

# New controls on plastic kitchenware articles originating from China & Hong Kong

Customs Information Paper (11) 53	
Who should read:	All importers of polyamide and melamine plastic kitchenware articles, freight agents and freight forwarders who handle such imports, authorised CFSP traders, staff at the National Clearance Hub (NCH).
What is it about:	New EU import procedures introducing checks on plastic kitchenware articles originating from China & Hong Kong coming into force on 1 July 2011.
When effective:	1 July 2011
Extant until/expires:	Until further notice.

## 1. Background

1.1 The European Commission is introducing new controls for the import of polyamide and melamine plastic kitchenware articles originating in or consigned from China and Hong Kong. The controls will be applied at the first point of introduction into the EU.

1.2 The controls are set out in [Commission Regulation \(EU\) No 284/2011](#) which is due to enter into force on 1 July 2011.

## 2. The New Controls

2.1 With effect from 1 July 2011 imports of polyamide and melamine plastic kitchenware articles originating in or consigned from China and Hong Kong will be subject to documentary checks on all consignments and identity and physical checks, including laboratory analysis, of ten per cent of consignments at the first point of introduction into the EU. These checks will be carried out in Member States by the competent authority for food official controls.

2.2 Importers or their representatives must notify the [competent authority](#) at the first point of introduction (at a port or airport) at least two working days prior to their arrival in the EU.

2.3 Release for free circulation will be subject to completion of the documentary and physical checks and receipt of satisfactory laboratory test results for sampled products.

2.4 A copy of the declaration to be provided for every consignment of plastic kitchenware falling under this new EU regulation is set out in the [Annex](#) to this paper.

2.5 We have been notified of the Commission's intention to introduce two new commodity codes for these products. We are currently awaiting confirmation of these new codes and will advise further details as soon as these become available. If this information is not available before the 1 July 2011, the existing commodity code 3924 10 00 should be used until further notice.

### **3. UK implementation**

3.1 The Food Standards Agency (FSA) has lead responsibility for implementing the new regulation in the UK and has been working closely with other UK authorities who will be involved in implementing and enforcing the new controls.

3.2 The competent authorities for delivering the documentary and physical checks on consignments arriving at first points of introduction will be Port Health/Local Authorities (see paragraph 2.2).

3.3 HMRC's National Clearance Hub (NCH) will be responsible for ensuring that consignments are not released to free circulation until the required import checks have been completed.

### **4. Customs clearance process**

#### **4.1 – Arrival at the frontier**

For polyamide and melamine plastic kitchenware articles from China and Hong Kong that are subject to these new import controls, the NCH will withhold customs clearance until they receive either:

- a) a faxed or emailed copy of the declaration contained in Commission Regulation (EU) 284/2011 (see the [Annex](#) to this CIP) which has been endorsed by the Port Health / Local Authorities confirming that the necessary checks have been carried out and/or the tests are satisfactory; or
- b) an electronic message from Port Health / Local Authorities confirming that the checks have been carried out and/or the tests are satisfactory.

Importers or their agents should fax or email declarations - at a) above, that have been endorsed by the Port Health / Local Authorities to NCH using the following contacts:

Fax: 0800 496 0699

Email: [NCH](#)

Once an endorsed declaration has been received by the NCH that the checks have been carried out/or the tests are satisfactory the customs declaration (to free circulation or any other customs procedure such as Customs Warehousing) will be processed. If the checks/tests are unsatisfactory the goods will be allowed to move under customs control as per paragraph 4.3 and cannot be immediately released to free circulation'.

4.2 Port Health / Local Authorities will be responsible for carrying out examinations, sampling and/or detention of consignments subject to the controls. They will also be responsible for stipulating any storage, disposal or movement restrictions for consignments subject to laboratory analysis and for deciding action to be taken with any non-compliant products.

4.3 For those goods which are selected for sampling, once a sample has been taken from the consignment and with Port Health approval, the goods will exceptionally be allowed to be removed from the frontier to a customs-managed storage facility such as an Enhanced Remote Transit Shed (ERTS). These removals must take place under the T1 Community transit procedure using the New Computerised Transit System (NCTS) and with an appropriate transit guarantee. The movement of these controlled goods will be allowed under Regulation (EEC) No 2913/92 Article 38 – 1a and this will only be applicable for goods which fall under the specified commodity codes and for those consignments which are subject to sampling.

Consignments which are exceptionally allowed to be removed to remote storage will not be cleared from the port inventory, and the CHIEF declaration will remain as an NCH held entry pending the results of the sampling analysis.

The importer of the goods will undertake to comply with any decision made by the FSA / Port Health as lead authorities with regard to the goods when the sampling analysis results are known.

Goods placed in storage awaiting the results of sampling must be held in a secure manner and must not be removed from the storage facility until the entry has been cleared by the NCH.

4.4 Importers of plastic kitchenware articles that are not subject to the new controls in Commission Regulation (EU) No 284/2011 will be required to make a positive statement to this effect. To do this, importers or their agents should enter the statement LIC99 in the Additional Information field at item level within box 44 of the Single Administrative Document - C88. The code means 'goods are not subject to any documents other than those declared'. Misuse of this code is a customs offence. If you are in any doubt as to whether or not your goods fall within scope of the regulation please contact the FSA as at paragraph 6.1.

## 5. CFSP traders

5.1 CFSP traders must treat consignments falling under this Regulation as controlled goods. You will no longer be permitted to declare these goods at the frontier under the Local Clearance Procedure (LCP). If you intend to continue importing these goods under CFSP you will need authorisation to operate the Simplified Declaration Procedure (SDP). If you already hold an authorisation for SDP, it will need amending to include these goods as controlled.

5.2 If you are a Large Business trader, you should contact your Customer Relationship Manager (CRM). Other traders should contact the Authorisation and Returns Team (ART) in Leeds at the following address:

HMRC ART  
Peter Bennett House  
Redvers Close  
Leeds  
LS16 6RQ.

5.3 To import these goods under CFSP SDP one of the following controlled goods Customs Procedure Codes (CPCs) must be declared on the Simplified Frontier Declaration (SFD):

- 06 20 040 - SDP controlled goods released to free circulation;
- 06 20 061 - SDP controlled goods released to a CPEI or End use;
- 06 22 071 - SDP controlled goods released to type A, C, D & E warehousing;
- 06 24 078 - SDP controlled goods released into Free Zone.

The completion notes for the above CPCs must be followed (Tariff Volume 3 Appendix E2 refers). The endorsed declaration and all supporting documentation for the goods, including a copy of the SFD, must be sent to the NCH for verification.

5.4 CFSP traders may continue to use LCP to remove these goods from customs warehousing as the mandatory controls will already have been applied at the frontier.

## 6. Further information and contacts

6.1 Further details about the scope of these import restrictions and how they will be implemented at the first points of introduction can be obtained from the lead policy department, the Food Standards Agency (FSA), by emailing [Food Standards Agency](#) , or, in due course, via the [Food Standards Agency website](#) .

6.2 Any new information will, where appropriate, be made available via a further Customs Information Paper.

6.3 This paper has been issued by:

National Operations & Performance  
UK Border Agency  
Dorset House  
27 – 45 Stamford Street  
London  
SE1 9PY

Issued on 16 June 2011 by the [JCCC Secretary](#) HMRC, Excise, Customs Stamps & Money Directorate.

If you have a question about the content of this paper please use the details provided in the Contacts section. For general queries please call the Excise and Customs Helpline on Tel 0845 010 9000.

To find out what you can expect from us and what we expect from you go to [www.hmrc.gov.uk/charter](http://www.hmrc.gov.uk/charter) and have a look at [Your Charter](#)

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Declaration to be provided for every consignment of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China

Name and full address (including telephone or email address) of the natural or legal person issuing this declaration	
Name and full address (including telephone or email address) of the business operator(s) which manufacture(s) the plastic kitchenware of the consignment	
Name and full address (including telephone or email address) of the business operator which is responsible for the first introduction in the Union of the consignment	
Identification code of the consignment:	
Type and number of articles in the consignment:	
This consignment contains plastic kitchenware made of:	
<input type="checkbox"/> Polyamide - Analytical tests have been carried out demonstrating that the articles do not release PAA in a detectable quantity	

<ul style="list-style-type: none"> <li>- The detection limit of the method used is.....</li> <li>- The results of these tests as well as the description of the method of analysis used are attached to this document</li> </ul> <p><input type="checkbox"/> Melamine - Analytical tests have been carried out demonstrating that the articles do not release formaldehyde in a quantity exceeding the SML of 15mg/kg</p> <p style="text-align: center;">-The results of these tests as well as the description of the method of analysis used are attached to this document.</p>	
<p>List of documents annexed confirming that the consignment meets the requirements concerning the release of primary aromatic amines or formaldehyde laid down in Directive 2002/72/EC:</p>	
<p>The undersigned, as importer in the Union of the consignment meets the requirements concerning the release of primary aromatic amines or formaldehyde laid down in Directive 2002/72/EC</p>	<p>Place and date</p> <p>Name of signatory</p> <p>Signature</p> <p>Full address(including telephone and email address)</p>
<p>Declaration of the competent authority on the consignment:</p>	<p>Acceptable for release into free circulation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conforms</li> <li><input type="checkbox"/> Does not conform</li> </ul> <p>Place and date</p> <p>Name of signatory</p> <p>Signature</p> <p>Full address( including telephone and email address)</p>