

COMMISSION IMPLEMENTING REGULATION (EU) 2023/174**of 26 January 2023****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 safety ⁽¹⁾, 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) 2019/1793 ⁽³⁾ 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.
- (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.

⁽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).

- (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 Council⁽⁴⁾. 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 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 %.

⁽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).

- (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 Israel^(§), 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.

^(§) 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.

- (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.
- (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 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.
- (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 (*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 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 (*Bergera/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) 2023/174 (*), may enter the Union until 16 October 2023 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) 2023/174 of 26 January 2023 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 25, 27.1.2023, p. 36.);

(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) 2019/1793, 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) 2019/1793.

— 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.

Done at Brussels, 26 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

'ANNEX I

Food and feed of non-animal origin from certain third countries subject to a temporary increase of official controls at border control posts and control points

Row	Country of origin	Food and feed (intended use)	CN code (1)	TARIC sub-division	Hazard	Frequency of identity and physical checks (%)	
1	Azerbaijan (AZ)	— Hazelnuts (<i>Corylus</i> sp.), in shell	0802 21 00			Aflatoxins	20
		— Hazelnuts (<i>Corylus</i> sp.), shelled	0802 22 00				
		— Mixtures of nuts or dried fruits containing hazelnuts	ex 0813 50 39;	70			
			ex 0813 50 91;	70			
			ex 0813 50 99	70			
		— Hazelnut paste	ex 2007 10 10;	70			
			ex 2007 10 99;	40			
			ex 2007 99 39;	05; 06			
			ex 2007 99 50;	33			
			ex 2007 99 97	23			
		— Hazelnuts, otherwise prepared or preserved, including mixtures	ex 2008 19 12;	30			
			ex 2008 19 19;	30			
			ex 2008 19 92;	30			
			ex 2008 19 95;	20			
			ex 2008 19 99;	30			
			ex 2008 97 12;	15			
			ex 2008 97 14;	15			
			ex 2008 97 16;	15			
			ex 2008 97 18;	15			
			ex 2008 97 32;	15			
			ex 2008 97 34;	15			
			ex 2008 97 36;	15			
			ex 2008 97 38;	15			
ex 2008 97 51;	15						
ex 2008 97 59;	15						
ex 2008 97 72;	15						
ex 2008 97 74;	15						
ex 2008 97 76;	15						
ex 2008 97 78;	15						

		<ul style="list-style-type: none"> — Flours, meals and powder of hazelnuts — Hazelnut oil <p>(Food)</p>	<ul style="list-style-type: none"> ex 2008 97 92; ex 2008 97 93; ex 2008 97 94; ex 2008 97 96; ex 2008 97 97; ex 2008 97 98; ex 1106 30 90 ex 1515 90 99 	<ul style="list-style-type: none"> 15 15 15 15 15 15 40 20 		
2	Brazil (BR)	<ul style="list-style-type: none"> — Brazil nuts in shell — Mixtures of nuts or dried fruits containing Brazil nuts in shell <p>(Food)</p>	<ul style="list-style-type: none"> 0801 21 00; ex 0813 50 31; ex 0813 50 39; ex 0813 50 91; ex 0813 50 99 	<ul style="list-style-type: none"> 20 20 20 20 	Aflatoxins	50
		<ul style="list-style-type: none"> — Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved — Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil — Groundnut flours and meals — Groundnuts paste <p>(Food and feed)</p>	<ul style="list-style-type: none"> 1202 41 00 1202 42 00 2008 11 10 2008 11 91; 2008 11 96; 2008 11 98 2305 00 00 ex 1208 90 00 ex 2007 10 10 ex 2007 10 99 ex 2007 99 39 	<ul style="list-style-type: none"> 20 80 50 07; 08 	Pesticide residues ^(?)	30
3	Côte d'Ivoire (CI)	<ul style="list-style-type: none"> Palm oil <p>(Food)</p>	<ul style="list-style-type: none"> 1511 10 90 1511 90 11 ex 1511 90 19 1511 90 99 	<ul style="list-style-type: none"> 90 	Sudan dyes ⁽¹⁶⁾	20

4	China (CN)	— Groundnuts (peanuts), in shell	1202 41 00				
		— Groundnuts (peanuts), shelled	1202 42 00				
		— Peanut butter	2008 11 10				
		— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			Aflatoxins	10
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00				
		— Groundnut flours and meals	ex 1208 90 00	20			
		— Groundnuts paste	ex 2007 10 10	80			
	(Food and feed)	ex 2007 10 99	50				
		ex 2007 99 39	07; 08				
		Sweet peppers (<i>Capsicum annuum</i>)	ex 0904 22 00	11	<i>Salmonella</i> ⁽⁴⁾	10	
		(Food – crushed or ground)					
		Tea, whether or not flavoured	0902		Pesticide residues ⁽³⁾ ⁽⁵⁾	20	
		(Food)					
5	Colombia (CO)	Granadilla and passion fruit (<i>Passiflora ligularis</i> and <i>Passiflora edulis</i>)	ex 0810 90 20	30	Pesticide residues ⁽³⁾	10	
		(Food)					
6	Egypt (EG)	— Sweet peppers (<i>Capsicum annuum</i>)	0709 60 10 0710 80 51				
		— Peppers of the genus <i>Capsicum</i> (other than sweet)	ex 0709 60 99 ex 0710 80 59	20 20		Pesticide residues ⁽³⁾ ⁽⁶⁾	20
		(Food – fresh, chilled or frozen)					
		Oranges	0805 10		Pesticide residues ⁽³⁾	20	
		(Food – fresh or dried)					

7	Georgia (GE)	— Hazelnuts (<i>Corylus</i> sp.), in shell	0802 21 00			
		— Hazelnuts (<i>Corylus</i> sp.), shelled	0802 22 00			
		— Mixtures of nuts or dried fruits containing hazelnuts	ex 0813 50 39;	70		
			ex 0813 50 91;	70		
			ex 0813 50 99	70		
		— Hazelnut paste	ex 2007 10 10;	70		
			ex 2007 10 99;	40		
			ex 2007 99 39;	05; 06		
			ex 2007 99 50;	33		
			ex 2007 99 97	23		
		— Hazelnuts, otherwise prepared or preserved, including mixtures	ex 2008 19 12;	30		
			ex 2008 19 19;	30		
			ex 2008 19 92;	30		
			ex 2008 19 95;	20		
			ex 2008 19 99;	30		
			ex 2008 97 12;	15		
			ex 2008 97 14;	15		
			ex 2008 97 16;	15		
			ex 2008 97 18;	15		
			ex 2008 97 32;	15		
			ex 2008 97 34;	15		
			ex 2008 97 36;	15		
			ex 2008 97 38;	15		
			ex 2008 97 51;	15		
			ex 2008 97 59;	15		
			ex 2008 97 72;	15		
			ex 2008 97 74;	15		
			ex 2008 97 76;	15		
			ex 2008 97 78;	15		
			ex 2008 97 92;	15		
			ex 2008 97 93;	15		
			ex 2008 97 94;	15		
	ex 2008 97 96;	15				
	ex 2008 97 97;	15				
	ex 2008 97 98;	15				
— Flours, meals and powder of hazelnuts	ex 1106 30 90	40				
— Hazelnut oil	ex 1515 90 99	20				
	(Food)					
				Aflatoxins	30	

8	Israel (IL) ⁽¹⁸⁾	Basil (<i>Ocimum basilicum</i>) (Food)	ex 12 11 90 86	20	Pesticide residues ⁽³⁾	10
		Mint (<i>Mentha</i>) (Food)	ex 12 11 90 86	30	Pesticide residues ⁽³⁾	10
9	India (IN)	Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00 ⁽¹⁰⁾	10	<i>Salmonella</i> ⁽⁶⁾	30
		Okra (Food – fresh, chilled or frozen)	ex 0709 99 90; ex 0710 80 95	20 30	Pesticide residues ⁽³⁾ ⁽⁷⁾ ⁽¹⁵⁾	20
		Drumsticks (<i>Moringa oleifera</i>) (Food fresh, chilled or frozen)	ex 0709 99 90 ex 0710 80 95	10 75	Pesticide residues ⁽³⁾	10
		Rice (Food)	1006		Aflatoxins and Ochratoxin A	5
					Pesticide residues ⁽³⁾	5
		Yardlong beans (<i>Vigna unguiculata</i> ssp. <i>sesquipedalis</i> , <i>Vigna unguiculata</i> ssp. <i>unguiculata</i>) (Food – fresh, chilled or frozen vegetables)	ex 0708 20 00; ex 0710 22 00	10 10	Pesticide residues ⁽³⁾	20
		Guava (<i>Psidium guajava</i>) (Food)	ex 0804 50 00	30	Pesticide residues ⁽³⁾	20
Nutmeg (<i>Myristica fragrans</i>) (Food – dried spices)	0908 11 00; 0908 12 00		Aflatoxins	30		
10	Kenya (KE)	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) (Food – fresh or chilled)	0708 20		Pesticide residues ⁽³⁾	10
		Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾	20

11	South Korea (KR)	Food supplements containing botanicals ⁽¹⁷⁾ (Food)	ex 1302 ex 2106		Pesticide residues ⁽¹⁵⁾	30
12	Sri Lanka (LK)	Gotukola (<i>Centella asiatica</i>) (Food)	ex 1211 90 86	60	Pesticide residues ⁽³⁾	30
		Mukunuwenna (<i>Alternanthera sessilis</i>) (Food)	ex 0709 99 90	35	Pesticide residues ⁽³⁾	30
13	Madagascar (MG)	Black eyed beans (<i>Vigna unguiculata</i>) (Food)	0713 35 00		Pesticide residues ⁽³⁾	10
14	Malaysia (MY)	Jackfruit (<i>Artocarpus heterophyllus</i>) (Food – fresh)	ex 0810 90 20	20	Pesticide residues ⁽³⁾	50
		— Locust beans (carob)	1212 92 00		Pesticide residues ⁽¹⁵⁾	30
		— Locust beans seeds, not decorticated, crushed or ground	1212 99 41			
— Mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds (Food and feed)	1302 32 10					
15	Nigeria (NG)	Watermelon (Egusi, <i>Citrullus</i> spp.) seeds and derived products (Food)	ex 1207 70 00;	10	Aflatoxins	30
			ex 1208 90 00;	10		
			ex 2008 99 99	50		
16	Pakistan (PK)	Spice mixes (Food)	0910 91 10; 0910 91 90		Aflatoxins	50
		Rice (Food)	1006		Aflatoxins and Ochratoxin A	10
					Pesticide residues ⁽³⁾	5
17	Rwanda (RW)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾	20

18	Senegal (SN)	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste	ex 2007 10 10	80		
	(Food and feed)	ex 2007 10 99	50			
		ex 2007 99 39	07; 08			
19	Thailand (TH)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾ ⁽⁸⁾	30
20	Türkiye (TR)	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) (Food – fresh, chilled or dried)	0805 50 10		Pesticide residues ⁽³⁾	30
		Grapefruits (Food)	0805 40 00		Pesticide residues ⁽³⁾	30
		Pomegranates (Food – fresh or chilled)	ex 0810 90 75	30	Pesticide residues ⁽³⁾ ⁽⁹⁾	20
		— Sweet peppers (<i>Capsicum annuum</i>)	0709 60 10 0710 80 51		Pesticide residues ⁽³⁾ ⁽¹⁰⁾	20
		— Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99 ex 0710 80 59	20 20		
Unprocessed whole, ground, milled, cracked, chopped apricot kernels intended to be placed on the market for the final consumer ⁽¹¹⁾ ⁽¹²⁾ (Food)	ex 1212 99 95	20	Cyanide	50		

		— Cumin seeds	0909 31 00			
		— Cumin seeds crushed or ground (Food)	0909 32 00		Pyrrolizidine alkaloids	20
		Dried oregano (Food)	ex 1211 90 86	40	Pyrrolizidine alkaloids	20
		Sesamum seeds (Food)	1207 40 90			
			ex 2008 19 19	40	Salmonella ⁽²⁾	20
			ex 2008 19 99	40		
21	Uganda (UG)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾ Pesticide residues ⁽¹⁵⁾	50 10
22	United States (US)	— Groundnuts (peanuts), in shell	1202 41 00			
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00		Aflatoxins	20
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste (Food and feed)	ex 2007 10 10 ex 2007 10 99 ex 2007 99 39	80 50 07; 08		
23	Uzbekistan (UZ)	Dried apricots Apricots, otherwise prepared or preserved (Food)	0813 10 00 2008 50		Sulphites ⁽¹³⁾	50
24	Vietnam (VN)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾ ⁽¹⁴⁾	50

-
- (¹) Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.
- (²) The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(a) of Annex III.
- (³) Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of 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) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).
- (⁴) The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(b) of Annex III.
- (⁵) Residues of Tolfenpyrad.
- (⁶) Residues of Dicofol (sum of p, p' and o,p' isomers), Dinotefuran, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-trichlorophenol moiety expressed as prochloraz), Thiophanate-methyl and Triforine.
- (⁷) Residues of Diafenthiuron.
- (⁸) Residues of Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)), Prothiofos and Triforine.
- (⁹) Residues of Prochloraz.
- (¹⁰) Residues of Diafenthiuron, Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)) and Thiophanate-methyl.
- (¹¹) 'Unprocessed products' as defined in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).
- (¹²) 'Placing on the market' and 'final consumer' as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).
- (¹³) Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.
- (¹⁴) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.
- (¹⁵) Residues of Ethylene Oxide (sum of ethylene oxide and 2-chloro-ethanol, expressed as ethylene oxide). In case of food additives, the applicable maximum residue level (MRL) is 0,1 mg/kg (limit of quantification (LOQ)). Prohibition of use of Ethylene Oxide provided for in Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).
- (¹⁶) For the purposes of this Annex, 'Sudan dyes' refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red or Sudan IV (CAS Number 85-83-6). Residues of Sudan dyes, using a method of analysis with an LOQ, shall be lower than 0,5 mg/kg.
- (¹⁷) Both finished products and raw materials containing any botanicals intended for the production of food supplements declared under CN codes mentioned in column 'CN code'.
- (¹⁸) 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.
-

ANNEX II

Food and feed from certain third countries subject to special conditions for the entry into the Union due to contamination risk by mycotoxins, including aflatoxins, pesticide residues, pentachlorophenol and dioxins, microbiological contamination, Sudan dyes and Rhodamine B

1. Food and feed of non-animal origin referred to in Article 1(1), point (b)(i)

Row	Country of origin	Food and feed (intended use)	CN code ⁽¹⁾	TARIC sub-division	Hazard	Frequency of identity and physical checks (%)
1	Bangladesh (BD)	Foodstuffs containing or consisting of betel leaves (<i>Piper betle</i>) (Food)	ex 1404 90 00 ⁽²⁾	10	<i>Salmonella</i> ⁽³⁾	50
2	Bolivia (BO)	<ul style="list-style-type: none"> — Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved — Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil — Groundnut flours and meals — Groundnuts paste (Food and feed)	<ul style="list-style-type: none"> 1202 41 00 1202 42 00 2008 11 10 2008 11 91; 2008 11 96; 2008 11 98 2305 00 00 ex 1208 90 00 ex 2007 10 10 ex 2007 10 99 ex 2007 99 39 	<ul style="list-style-type: none"> 20 80 50 07; 08 	Aflatoxins	50
3	Brazil (BR)	Black pepper (<i>Piper nigrum</i>) (Food – neither crushed nor ground)	ex 0904 11 00	10	<i>Salmonella</i> ⁽²⁾	50
4	China (CN)	Xanthan gum (Food and feed)	ex 3913 90 00	40	Pesticide residues ⁽¹⁰⁾	20

5	Dominican Republic (DO)	Aubergines (<i>Solanum melongena</i>) (Food – fresh or chilled)	0709 30 00		Pesticide residues ⁽⁴⁾	50
		— Sweet peppers (<i>Capsicum annuum</i>)	0709 60 10		Pesticide residues ⁽⁴⁾ ⁽¹³⁾	50
		— Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	0710 80 51			
			ex 0709 60 99	20		
		ex 0710 80 59	20			
		Yardlong beans (<i>Vigna unguiculata</i> ssp. <i>sesquipedalis</i> , <i>Vigna unguiculata</i> ssp. <i>unguiculata</i>) (Food – fresh, chilled or frozen)	ex 0708 20 00	10	Pesticide residues ⁽⁴⁾ ⁽¹²⁾	30
		ex 0710 22 00	10			
6	Egypt (EG)	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	20
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98;			
			ex 2008 19 12;	40		
			ex 2008 19 19;	50		
			ex 2008 19 92;	40		
			ex 2008 19 95;	40		
			ex 2008 19 99	50		
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
— Groundnuts paste	ex 2007 10 10	80				
(Food and feed)	ex 2007 10 99	50				
	ex 2007 99 39	07; 08				

7	Ethiopia (ET)	— Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	0904		Aflatoxins	50
		— Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices (Food – dried spices)	0910			
		Sesamum seeds (Food)	1207 40 90		Salmonella (°)	50
	ex 2008 19 19	40				
	ex 2008 19 99	40				
8	Ghana (GH)	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91;			
			2008 11 96;			
			2008 11 98;			
			ex 2008 19 12;	40		
			ex 2008 19 19;	50		
			ex 2008 19 92;	40		
			ex 2008 19 95;	40		
			ex 2008 19 99	50		
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
— Groundnuts paste (Food and feed)	ex 2007 10 10	80				
	ex 2007 10 99	50				
	ex 2007 99 39	07; 08				
	Palm oil (Food)	1511 10 90		Sudan dyes (11)	50	
		1511 90 11				
		ex 1511 90 19	90			
		1511 90 99				

9	Gambia (GM)	— Groundnuts (peanuts), in shell	1202 41 00					
		— Groundnuts (peanuts), shelled	1202 42 00					
		— Peanut butter	2008 11 10					
		— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98; ex 2008 19 12; ex 2008 19 19; ex 2008 19 92; ex 2008 19 95; ex 2008 19 99	40 50 40 40 50	Aflatoxins	50		
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00					
		— Groundnut flours and meals	ex 1208 90 00	20				
		— Groundnuts paste	ex 2007 10 10	80				
		(Food and feed)	ex 2007 10 99 ex 2007 99 39	50 07; 08				
		10	Indonesia (ID)	Nutmeg (<i>Myristica fragrans</i>) (Food – dried spices)	0908 11 00; 0908 12 00		Aflatoxins	30
		11	India (IN)	Curry leaves (<i>Bergera/Murraya koenigii</i>) (Food – fresh, chilled, frozen or dried)	ex 1211 90 86	10	Pesticide residues (*) (13)	50
Peppers of the genus <i>Capsicum</i> (sweet or other than sweet) (Food – dried, roasted, crushed or ground)	0904 21 10 ex 0904 22 00 ex 0904 21 90 ex 2005 99 10 ex 2005 99 80			11; 19 20 10; 90 94	Aflatoxins	10		

	— Groundnuts (peanuts), in shell	1202 41 00			
	— Groundnuts (peanuts), shelled	1202 42 00			
	— Peanut butter	2008 11 10			
	— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98; ex 2008 19 12; ex 2008 19 19; ex 2008 19 92; ex 2008 19 95; ex 2008 19 99	40 50 40 40 50	Aflatoxins	50
	— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
	— Groundnut flours and meals	ex 1208 90 00	20		
	— Groundnuts paste	ex 2007 10 10	80		
	(Food and feed)	ex 2007 10 99	50		
		ex 2007 99 39	07; 08		
	Peppers of the genus <i>Capsicum</i> (other than sweet)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽⁴⁾ ⁽⁵⁾	20
	(Food – fresh, chilled or frozen)				
	Sesamum seeds	1207 40 90		Salmonella ⁽⁶⁾	20
	(Food and feed)	ex 2008 19 19	40		
		ex 2008 19 99	40	Pesticide residues ⁽¹⁰⁾	50
	— Locust beans (carob)	1212 92 00			
	— Locust beans seeds, not decorticated, crushed or ground	1212 99 41			
	— Mucilages and thickeners, whether or not modified, derived from locust beans or locust bean seeds	1302 32 10		Pesticide residues ⁽¹⁰⁾	20
	(Food and feed)				

	Guar gum (Food and feed)	ex 1302 32 90		Pesticide residues ⁽¹⁰⁾	20
				Pentachlorophenol and dioxins ⁽³⁾	5
	Mixtures of food additives containing locust bean gum or guar gum (Food)	ex 2106 90 92 ex 2106 90 98 ex 3824 99 93 ex 3824 99 96		Pesticide residues ⁽¹⁰⁾	20
	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> (Food – dried spices)	0904		Pesticide residues ⁽¹⁰⁾	20
	Vanilla (Food – dried spices)	0905		Pesticide residues ⁽¹⁰⁾	20
	Cinnamon and cinnamon-tree flowers (Food – dried spices)	0906		Pesticide residues ⁽¹⁰⁾	20
	Cloves (whole fruit, cloves and stems) (Food – dried spices)	0907		Pesticide residues ⁽¹⁰⁾	20
	Nutmeg, mace and cardamoms (Food – dried spices)	0908		Pesticide residues ⁽¹⁰⁾	20
	Seeds of anise, badian, fennel, coriander, cumin or caraway, juniper berries (Food – dried spices)	0909		Pesticide residues ⁽¹⁰⁾	20
	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices (Food – dried spices)	0910		Pesticide residues ⁽¹⁰⁾	20

		Sauces and preparations thereof; mixed condiments and mixed seasonings; mustard flours and meals and prepared mustard (Food)	2103		Pesticide residues ⁽¹⁰⁾	20
		Calcium carbonate (Food and feed)	ex 2106 90 92/98 ex 2530 90 00 ex 2836 50 00		Pesticide residues ⁽¹⁰⁾	30
		Food supplements containing botanicals ⁽¹⁴⁾ (Food)	ex 1302 ex 2106		Pesticide residues ⁽¹⁰⁾	20
12	Iran (IR)	— Pistachios, in shell — Pistachios, shelled — Mixtures of nuts or dried fruits containing pistachios — Pistachio paste — Pistachios, prepared or preserved, including mixtures	0802 51 00 0802 52 00 ex 0813 50 39; ex 0813 50 91; ex 0813 50 99 ex 2007 10 10; ex 2007 10 99; ex 2007 99 39; ex 2007 99 50; ex 2007 99 97 ex 2008 19 13; ex 2008 19 93; ex 2008 97 12; ex 2008 97 14; ex 2008 97 16; ex 2008 97 18; ex 2008 97 32; ex 2008 97 34; ex 2008 97 36; ex 2008 97 38; ex 2008 97 51; ex 2008 97 59; ex 2008 97 72; ex 2008 97 74; ex 2008 97 76;	60 60 60 60 30 03; 04 32 22 20 20 19 19 19 19 19 19 19 19 19 19 19 19 19 19	Aflatoxins	50

			ex 2008 97 78; ex 2008 97 92; ex 2008 97 93; ex 2008 97 94; ex 2008 97 96; ex 2008 97 97; ex 2008 97 98 ex 1106 30 90	19 19 19 19 19 19 19 50		
		— Flours, meals and powder of pistachios (Food)				
13	South Korea (KR)	Instant noodles containing spices/seasonings or sauces (Food)	ex 1902 30 10	30	Pesticide residues ⁽¹⁰⁾	20
14	Lebanon (LB)	Turnips (<i>Brassica rapa</i> ssp. <i>rapa</i>) (Food – prepared or preserved by vinegar or acetic acid)	ex 2001 90 97	11; 19	Rhodamine B ⁽¹³⁾	50
		Turnips (<i>Brassica rapa</i> ssp. <i>rapa</i>) (Food – prepared or preserved by brine or citric acid, not frozen)	ex 2005 99 80	93	Rhodamine B ⁽¹³⁾	50
15	Sri Lanka (LK)	Peppers of the genus <i>Capsicum</i> (sweet or other than sweet) (Food – dried, roasted, crushed or ground)	0904 21 10 ex 0904 21 90 ex 0904 22 00 ex 2005 99 10 ex 2005 99 80	20 11; 19 10; 90 94	Aflatoxins	50
16	Malaysia (MY)	Mixtures of food additives containing locust bean gum (Food)	ex 2106 90 92 ex 2106 90 98 ex 3824 99 93 ex 3824 99 96		Pesticide residues ⁽¹⁰⁾	20
17	Nigeria (NG)	Sesamum seeds (Food)	1207 40 90 ex 2008 19 19 ex 2008 19 99	40 40	<i>Salmonella</i> ⁽⁶⁾	50
18	Pakistan (PK)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽⁴⁾	20

19	Sudan (SD)	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50	
		— Groundnuts (peanuts), shelled	1202 42 00				
— Peanut butter	2008 11 10						
— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98; ex 2008 19 12; ex 2008 19 19; ex 2008 19 92; ex 2008 19 95; ex 2008 19 99	40 50 40 40 50					
— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00						
— Groundnut flours and meals	ex 1208 90 00	20					
— Groundnuts paste	ex 2007 10 10	80					
(Food and feed)	ex 2007 10 99 ex 2007 99 39	50 07; 08					
	Sesamum seeds	1207 40 90		Salmonella ⁽⁶⁾			50
	(Food)	ex 2008 19 19 ex 2008 19 99	40 40				
20	Türkiye (TR)	— Dried figs	0804 20 90		Aflatoxins	30	
		— Mixtures of nuts or dried fruits containing figs	ex 0813 50 99	50			
		— Dried fig paste	ex 2007 10 10; ex 2007 10 99; ex 2007 99 39; ex 2007 99 50; ex 2007 99 97	50 20 01; 02 31 21			
		— Dried figs, prepared or preserved, including mixtures	ex 2008 97 12; ex 2008 97 14; ex 2008 97 16; ex 2008 97 18;	11 11 11 11			

		ex 2008 97 32;	11		
		ex 2008 97 34;	11		
		ex 2008 97 36;	11		
		ex 2008 97 38;	11		
		ex 2008 97 51;	11		
		ex 2008 97 59;	11		
		ex 2008 97 72;	11		
		ex 2008 97 74;	11		
		ex 2008 97 76;	11		
		ex 2008 97 78;	11		
		ex 2008 97 92;	11		
		ex 2008 97 93;	11		
		ex 2008 97 94;	11		
		ex 2008 97 96;	11		
		ex 2008 97 97;	11		
		ex 2008 97 98;	11		
		ex 2008 99 28;	10		
		ex 2008 99 34;	10		
		ex 2008 99 37;	10		
		ex 2008 99 40;	10		
		ex 2008 99 49;	60		
		ex 2008 99 67;	95		
		ex 2008 99 99	60		
	— Flours, meals and powder of dried figs	ex 1106 30 90	60		
	(Food)				
	— Pistachios, in shell	0802 51 00			
	— Pistachios, shelled	0802 52 00			
	— Mixtures of nuts or dried fruits containing pistachios	ex 0813 50 39;	60		
		ex 0813 50 91;	60		
		ex 0813 50 99	60		
	— Pistachio paste	ex 2007 10 10;	60		
		ex 2007 10 99;	30		
		ex 2007 99 39;	03; 04		
		ex 2007 99 50;	32		
		ex 2007 99 97	22		
				Aflatoxins	50

	— Pistachios, prepared or preserved, including mixtures	ex 2008 19 13; ex 2008 19 93; ex 2008 97 12; ex 2008 97 14; ex 2008 97 16; ex 2008 97 18; ex 2008 97 32; ex 2008 97 34; ex 2008 97 36; ex 2008 97 38; ex 2008 97 51; ex 2008 97 59; ex 2008 97 72; ex 2008 97 74; ex 2008 97 76; ex 2008 97 78; ex 2008 97 92; ex 2008 97 93; ex 2008 97 94; ex 2008 97 96; ex 2008 97 97; ex 2008 97 98	20 20 19		
	— Flours, meals and powder of pistachios <i>(Food)</i>	ex 1106 30 90	50		
	Vine leaves <i>(Food)</i>	ex 2008 99 99	11; 19	Pesticide residues (*) (?)	50
	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids <i>(Food – fresh or dried)</i>	0805 21; 0805 22; 0805 29		Pesticide residues (*)	20
	Oranges <i>(Food – fresh or dried)</i>	0805 10		Pesticide residues (*)	20

		— Locust beans (carob)	1212 92 00			
		— Locust beans seeds, not decorticated, crushed or ground	1212 99 41			
		— Mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds (Food and feed)	1302 32 10		Pesticide residues ⁽¹⁰⁾	20
		Mixtures of food additives containing locust bean gum (Food)	ex 2106 90 92 ex 3824 99 93 ex 2106 90 98 ex 3824 99 96		Pesticide residues ⁽¹⁰⁾	20
21	Uganda (UG)	Sesamum seeds (Food)	1207 40 90 ex 2008 19 19 ex 2008 19 99	40 40	Salmonella ⁽⁶⁾	20
22	United States (US)	Vanilla extract (Food)	1302 19 05		Pesticide residues ⁽¹⁰⁾	20
23	Vietnam (VN)	Okra (Food – fresh, chilled or frozen)	ex 0709 99 90; ex 0710 80 95	20 30	Pesticide residues ⁽⁴⁾ ⁽⁸⁾	50
		Pitahaya (dragon fruit) (Food – fresh or chilled)	ex 0810 90 20	10	Pesticide residues ⁽⁴⁾ ⁽⁸⁾	20
		Instant noodles containing spices/seasonings or sauces (Food)	ex 1902 30 10	30	Pesticide residues ⁽¹⁰⁾	20

⁽¹⁾ Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.

⁽²⁾ The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(b) of Annex III.

⁽³⁾ The analytical report referred to in Article 10(3) shall be issued by a laboratory accredited in accordance with standard EN ISO/IEC 17025 for the analysis of pentachlorophenol (PCP) in food and feed.

The analytical report shall indicate:

- the results of sampling and analysis for the presence of PCP, performed by the competent authorities of the country of origin or of the country where the consignment is consigned from if that country is different from the country of origin;
- the measurement uncertainty of the analytical result;
- the limit of detection (LOD) of the analytical method; and
- the LOQ of the analytical method.

The extraction before analysis shall be performed with an acidified solvent. The analysis shall be carried out in accordance with the modified version of the QuEChERS method as set out on the websites of the European Union Reference Laboratories for Residues of Pesticides or in accordance with an equally reliable method.

- (⁴) Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of 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) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).
- (⁵) Residues of Carbofuran.
- (⁶) The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(a) of Annex III.
- (⁷) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Metrafenone.
- (⁸) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.
- (⁹) Foodstuffs containing or consisting of betel leaves (*Piper betle*) including, but not limited to, those declared under CN code 1404 90 00.
- (¹⁰) Residues of Ethylene Oxide (sum of ethylene oxide and 2-chloro-ethanol, expressed as ethylene oxide). In case of food additives, the applicable MRL is 0,1 mg/kg (LOQ). Prohibition of use of Ethylene Oxide provided for in Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).
- (¹¹) For the purposes of this Annex, 'Sudan dyes' refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red or Sudan IV (CAS Number 85-83-6). Residues of Sudan dyes, using a method of analysis with an LOQ, shall be lower than 0,5 mg/kg.
- (¹²) Residues of Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Diafenthiuron, Dicofol (sum of p, p' and o,p' isomers) and Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram).
- (¹³) Residues of Acephate.
- (¹⁴) Both finished products and raw materials containing any botanicals intended for the production of food supplements declared under CN codes mentioned in column 'CN code'.
- (¹⁵) For purpose of this Annex, residues of Rhodamine B, using a method of analysis with an LOQ, shall be lower than 0,1 mg/kg.

2. Food referred to in Article 1(1), point (b)(ii)

Row	Food consisting of two or more ingredients, containing any of the individual products listed in the table in point 1 due to risk of contamination by aflatoxins in a quantity above 20 % of either a single product or as the sum of products listed	
	CN code (¹)	Description (²)
1	ex 1704 90	Sugar confectionery (including white chocolate), not containing cocoa, other than chewing gum, whether or not sugar-coated
2	ex 1806	Chocolate and other food preparations containing cocoa
3	ex 1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products'

(¹) Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.

(²) The description of the goods is as laid down in the description column of the CN in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).