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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) .../...

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), 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 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,

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).

including aflatoxins, pesticide residues, microbiological contamination, Sudan dyes and plant toxins listed in Annex II to that Implementing Regulation.

- (2) Article 12 of Implementing Regulation (EU) 2019/1793 lays down the obligation of the Commission to review at regular intervals not exceeding six months the lists set out in the Annexes to that Implementing Regulation, in order to take into account new information related to risks for human health and non-compliance. 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 for 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 2025 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) In relation to consignments of seem beans and helmet beans (*Lablab purpureus*) from Bangladesh, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to 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.
- (5) In relation to consignments of palm oil packed for direct human consumption from Côte d'Ivoire, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by Sudan dyes 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. However, for bulk consignments of palm oil, the official controls carried out by the Member States show compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls of bulk consignments of palm oil from Côte d'Ivoire is no longer justified and a note to limit official controls to consignments of palm oil packed for direct human consumption should be added to the entry of palm oil from Côte d'Ivoire in Annex I to Implementing Regulation (EU) 2019/1793.
- (6) Oranges from Egypt have been subjected to an increased level of official controls due to the risk of the presence of 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 20 % of consignments entering the Union is no longer justified for that commodity and the frequency of controls should be decreased to 10 % of consignments entering the Union in Annex I to Implementing Regulation (EU) 2019/1793.
- (7) In relation to consignments of strawberries from Egypt, data from RASFF notifications and information regarding official controls performed by the Member

States indicate the emergence of new risks for human health, due to possible pesticide residues. It is therefore necessary to require an increased level of official controls on entries of that commodity from Egypt. 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.

- (8) Okra from India has been subjected to an increased level of official controls due to the risk of the presence of pesticide residues and ethylene oxide since July 2018. The official controls carried out on that commodity in relation to ethylene oxide 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 for ethylene oxide is no longer justified for that commodity and the relevant note in the entry of that commodity in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (9) Rice from India has been subjected to an increased level of official controls due to the risk of contamination by aflatoxins and ochratoxin A since January 2022. The official controls carried out on that commodity in relation to aflatoxins and ochratoxin A 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 for aflatoxins and ochratoxin A is no longer justified for that commodity and the entry related to those contaminants in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (10) Nutmeg (*Myristica fragrans*) from India has been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since June 2019. 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.
- (11) Vanilla and cloves (whole fruit, cloves and stems) from India have been subjected to increased levels of official controls due to the risk of the presence of ethylene oxide since January 2022. The official controls carried out on these 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 those commodities and their entries in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (12) Peppers of the genus *Piper*, dried or crushed or ground fruit of the genus *Capsicum* or of the genus *Pimenta* from India have been subjected to increased levels of official controls and to special conditions at their entry into the Union due to the risk of the presence of 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. The results of those controls provide evidence that the entry of that commodity 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 the 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 *Piper*, dried or crushed or ground fruit of the genus *Capsicum* or

of the genus *Pimenta* 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, in the light of the number of consignments in the last years, at 20 % of consignments entering the Union.

- (13) Calcium carbonate from India has been subjected to an increased level of official controls and to special conditions at its entry into the Union due to the risk of the presence of 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. The results of those controls provide evidence that the entry of that commodity 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 the 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 calcium carbonate 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, in the light of the number of consignments in the last years, at 30 % of consignments entering the Union.
- (14) Turnips (*Brassica rapa* ssp. *rapa*) prepared or preserved by vinegar or acetic acid and turnips (*Brassica rapa* ssp. *rapa*) prepared or preserved by brine or citric acid, not frozen 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 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 those commodities and their entries in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (15) Mixtures of food additives containing locust bean gum from Malaysia have been subjected to an increased level of official controls due to the risk of the presence of ethylene oxide in the locust bean gum used in food additives since July 2022. The official controls carried out on that commodity by the Member States indicate that the mixtures of food additives from Malaysia entering the Union do not contain locust bean gum. 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.
- (16) 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 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.
- (17) In relation to consignments of peppers of the genus *Capsicum* (other than sweet) from Thailand, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to 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.

- (18) Lemons (*Citrus limon*, *Citrus limonum*) from Türkiye have been subjected to an increased level of official controls due to the risk of the presence of pesticide residues since November 2021. 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.
- (19) Grapefruits from Türkiye have been subjected to an increased level of official controls due to the risk of the presence of pesticide residues 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. 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.
- (20) In relation to consignments of *Sesamum* seeds from Türkiye, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by *Salmonella* 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.
- (21) Mixtures of food additives containing locust bean gum from Türkiye have been subjected to an increased level of official controls due to the risk of the presence of ethylene oxide in the locust bean gum used in food additives since July 2022. The official controls carried out on that commodity by the Member States indicate that the mixtures of food additives from Türkiye entering the Union do not contain locust bean gum. 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.
- (22) Black pepper (*Piper nigrum*) from Brazil has been subjected to an increased level of official controls and to special conditions at its 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. Therefore, while an increased level of official controls is still appropriate, the level of 50 % of consignments entering the Union is no longer justified for that commodity and the frequency of controls should be decreased to 30 % of consignments entering the Union in point 1 of Annex II to Implementing Regulation (EU) 2019/1793.
- (23) In relation to consignments of pistachios, mixtures and products produced from pistachios originating 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 50 % in point 1 of Annex II to Implementing Regulation (EU) 2019/1793.

- (24) Mandarins, clementines, wilkings and similar citrus hybrids from Türkiye 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 pesticide residues since May 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 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.
- (25) Oranges from Türkiye 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 pesticide residues since May 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 that commodity 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.
- (26) In relation to consignments of pistachios, mixtures and products produced from pistachios originating from the United States and dispatched to the Union 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 50 % in Annex II to Implementing Regulation (EU) 2019/1793.
- (27) Implementing Regulation (EU) 2019/1793 should therefore be amended accordingly.
- (28) 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

Annexes I and II to Implementing Regulation (EU) 2019/1793 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