



**EUROPEAN COMMISSION**  
**HEALTH & CONSUMERS DIRECTORATE-GENERAL**

**Directorate G – Veterinary and International Affairs**  
**Director**

Brussels,  
SANCO G7/GM/mh (2013) 3335497

Dear Dr. Sakchai Sriboonsue,

**Subject: Questions regarding Thai composite food products exported to the EU**

Your services recently reported Thai's exporters' difficulties due to the complexity and different interpretations of Commission Regulation (EU) No 28/2012<sup>i</sup>.

As already discussed with your services in Bangkok on 20 September 2013, I am pleased to provide you clarifications on your requests as follows:

***1. Thai-curry paste containing shrimp paste combined with a mixture of Thai herbs and vegetables (e.g. chilli, kaffir lime leaves, shallot and garlic)***

Shrimp paste shall be produced in a country:

1. authorised to export fishery products to the EU (Commission Decision 2006/766/EC<sup>ii</sup>) or a Member State of the EU, and
2. with an approved residue monitoring plan in case of aquaculture products (Commission Decision 2011/163/EU<sup>iii</sup>) and

in an establishment authorised to export to the EU:

[https://webgate.ec.europa.eu/sanco/traces/output/non\\_eu\\_listsPerActivity\\_en.htm](https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm).

If fishery products account for more than 50% of the final product, the composite product shall be accompanied with the health certificate established in Annex I to Commission Regulation (EU) No 28/2012.

If fishery products account for less than 50% of the final product, the composite product shall be accompanied by a commercial document and labelled in an official language of a Member State, so that the document and labelling together give information on the nature, quantity and number of packages of the composite products, the country of origin, the manufacturer and the ingredient (Article 6 (1)(b) of Commission Decision 2007/275/EC<sup>iv</sup>).

Dr. Sakchai Sriboonsue, Secretary-General  
National Bureau of Agricultural Commodity and Food Standards (ACFS)  
Ministry of Agriculture & Cooperatives  
Paholyothin, Chatuchak  
Bangkok 10900

## ***2. Canned tuna in Thai green curry sauce***

This product should be considered as a processed product and not a composite product. It shall be produced in a country:

- authorised to export fishery products to the EU (Commission Decision 2006/766/EC or in a Member State of the EU and
- with an approved residue monitoring plan in case of aquaculture products (Commission Decision 2011/163/EU), and

in an establishment authorised to export to the EU:

[https://webgate.ec.europa.eu/sanco/traces/output/non\\_eu\\_listsPerActivity\\_en.htm](https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm).

The product shall be accompanied by the health certificate defined in the Annex to Commission Regulation (EC) No 2074/2005<sup>v</sup>.

## ***3. Not shelf stable composite products containing processed dairy products in any amount and shelf stable composite products containing processed dairy products in an amount of half or more of its substance***

Commission Regulation (EU) No 28/2012 lays down the model of health certificate for import into the EU of certain composite products intended for human consumption. Rules of eligibility for processed dairy products to be incorporated in the composite products are expressed under the paragraph II.2B.

For Thailand, processed dairy products to be incorporated in the composite products must either originate from an approved establishment in Thailand, however none is currently approved, or from a Member State of the European Union.

However, processed dairy products from Thailand cannot currently be used as Thailand has not an approved residue monitoring plan (Commission Decision 2011/163/EU).

The possibility to incorporate processed dairy products originating from another third country is not possible as Thailand is only authorised to export sterilized milk and dairy products (column C of Annex1 to Regulation (EU) No 605/2010<sup>vi</sup>).

## ***4. When the composite products are shelf stable and include processed dairy products in an amount of less than 50% of its substance***

Conditions laid down in Article 6 of Commission Decision No 2007/275/EC apply. Processed dairy products to be incorporated in the composite products shall be produced in a country:

- authorised to export to the EU and treated in accordance with the requirements laid down Annex 1 to Regulation (EU) No 605/2010 or in a Member State of the EU, and
- with an approved residue monitoring plan (Commission Decision 2011/163/EU), and

in an establishment authorised to export to the EU:

[https://webgate.ec.europa.eu/sanco/traces/output/non\\_eu\\_listsPerActivity\\_en.htm](https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm).

The composite product shall be accompanied by a commercial document and labelled in an official language of a Member State, so that the document and labelling together give information on the nature, quantity and number of packages

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iv Commission Decision No 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC (OJ L 116, 4.5.2007) as amended.

v Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European the European Parliament and of the Council and Regulation (EC) No 882/2004 of the EuropeanParliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 (OJ L338/27, 22.12.2005) as amended.

vi Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption (OJ L 175, 10.7.2010) as amended.

vii Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008) as amended.

of the composite products, the country of origin, the manufacturer and the ingredient.

### **5. Composite products containing egg products**

Egg products to be incorporated in the composite products shall be produced in a country:

- authorised to export to the EU (Regulation (EU) No 798/2008<sup>vii</sup>) or in a Member State of the EU, and
- with an approved residue monitoring plan (Commission Decision 2011/163/EU) and

in an establishment authorised to export to the EU Member State of destination.

However, egg ingredients from Thailand cannot currently be used as Thailand has not an approved residue monitoring plan (Commission Decision 2011/163/EU).

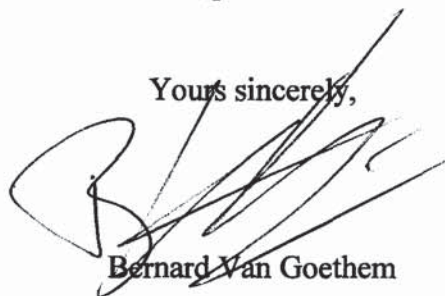
If egg products account for more than 50% of the final product, the composite product shall be accompanied with the health certificate established in Annex I to Commission Regulation (EU) No 28/2012.

If egg products account for less than 50% of the final product, the composite product shall be accompanied by a commercial document and labelled in an official language of a Member State, so that the document and labelling together give information on the nature, quantity and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

Please be aware that these rules remain subject to changes in the context of the revision of the hygiene rules for products of animal origin.

Should your services require any further information on this matter, please do not hesitate to contact us again.

Yours sincerely,



Bernard Van Goethem

C.c.: EU Member States competent authorities

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<sup>i</sup> Commission Regulation (EU) No 28/2012 of 11 January 2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009 (OJ L 012, 14.1.2012) as amended.

<sup>ii</sup> Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted (OJ L320/53, 18.11.2006) as amended.

<sup>iii</sup> Commission Decision 2011/163/EU of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (OJ L70/40, 17.03.2011) as amended.