



EUROPEAN
COMMISSION

Brussels, **XXX**
PLAN/1702/2023
(POOL/G4/2023/1702/1702-EN.docx)
[...](2024) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council

(Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹, and in particular Article 53(1), points (b)(i) and (ii), thereof,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)², and in particular Article 47(2), first subparagraph, point (b), and Article 54(4), first subparagraph, points (a) and (b), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/1793³ lays down rules on the temporary increase of official controls at the entry into the Union on certain consignments of food and feed of non-animal origin from certain third countries listed in Annex I to that Implementing Regulation, and on the imposition of special conditions governing the entry into the Union of certain consignments of food and feed from certain third countries due to the risk of contamination by mycotoxins, including aflatoxins, pesticide residues, microbiological contamination, Sudan dyes, Rhodamine B and plant toxins listed in Annex II to that Implementing Regulation.

¹ OJ L 31, 1.2.2002, p. 1, ELI: <http://data.europa.eu/eli/reg/2002/178/oj>.

² OJ L 95, 7.4.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/625/oj>.

³ Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660 (OJ L 277, 29.10.2019, p. 89, ELI: http://data.europa.eu/eli/reg_impl/2019/1793/oj).

- (2) Article 12 of Implementing Regulation (EU) 2019/1793 lays down the obligation of the Commission to review at regular intervals not exceeding 6 months the lists set out in the Annexes to that Implementing Regulation, in order to take into account new information related to risks to human health and non-compliance with Union legislation. Such new information includes the data resulting from notifications received through the Rapid Alert System for Food and Feed ('RASFF') established by Regulation (EC) No 178/2002, as well as data and information concerning consignments and the results of the documentary, identity and physical checks carried out by Member States and communicated to the Commission.
- (3) Recent notifications received through the RASFF indicate the existence of serious direct or indirect risk to human health deriving from certain food or feed. Additionally, official controls performed by the Member States on certain food and feed of non-animal origin in the first semester of 2024 indicate that the lists set out in Annexes I, II and IIa to Implementing Regulation (EU) 2019/1793 should be amended in order to protect human health in the Union.
- (4) In relation to consignments of zara lemons (*Citrus medica*) from Bangladesh, data from RASFF notifications and information regarding official controls performed by the Member States indicate the emergence of new risks to human health, due to a possible contamination by pesticide residues. It is therefore necessary to require an increased level of official controls on entries of that commodity from Bangladesh. That commodity should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 20 % of consignments entering the Union.
- (5) Yardlong beans (*Vigna unguiculata* ssp. *sesquipedalis*, *Vigna unguiculata* ssp. *unguiculata*) from the Dominican Republic have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since January 2010. The official controls carried out on that commodity by the Member States indicate an overall satisfactory degree of compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls is no longer justified for that commodity and its entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (6) Oranges from Egypt have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since July 2022. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. Therefore, while an increased level of official controls is still appropriate, the level of 30 % of consignments entering the Union is no longer justified for that commodity and the frequency of controls should be decreased to 20 % of consignments entering the Union in Annex I to Implementing Regulation (EU) 2019/1793.
- (7) *Sesamum* seeds from Ethiopia have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by *Salmonella* since January 2019. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. The results of those controls provide evidence that the entry of those foodstuffs into the Union does not constitute a serious risk for human health. Consequently, it is not necessary to continue to provide that each consignment is to be accompanied by an official certificate stating that all results of sampling and analysis show compliance with the relevant requirements provided for in

Union legislation. However, Member States should continue to carry out controls to ensure that the current level of compliance is maintained. Therefore, the entries on *Sesamum* seeds from Ethiopia in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, with a frequency of identity and physical checks set, in light of the number of consignments in the last years, at 50 % of consignments entering the Union.

- (8) In relation to consignments of okra and cumin seeds from India, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 % in Annex I to Implementing Regulation (EU) 2019/1793.
- (9) Turnips (*brassica rapa* ssp. *rapa*) prepared or preserved by vinegar or acetic acid or by brine or citric acid from Lebanon have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by rhodamine B since July 2018. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. The results of those controls provide evidence that the entry of those foodstuffs into the Union does not constitute a serious risk for human health. Consequently, it is not necessary to continue to provide that each consignment is to be accompanied by an official certificate stating that all results of sampling and analysis show compliance with the relevant requirements provided for in Union legislation. However, Member States should continue to carry out controls to ensure that the current level of compliance is maintained. Therefore, the entries on Turnips (*brassica rapa* ssp. *rapa*) prepared or preserved by vinegar or acetic acid or by brine or citric acid from Lebanon in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, with a frequency of identity and physical checks set, in light of the number of consignments in the last years, at 50 % of consignments entering the Union.
- (10) Peppers of the genus *Capsicum* (sweet or other than sweet) from Sri Lanka have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by aflatoxins since July 2017. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. The results of those controls provide evidence that the entry of those foodstuffs into the Union does not constitute a serious risk for human health. Consequently, it is not necessary to continue to provide that each consignment is to be accompanied by an official certificate stating that all results of sampling and analysis show compliance with the relevant requirements provided for in Union legislation. However, Member States should continue to carry out controls to ensure that the current level of compliance is maintained. Therefore, the entry on peppers of the genus *Capsicum* (sweet or other than sweet) from Sri Lanka in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, with a frequency of identity and physical checks set, in light of the number of consignments in the last years, at 50 % of consignments entering the Union.

- (11) In relation to consignments of black-eyed beans (*Vigna unguiculata*) from Madagascar, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 50 % in Annex I to Implementing Regulation (EU) 2019/1793.
- (12) In relation to consignments of peppers of the genus *Capsicum* (other than sweet) from Rwanda, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 % in Annex I to Implementing Regulation (EU) 2019/1793.
- (13) In relation to consignments of dried oregano from Türkiye, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pyrrolizidine alkaloids was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 % in Annex I to Implementing Regulation (EU) 2019/1793.
- (14) In relation to consignments of durian (*Durio zibethinus*) from Vietnam, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 20 % in Annex I to Implementing Regulation (EU) 2019/1793.
- (15) *Sesamum* seeds from India have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by ethylene oxide since October 2020. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. Therefore, while an increased level of official controls is still appropriate, the level of 30 % of consignments entering the Union is no longer justified for those commodities and the frequency of controls should be decreased to 20 % of consignments entering the Union in point 1 of Annex II to Implementing Regulation (EU) 2019/1793.
- (16) Food supplements containing botanicals from India have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by ethylene oxide since January 2022. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. Therefore, while an increased level of official controls is still appropriate, the level of 20 % of consignments entering the Union is no longer justified for those commodities and the frequency of controls should be decreased to 10 % of consignments entering the Union in point 1 of Annex II to Implementing Regulation (EU) 2019/1793. In addition, as

Guar gum from India was deleted from Implementing Regulation (EU) 2019/1793 by Commission Implementing Regulation (EU) 2024/1662⁴, the measure should not concern guar gum from India as raw material containing botanicals intended for the production of food supplements.

- (17) Cumin seeds from Türkiye have been subjected to an increased level of official controls due to the risk of contamination by pyrrolizidine alkaloids since January 2022. The official controls carried out on that commodity by the Member States show a persistent high rate of non-compliance since the establishment of the increased level of official controls. Those controls provide evidence that the entry of that commodity into the Union constitutes a serious risk for human health. It is therefore necessary, in addition to the increased level of official controls, to provide for special conditions in relation to the importation of cumin seeds from Türkiye. In particular, all consignments of cumin seeds from Türkiye should be accompanied by an official certificate stating that all the results of sampling and analyses show compliance with Union requirements. The results of sampling and analyses should be attached to that certificate. Therefore, the entry on cumin seeds from Türkiye in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex II to that Implementing Regulation, with a frequency of identity and physical checks set at 30 % of consignments entering the Union.
- (18) Pistachios, mixtures and products produced from pistachios from Iran have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by aflatoxins since August 2014. The official controls carried out on that commodity by the Member States show a persistent high rate of non-compliance since the establishment of the increased level of official controls and special conditions, with a significant increase in non-compliance during the first semester 2024. The level of non-compliant consignments detected by the competent authorities of the Member States during official controls during that semester reached 21.93 % of consignments selected for identity and physical checks. In addition, 23 RASFF notifications concerning border rejections were issued during the first semester of 2024. Those controls provide evidence that the entry of that commodity into the Union constitutes a serious risk for human health.
- (19) Therefore, it is necessary to suspend the entry into the Union of pistachios, mixtures and products produced from pistachios from Iran. The entry related to pistachios, mixtures and products produced from pistachios from Iran in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex IIa to that Implementing Regulation.
- (20) In order to ensure legal certainty for the entry into the Union of consignments that have already been dispatched from the country of origin or from another third country if that country is different from the country of origin, when this Regulation enters into force, it is appropriate to provide for a transitional period of 2 months for consignments of cumin seeds from Türkiye, which are not accompanied by the results of sampling and analyses and an official certificate. During this transitional period, public health protection is ensured for those consignments, since that commodity is

⁴ Commission Implementing Regulation (EU) 2024/1662 of 11 June 2024 amending Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council (OJ L, 2024/1662, 12.6.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1662/oj).

subject to identity and physical checks at a frequency of 30 % of consignments, when entering the Union.

- (21) It is furthermore appropriate, in light of the serious risks to human health, to provide for a transitional period of 1 month only for consignments of pistachios, mixtures and products produced from pistachios from Iran which are accompanied by the results of sampling and analyses and an official certificate. During this transitional period, public health protection is ensured for those consignments, since they are subject to identity and physical checks at a frequency of 50 % of consignments, when entering the Union.
- (22) Implementing Regulation (EU) 2019/1793 should therefore be amended accordingly.
- (23) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/1793 is amended as follows:

- 1. in Article 1(1), point (b) is replaced by the following:
 - ‘(b) special conditions governing the entry into the Union of the following categories of consignments of food and feed due to the risk of contamination by mycotoxins, including aflatoxins, pesticide residues, microbiological contamination, Sudan dyes and plant toxins, in accordance with Article 53(1), point (b), of Regulation (EC) No 178/2002:
 - (i) consignments of food and feed of non-animal origin from third countries or parts of those third countries containing any of the food and feed listed in the table in point 1 of Annex II and falling within the CN codes and TARIC classifications laid down in that Annex;
 - (iii) consignments of food and feed of non-animal origin dispatched to the Union from a third country other than the country of origin and containing any of the food and feed listed in the table in point 3 of Annex II;’;
- 2. Article 14 is replaced by the following:

‘Article 14

Transitional periods

- 1. Consignments of cumin seeds from Türkiye, which have been dispatched from the country of origin, or from another third country if that country is different from the country of origin, before the date of entry into force of Commission Implementing Regulation (EU) ...*, may enter the Union until ... [2 months after the date of entry into force of this Regulation] without being accompanied by the results of sampling and analyses and the official certificate provided for in Articles 10 and 11. [OJ: Please insert in the text the number of this Regulation and insert the number, date, OJ reference and ELI number of this Regulation in the footnote, underneath.]
- 2. Consignments of pistachios, mixtures and products produced from pistachios from Iran, which have been dispatched from the country of origin, or from

another third country if that country is different from the country of origin, before the date of entry into force of Implementing Regulation (EU) ...[OJ: Please insert in the text the number of this Regulation.], may enter the Union until ... [1 month after the date of entry into force of this Regulation] in accordance with requirements laid down in this Regulation as applicable before the entry into force of Implementing Regulation (EU) [OJ: Please insert in the text the number of this Regulation.]

* Commission Implementing Regulation (EU) ... of ... amending Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council (OJ L, ..., ..., ELI: ...).’;

3. Annexes I, II and IIa are replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN