



NOTIFICATION

<p>1. Notifying Member: <u>EUROPEAN UNION</u></p> <p>If applicable, name of local government involved:</p>
<p>2. Agency responsible: European Commission, Health and Food Safety Directorate-General</p>
<p>3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Food and feed of non-animal origin from certain third countries listed in Annexes I and II</p> <p>Compound food containing any of the food listed in table 1 to 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 table 2 to Annex II</p>
<p>4. Regions or countries likely to be affected, to the extent relevant or practicable:</p> <p><input checked="" type="checkbox"/> All trading partners</p> <p><input type="checkbox"/> Specific regions or countries:</p>
<p>5. Title of the notified document: Draft Commission Implementing Regulation (EU) 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) 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660 (Text with EEA relevance). Language(s): English. Number of pages: 13+24</p> <p>https://members.wto.org/crnattachments/2019/SPS/EEC/19_3668_00_e.pdf https://members.wto.org/crnattachments/2019/SPS/EEC/19_3668_01_e.pdf</p>
<p>6. Description of content: This draft Regulation consolidates in one single act the measures on increased official controls laid down in Commission Regulation (EC) No 669/2009 and the emergency measures for food and feed laid down in Commission Regulations (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660. It will apply from 14 December 2019.</p> <p>The draft Regulation lays down the list of food and feed of non-animal origin from certain third countries subject to a temporary increase of official controls at their entry into the Union, established in Annex I, in accordance with Article 47(2)(b) of Regulation (EU) 2017/625. The list consists of an updated list of food and feed laid down in Commission Regulation (EC) 669/2009, as amended by Commission Regulation (EU) 2019/890 and by the 30th review of Annex I to Regulation (EC) 669/2009. The frequency of identity checks and physical checks for the food and feed listed in Annex I is also laid down in that Annex.</p> <p>The draft Regulation also lays down special import conditions (emergency measures) in accordance with Article 53(1)(b)(ii) of Regulation (EC) 178/2002 for the entry into the Union of food and feed of non-animal origin from certain third countries listed in Table 1 to Annex II and of compound food containing any of the food listed in Table 1 to Annex II</p>

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: ex- 1704 90, ex- 1806 and ex- 1905. The list of food and feed of non-animal origin in Table 1 of Annex II consists of the updated lists laid down in Regulations (EU) No 2015/175, (EU) No 2017/186, (EU) 2018/1660 (EU) and 884/2014, as amended by Regulation (EU) 2019/890. The frequency of identity checks and physical checks for the food and feed listed in Annex II is also laid down in that Annex.

The draft Regulation provides that each consignment of food and feed listed in Annex II must be accompanied by the results of sampling and analyses and by an official certificate issued by the competent authority of the third country of origin or of the third country where the consignment is consigned from if that country is different from the country of origin. A new single model official certificate is established, in accordance with Article 53(1)(b)(ii) of Regulation (EC) 178/2002, which replaces the model official certificates laid down in Commission Regulations (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660.

The draft Regulation provides that the Commission must review the lists set out in Annexes I and II on a regular basis not exceeding a period of six months.

A transitional period is laid down in Article 14(3) to allow entry into the Union until the 13 June 2019 of consignments of food and feed accompanied by the relevant certificates issued before 14 February 2020 in accordance with the provisions of Regulation (EU) No 884/2014, Regulation (EU) 2018/1660, Regulation (EU) No 2015/175 and Regulation (EU) 2017/186.

The draft Regulation will mainly affect the third countries of origin of the food and feed listed in Annexes I and II (Argentina, Azerbaijan, Bolivia, Brazil, China, Dominican Republic, Egypt, Ethiopia, Georgia, Ghana, Gambia, Indonesia, India, Iran, Kenya, Cambodia, Lebanese Republic, Sri Lanka, Madagascar, Malaysia, Nigeria, Pakistan, Serbia, Sierra Leone, Senegal, Sudan, Syria, Thailand, Turkey, Uganda, United States, Uzbekistan, Viet Nam).

However, the draft Regulation is also likely to affect other trading partners, namely the third countries of dispatch of the products listed in Annexes I and II, if they are different from the third country of origin, as well as the third countries of dispatch of compound foods covered by this draft Regulation.

7. Objective and rationale: food safety, animal health, plant protection, protect humans from animal/plant pest or disease, protect territory from other damage from pests.

8. Is there a relevant international standard? If so, identify the standard:

Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):

- Codex standards on Maximum Residue Limits for Pesticides
- Codex standard on maximum levels (MLs) for a contaminant in a food or feed
- CAC/GL 20-1995 and CAC/GL 38-2001

World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):

International Plant Protection Convention (e.g. ISPM number):

None

Does this proposed regulation conform to the relevant international standard?

Yes No

If no, describe, whenever possible, how and why it deviates from the international standard: The maximum levels for pesticide residues (MRLs) controlled pursuant to this draft Regulation are in line with EU MRLs, some of which deviate from the relevant Codex Standards on Maximum Residue Limits for Pesticides.

The maximum levels for aflatoxins in food and feed controlled pursuant to this draft Regulation are in line with the Codex standard on maximum levels (MLs) for a

contaminant in food or feed. However, for certain commodities subject to controls pursuant to this Regulation, there are no Codex MLs for aflatoxins and therefore compliance with EU MLs is controlled.

This draft Regulation conforms with CAC/GL 20-1995 and CAC/GL 38-2001.

9. Other relevant documents and language(s) in which these are available:

- Regulations (EU) 2017/625, (EC) 178/2002, (EC) 852/2004 and (EC) 183/2005
 - Commission Regulation (EC) No 1881/2006;
 - Directive 2002/32/EC of the European Parliament and of the Council
 - Regulation (EC) No 396/2005 of the European Parliament and of the Council
 - Commission Regulation (EC) No 401/2006
 - Commission Regulation (EC) No 152/2009
 - Commission Directive 2002/63/EC
 - Commission Implementing Regulations (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660
 - Commission Implementing Regulation (EU) 2019/890
 - Commission Implementing Regulation (EU) 2019/628
- All the aforementioned EU act are available in all the official languages of the European Union.
- ISO/IEC 17025

10. Proposed date of adoption (dd/mm/yy): Mid-October 2019

Proposed date of publication (dd/mm/yy): Mid-October 2019

11. Proposed date of entry into force: [] Six months from date of publication, and/or (dd/mm/yy): 14 December 2019

[] Trade facilitating measure

12. Final date for comments: [X] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 31 August 2019

Agency or authority designated to handle comments: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

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13. Text(s) available from: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

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