



Brussels, **XXX**
PLAN/1974/2022
(POOL/G4/2022/1974/1974-EN.docx)
[...] (2023) **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), 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, including aflatoxins, pesticide residues, pentachlorophenol and dioxins, 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.

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 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 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 some food or feed. Additionally, official controls performed by the Member States on some food and feed of non-animal origin in the second 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) Sweet peppers (*Capsicum annuum*) and peppers of the genus *Capsicum* (other than sweet) from the Dominican Republic have been subject to an increased level of official controls and to special conditions at their entry into the Union, 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. The results of those controls provide evidence that the entry of those foodstuffs into the Union no longer constitutes 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 official controls to ensure that the current level of compliance will be maintained. Therefore, the entry of sweet peppers (*Capsicum annuum*) and peppers of the genus *Capsicum* (other than sweet) from Dominican Republic 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.
- (5) In relation to consignments of sweet peppers (*Capsicum annuum*), peppers of the genus *Capsicum* (other than sweet) and oranges from Egypt, 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 %.
- (6) In relation to consignments of sugar apple (*Annona squamosa*) from Egypt, 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 Egypt. That commodity

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).

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.

- (7) Groundnuts and products produced from groundnuts from The Gambia 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 January 2019. Those commodities have not been imported into the Union for more than three years. Therefore, the entry on groundnuts and products produced from groundnuts from The Gambia 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 50 % 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, those commodities introduced into the Union comply with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins.
- (8) In relation to consignments of drumsticks (*Moringa oleifera*) 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 20 %.
- (9) In relation to consignments of rice 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 10 %.
- (10) In relation to consignments of guava (*Psidium guajava*) 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 %.
- (11) Peppers of the genus *Capsicum* (sweet or other than sweet) 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 aflatoxins since January 2016. 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 Commission Regulation (EC) No 1881/2006⁵. At the same time, Member States should continue to carry out official controls to ensure that the current level of

⁵ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p.5).

compliance will be maintained. Therefore, the entry on peppers of the genus *Capsicum* (sweet or other than sweet) 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 10 % of consignments entering the Union.

- (12) 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 India and guar gum 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 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 official controls to ensure that the current level of compliance will be maintained. 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 India and guar gum 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 20 % of consignments entering the Union.
- (13) Guar gum 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 contamination by pentachlorophenol and dioxins since February 2015. 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 Union requirements. At the same time, Member States should continue to carry out official controls to ensure that the current level of compliance will be maintained. Therefore, the entry on guar gum 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 50 % of consignments entering the Union.
- (14) In relation to consignments of cumin seeds from India, 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 possible contamination by pesticide residues. It is therefore necessary to require an increased level of official controls on entries of that commodity from India. 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.
- (15) Instant noodles containing spices/seasonings or sauces from South Korea 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

December 2021. 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 official controls to ensure that the current level of compliance will be maintained. Therefore, the entry on instant noodles containing spices/seasonings or sauces 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 20 % of consignments entering the Union.

- (16) 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 50 %.
- (17) 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 due to the risk of contamination by ethylene oxide since December 2021. Those commodities have not been imported into the Union for more than one year. Therefore, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (18) In relation to consignments of green papaya (*Carica papaya*) from Mexico, 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 Mexico. 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.
- (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, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (20) Peppers of the genus *Capsicum* (other than sweet) from Pakistan 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 pesticide residues since January 2019. Those commodities have not been imported into the Union for more than three years. Therefore, the entry on peppers of the genus *Capsicum* (other than sweet) from Pakistan 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 20 % 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, those commodities introduced into the Union comply with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues.

- (21) Groundnuts and products produced from groundnuts from Senegal have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since July 2017. 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.
- (22) Groundnuts and products produced from groundnuts from Sudan 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 January 2019. Those commodities have not been imported into the Union for more than three years. Therefore, the entry on groundnuts and products produced from groundnuts from Sudan 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 50 % 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, those commodities introduced into the Union comply with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins.
- (23) In relation to consignments of tahini and halva from Syria, 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 those commodities from Syria. 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 20 % of consignments entering the Union.
- (24) In relation to consignments of pomegranates 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 %.
- (25) 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 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 contamination by ethylene oxide since December 2021. 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 official controls to ensure that

the current level of compliance will be maintained. Therefore, the entry 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 Türkiye 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 20 % of consignments entering the Union.

- (26) Dried apricots and apricots, otherwise prepared or preserved, from Uzbekistan have been subjected to an increased level of official controls due to the risk of contamination by sulphites since April 2015. 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.
- (27) Instant noodles containing spices/seasonings or sauces from Vietnam 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 December 2021. 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 official controls to ensure that the current level of compliance will be maintained. Therefore, the entry on instant noodles containing spices/seasonings or sauces from Vietnam 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 20 % of consignments entering the Union.
- (28) In order to ensure efficient protection against potential health risks arising from a possible contamination of groundnuts by aflatoxins, in the entry for Bolivia, in the column referring to ‘food and feed (intended use)’, in the table in point 1 of Annex II to Implementing Regulation (EU) 2019/1793, the wording ‘including mixtures’ should be added in the row referring to ‘groundnuts (peanuts), otherwise prepared or preserved’. Equally, in the column referring to ‘CN code’, the CN codes for mixtures should be added.
- (29) In relation to consignments of groundnuts and products produced from groundnuts from Egypt, 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 %.
- (30) In relation to the entry relating to *Sesamum* seeds from India, 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* and ethylene oxide, the intended use was

extended to ‘feed’ since October 2021. Since then, that commodity has not been imported into the Union for the intended use as ‘feed’. Therefore, an increased level of official controls and special conditions due to the risk of contamination by *Salmonella* in *Sesamum* seeds from India intended to be used as ‘feed’ are no longer justified and in the entry for India, in the column referring to ‘food and feed (intended use)’, in the table in point 1 of Annex II to Implementing Regulation (EU) 2019/1793, the wording should be adapted accordingly in the row referring to ‘food and feed’.

- (31) In relation to consignments of oranges 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 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 %.
- (32) Unprocessed apricot kernels from Türkiye intended to be placed on the market for the final consumer 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 cyanide since July 2019. 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 unprocessed apricot kernels from Türkiye intended to be placed on the market for the final consumer. In particular, all consignments of unprocessed apricot kernels from Türkiye intended to be placed on the market for the final consumer should be accompanied by an official certificate stating that all the results of sampling and analyses show compliance with Regulation (EC) No 1881/2006. The results of sampling and analyses should be attached to that certificate. Therefore, the entry of unprocessed apricot kernels from Türkiye intended to be placed on the market for the final consumer in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to point 1 of Annex II to that Implementing Regulation, with a frequency of identity and physical checks set at 50 % of consignments entering the Union.
- (33) Pistachios and derived products from Türkiye are listed in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 due to a possible contamination by aflatoxins with a frequency of identity and physical checks set at 50 % of consignments entering the Union. Pistachios and derived products from the United States were delisted from Implementing Regulation (EU) 2019/1793 by Commission Implementing Regulation (EU) 2021/1900⁶ as the results of official controls performed by the Member States indicated an overall satisfactory degree of compliance with the relevant requirements provided for in Union legislation as regards contamination by aflatoxins and no longer required an increased level of official controls. Nonetheless, data from RASFF notifications and information regarding official controls performed by the Member States in the second semester of 2022 indicate the emergence of new risks to human health requiring special import

⁶ Commission Implementing Regulation (EU) 2021/1900 of 27 October 2021 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 Regulation (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council (OJ L 387, 3.11.2021, p.78).

conditions, due to a possible contamination by aflatoxins of pistachios and derived products originating in the United States and dispatched to the Union from Türkiye.

- (34) In order to ensure protection against potential health risks arising from a possible contamination by the hazards referred to in Annex II to Implementing Regulation (EU) 2019/1793, a point 3 listing food and feed of non-animal origin dispatched to the Union from a third country other than the country of origin should be added in that Annex.
- (35) In light of the new information related to consignments of pistachios and derived products originating in the United States and dispatched to the Union from Türkiye, it is necessary to establish special conditions governing their entry into the Union. Therefore, pistachios and derived products originating in the United States and dispatched to the Union from Türkiye should be included in point 3 of Annex II to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 50 % of consignments entering the Union, and should be accompanied by an official certificate issued by the competent authorities of Türkiye stating that all the results of sampling show compliance with Regulation (EC) No 1881/2006.
- (36) 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 unprocessed apricot kernels from Türkiye intended to be placed on the market for the final consumer and for consignments of pistachios and derived products originating in the United States and dispatched to the Union from Türkiye, 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 unprocessed apricot kernels from Türkiye intended to be placed on the market for the final consumer and for consignments of pistachios and derived products originating in the United States and dispatched to the Union from Türkiye, since those commodities are subject to identity and physical checks at a frequency of 50 % of consignments entering the Union.
- (37) 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.
- (38) 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, pentachlorophenol and dioxins, microbiological contamination, Sudan dyes, Rhodamine B 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;
- (ii) consignments of food and feed consisting of two or more ingredients, containing any of the food and feed listed in the table in point 1 of Annex II due to the risk of contamination by aflatoxins in a quantity above 20 % of either a single product or as the sum of those products and falling within the CN codes laid down in the table in point 2 of 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 unprocessed apricot kernels from Türkiye intended to be placed on the market for the final consumer, which have been dispatched to the Union from Türkiye, 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 ... [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 L ..., ..., p. ...).

2. Consignments of pistachios and derived products originating in the United States, which have been dispatched to the Union from Türkiye before the date of entry into force of Implementing Regulation (EU) ...⁺⁺, 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.’;

+ 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.

++ OJ: Please insert in the text the number of this Regulation.

3. Annexes I and II 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