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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) .../...

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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 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), point (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 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 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, pentachlorophenol and dioxins, and microbiological contamination, listed in Annex II to that Implementing Regulation.

¹ OJ L 31, 1.2.2002, p. 1.

² OJ L 95, 7.4.2017, p. 1.

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).

- (2) Article 12 of Implementing Regulation (EU) 2019/1793 provides that the lists set out in the Annexes to that Implementing Regulation are to be reviewed at regular intervals not exceeding six months, in order to take into account new information related to risks to human health and non-compliance with Union legislation, such as 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 communicated by the Member States to the Commission.
- (3) Recent notifications received through the RASFF indicate the existence of a serious direct or indirect risk to human health deriving from some food or feed. Additionally, official controls performed by the Member States on some food and feed of non-animal origin in the first semester of 2022 indicate that the lists set out in Annexes I and II to Implementing Regulation (EU) 2019/1793 should be amended in order to protect human health in the Union.
- (4) Groundnuts and products produced from groundnuts from Argentina have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since October 2019. The official controls carried out on those commodities 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 these commodities and their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (5) Brazil nuts in shell and mixtures of Brazil nuts or dried fruits containing Brazil nuts in shell from Brazil have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins 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 be accompanied by an official certificate stating that all results of sampling and analysis show compliance with Regulation (EC) No 396/2005 of the European Parliament and of the Council⁴. At the same time, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. Therefore, the entry on Brazil nuts from Brazil in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, maintaining the level of frequency of identity and physical checks at 50% of consignments entering the Union.
- (6) Groundnuts and products produced from groundnuts from Bolivia have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since January 2017. The official controls carried out on those commodities 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 those commodities 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 groundnuts and products produced from groundnuts from Bolivia. In particular, all consignments of groundnuts and

⁴ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

products produced from groundnuts from Bolivia 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 groundnuts and products produced from groundnuts from Bolivia 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 50% of consignments entering the Union.

- (7) Groundnuts and products produced from groundnuts from Brazil have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since October 2019. The official controls carried out on those commodities 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 due to the risk of contamination by aflatoxins is no longer justified for these commodities and their entry for this reason in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (8) Additionally, in relation to consignments of groundnuts and products produced from groundnuts from Brazil, 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%.
- (9) In relation to consignments of palm oil from Côte d'Ivoire, 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 Sudan dyes. It is therefore necessary to require an increased level of official controls on entries of that commodity from Côte d'Ivoire. 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.
- (10) In relation to consignments of granadilla and passion fruit (*Passiflora ligularis* and *Passiflora edulis*) from Colombia, 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 those commodities from Colombia. Those commodities should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 10% of consignments entering the Union.
- (11) Galia melons (*C. melo var. reticulatus*) from Honduras have been subjected to an increased level of official controls due to the risk of contamination by *Salmonella Braenderup* since January 2022. 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. In addition, the competent authority of Honduras submitted a satisfactory action plan to ensure that Galia melons (*C. melo var. reticulatus*) exported to the Union comply with Union requirements. Therefore, an increased level of official controls is no longer justified for this commodity and its entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.

- (12) In relation to consignments of basil (*Ocimum basilicum*) and mint (*Mentha*) from Israel⁵, 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 those commodities from Israel. Those commodities should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 10 % of consignments entering the Union.
- (13) Betel leaves (*Piper betle L.*) 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 *Salmonella* since January 2019. Those commodities have not been imported into the Union for more than three years. Therefore, the entry on betel leaves (*Piper betle L.*) from India 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 at 30% of consignments entering the Union. Member States should continue to carry out official controls to ensure that after the lifting of the special conditions, when trade potentially restarts, that commodity introduced into the Union complies with the relevant requirements provided for in Union legislation with respect to contamination by *Salmonella*.
- (14) Curry leaves (*Bergera/Murrava koenigii*) from India have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since May 2020. 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 curry leaves (*Bergera/Murrava koenigii*) from India. In particular, all consignments of curry leaves (*Bergera/Murrava koenigii*) from India 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 curry leaves (*Bergera/Murrava koenigii*) from India 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 50% of consignments entering the Union.
- (15) Drumsticks (*Moringa oleifera*) from India have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since December 2021. The official controls carried out on that commodity by the Member States show a high rate of non-compliance since the establishment of the increased level of official controls. The risk arising from the contamination of that commodity is associated as well with frozen drumsticks. To ensure efficient protection against potential health risks arising from the contamination of drumsticks (*Moringa oleifera*) from India by pesticide residues, a relevant CN code should therefore be added in the column 'CN code' in the table in Annex I to Implementing Regulation (EU) 2019/1793 for the entry relating to drumsticks (*Moringa oleifera*) from India.

⁵ Hereinafter understood as the State of Israel, excluding the territories under the administration of the State of Israel after 5 June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.

- (16) In relation to consignments of peppers of the genus *Capsicum* (other than sweet) from Kenya and Rwanda, 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 Kenya and Rwanda. 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.
- (17) Food supplements containing botanicals from South Korea have been subjected to an increased level of official controls due to the risk of contamination by ethylene oxide since January 2022. The official controls carried out by the Member States show improvements 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 Regulation (EC) No 396/2005. At the same time, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. Therefore, the entry on food supplements containing botanicals from South Korea 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 at 30% of consignments entering the Union.
- (18) Locust beans (carob), locust beans seeds, not decorticated, crushed or ground and mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds from Malaysia 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. Official controls performed by the Member States in the first semester of 2022 indicate that those commodities have not been imported into the Union. Consequently, results of official controls performed on those commodities by the Member States throughout a full semester could not be collected and evaluated. Therefore, the entries on locust beans (carob), locust beans seeds, not decorticated, crushed or ground and mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds from Malaysia 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 at 30% of consignments entering the Union. Member States should continue to carry out controls to ensure that after the lifting of the special conditions, when trade potentially restarts, those commodities introduced into the Union comply with the relevant requirements provided for in Union legislation with respect to contamination by ethylene oxide.
- (19) Watermelon (Egusi, *Citrullus* spp.) seeds and derived products from Nigeria have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since January 2019. Those commodities have not been imported into the Union for more than three years. Therefore, the entry on watermelon (Egusi, *Citrullus* spp.) seeds and derived products from Nigeria 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 at 30% of consignments entering the Union. Member States should continue to carry out controls to ensure that after the lifting of the special conditions, when trade potentially

restarts, those commodities introduced into the Union comply with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins.

- (20) Chinese celery (*Apium graveolens*) and yardlong beans (*Vigna unguiculata* ssp. *sesquipedalis*, *Vigna unguiculata* ssp. *unguiculata*) from Cambodia have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since October 2014. Those commodities have not been imported into the Union for more than three years. Therefore, their entries in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (21) Turnips (*Brassica rapa* ssp. *rapa*) from Lebanon have been subjected to an increased level of official controls due to the risk of contamination by Rhodamine B since July 2018. 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 turnips (*Brassica rapa* ssp. *rapa*) from Lebanon. In particular, all consignments of turnips (*Brassica rapa* ssp. *rapa*) from Lebanon 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 turnips (*Brassica rapa* ssp. *rapa*) from Lebanon 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 50% of consignments entering the Union.
- (22) In relation to consignments of gotukola (*Centella asiatica*) and mukunuwenna (*Alternanthera sessilis*) from Sri Lanka, 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%.
- (23) Several CN codes or TARIC sub-divisions have been changed in the TARIC system. In order to allow for a more precise identification of commodities subject to increased official controls, it is appropriate to correct the TARIC sub-division for CN code ex 1211 90 86 in the entry on gotukola (*Centella asiatica*) from Sri Lanka in Annex I to Implementing Regulation (EU) 2019/1793.
- (24) Locust beans (carob), locust beans seeds, not decorticated, crushed or ground, mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds from Morocco have been subjected to an increased level of official controls due to the risk of contamination by ethylene oxide since January 2022. The official controls carried out on those commodities by the Member States indicate compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls is no longer justified for those commodities and their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (25) Groundnuts and products produced from groundnuts from Madagascar have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since April 2016. Those commodities have not been imported into the

Union for more than three years. Therefore, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.

- (26) In relation to consignments of black eyed beans (*Vigna unguiculata*) from Madagascar, 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 Madagascar. 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 10% of consignments entering the Union.
- (27) Tomato ketchup and other tomato sauces from Mexico have been subjected to an increased level of official controls due to the risk of contamination by ethylene oxide since January 2022. The official controls carried out on those commodities by the Member States indicate compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls is no longer justified for those commodities and their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (28) *Sesamum* seeds from Nigeria have been subjected to an increased level of official controls due to the risk of contamination by *Salmonella* since July 2017. 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 *Sesamum* seeds from Nigeria. In particular, all consignments of *Sesamum* seeds from Nigeria 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 *Sesamum* seeds from Nigeria 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 50% of consignments entering the Union.
- (29) In relation to consignments of rice from Pakistan, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins and Ochratoxin A 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 10%.
- (30) Watermelon (Egusi, *Citrullus* spp.) seeds and derived products from Sierra Leone have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since April 2016. Those commodities have not been imported into the Union for more than three years. Therefore, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (31) Turnips (*Brassica rapa* ssp. *rapa*) from Syria have been subjected to an increased level of official controls due to the risk of contamination by Rhodamine B since July 2018. Data from Eurostat show that the trade volumes of that commodity imported into the Union are low and the official controls carried out on that commodity by the Member

States indicate a 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.

- (32) In relation to consignments of lemons (*Citrus limon*, *Citrus limonum*) and grapefruits from Türkiye, 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%.
- (33) In relation to consignments of cumin seeds and 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 20%.
- (34) In relation to consignments of *Sesamum* seeds from Türkiye, 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 *Salmonella*. It is therefore necessary to require an increased level of official controls on entries of that commodity from Türkiye. 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.
- (35) Okra from Vietnam has been subject to an increased level of official controls due to the risk of contamination by pesticide residues since January 2013. 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 okra from Vietnam. In particular, all consignments of okra from Vietnam 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 okra from Vietnam 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 50% of consignments entering the Union.
- (36) Coriander leaves, basil, mint and parsley from Vietnam have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since January 2013. Those commodities have not been imported into the Union for more than three years. Therefore, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (37) 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 by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls at the level of 50 % of consignments entering the Union is no longer justified for that commodity. However, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. The corresponding entry in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be modified and the frequency of identity and physical checks decreased to 30% of consignments entering the Union.

- (38) Peppers of the genus *Capsicum* (sweet or other than sweet) from India have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins 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. Therefore, an increased level of official controls at the level of 20% of consignments entering the Union is no longer justified for that commodity. However, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. The corresponding entry in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be modified and the frequency of identity and physical checks decreased to 10 % of consignments entering the Union.
- (39) Several dried spices (pepper of the genus *Piper*, vanilla, cinnamon, cloves, nutmeg, mace and cardamoms, seeds of anise, badian, fennel, coriander, cumin or caraway, juniper berries, ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices) from India are listed in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 in one entry. To allow for a better evaluation of the data from official controls performed by the Member States and to establish more targeted measures for those dried spices from India which may cause public health concerns, it is necessary to divide the entry by commodities and CN codes. Consignments of all the aforesaid dried spices entering the Union should be checked with a frequency of identity and physical checks set at 20%.
- (40) In relation to consignments of calcium carbonate from India, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by ethylene oxide was detected during official controls performed by the Member States in accordance with Articles 7 and 8 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%.
- (41) In relation to consignments of dried figs and products derived from dried figs from Türkiye, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins was detected during official controls performed by the Member States in accordance with Articles 7 and 8 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%.
- (42) In relation to consignments of vanilla extract from the United States, data from RASFF notifications indicate the emergence of new risks to human health requiring special import conditions, due to the risk of contamination by ethylene oxide. Consignments of that commodity should be accompanied by an official certificate stating that results of sampling and analysis show compliance with Regulation (EC) No 396/2005 on maximum residue levels of ethylene oxide. The results of the sampling and analyses

should be attached to that certificate. Therefore, an entry on vanilla extract from the United States should be included in point 1 of Annex II to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 20% of consignments entering the Union.

- (43) In order to clarify that also raw materials for the production of food supplements are subject to increased official controls and special conditions at their entry into the Union, an appropriate endnote should be added to Annex I and point 1 of Annex II to Implementing Regulation (EU) 2019/1793.
- (44) In order to ensure an acceptable level of detection of residues of Sudan dyes in palm oil and Rhodamine B in turnips (*Brassica rapa* ssp. *Rapa*) for those commodities to be allowed entry into the Union, appropriate wording should be added to the endnotes in Annex I and point 1 of Annex II to Implementing Regulation (EU) 2019/1793.
- (45) The existing model official certificate in Annex IV to Implementing Regulation (EU) 2019/1793 does not cover all hazards mentioned in Annex II to that Implementing Regulation. With a view to ensuring a proper control of the risks to public health, the model official certificate in Annex IV to Implementing Regulation (EU) 2019/1793 should therefore be amended to provide the possibility of certifying compliance with the Union requirements in relation to all hazards mentioned in Annex II to that Implementing Regulation.
- (46) 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 for consignments of groundnuts and products produced from groundnuts from Bolivia, curry leaves (*Berberis/Murrava koenigii*) from India, turnips (*Brassica rapa* ssp. *rapa*) from Lebanon, *Sesamum* seeds from Nigeria, vanilla extract from the United States and okra from Vietnam, which are not accompanied by the results of sampling and analyses and an official certificate. At the same time, public health protection is ensured for consignments of groundnuts and products produced from groundnuts from Bolivia, curry leaves (*Berberis/Murrava koenigii*) from India, turnips (*Brassica rapa* ssp. *rapa*) from Lebanon, *Sesamum* seeds from Nigeria and okra from Vietnam, since those commodities are subject to identity and physical checks at a frequency of 50 % of consignments entering the Union, and for vanilla extract from the United States which is subject to identity and physical checks at a frequency of 20% of consignments entering the Union.
- (47) Implementing Regulation (EU) 2019/1793 should therefore be amended accordingly. In order to ensure consistency and clarity, it is appropriate to replace Annexes I and II to Implementing Regulation (EU) 2019/1793 in their entirety by the text set out in the Annex to this Regulation.
- (48) 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. Article 14 is replaced by the following:

Article 14

Transitional period

Consignments of groundnuts and products produced from groundnuts from Bolivia, curry leaves (*Bergera/Murrava koenigii*) from India, turnips (*Brassica rapa ssp. rapa*) from Lebanon, *Sesamum* seeds from Nigeria, vanilla extract from the United States and okra from Vietnam, 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) ...⁶, may enter the Union until ... [two 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.

* 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 ..., ..., p. ...).’;

2. Annexes I and II are replaced by the text set out in the Annex to this Regulation;
3. in Part II of the model official certificate in Annex IV, the following point II.2.5 is added:

‘⁽³⁾ And/Or

[II.2.5. **Certification for (indicate the commodity) listed in Annex II to Implementing Regulation (EU) 2019/1973, including for compound food listed in that Annex, due to contamination risk by (indicate hazard other than the hazards referred to in points II.2.1 to II.2.4)**

- from the consignment described above, samples were taken in accordance with Directive 2002/63/EC on (date), subject to laboratory analyses on (date) in the (name of the laboratory) with methods covering at least the hazards identified in Annex II to Implementing Regulation (EU) 2019/1973.
- The details of the methods of laboratory analyses and all results are attached and show compliance with Union legislation.]’.

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.

⁶ OJ: Please insert in the text the number of this Regulation and insert the number, date and OJ reference of this Regulation in the footnote.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN