give prior notification to the CAs of the BCP by completing and submitting the relevant part of the CHED-PP into the IMSOC (Traces). This should be done prior to the physical arrival of the consignment into the Union (**Regulation 2017/625**).

According to Commission Implementing Regulation (**EU**) **2019/1103**, the operator responsible for the consignment shall give prior notification, to the CA of the BCP of first arrival into the Union, **at least one working day** before the expected arrival of the consignment. In practice, the earlier the CHED-PP has been filled in, the smoother the import process will be, as the plant inspectors will be able to perform inspections on the imported consignment immediately.

A phytosanitary import control consists of a **documentary, identity and physical** check. Detailed rules concerning the performance of documentary checks, identity checks and physical checks at border control posts are laid down in Regulation (EU) 2019/2130.

Documentary check

Each consignment is subjected to a documentary check. For consignments of plants products, the documentary check can be performed at distance from a control border post (*Chapter 2 of Regulation 2019/2123*). During the documentary check,

the CA inspects the official (phytosanitary) certificates, official attestations and other documents accompanying the consignment. The CA verifies, among others, if the phytosanitary certificate (PC) is issued by the competent authority of the third country, if the certificate fulfils the requirements set out in **ISPM 12 and mentions the correct additional declaration.**

Identity check

During the identity check, it is verified whether the content of the consignment corresponds to the information on the PC and other official attestations, for instance: the quantity and variety of plants, appropriate stamps, identification of the means of transport.

Physical check

During the physical check, it is verified, based on a visual examination and in certain cases analysis of samples, whether the plants or plant products are free from pests and whether they meet the specific requirements of **Regulation 2019/2072.**

Physical checks on plants, plant products and other objects are carried out in accordance with the requirements set out in Annex III of **Regulation 2019/2123.**

To ensure an efficient performance of official controls and a proper control of risks, the CA of the BCP may perform identity and physical checks on consignments of plants, plant products and other at a control point other than the BCP, under certain conditions described in chapter 1 of Regulation (EU) **2019/2123.**

Decision

If the result of the checks/inspections (documents, identity, physical) is favorable, the consignment is released. The CAs of the BCP will finalise the CHED- PP. This document can be presented to the customs as proof of the favorable plant health check and release.

The consignment may also be refused due to the following reasons:

The presence of pests;

The lack of the original phytosanitary certificate;

The phytosanitary certificate does not meet the requirements;

The identity of the consignment does not correspond to the phytosanitary certificate (the composition of the consignment, the plant varieties and their number do not correspond to the description given on the certificate).

If pests or symptom of pests are detected, a sample is taken and sent to an approved laboratory. The laboratory will identify the pest, if present. The CAs of the BCP will then decide which measures need to be taken.

The recipient is officially informed by the CAs of the BCP about the reason of refusal and the measures to be taken.

The measures may be taken include: **destruction or transport outside the EU borders**. In the latter case, the shipment may be transported to another country which has other requirements than the EU. The shipment must meet the conditions of that country. **Special treatment** obliged by the CAs is also possible.

You must remember:

- *At the BCP, the consignment remains under customs supervision until the result of the phytosanitary inspection is known and can only be imported into the EU after the phytosanitary inspection has been completed with favorable result.*
- *Non-compliant consignments may be destroyed or transported outside the EU.*

3.12. Reduced plant health checks

Although the general rule is that all consignments of plants and plant products must be inspected on arrival in the EU, plant health checks can be carried out at a reduced frequency where this can be justified.

Commission Regulation (EC) 1756/2004 specifies the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects. The list of products subject to reduced inspections, their countries of origin and the minimum percentage of consignments to be inspected is notified annually by the Commission . The reduced level of inspection shall apply from the date specified in the notifications and shall be applied until revised by the Commission.

To be eligible for a reduced frequency check, each trade (trade = commodity from a single country) must have had:

- an average of at least 200 consignments per year over the previous 3 years and
- a minimum of 600 consignments inspected over the same period.
- Any commodity with 1% or more of its consignments intercepted because of harmful organisms is not eligible.

Any interceptions associated with a particular trade are assessed and allocated a value depending on the estimated mobility of the harmful organism concerned. The total of the allocated values for the particular trade becomes its risk index which is compared against a table of values differentiated according to the number of inspected consignments. The resulting figure is the recommended inspection frequency for the consignment. The final inspection level may be adjusted to ensure a minimum of 200 consignments per year are inspected.

For example, from 01 January 2021 to 31 December 2021, minimum percentage of consignments to be checked for products of genus *Passiflora* from Vietnam is reduced from 25% to 15%.

Notifications of reduced plant health checks for certain products can be found on EU Commission Website.

3.13. Plant passport (PP)

Plant material moving within the EU, including within individual countries from one professional operator to another professional operator and even between premises of a single business or sold online to final users, requires a plant passport. Once in the EU, a PP may replace the PC for imported plants, plant products and other objects which are listed in annex XIII and XIV (protected zones) of **Regulation 2019/2072**.

Plant passports can only be issued by professional operators who are authorised to do so by the competent authorities of EU member countries.

PPs are only required for plant material that is or could be planted: this includes all ornamental plants, propagation material, some seeds (including certain vegetable seeds and potato seed and tubers), certain oilseed crops, and also for potted herbs for culinary use. PPs will not be required for F&V, with a few exceptions such as certain citrus (fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, with leaves and peduncles).

Plant passports have to meet specific requirements in terms of content and format, and they have to be attached to the ‘trade unit’ of the plants. This could mean a tray of plants, but in many cases it will mean the individual pot or even directly onto the plant.

PPs are not required for direct supply to final users (i.e. members of the public). But this excludes distance selling, where plant material sold to a final user will require a PP.

3.14. EUROPHYT

EUROPHYT is a web-based network and database related to plant health management in the EU. It connects Plant Health Organizations of the EU Member States and Switzerland, the EFSA and the Directorate General for Health and Food Safety of the European Commission (DG SANTE). The main features of the EUROPHYT network are:

- **Notification of interceptions:** Plant health authorities of the EU Member States and Switzerland enter data about interceptions they have made of non-compliant consignments into EUROPHYT electronically, via a direct web-link.
- **A Rapid Alert System:** EUROPHYT immediately notifies the plant health authorities of Member States and Switzerland of each interception. In the case of interceptions of imports from non-EU countries, the plant health authority of the exporting country also receives immediate notification in the form of an e-mail.
- **Database and information system:** All notifications are stored in a structured database. Members of the EUROPHYT network have full access to the data, making it possible to analyze trends and produce statistics.
- **Reports:** Standard weekly, monthly and annual reports are produced for free access of different users in the EU and outside the EU.

There are three major types of EUROPHYT notifications:

1. Interceptions of consignments of plants or plant products or other objects **imported from non-EU** countries due to:

- presence of regulated harmful organisms (quarantine pests, i.e., organisms specifically banned by EU law from entering into or being spread within the EU)
- organisms that could present a phytosanitary danger.

When such an interception is made the notification must be submitted within two working days and preferably earlier if the consignment was rejected. The Rapid Alert component of EUROPHYT ensures that the notification is immediately distributed to all other Member States as well as to the country that exported the consignment.

2. Interceptions of consignments of plants, plant products or other objects imported from non-EU countries that do not comply with EU phytosanitary standards for other reasons than the presence of a harmful organism:

- import of prohibited plants, plant products or other objects;
- absence of the official phytosanitary certificate;
- incomplete, illegible or expired phytosanitary certificate or missing or inadequate additional declaration specifying how specific EU requirements have been met;
- noncompliance with special requirements (including the lack of the required mark on solid wood packaging material to indicate that it has been treated).

There is **no specific time limit** for the notification of such interceptions, but Member States are encouraged to apply the same deadline as for interceptions of harmful organisms.

3. Notification of interceptions of consignments being **traded/moved between Member States** for reasons, such as:

- the presence of a harmful organism;
- absent or incorrect plant passport;
- lack or incorrect plant health movement document (used when the import controls are not completed at the first point of entry into the EU).

The EUROPHYTE annual reports present selected statistics and analysis of the interceptions of consignments made by EU Member States and Switzerland for reasons of phytosanitary non-compliance.

Vietnamese FFVs exporters and plant quarantine authorities are strongly advised to regularly access EUROPHYT reports via the Website of European Commission for identifying main reasons of non-compliance and taking appropriate measures to avoid possible future non-compliance of the products intended to be exported to the EU.

3.15. Review notifications on changes of EU regulations via ePing

Transparency is a core principle in the WTO in international trade. According to SPS Agreement, members shall notify changes in their SPS measures and shall provide information on their SPS measures in accordance with the provisions of this Agreement.

ePing, a joint initiative of the UN, WTO, and ITC, is an online tool that enables private and public stakeholders to access and discuss WTO SPS/TBT notifications affecting products and market of interest in a timely manner.

By registering on ePing, users can receive daily or weekly email alerts containing SPS/TBT notifications covering products/markets of interest to them including EU market. Users can also use the **ePing website** to search for SPS/TBT notifications meeting certain criteria. In addition, ePing can assist national SPS/TBT enquiry points in managing and reaching out to domestic stakeholders or other Enquiry Points to discuss specific notifications and/or provide complementary information (such as translations). All these features can in turn facilitate the formulation of timely comments on notifications and/or adaptation to new requirements. WTO Members can also use the fora of the SPS or TBT Committees to raise specific trade concerns related to notifications.

Awareness of regulatory trends in other markets can also assist regulators as they in turn develop measures to address similar policy objectives. Ultimately, ePing aims to assist public and private sector stakeholders, including SMEs, in benefitting from the SPS/TBT transparency framework of the WTO, facilitate trade and avoid unnecessary trade disruptions.

The ePing database is fed directly by the WTO SPS and TBT Information Management Systems (SPS IMS and TBT IMS). It is updated on a daily basis and contains all SPS and TBT notifications circulated in the last three years. The user looking for older notifications can consult the Websites of SPS IMS or TBT IMS, which include all SPS and TBT notifications notified by WTO Members since 1995.

ePing is of potential interest to all types of stakeholders, including government agencies, standardizing bodies, producers, exporters, importers, service providers, small and medium-size enterprises, multinationals, international organizations, research institutes, NGOs etc. Currently, ePing registers 13,000 users worldwide and around 350 in Vietnam. Language barrier represents a difficulty for Vietnamese ePing users. In response to this challenge, ITC and Vietrade with the support of local SPS and TBT enquiry points worked together to launch ePing in Vietnamese on 29 April 2021.

The Vietnamese version of ePing helps bringing the information contained in WTO notifications closer to those who most need it: the exporters and importers. It will help businesses react in a timely manner to regulatory changes in partner countries including EU Member States and will enable them to better identify concerns they may have to comply with such changes.

SPS and TBT notifications of the EU concerning F&V have been included in Vietnamese version of ePing.

For more information about ePing in Vietnamese, please visit the [website: ePing \(epingalert.org\)](http://epingalert.org)

SECTION IV

FREQUENTLY ASKED QUESTIONS AND ANSWERS ON EU FOOD SAFETY AND PLANT HEALTH REQUIREMENTS FOR F&V EXPORTS FROM VIETNAM

Question 1: To which extent sanitary and phytosanitary requirements are harmonized at the EU level?

Answer: Sanitary and phytosanitary requirements for products of animal origin and for plant produces (seeds, plants for planting, fruits and vegetables, processed products of plant origin) and composite products **are fully harmonized at the EU level**. The same sanitary standards of plant, animal, feed and food safety destined to EU consumers are applicable to all products regardless of origin – either produced in any of the EU Member States or imported. Sanitary and phytosanitary requirements for commodities originating from non-EU countries including Vietnam have to fulfil the same standards as those applicable for trade within the EU. Therefore, the same sanitary standards of plant, animal, feed and food safety apply to all EU Member States and trade partners exporting to the EU in a **non-discriminatory manner**.

Question 2: As my farm is in Vietnam (outside of the EU) how can EU law apply to me?

Answer: EU law cannot apply directly outside the EU and in Vietnam, but your buyers in the EU must comply with the law for all foodstuffs including imports and therefore they will require you to meet the EU legal requirement as a precondition for your product to access the EU market.

Question 3: Does Vietnam need official approval from the EU before export plant origin products to the EU?

Answer : No. The approved countries list for export to the EU only applies to food of animal origin. There is no requirement on official approval for export of plant origin products including F&V to the EU.

Question 4: Does Vietnam need to get EU approval for its phytosanitary competent authorities?

Answer: No. This measure only applies to food of animal origin, but Vietnam must provide evidence of a competent authority for phytosanitary measures.

Question 5: Does my company need to be on a list of EU approved establishments before I can export plant products to EU?

Answer: No. This measure only applies to food of animal origin. However, for export to EU your company must be registered in Vietnam and your buyer must be registered in the EU.

Question 6: Who is the competent authority for SPS measures related to plant origin foods in Vietnam?

Answer: Plant Protection Department (PPD) under the Ministry of Agriculture and Rural Development (MARD) is National Plant Protection Organization (NPPO) of Vietnam and responsible for state management in the areas of plant health and food safety of plant origin foods.

Question 7: What are the minimum labelling requirements for each fruit or vegetable consignment?

Answer: You must label your consignment with your company name, full address and contact details, country of origin, nature of the product (name of the product) and date of the transaction.

Question 8: What hygiene requirements do I need to meet in order to export fresh unprocessed F&V to the EU?

Answer: You must ensure food safety by preventing contamination of products from any source (air, soil, water, fertilizers, feed, chemicals, poor worker hygiene, storage, handling and disposal of wastes at any point in production through to export of the foodstuffs. This is achieved by complying with general hygiene requirements for primary production.

QUESTION 9: ARE THERE ANY PESTICIDES BANNED IN THE EU THAT I MUST AVOID USING OR ALLOWING TO CONTAMINATE MY CROPS?

Answer: Yes. The EU has banned many pesticide active substances based on scientific evidence of harmful impact to human/animal health or environment. You must avoid using or allowing to contaminate your crops if your products are intended to be exported to the EU.

Question 10: What happens if banned pesticides are detected on or in my produce by the authorities in the EU?

Answer: Banned/ prohibited or non-approved pesticides are put under strictest controls in the EU. If you use these pesticides, it is difficult for you to comply with EU maximum residue limits which will be set at the limit of detection (LOD) (almost zero tolerance).

If your product contains higher than permitted pesticide residues your consignment will be condemned and destroyed at your expense, your buyer and EU consumers will be informed, and your product will risk being put under increased or special controls or not being allowed to make further exports to the EU. If the offence occurs for several suppliers from your country, the EU will consider introducing special restrictions on imports from your country

Question 11: How do I find information on the pesticides which have been banned in EU?

Answer : A consolidated list of pesticides that have been banned by countries including EU is freely provided by the **Pesticide Action Network International (PAN International)**. You can visit the Website of PAN International to search for information on pesticides currently banned in the EU and in other countries. This information is updated approximately annually.

However, you are strongly advised to visit the **EU pesticide database** to get updated information on banned pesticides in the EU. Eping is also a helpful tool to assist its users in getting EU notifications on pesticide bans.

Question 12: How can I know whether a pesticide I intend to use is approved or not approved in the EU?

Answer: You can freely search for EU pesticide database on the Website of European Commission, select the option “active substances” and type/ choose the name of your product and pesticide active substance interested by you. The search result will tell you whether that pesticide is approved or not approved in the EU and its approval history.

Question 13: In recent years, the EU has withdrawn many common pesticides from use, but Vietnam and other countries still allow to use them. Can I still use these chemicals on crops intended for export to the EU?

Answer: Pesticides withdrawn by EU cannot be produced, sold, stored or used within the EU, but you can use them on produce intended for export to the EU if they are approved

in Vietnam. However, if you use these pesticides, you must comply with EU maximum residue limits which will be set at the limit of detection (almost zero tolerance) for all withdrawn chemicals. In practice, it may prove very difficult or impossible to achieve such a low level of residue.

Normally, pesticides withdrawn by EU are toxic for human health or environment and application for “import tolerance” is not accepted. The best option is to avoid using the pesticides which have withdrawn by EU.

Question 14: How do I find information on EU approved MRL of pesticide residues for my product?

Answer: This information may be obtained on the EU pesticide database by selecting the search option “pesticide residues”. You should select the product and active substance and then click the box “Display selected items”. The search results will show you the value of allowable MRL of pesticide residues in your specific product. The result “no records matching” means the specific MRL is absent in the list of approved MRLs in the EU and default MRL of 0.01 ppm is probably applied for that pesticide on your product unless different default values are fixed for an active substance while taking into account the routine analytical methods available.

Question 15: What pesticides can I use for pest control in Vietnam if my product is intended to be exported to the EU?

Answer: As your farm is in Vietnam, you can use the pesticides legally permitted in your country. However, you should follow good agricultural practice for the reasons of food safety and environmental protection. If your products are intended to be exported to the EU, you are strongly advised to use the pesticides which are not only approved by the EU and but also permitted to use in Vietnam with preference to safe biological pesticides.

In addition, you should buy pesticides from the registered and reliable distributors to ensure that the pesticides intended to be used on your crops have good quality and not contaminated with highly hazardous or prohibited substances. This is an essential precondition to comply with EU food safety requirements for your exported products.

Question 16: How can I find list of pesticides permitted for use in plant protection in Vietnam?

Answer: Annually, the Ministry of Agriculture and Rural Development (MARD) promulgates a Circular on the list of pesticides permitted for use in Vietnam. The

Circular 10/2020/TT-BNNPTNT is currently effective. Annex I of the Circular contains information on active substances and trade names of pesticides permitted to use for use in Vietnam. You should remember that many active substances allowed to use on rice and industrial crops but not permitted to use on F&V in Vietnam.

You can also use the mobile App called “Thuoc BVTV” to find detailed information about pesticides permitted to use in Vietnam. It is available to download on Google and Apple stores. The use of this app is similar to other apps on the phone, users go to Google play, type search for the name of the software, download and install it on the device to be able to use it. Please visit the Website of PPD, select the search option “Pesticide search software” (Phần mềm tra cứu thuốc BVTV) for more information.

The insecticides and fungicides currently permitted to use on dragon fruit, pomelo and black peppers in Vietnam are listed in Annex 1-3.

Question 17: Do I need a certificate of compliance with the requirements of pesticide residues?

Answer: There are no EU requirement on official certificates for pesticide usage. Verification of compliance with the requirements of pesticide residues is performed by random sampling and analysis at the point of entry, distribution or sale in the EU.

However, if your product is in the list of the products required special controls of EU, for export to the EU your product may be required to be accompanied by a food safety certificate along with the results of pesticide residues analysis.

Question 18: What are the legal EU limits for pesticide in FFVs compared to legal MRLs of Vietnam?

Answer: The maximum permitted levels of pesticide are known as maximum residue limits (MRLs) which are established for chemicals and crops on the basis of scientific evidence. You can find legal EU MRLs of pesticides for your product on EU pesticide database (search option- pesticide residues). You should remember that many MRLs set by the EU may be lower than legal MRLs of Vietnam for the same pesticide and product.

Question 19: How do I ensure compliance with the legal limits for pesticides on my produce?

Answer: MRL’s are a useful verification measure but cannot be used directly by the farmer in the field. For field use the farmer needs to know the correct use of pesticides,

especially pre- harvest interval to ensure that the amount of chemical left on the crop at the time of harvest meets legal requirements. Application of IPM, non-chemical and biological measures in plant protection should be given a high priority during primary production process.

Question 20: What happens if the authorities in the EU detect pesticides at levels that exceed the permitted amounts specified under EU legislation?

If the level of pesticide exceeds the MRL, the shipment may be rejected and destroyed at your expense if detected at the entry port. If detected at point of distribution or retail sale, the competent authority of your country, your buyer and consumers will be informed and your product details are published on publicly available electronic databases (RASFF) and appropriate risk-based action, including food recall from the market is taken if there is risk to human health.

Question 21: How can I find the list of pesticides approved for use in EU and legally permitted maximum limits of pesticide residues in FFVs?

Answer: The **EU Pesticides Database** allows users to freely search for information on approved active substances used in plant protection products and Maximum Residue Levels (MRLs) in food products. Users can find information on active substances, either approved or non-approved in the EU. Users can also search for a particular food product (e.g. dragon fruit) and retrieve the MRLs for all pesticide residues that apply to that product. Users can select a particular pesticide residue in specific food products and find the current or historical MRLs that legally apply. You can use the link https://ec.europa.eu/food/plants/pesticides/eu-pesticides-database_en to access the EU Pesticides Database.

Question 22: What happens if a MRL of a pesticide residue for my product has not been found in the list of MRLs approved by the EU?

Answer: If a MRL has not been approved by the EU, it cannot be found in the list of EU approved MRLs. This may be the case when: The imported commodity comes from a crop not grown in the EU; The crop is grown in the EU but the active substance is not authorized for use on it ; The active substance is not approved in the EU, i.e. has never been approved or has been withdrawn. The EU applies a default MRL of **0.01 mg/kg** (the lowest limit of determination- LOD) for any active substance/commodity combination for which an MRL is not specifically established in the Union unless different default values are fixed for an active substance while taking into account the routine analytical methods available.

Question 23: Which chemical contaminants (other than pesticides) are important for FFVs intended to be exported to the EU?

Answer: For the majority of FFVs the only contaminants with maximum levels specified under EU current regulation are **lead and cadmium**. For spinach and lettuce there are restrictions on the amount of **nitrate** in the product.

Question 24: How do I ensure compliance with the legal limits for chemical (other than pesticides) contaminants in my produce?

Answer: For lead and cadmium it is important to conduct a risk assessment to determine the risk of contamination. The level of risk can be dramatically reduced by avoiding the use of sewage sludge, not using land or water sources close to areas where lead and cadmium mining has occurred and avoiding planting too close to major roads or using surface water for irrigation if a risk exists of contamination of the water supply with run-off from a major road. Soil and water tests need to be conducted to determine the practical level of risk for a given site.

For nitrate sensitive crops it is necessary determine the level of nitrate in the soil and then take account of the amount of nitrate in any proposed inputs of fertilisers, manures, composts or mulches to calculate how much of these inputs can be used without exceeding the maximum levels permitted in the crop. Visual indications of excessive nitrate levels such as abnormally dark green foliage, thick stems and greater leaf development should be acted upon.

Question 25: Do I need a certificate to demonstrate compliance with the EU requirements on maximum limits of contaminants (other than pesticides) in my produce intended to be exported to EU?

Answer: There are no requirements on official certificates for chemical contamination, verification of compliance is by random sampling and analysis at the BCP, distribution or sale in the EU. Non- compliance is treated in the same manner as pesticides.

Question 26: Do I need to comply with the regulation on microbiological criteria for foodstuffs in order to export fresh unprocessed F&V to the EU?

Answer: With the exception of sprouted seeds these criteria only apply to minimally-processed ready to eat fruits and vegetables.

Question 27: Do I need a plant health (phytosanitary) certificate in order to export fresh fruits and vegetables to the EU?

Answer: Yes. All living plant material (entire plants, fruits, vegetables, cut flowers, seeds, tubers, etc.) and some plant products (e.g. wood of certain tree species) can only be imported into the EU if accompanied by a phytosanitary certificate confirming their compliance with the EU legislation. The only exceptions relate to 5 fruit species: **bananas, coconuts, dates, pineapples and durians** do not need a phytosanitary certificate for import into the Union.

A phytosanitary certificate issued by PPD is required to be sent with every shipment of FFVs to certify that none of the EU quarantine pests are present in the consignment.

Question 28: What are the plant health requirements for wooden packaging?

Answer: All wooden packaging manufactured from natural timber of greater than 6mm thickness must be treated to comply with ISPM-15 and be stamped with an ISPM-15 compliance stamp. All wooden packaging must be de-barked as required.

Non-compliant packaging can be rejected and could result in rejection of the entire consignment.

Question 29: What happens if the authorities in the EU detect quarantine pests on or in FFVs consignments exported to EU?

Answer: If this occurs your consignment will be condemned, and will be rejected and destroyed at the exporters' expense if they represent a serious risk to plant health within the EU. Non-compliance notification of your consignment will be published on EUROPHYT system.

Question 30: What are the most important EU quarantine pests on which I should pay special attention in my F&V production in Vietnam for export to the EU?

Answer: Some EU quarantine pests are known to be widely present in many F&V producing areas of Vietnam. The most important pests, on which you should pay special attention in F&V production for export to EU are: fruit fly (*Bactrocera dorsalis*); vegetable leaf miner (*Liriomyza sativae*); thrips (*Thrips palmi*); white fly (*Bemisia tabaci*); leaf miner (*Liriomyza trifolii*); citrus canker (*Xanthomonas citri* pv. *citri*). These pests are under strict controls of EU and must not be present on the products including FFVs intended to be exported to the EU.

Question 31: How I can ensure my FFVs consignments intended to be exported to the EU are free from quarantine pests?

Answer: First of all, you must know what pests of your crop are QPs of the EU. FFVs intended to be exported to the EU should be produced in “pest-free areas” or in “pest-free place” with the Production Unit Code given by PPD in Vietnam. These production areas should be put under systematic monitoring and controls of PPD officials. Before packaging for export, your products must be inspected by PPD plant quarantine inspectors. The phytosanitary certificate accompanied the FFVs consignments will be issued by PPD competent authorities if the consignments of exported products are free from quarantine pests of the EU and practically free from other pests. .

It is possible to use integrated measures or “**systems approach**” to ensure that your products are free from QPs before export to the EU. Cultural practices, crop treatment, post-harvest disinfestation, inspection and other procedures may be integrated in a systems approach to ensure compliance with the phytosanitary regulations of importing countries. Risk management measures designed to prevent contamination or reinfestation are generally included in a systems approach (e.g. maintaining the integrity of lots, requiring pest-proof packaging, screening packing areas, etc.). Likewise, procedures such as pest surveillance, trapping and sampling can also be components of a systems approach.

Question 32: What are the requirements of EU on prior notification of import plant origin food consignments?

Answer: Plant origin food consignments from outside the EU including Vietnam are required border controls and must be pre-notified to competent authorities of EU Border Control Posts. Prior notifications must be made no later than 24 hours before the consignment arrives in EU territory. Prior notification of an import consignment shall be made in the web-based system IMSOC (TRACES), by creating a so-called CHED-PP (Common Health Entry Document for Plants and Plant Products). The earlier the CHED-PP has been filled in, the smoother the import process will be, as the plant inspectors will be able to perform inspections on the imported consignment immediately. Normally, EU importers are responsible for prior notification of import consignments.

Question 33: What are the provisions for reduced plant health checks carried out by competent authorities at BCPs in the EU?

Answer: Plant health checks can be carried out at a reduced frequency where this can be justified. To be eligible for a reduced frequency check, each trade (trade = commodity from a single country) must have had:

- an average of at least 200 consignments per year over the previous 3 years and
- a minimum of 600 consignments inspected over the same period.

Any commodity with 1% or more of its consignments intercepted because of harmful organisms is not eligible.

Question 34: How can I access the notifications of new requirements on my products intended to be exported to the EU?

Answer: The best way is use of ePing. By registering on ePing, you can receive daily or weekly email alerts containing SPS/TBT notifications covering products/markets of your interest including EU markets.

You can also visit Website of Vietnam SPS Office to search for SPS notifications, and Website of Vietnam TBT Office for TBT notifications of WTO member countries including EU.

Question 35: Apart from minimal legal food safety and plant health requirements on my F&V products for entry into the EU market, what are the common additional requirements of the EU buyers that I must to comply with?

Answer: Compliance with food safety and plant health legal requirements is compulsory for F&V products exported to the EU market. In addition, most EU importers require you to provide some proof of food safety certification. Additional buyer requirements for certain standards are different. For export of FFVs, EU buyers very often require Global GAP standard, while for processed fruit and vegetable products they may require other standards like IFS (International Featured Standard); BRC (British Retail Consortium Global Standard for Food Safety); SQF (Safe Quality Food Program); FSSC 22000 (Food Safety System Certification). The buyers may also require lower MRLs of pesticide residues or corporate social responsibility (CSR)... As F&V exporter to the EU market, you should consult with your buyers to identify the specific additional requirements that you must to comply with for long term and trustful business cooperation of the two sides.

Question 36: What kinds of certificates legally required for organic FFVs imported into the EU?

Answer: Organic F&V products must not only to fulfill all legal requirements on food safety and plant health for common plant products but also satisfy other specific requirements for organic products exported to the EU market. Apart from the phytosanitary certificate, organic FFVs imported into the EU must have the appropriate electronic certificate of inspection (e-COI). These are administered through the Trade Control and Expert System (TRACES). For Vietnam, the certificates of inspection are issued by the control bodies designated by the EU which are operating in Vietnam. The original certificate of inspection must be presented together with the imported organic products to the relevant Member State's authority at the point of entry, from which the products are released for free circulation into the Union.

MAIN SOURCES OF INFORMATION

1. Audits: http://ec.europa.eu/food/audits-analysis/audit_reports
2. Better Training for Safer Food: <http://ec.europa.eu/chafea/food/index.html>
3. Circular 33/2014/TT-BNNPTNT on the order and procedures for plant quarantine for import, export, transit and post-importation of objects subject to Phytosanitary inspection.
4. Circular 10/2020/TT-BNNPTNT- List of plant protection products permitted for use in Vietnam (MARD)
5. Circular 21/2015/TT-BNNPTNT on pesticide management in Vietnam
6. Circular 50/ 2016/TT-BYT on permitted MRLs in foodstuffs in VN
7. Circular 44/2018/TT-BNNPTNT on State inspection of food safety for food of plant origin for export.
8. DG SANTE website: https://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/new_eu_rules_en
9. EFSA Website: <http://ec.efsa.eu>
10. EFSA-Plant Health: <https://www.efsa.europa.eu/en/topics/topic/planthealth>
11. Emergency control measures by species: http://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/emergencymeasures
12. ePing Website: <https://www.epingalert.org/en>
13. EU Pesticides Database: https://ec.europa.eu/food/plants/pesticides/eupesticides-database_en
14. EU Plant Health legislation: http://ec.europa.eu/food/plant/plant_health_biosecurity/legislation
15. European Commission Website- <http://ec.europa.eu> (Food and food safety;Plants and plant health)
16. EUROPHYT: http://ec.europa.eu/food/plant/plant_health_biosecurity/europhyt.
17. Law of Plant protection and Plant quarantine, 2013
18. PAN International consolidated list of banned pesticides by countries, latest edition, March 2021
19. RASFF annual reports 2018, 2019, 2020
20. RASFF window: <https://webgate.ec.europa.eu/rasff-window/screen/search>
21. Reports/ presentations of SYMST international and national consultants presented at the Webinars on Vietnamese and EU regulations on plant health and food safety (19-20 January, 2021)
22. TRACES: <https://webgate.ec.europa.eu/sanco/traces/>
23. Trade in plants & plant products from non-EU countries: http://ec.europa.eu/food/plant/plant_health_biosecurity/non_eu_trade

ANNEX 1

LIST OF ACTIVE INGREDIENTS OF INSECTICIDES AND FUNGICIDES PERMITTED FOR USE ON DRAGON FRUIT IN VIETNAM

(Source: Circular 10/2020/TT-BNNPTNT)

Insecticides	Fungicides	
<ol style="list-style-type: none"> 1. Abamectin 2. Clinoptilolite 3. Clothianidin 4. Spirotetramat 	<ol style="list-style-type: none"> 1. Ascorbic acid 2. Azoxystrobin 3. Chitosan 4. Chlorothalonil 5. Citric acid 6. Dimethomorph 7. Fluoxastrobin 8. Fosetyl aluminium 9. Gentamycin sulfate 10. Hexaconazole 11. Kresoxim methyl 12. Lactic acid 13. Mancozeb 14. Oxytetracycline hydrochloride 	<ol style="list-style-type: none"> 15. <i>Paecilomyces lilacinus</i> 16. Penthiopyrad 17. Phosphorous acid 18. Physcion 19. Polyoxin complex 20. Polyphenol (from <i>Oroxylum indicum</i> and <i>Salix babilonica</i>) 21. Propineb 22. Prothioconazole 23. Streptomycin sulfate 24. Tetramycin 25. <i>Trichoderma spp.</i> 26. Triforine

ANNEX 2

LIST OF ACTIVE INGREDIENTS OF INSECTICIDES AND FUNGICIDES PERMITTED FOR USE ON POMELO IN VIETNAM

(Source: Circular 10/2020/TT-BNNPTNT)

Insecticides	Fungicides
<ol style="list-style-type: none">1. Abamectin2. Azadirachtin3. <i>Bacillus thuringiensis</i>4. Cotton seed oil5. Garlic oil6. <i>Syzygium aromaticum</i> oil7. Emamectin benzoate8. Flubendiamide9. Petroleum spray oil10. Spirotetramat	<ol style="list-style-type: none">1. Dimethomorph2. Fluopicolide3. Fosetyl-aluminium4. Propineb5. <i>Trichoderma virens</i>6. <i>Trichoderma hamatum</i>

ANNEX 3

LIST OF ACTIVE INGREDIENTS OF INSECTICIDES AND FUNGICIDES PERMITTED FOR USE ON BLACK PEPPER IN VIETNAM

(Source: Circular 10/2020/TT-BNNPTNT)

Insecticides	Fungicides	
1. Abamectin	1. Albendazole	28. Garlic oil
2. Acetamiprid	2. <i>Azoterbacter beijerinckii</i>	29. Gentamicin sulfate
3. Alpha- Cypermethrin	3. Azoxystrobin	30. Gentamycin
4. Azadirachtin	4. <i>Bacillus ginsengihumi</i>	31. Hexoconazole
5. Beauveria bassiana	5. <i>Bacillus subtilis</i>	32. Iprodione
6. Buprofezin	6. Bismethiazol	33. Kasugamycin
7. Carbosulfan	7. Chitosan	34. Kresoxim-methyl
8. Cartap	8. Chlorothalonil	35. Mancozeb
9. Chlorfenapyr	9. Copper citrate	36. Mandipropamid
10. Clinoptilolite	10. Copper Hydroxide	37. Metalaxyl
11. Dimethoate	11. Copper Oxychloride	38. <i>Metarhizium anisopliae</i>
12. Emamectin benzoate	12. Copper sulfate	39. Myclobutanil
13. Etoxazole	13. Copper sulfate pentahydrate	40. Olio-sacarit
14. Fenobucab	14. Cuprous oxide	41. Oxytetracycline
15. Fluensulfone	15. Cymoxanil	42. Phosphorous Acid
16. Fosthiazate	16. Cynnamon oil	43. Prochloraz
17. Imidacloprid	17. Cytokinin (Zeatin)	44. Propamocarb
18. Indoxacarb	18. Cytosinpeptidemycin	45. Propiconazole
19. Isoprocarb	19. Difenconazole	46. Propineb
20. Karanjin	20. Dimethomorph	47. Pyraclostrobin
21. Lamdacyhalothrin	21. Dimethomorph	48. Pyrimethanil
22. Matrine	22. Eugenol	49. Salicylic Acid
23. <i>Metarizhium anisopliae</i>	23. Famoxadone	50. <i>Streptomyces owasiensis</i>
24. Petroleum oil	24. Fluazinam	51. Streptomycin
25. Polyphenol (plant origin)	25. Fluopyram	52. Tebuconazole
26. Pyridaben	26. Flutriafol	53. Tebufenpyrad
27. Pyriproxyfen	27. Fosetyl- aluminium	54. Thifluzamide
28. Rotenone		55. <i>Trichoderma spp.</i>
29. Spirotetramat		56. Trifloxystrobin
30. Sulfoxaflor		57. Ziram
31. Thiamethoxam		

ANNEX 4

EU NON-APPROVED PESTICIDES PERMITTED FOR USE IN VIETNAM

Insecticides	Fungicides
<ol style="list-style-type: none">1. Acephate2. Amitraz3. Matrine4. Chlorfenapyr5. Clothianidin6. Cyfluthrin7. Fipronil8. Phosalone9. Cartap10. Carbaryl11. Dichlovos12. Imidacloprid13. Lufenuron14. Isoprocarb	<ol style="list-style-type: none">1. Hexaconazole2. Kasugamycin3. Iprodione4. Metalaxyl5. Polyoxin6. Zineb7. Carbosulfan8. Streptomycin9. Maneb10. Mancozeb11. Propineb12. Propiconazole

ANNEX 5

THE MOST IMPORTANT EU QUARANTINE PESTS DAMAGING DRAGON FRUIT AND POMELO IN VIETNAM



Fruit fly (*Bactrocera dorsalis*) on dragon fruit
(Photo credit: biotech-agri.org)



Symptom of damage caused by fruit fly (*Bactrocera dorsalis*) on pomelo fruits
(Photo credit: fao.vn.org)



Citrus canker (*Xanthomonas citri* pv *citri*) on pomelo leaf and fruit
(Photo by courtesy of Plant Quarantine Diagnostic Center, PPD)