Commission Implementing Regulation (EU) 2020/1540 of 22 October 2020 amending Implementing Regulation (EU) 2019/1793 as regards sesamum seeds originating in India (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1540

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(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 general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety[(1)], and in particular Article 53(1)(b)(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 point (b) of the first subparagraph of Article 47(2), and points (a) and (b) of the first subparagraph of Article 54(4) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2019/1793[(3)] lays down rules concerning the temporary increase of official controls at the entry into the Union, imposed on certain food and feed of non-animal origin imported from certain third countries and special conditions governing the entry into the Union of certain food and feed from certain third countries due to the risk of contamination by mycotoxins, including aflatoxins, pesticide residues, pentachlorophenol and dioxins and microbiological contamination, listed in Annex II to that Implementing Regulation.

(2) The recent occurrence of food safety incidents notified through the Rapid Alert System for Food and Feed (RASFF), as established by Regulation (EC) No 178/2002, and information regarding official controls performed by Member States on sesamum seeds

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originating from India require amending Annex II to Implementing Regulation (EU) 2019/1793.

(3) In September 2020, very high levels of ethylene oxide were notified through the RASFF as regards certain batches of sesamum seeds originating in or consigned from India and having entered the Union. Those levels are exceeding more than 1 000 times the maximum residue level of 0,05 mg/kg applicable for ethylene oxide in accordance with Regulation (EC) No 396/2005 of the European Parliament and of the Council[(4)].

(4) Such contamination constitutes a serious risk to human health within the Union, as ethylene oxide is classified as a mutagen, category 1B, a carcinogen, category 1 B, and a reproductive toxicant, category 1B, in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council[(5)]. Moreover, ethylene oxide is not approved as an active substance for use in plant protection products in the Union.

(5) In order to protect human health in the Union, it is therefore necessary to provide for special conditions in relation to pesticide residues regarding sesamum seeds from India. In particular, the official certificate which, in accordance with Article 11(1) of Regulation (EU) 2019/1793 in conjunction with Annex II thereto, is to accompany all consignments of sesamum seeds from India should also state that the products have been sampled and analysed for residues of pesticides to be monitored in/on products of plant origin, and that all results of sampling and analysis show compliance with Union legislation on maximum residue levels of pesticides. The results of the sampling and analysis should be attached to that certificate.

(6) In view of ongoing trade, consignments of sesamum seeds originating from India that left the country of origin or the country of dispatch, if that country is different from the country of origin, before the date of entry into force of this Regulation should continue to be subject to the requirements applicable before that date.

(7) In addition and in order to protect human health in the Union, the frequency of physical and identity checks for the presence of pesticides residues to be performed on sesamum seeds originating from India at the Union borders should be set at 50 %.

(8) Implementing Regulation (EU) 2019/1793 should therefore be amended accordingly.

(9) In view of the serious risk for human health arising from contaminated consignments of sesamum seeds originating from India and in view of the need to take swift action, this Regulation should enter into force on the third day following that of its publication.

(10) 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

Amendment of Implementing Regulation (EU) 2019/1793

Annex II to Implementing Regulation (EU) 2019/1793 is amended in accordance with the Annex to this Regulation.

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Article 2

Transitional measures

Regulation (EU) 2019/1793 shall continue to apply as it stood before being amended by this Regulation to consignments of sesamum seeds from India having left the country of origin, or the country of dispatch if that country is different from the country of origin, before the date of entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the third 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, 22 October 2020.

For the Commission

The President

Ursula VON DER LEYEN