



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Crisis preparedness in food, animals and plants
The Director

Brussels,

SANTE/G3/AL/al(2022)3223115

Dear Dr Smita Sirohi,

Subject: Commodities originating in India, which are subject to 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 – Sixth Review

I would like to contact you in relation to commodities originating in India.

Regulation (EU) 2019/1793¹ lays down the list of food and feed of non-animal origin from certain third countries subject to a temporary increase of official controls upon their entry into the Union in its Annex I; the list of food and feed of non-animal origin and compound food subject to special conditions governing their entry into the Union as well as to a temporary increase of official controls in its Annex II; and the list of food and feed of non-animal origin from certain third countries subject to suspension of entry into the Union in its Annex IIa.

The lists of concerned food and feed are subject to review on a regular basis.

Nutmeg originating in India is currently listed in Annex II to Regulation (EU) 2019/1793 due to the risk of contamination by aflatoxins. The official controls carried out by the Member States and available information show improvement in compliance with the relevant requirements provided for in Union legislation. In the context of the sixth review of Regulation (EU) 2019/1793, the Standing Committee on Plants, Animals, Food and Feed (PAFF Committee) has agreed on 20 April 2022 to **remove nutmeg from India from Annex II to the Regulation, and to include them in Annex I to that Regulation, with a frequency of identity and physical checks established at 30% upon their entry into the Union.**

Consignments of nutmeg originating in India will be subject to an increased level of official controls by national competent authorities at their entry into the Union, but it will not be required anymore for consignments to be accompanied by an official certificate and the results of sampling and analyses performed by the third country of origin.

¹ 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 third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council (OJ L 277, 29.10.2019, p. 89).

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The data resulting from notifications in the Rapid Alert System for Food and Feed (RASFF) and information regarding official controls performed by Member States on consignments of yardlong beans (*Vigna unguiculata ssp. sesquipedalis*, *Vigna unguiculata ssp. unguiculata*) and guava (*Psidium guajava*) from India indicate the emergence of new risks to human health, due to a possible contamination by pesticide residues, requiring an increased level of official controls. In the context of the sixth review of Regulation (EU) 2019/1793, the PAFF Committee has agreed on 20 April 2022 to **include yardlong beans (*Vigna unguiculata ssp. sesquipedalis*, *Vigna unguiculata ssp. unguiculata*) and guava (*Psidium guajava*) from India in Annex I to Regulation (EU) 2019/1793 due to possible contamination by pesticide residues, with a frequency of identity and physical checks established at 20% upon their entry into the Union.**

Rice originating in India is currently listed in Annex I to Regulation (EU) 2019/1793 due to the risk of contamination by aflatoxins and ochratoxin A. In the context of the sixth review of Regulation (EU) 2019/1793, the PAFF Committee has agreed on 20 April 2022 to **amend the existing entry on rice to include all types of rice**, in order to ensure efficient protection against potential health risks arising from contamination of rice by aflatoxins and ochratoxin A. Due to the extension of the CN code and the volumes traded, the administrative burden for Member States is expected to increase significantly. Therefore, the PAFF Committee has further agreed on 20 April 2022 to **decrease from 10% to 5% the frequency of identity and physical checks to be performed on rice from India.**

The data resulting from notifications in the Rapid Alert System for Food and Feed (RASFF) and information regarding official controls performed by Member States on consignments of rice from India indicate the emergence of new risks to human health, due to a possible contamination by pesticide residues, requiring an increased level of official controls. In the context of the sixth review of Regulation (EU) 2019/1793, the PAFF Committee has agreed on 20 April 2022 to **extend the checks on rice from India in Annex I to Regulation (EU) 2019/1793 to possible contamination by pesticide residues, with a frequency of identity and physical checks established at 5% upon its entry into the Union.**

Locust beans (including mucilages and thickeners derived from locust beans) and guar gum from India are currently listed in Annex II to Regulation (EU) 2019/1793 due to the risk of contamination by ethylene oxide. The potential health risk from contamination by ethylene oxide affects mixtures of food additives containing locust bean gum or guar gum. In the context of the sixth review of Regulation (EU) 2019/1793, the PAFF Committee has agreed on 20 April 2022 to **include mixtures of food additives containing locust bean gum or guar gum from India in Annex II to Regulation (EU) 2019/1793 due to possible contamination by ethylene oxide, with a frequency of identity and physical checks established at 20% upon their entry into the Union.**

Consignments of rice, yardlong beans (*Vigna unguiculata ssp. sesquipedalis*, *Vigna unguiculata ssp. unguiculata*), guava (*Psidium guajava*), mixtures of food additives containing locust bean gum or guar gum will have to be presented at a Border Control Post (BCP)² where they will be subject to documentary checks and to physical and identity checks at the prescribed frequency. Consignments will have to be accompanied by a Common Health Entry Document (CHED) as provided for in Article 56 of Regulation (EU) 2017/625.

² Information regarding the list of EU BCPs is posted on this Directorate General's website at the following address: http://ec.europa.eu/food/safety/official_controls/legislation/imports/non-animal/index_en.htm

In order to give adequate prior notification of the estimated date and time of physical arrival of the consignment at the BCP, Food Business Operators shall complete Part I of the CHED and transmit it to the competent authority at the BCP, at least one working day prior to the physical arrival of the consignment. Where logistical constraints prevent compliance with that time limit, the competent authorities of the BCP may apply a period of prior notification of at least four hours before the expected arrival of the consignment, as provided for in Article 1(2) of Implementing Regulation (EU) 2019/1013³.

Consignments of mixtures of food additives containing locust bean gum or guar gum from India will be subject to special conditions in addition to the increased level of official controls. In particular, as provided for in Article 10 and 11 of Regulation (EU) 2019/1793, each consignment of that commodity shall be accompanied by an official certificate stating that the products have been sampled and analysed for ethylene oxide and by the results of sampling and analyses showing compliance with Regulation (EC) No 396/2005 on maximum residue levels of ethylene oxide.

The adoption and publication of the amendment by the Commission are under preparation.

These measures shall enter into force on the twentieth day following publication in the Official Journal of the European Union. Should you require more information, please contact Unit SANTE G3 (SANTE-CONSULT-G3@ec.europa.eu), or Ms Sylvie Coulon in the Bilateral International Relations Unit (Sylvie.Coulon@ec.europa.eu), in DG SANTE.

Yours sincerely,

[e-signed]

Bernard Van Goethem

Copy: U. Astuto, B. Sauveroché (EU Delegation to India)

³ Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union (Text with EEA relevance.) (OJ L 165, 21.6.2019, p. 8).