Commission Implementing Regulation (EU) 2020/625 of 6 May 2020 amending Commission 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, and repealing Commission Implementing Regulation (EU) 2015/943 and Commission Implementing Decision 2014/88/EU (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/625

of 6 May 2020

amending Commission 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, and repealing Commission Implementing Regulation (EU) 2015/943 and Commission Implementing Decision 2014/88/EU

(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 safety[(1)], and in particular Article 53(1)(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 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 on certain food and feed of non-animal origin from certain third countries listed in Annex I to that

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/625. (See end of Document for details)*

Regulation 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 aflatoxins, pesticide residues, pentachlorophenol and dioxins and microbiological contamination, listed in Annex II to that Regulation.

(2) Certain categories of consignments of food and feed are excluded from the scope of application of Implementing Regulation (EU) 2019/1793 provided that their gross weight does not exceed 30 kg. Since hazards relate to the products themselves and not to their immediate containers or packaging, this weight limit should relate only to the products themselves. It is therefore appropriate to amend Article 1(3) of Implementing Regulation (EU) 2019/1793 to replace the reference to the gross weight therein by a reference to the net weight.

(3) Article 12 of Implementing Regulation (EU) 2019/1793 provides that the lists set out in its Annexes I and II are to be reviewed on a regular basis not exceeding a period of six months, in order to take into account new information related to risks and non-compliance.

(4) The occurrence and relevance of recent food incidents notified through the Rapid Alert System for Food and Feed ('RASFF'), as established by Regulation (EC) No 178/2002, information regarding official controls performed by Member States on food and feed of non-animal origin, as well as the biannual reports on consignments of food and feed of non-animal origin submitted by Member States to the Commission in 2019 in accordance with Article 15 of Commission Regulation (EC) No 669/2009[(4)], indicate that the lists set out in Annexes I and II to Implementing Regulation (EU) 2019/1793 should be amended.

(5) In particular, for consignments of oranges, mandarins, clementines, wilkings and similar citrus hybrids from Turkey, the data resulting from notifications received through the RASFF and information regarding official controls performed by Member States indicate the emergence of new risks to human health, due to possible pesticide residues contamination, requiring an increased level of official controls. In addition, for spice mixes from Pakistan, data resulting from notifications received through the RASFF and information regarding official controls performed by Member States indicate the emergence of new risks to human health due to possible aflatoxin contamination, which require an increased level of official controls. Entries concerning those consignments should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793.

(6) Due to the high frequency of non-compliance with the relevant requirements provided for in Union legislation detected during official controls performed by Member States in accordance with Regulation (EC) No 669/2009 in the first semester of 2019, it is appropriate to increase the frequency of identity and physical checks to be performed on beans from Kenya and dried grapes and pomegranates from Turkey. Entries concerning those consignments in Annex I to Implementing Regulation (EU) 2019/1793 should therefore be amended accordingly.

(7) *Sesamum* seeds from Sudan and Uganda are already subject to an increased level of official controls as regards the presence of *Salmonella* since July and January 2017, respectively. The official controls carried out on those foodstuffs by the Member

States show an increase of the rate of non-compliance since the establishment of the increased level of official controls. Those results provide evidence that the entry of those foodstuffs into the Union constitutes a serious risk for human health.

(8) In order to protect human health in the Union, it is therefore necessary, in addition to the increased level of official controls, to provide for special conditions in relation to *Sesamum* seeds from Sudan and Uganda. In particular, all consignments of *Sesamum* seeds from Sudan and Uganda should be accompanied by an official certificate stating that all results of sampling and analysis show the absence of *Salmonella* in 25 g. The results of the sampling and analysis should be attached to that certificate. The entries concerning *Sesamum* seeds from Sudan and Uganda should therefore be deleted from Annex I to Implementing Regulation (EU) 2019/1793 and included in Annex II thereto.

(9) In addition, peppers of the *Capsicum* species (other than sweet) from India and Pakistan are already subject to an increased level of official controls as regards the presence of pesticide residues since January 2018. That frequency rate was increased already in January 2019 from 10 % to 20 % due to a high degree of non-compliance with the relevant requirements provided for in Union legislation. The official controls carried out on these foodstuffs by the Member States show a persistent high rate of non-compliance for peppers of the *Capsicum* species (other than sweet) from India and an increase of the rate of non-compliance for peppers of the *Capsicum* species (other than sweet) from Pakistan since the increased level of official controls. Several RASFF notifications were transmitted concerning both commodities since the establishment of an increased level of official controls. Those results provide evidence that the entry of those foods into the Union constitutes a serious risk for human health.

(10) In order to protect human health in the Union, it is therefore necessary in addition to the increased level of official controls, to provide for special conditions in relation to peppers of the *Capsicum* species (other than sweet) from India and Pakistan. In particular, all consignments of peppers (other than sweet) from India and Pakistan should be accompanied by an official certificate stating that the products have been sampled and analysed for pesticide residues and all results show that the relevant maximum residue levels of pesticides have not been exceeded. The results of the sampling and analysis should be attached to that certificate. The entries concerning peppers of the *Capsicum* species (other than sweet) from India and Pakistan should therefore be deleted from Annex I to Implementing Regulation (EU) 2019/1793 and included in Annex II thereto.

(11) For curry leaves from India, the frequency of non-compliance with the relevant requirements provided for in Union legislation detected during official controls performed by Member States has decreased. It is therefore appropriate to delete from Annex II to Implementing Regulation (EU) 2019/1793 and include in Annex I to that Regulation the entry concerning curry leaves from India. It is appropriate to increase the frequency of identity and physical checks to be performed on this commodity, given that the requirements concerning official certification and sampling and analysis for pesticide residues in the third country will be discontinued for this commodity.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/625. (See end of Document for details)*

(12) For raspberries from Serbia, dried apricots and apricots, otherwise prepared or preserved from Turkey and lemons from Turkey, the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entries in Annex I to Implementing Regulation (EU) 2019/1793 concerning those commodities should therefore be deleted.

(13) The Combined Nomenclature code indicated for *Sesamum* seeds in Annexes I and II to Implementing Regulation (EU) 2019/1793 includes raw and processed *Sesamum* seeds. It is appropriate from a risk management perspective to cover both raw and processed *Sesamum* seeds in Annexes I and II to Implementing Regulation (EU) 2019/1793, as in particular in the case of the countries of origin mentioned in Annexes I and II to Implementing Regulation (EU) 2019/1793, raw or processed *Sesamum* seeds present the same risks. All the product descriptions in Annexes I and II to Implementing Regulation (EU) 2019/1793 concerning *Sesamum* seeds should therefore be amended to cover both raw and processed *Sesamum* seeds. Additionally, in order to better align with the product description for that Combined Nomenclature code in Council Regulation (EEC) No 2658/87[(5)], these products should be referred to in Annexes I and II to Implementing Regulation (EU) 2019/1793 as '*Sesamum* seeds' only, and not as 'Sesame seeds (*Sesamum* seeds)'.

(14) Groundnut flours and meals present the same risk as the forms of that food and feed currently listed in Annexes I and II to Implementing Regulation (EU) 2019/1793. All entries in Annexes I and II to Implementing Regulation (EU) 2019/1793 concerning groundnuts should therefore be amended to include groundnut flours and meals.

(15) Similarly, oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil present the same risk as the forms of that commodity currently listed in Annexes I and II to Implementing Regulation (EU) 2019/1793. Certain entries in Annex I to Implementing Regulation (EU) 2019/1793 concerning groundnuts do not include groundnuts in the aforementioned form. It is therefore appropriate to amend all the entries concerning groundnuts in Annex I to Implementing Regulation (EU) 2019/1793 to include oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil.

(16) The Combined Nomenclature codes indicated for peppers of the *Capsicum* species (sweet or other than sweet) from Sri Lanka and India respectively and for apricots, otherwise prepared or preserved from Uzbekistan should be modified in Implementing Regulation (EU) 2019/1793, in order to ensure consistency with the description for these commodities in Annexes I and II to that Regulation.

(17) In order to ensure consistency and clarity, it is appropriate to replace Annex I and Annex II to Implementing Regulation (EU) 2019/1793 in their entirety.

(18) Commission Implementing Decision 2014/88/EU[(6)] prohibits the importation into the Union of foodstuffs containing or consisting of betel leaves originating in or consigned from Bangladesh. It was adopted following a high number of notifications issued in the

RASFF due to the presence of a wide range of *Salmonella* strains, including *Salmonella* Typhimurium, found in foodstuffs containing or consisting of betel leaves ('Piper betle', commonly known as 'Paan leaf' or 'Betel quid') from Bangladesh.

(19) Bangladesh has not submitted a satisfactory action plan. Therefore, it cannot be concluded that the guarantees provided by Bangladesh are sufficient to address the serious risks to human health previously identified. The emergency measures established by Implementing Decision 2014/88/EU should therefore remain in place.

(20) Commission Implementing Regulation (EU) 2015/943[(7)] suspends the import into the Union of dried beans under CN codes 0713 39 00, 0713 35 00 and 0713 90 00 originating from Nigeria, due to continued presence of dichlorvos. Commission Implementing Regulation (EU) 2019/1256[(8)] extended the date of application of Implementing Regulation (EU) 2015/943 until 30 June 2022, to allow Nigeria to implement the appropriate risk management measures and provide the required guarantees.

(21) The rules laid down in Implementing Regulation (EU) 2019/1793, in Implementing Decision 2014/88/EU and in Implementing Regulation (EU) 2015/943 are substantively linked, as they all concern the imposition of additional measures governing the entry into the Union of certain food and feed from certain third countries due to an identified risk and which apply depending on the gravity of the risk. It is therefore appropriate to facilitate the correct and comprehensive application of the relevant rules by establishing in a single act the provisions concerning the temporary increase of official controls on certain food and feed of non-animal origin and the respective emergency measures. Implementing Decision 2014/88/EU and Implementing Regulation (EU) 2015/943 should therefore be repealed and their provisions transferred to Implementing Regulation (EU) 2019/1793, and the latter be amended accordingly.

(22) In the interest of legal certainty, it is appropriate to provide that Member States may authorise the entry into the Union of consignments of *Sesamum* seeds from Sudan and Uganda and of peppers of the *Capsicum* species (other than sweet) from India and Pakistan which are not accompanied by an official certificate and the results of sampling and analysis if they left their 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.

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

(24) 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

Amendments to Implementing Regulation (EU) 2019/1793

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

(1) Article 1 is amended as follows: