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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**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)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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) 1107/2009, (EU) 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, 60/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)<sup>1</sup>, and in particular Article 34(6)(a), Article 47(2)(b), Article 54(4)(a) and (b) and Article 90(c) thereof,

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<sup>2</sup>, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 integrates into a single legislative framework the rules applicable to official controls on animals and goods entering the Union in order to verify compliance with Union agri-food chain legislation. For that purpose, it repeals and replaces Regulation (EC) No 882/2004<sup>3</sup> and other Union acts governing official controls in specific areas.
- (2) Pursuant to Regulation (EU) 2017/625, certain categories of animals and goods from certain third countries are always to be presented at border control posts for official controls to be performed prior to their entry into the Union. In addition, Article 47(1)(d) and (e) of Regulation (EU) 2017/625 stipulate that goods subject to measures

<sup>1</sup> OJ L 95, 7.4.2017, p. 1.

<sup>2</sup> OJ L 31, 1.2.2002, p. 1.

<sup>3</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165 30.4.2004, p. 1).

requiring a temporary increase of official controls or emergency measures respectively, should be subject to official controls at border control posts at their entry into the Union.

- (3) In that regard, pursuant to Regulation (EU) 2017/625, certain goods from certain third countries should be subject to a temporary increase of official controls at border control posts in those cases where the Commission has decided, by means of implementing acts, that these controls are necessary due to a known or emerging risk or because there is evidence of widespread serious non-compliance with the Union agri-food chain legislation. To that effect, the Commission should establish the list of such goods, indicating their codes from the Combined Nomenclature (CN) as laid down in Annex I to Regulation (EEC) No 2658/87<sup>4</sup> (hereinafter, "the list") and update the list as necessary to reflect any developments in that regard.
- (4) The list referred to in recital (3) should at this stage consist of an updated list of food and feed of non-animal origin set out in Commission Regulation (EC) No 669/2009<sup>5</sup>, which lays down rules concerning the increased level of official controls to be carried out at designated points of entry into the Union on imports of certain food and feed of non-animal origin from certain third countries. It is therefore appropriate to set out in Annex I to this Regulation the list of food and feed of non-animal origin from certain third countries to be subject to a temporary increase of official controls at the entry into the Union, in accordance with Article 47(2)(b) of Regulation (EU) 2017/625.
- (5) Moreover, the Commission should establish rules on the frequency of identity checks and physical checks for the food and feed of non-animal origin from certain third countries subject to a temporary increase of controls, in accordance with Article 54(4)(a) of Regulation (EU) 2017/625, taking into account in particular the level of risk associated with the hazard under consideration and the frequency of border rejections.
- (6) Regulation (EU) 2017/625 and delegated and implementing acts adopted pursuant to Articles 47 to 64 of that Regulation, provide for one single system of official controls which applies to the areas covered by Commission Implementing Regulations (EU) No 884/2014<sup>6</sup>, (EU) No 2015/175<sup>7</sup>, (EU) No 2017/186<sup>8</sup>, (EU) 2018/1660<sup>9</sup> and by

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<sup>4</sup> 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).

<sup>5</sup> Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

<sup>6</sup> Commission Implementing Regulation (EU) No 884/2014 of 13 August 2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 (OJ L 242 14.8.2014, p. 4).

<sup>7</sup> Commission Implementing Regulation (EU) 2015/175 of 5 February 2015 laying down special conditions applicable to the import of guar gum originating in or consigned from India due to contamination risks by pentachlorophenol and dioxins (OJ L 30, 6.2.2015, p. 10).

<sup>8</sup> Commission Implementing Regulation (EU) 2017/186 of 2 February 2017 laying down specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination and amending Regulation (EC) No 669/2009 (OJ L 29, 3.2.2017, p. 24).

<sup>9</sup> Commission Implementing Regulation (EU) 2018/1660 of 7 November 2018 imposing special conditions governing the import of certain food of non-animal origin from certain third countries due to the risks of contamination with pesticides residues, amending Regulation (EC) No 669/2009 and repealing Implementing Regulation (EU) No 885/2014 (OJ L 278, 8.11.2018, p. 7).

Regulation (EC) 669/2009. For this reason and since the rules covered in these regulations are substantively linked as they all concern the imposition of additional measures governing the entry into the Union of certain food and feed from certain third countries, due to an identified risk and which continue to apply depending on the gravity of the risk, it is appropriate to facilitate the correct and comprehensive application of the relevant rules by establishing in a single act the provisions concerning the temporary increase of official controls on certain food and feed of non-animal origin and the emergency measures currently set out in these Regulations.

- (7) The food and feed of non-animal origin subject to the emergency measures set out in Commission Implementing Regulations (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660 still pose a serious risk to public health which cannot be contained satisfactorily by means of measures taken by the Member States. It is therefore appropriate to set out in Annex II to this Regulation a list of food and feed of non-animal origin subject to emergency measures which consists of the updated lists of food and feed of non-animal origin laid down in Commission Implementing Regulations (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660. In addition, with a view to ensure a proper control of the risks to public health, compound food containing any of the food of non-animal origin listed in 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 products listed, and falling within the CN Codes laid down in Annex II should also be included in that list.
- (8) Moreover, the Commission should establish rules on the frequency of identity checks and physical checks for the food and feed subject to emergency measures pursuant to this Regulation, in accordance with Article 54(4)(b) of Regulation (EU) 2017/625. It is therefore appropriate to establish such rules in this Regulation, taking into account in particular the level of risk associated with the hazard under consideration and the frequency of border rejections.
- (9) Measures requiring a temporary increase of official controls and emergency measures set out in this Regulation should apply to food and feed intended for placing on the Union market since those goods represent a risk from a public health perspective.
- (10) As regards consignments sent as trade samples, laboratory samples or as display items for exhibitions, which are not intended to be placed on the market, consignments intended for private use or consumption within the custom territory of the Union and consignment intended for scientific purposes, having regard to the low risk that such consignments pose to public health, it would be disproportionate to impose a requirement that these consignments be subject to official controls at border control posts and be accompanied by an official certificate or by the results of the sampling and laboratory analyses in accordance with this Regulation. However, in order to avoid misuse, this Regulation should apply to these consignments in the case where their gross weight exceeds a certain weight limit.
- (11) Measures requiring a temporary increase of official controls and emergency measures set out in this Regulation should not apply to food and feed on board means of transport operating internationally which are not unloaded and are intended for consumption by the crew and passengers since the placing on the Union market is very limited.

- (12) The maximum levels of mycotoxins, including of aflatoxins in food are established by Commission Regulation (EC) No 1881/2006<sup>10</sup> and in feed by Directive 2002/32/EC of the European Parliament and of the Council<sup>11</sup>. The maximum levels for pesticide residues are established by Regulation (EC) No 396/2005 of the European Parliament and of the Council<sup>12</sup>. The European Union Reference Laboratory for Dioxins and polychlorinated biphenyls (PCBs) in food and feed has carried out a study on the correlation between pentachlorophenol (PCP) and dioxins in contaminated guar gum from India. From this study it can be concluded that guar gum containing a level of PCP below the Maximum Residue Limit (MRL) of 0.01 mg/kg does not contain unacceptable levels of dioxins. Therefore compliance with the MRL on PCP, ensures in this specific case also a high level of human health protection as regards dioxins.
- (13) In relation to the rules referred to in recital (12), the provisions on sampling and analyses for the control of mycotoxins, including aflatoxins, in food are established by Commission Regulation (EC) No 401/2006<sup>13</sup> and in feed by Commission Regulation (EC) No 152/2009<sup>14</sup>. The provisions on sampling for the official control of pesticide residues are established by Commission Directive 2002/63/EC<sup>15</sup>. With a view to ensure uniform methods of sampling and laboratory analyses in third countries and Member States, the sampling and the analyses for food and feed subject to this Regulation should be carried out in accordance with the aforementioned Union rules on sampling and analyses both in Member States and third countries, as appropriate.
- (14) Moreover, Regulation (EU) 2017/186 lays down sampling procedures and analytical reference methods for the control of *Salmonella* in food subject to that regulation. Such rules should be consolidated in this Regulation and they should also apply for the control of *Salmonella* in all food subject to this regulation.
- (15) Model official certificates for the entry into the Union of certain food and feed are laid down in Commission Implementing Regulations (EU) No 884/2014, (EU) No 2015/175, (EU) No 2017/186 and (EU) 2018/1660. In order to facilitate the performance of official controls at the entry into the Union it is appropriate to establish a single model official certificate for the entry into the Union of food and feed subject to special conditions for the entry into the Union pursuant to this Regulation.
- (16) Such official certificates should be issued either on paper or in electronic form. Therefore, it is appropriate to establish common requirements as regards issuance of official certificates in both cases, in addition to the requirements laid down in Chapter VII of Title II of Regulation (EU) 2017/625. In this regard, Article 90(f) of Regulation (EU) 2017/625 makes provisions for the establishment by the Commission of rules for the issuance of electronic certificates and for the use of electronic signatures including

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<sup>10</sup> 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).

<sup>11</sup> Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ L 140 30.5.2002, p. 10).

<sup>12</sup> 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.).

<sup>13</sup> Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs, OJ L 70, 9.3.2006, p. 12.

<sup>14</sup> Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 054 26.2.2009, p. 1).

<sup>15</sup> Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16.7.2002, p. 30).

in relation to official certificates issued in accordance with this Regulation. In addition, provisions should be made in this Regulation to ensure that the requirements for official certificates not submitted in IMSOC laid down in Commission Implementing Regulation (EU) 2019/628<sup>16</sup> also apply to official certificates issued in accordance with this Regulation.

- (17) Model certificates are included in the electronic system TRACES, set up by Commission Decision 2003/623/EC<sup>17</sup>, to facilitate and accelerate administrative procedures at Union borders and to enable electronic communication between the competent authorities which helps preventing possible fraudulent or deceptive practices in respect of the official certificates. Since 2003, computer technology has evolved considerably and the TRACES system has been modified to improve the quality, processing and secure exchange of data. In accordance with Article 133(4) of Regulation (EU) 2017/625, the TRACES system is to be integrated into the Information Management System for Official Controls referred to in Article 131 of Regulation (EU) 2017/625 (IMSOC). The model official certificate laid down in this Regulation should therefore be adapted to IMSOC.
- (18) Point (c) of Article 90 of Regulation (EU) 2017/625 empowers the Commission to lay down, by means of implementing acts, rules concerning the procedures to be followed for the issuance of replacement certificates. To avoid misuse and abuse, it is important to define the cases where a replacement official certificate may be issued and the requirements that need to be met by such certificate. Such cases have been laid down in Commission Implementing Regulation (EU) 2019/628 in relation to official certificates issued in accordance with that Regulation. With a view to ensure a coherent approach, it is appropriate to provide that, in the case of issuing replacement certificates, official certificates issued in accordance with this Regulation should be replaced in accordance with the procedures for the replacement certificates laid down in Commission Implementing Regulation (EU) 2019/628
- (19) Provisions should be established to regularly review whether modifications of the lists out in Annexes I and II to this Regulation, including of the frequency of identity and physical checks, are necessary. This should take into account new information related to risks and non-compliance, such as the data resulting from notifications received through the Rapid Alert System for Food and Feed (RASFF), data and information concerning consignments and the results of the documentary, identity and physical checks communicated by the Member States to the Commission, reports and information received from third countries, information resulting from the controls carried out by the Commission in third countries and information exchanged between the Commission and Member States and between the Commission and the European Food Safety Authority.
- (20) The rules to be established by the Commission in accordance with Articles 34(6)(a), 47(2)(b), and 54(4)(a) of Regulation (EU) 2017/625 are substantively linked since they all concern requirements on official controls at the entry into the Union on certain goods from certain third countries subject to a temporary increase of official controls at their entry into the Union and should therefore apply from the same date. To

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<sup>16</sup> Commission Implementing Regulation (EU) 2019/628 of 8 April 2019 concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates, OJ L 131, 17.5.2019, p. 101.

<sup>17</sup> Commission Decision 2003/623/EC of 19 August 2003 concerning the development of an integrated computerised veterinary system known as Traces (OJ L 216, 28.8.2003, p. 58).

facilitate the correct and comprehensive application of those rules, it is appropriate to establish them in a single act.

- (21) The rules to be established by the Commission in accordance with Articles 54(4)(b) and 90 (c) of Regulation (EU) 2017/625 and with Article 53(1)(b)(ii) of Regulation (EC) 178/2002 are substantively linked since they all concern requirements for the entry into the Union of goods subject to emergency measures pursuant to Article 53(1)(b)(ii) of Regulation (EC) 178/2002 and should therefore apply from the same date. To facilitate the correct and comprehensive application of those rules, it is appropriate to establish them in a single act.
- (22) For the purposes of simplification and rationalization, the rules laid down in Commission Regulations (EC) 669/2009, (EU) No 884/2014, (EU) No 2017/186, (EU) No 2015/175 and (EU) 2018/1660 are consolidated into this Regulation. These Regulations should therefore be repealed and replaced with this Regulation.
- (23) 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:

## **SECTION 1**

### **Common provisions**

#### *Article 1*

#### **Subject matter and scope**

1. This Regulation lays down:
- a) 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, falling within the CN Codes and TARIC classifications laid down in that Annex, in accordance with Article 47(2)(b) of Regulation (EU) 2017/625.
  - 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 and microbiological contamination, in accordance with Article 53(1)(b)(ii) 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 listed in Table 1 to Annex II and falling within the CN Codes and TARIC classifications laid down in that Annex;
    - ii. consignments of 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 that Annex.
  - c) rules on the frequency of identity checks and physical checks for the consignments of food and feed referred to in points (a) and (b) of this paragraph.

- d) rules on the methods to be used for sampling and for laboratory analyses for the consignments of food and feed referred to in points (a) and (b) of this paragraph, in accordance with Article 34(6)(a) of Regulation (EU) 2017/625.
  - e) rules concerning the model official certificate required to accompany consignments of food and feed referred to in point (b) of this paragraph and the requirements for such official certificate, in accordance with Article 53(1)(b)(ii) of Regulation (EC) No 178/2002.
  - f) rules for the issuance of replacement official certificates required to accompany consignments of food and feed referred to in point (b) of this paragraph, in accordance with Article 90(c) of Regulation (EU) 2017/625.
2. This Regulation applies to consignments of food and feed referred to in points (a) and (b) of paragraph 1 intended for placing on the Union market.
3. This Regulation does not apply to the following categories of consignments of food and feed unless their gross weight exceeds 30 kg:
- a) consignments of food and feed sent as trade samples, laboratory samples or as display items for exhibitions, which are not intended to be placed on the market;
  - b) consignments of food and feed which form part of passengers personal luggage and are intended for personal consumption or use;
  - c) consignments of food and feed sent to natural persons which are not intended to be placed on the market;
  - d) consignments of food and feed intended for scientific purposes.
4. This Regulation does not apply to food and feed referred to in points (a) and (b) of paragraph 1 on board means of transport operating internationally which are not unloaded and are intended for consumption by the crew and passengers.
5. In case of doubt on the intended use of the food and feed referred in points (b) and (c) of paragraph (3), the burden of proof lies with the owner of the personal luggage and with the recipient of the consignment, respectively.

## *Article 2*

### **Definitions**

1. For the purposes of this Regulation, the following definitions shall apply:
- a) ‘consignment’ means ‘consignment’ as defined in Article 3(37) of Regulation (EU) 2017/625.
  - b) ‘placing on the market’ means ‘placing on the market’ as defined in point (8) of Article 3 of Regulation (EC) No 178/2002.
2. However, for the purposes of Articles 7, 8, 9, 10 and 11 and of Annex IV, a ‘consignment’ means:
- a) a ‘lot’ as referred to in Annex I to Regulation (EC) No 401/2006 and in Annex I to Regulation (EC) No 152/2009, in relation to food and feed listed in Annex II due to contamination risk by mycotoxins, including aflatoxins.



- b) a ‘lot’ as referred to in the Annex to Commission Directive 2002/63/EC<sup>18</sup>, in relation to food and feed listed in Annex II due to contamination risk by pesticides and pentachlorophenol.

### *Article 3*

#### **Sampling and analyses**

The sampling and the analyses to be carried out by competent authorities at border control posts or at control points referred to in Article 53(1)(a) of Regulation (EU) 2017/625, as part of physical checks on consignments of food and feed referred to in Article 1(1)(a) and (b) or in third countries, for the purposes of the results of analyses required by this Regulation to accompany consignments of food and feed referred to in Article 1(1)(b) shall be performed in accordance with the following requirements:

- a) for food listed in Annexes I and II due to possible contamination risk by mycotoxins, including aflatoxins, the sampling and the analyses shall be performed in accordance with Regulation (EC) No 401/2006<sup>19</sup>.
- b) for feed listed in Annexes I and II due to possible contamination risk by mycotoxins, including aflatoxins, the sampling and the analyses shall be performed in accordance with Regulation (EC) No 152/2009<sup>20</sup>.
- c) for food and feed listed in Annexes I and II due to possible non-compliance with the maximum allowed levels of pesticides residues or due to possible contamination with pentachlorophenol and dioxins the sampling shall be performed in accordance with Directive 2002/63/EC<sup>21</sup>.
- d) for food listed in Annexes I and II due to the risk of presence of *Salmonella*, the sampling and the analyses for the control of *Salmonella* shall be performed in accordance with the sampling procedures and the analytical reference methods laid down in Annex III.
- e) the methods of sampling and analyses referred to in the footnotes to Annexes I and II in relation to hazards other than those referred to in points (a), (b), (c) and (d).

### *Article 4*

#### **Release for free circulation**

The custom authorities shall only allow the release for free circulation of consignments of food and feed listed in Annexes I and II upon presentation of a duly finalised Common Health Entry Document (CHED) as provided for in Article 57(2)(b) of Regulation (EU) 2017/625, which confirms that the consignment is in compliance with the applicable rules referred to in Article 1(2) of that Regulation.

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<sup>18</sup> Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16.7.2002, p. 30).

<sup>19</sup> Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs, OJ L 70, 9.3.2006, p. 12.

<sup>20</sup> Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 054 26.2.2009, p. 1).

<sup>21</sup> Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16.7.2002, p. 30).

## SECTION 2

### **Temporary increase of official controls at border control posts and control points on certain food and feed from certain third countries**

#### *Article 5*

##### **List of food and feed of non-animal origin**

1. Consignments of food and feed listed in Annex I shall be subject to a temporary increase of official controls at border control posts at their entry into the Union and at control points.
2. The identification of the food and feed referred to in paragraph 1 for official controls shall be made on the basis of the codes from the Combined Nomenclature and the TARIC sub-division indicated in Annex I.

#### *Article 6*

##### **Frequency of identity checks and physical checks**

The competent authorities at border control posts and at control points referred to in Article 53(1)(a) of Regulation (EU) 2017/625 shall carry out identity and physical checks, including sampling and laboratory analyses, on consignments of food and feed listed in Annex I at the frequency set out in that Annex.

## SECTION 3

### **Special conditions governing the entry into the Union of certain food and feed from certain third countries**

#### *Article 7*

##### **Entry into the Union**

1. Consignments of food and feed listed in Annex II shall only enter into the Union in accordance with the conditions laid down in this section.
2. The identification of the food and feed referred to in paragraph 1 for official controls shall be made on the basis of the codes from the Combined Nomenclature and the TARIC sub-division indicated in Annex II.
3. Consignments referred to in paragraph 1 shall be subject to official controls at border control posts at their entry into the Union and at control points.

#### *Article 8*

##### **Frequency of identity checks and physical checks**

The competent authorities at border control post and at control points referred to in Article 53(1)(a) of Regulation (EU) 2017/625 shall carry out identity and physical checks, including sampling and laboratory analyses, on consignments of food and feed listed in Annex II, at the frequency set out in that Annex.

*Article 9*  
**Identification code**

1. Each consignment of food and feed listed in Annex II shall be identified with an identification code.
2. Each individual bag or packaging form of the consignment shall be identified with that identification code.
3. By way of derogation from paragraph 2, in case of consignments of food and feed listed in Annex II due to the risk of contamination by mycotoxins and where the packaging is combining several small packages, it is not necessary for the identification code of the consignment to be mentioned individually on all the separate small packages as long as it is mentioned at least on the package combining these small packages.

*Article 10*  
**Results of sampling and analyses performed by the competent authorities of the third country**

1. Each consignment of food and feed listed in Annex II shall be accompanied by the results of sampling and analyses performed on that consignment by the competent authorities of the third country of origin or of the country where the consignment is consigned from if that country is different from the country of origin.
2. On the basis of the results referred to in paragraph 1, the competent authorities shall ascertain:
  - a) compliance with Regulation (EC) No 1881/2006<sup>22</sup> and Directive 2002/32/EC<sup>23</sup> on maximum levels of relevant mycotoxins, for consignments of food and feed listed in Annex II due to contamination risk by mycotoxins;
  - b) compliance with Regulation (EC) No 396/2005<sup>24</sup> on maximum residue levels of pesticides, for consignments of food and feed listed in Annex II due to contamination risk by pesticide residues;
  - c) that the product does not contain more than 0.01 mg/kg pentachlorophenol (PCP), for consignments of food and feed listed in Annex II due to contamination risk by pentachlorophenol and dioxins;
  - d) the absence of *Salmonella* in 25 g, for consignments of food listed in Annex II due to risk of microbiological contamination by *Salmonella*.
3. Each consignment of food and feed listed in Annex II due to contamination risk by pentachlorophenol and dioxins shall be accompanied by an analytical report which shall comply with the requirements set out in Annex II.

The analytical report shall include the results of the analyses referred to in paragraph 1.

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<sup>22</sup> 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).

<sup>23</sup> Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ L 140 30.5.2002, p. 10).

<sup>24</sup> 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.).

4. The results of sampling and analyses referred to in paragraph 1 shall bear the identification code of the consignment to which they relate referred to in Article 9(1).
5. The analyses referred to in paragraph 1 shall be performed by laboratories accredited in accordance with the standard ISO/IEC 17025 on ‘General requirements for the competence of testing and calibration laboratories’.

#### *Article 11*

#### **Official certificate**

1. Each consignment of food and feed listed in Annex II shall be accompanied by an official certificate in accordance with the model set out in Annex IV (‘official certificate’).
2. The official certificate shall comply with the following requirements:
  - a) it shall be 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;
  - b) it shall bare the identification code of the consignment to which it relates referred to in Article 9(1);
  - b) it shall be issued before the consignment to which it relates leaves the control of the competent authority of the third country issuing the certificate;
  - c) it shall be valid for not more than four months from the date of issue, but in any case no longer than six months from the date of the results of the laboratory analyses referred to in paragraph 1 of Article 10.
3. An official certificate which is not submitted in the Information Management System for Official Controls referred to in Article 131 of Regulation (EU) 2017/625 (IMSOC) by the competent authority of the third country issuing the certificate shall also meet the requirements for model official certificates not submitted in IMSOC laid down in Article 3 of Commission Implementing Regulation (EU) 2019/628.
4. Competent authorities may issue a replacement official certificate only in accordance with the rules laid down in Article 5 of Commission Implementing Regulation (EU) 2019/628.
5. The official certificate referred to in paragraph 1 shall be completed on the basis of the notes set out in Annex IV.

### **SECTION 4**

#### **Final provisions**

#### *Article 12*

#### **Updates to Annexes**

The Commission shall review the lists set out in Annexes I and II on a regular basis not exceeding a period of six months, in order to take into account new information related to risks and non-compliance.

### *Article 13*

#### **Repeal**

1. Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) No 2017/186, (EU) No 2015/175 and (EU) 2018/1660 are repealed with effect from 14 December 2019.
2. References to Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) No 2017/186, (EU) No 2015/175 and (EU) 2018/1660 shall be construed as references to this Regulation.
3. References to ‘the designated point of entry within the meaning of point (b) of Article 3 of Regulation (EC) No 669/2009’ or to ‘the designated point of entry’ in acts other than those referred to in paragraph 1 shall be construed as references to a ‘border control post’ within the meaning of Article 3(38) of Regulation (EU) 2017/625.
4. References to ‘the common entry document (CED) referred to in point (a) of Article 3 of Regulation (EC) No 669/2009’, to ‘the common entry document (CED) referred to in Annex II to Regulation (EC) No 669/2009’ or to ‘the common entry document (CED)’ in acts other than those referred to in paragraph 1 shall be construed as references to the ‘Common Health Entry Document (CHED)’ referred to in Article 56 of Regulation (EU) 2017/625.
5. References to the definition laid down in Article 3(c) of Regulation (EC) 669/2009 in acts other than those referred to in paragraph 1 shall be construed as references to the definition of ‘consignment’ laid down in Article 3(37) of Regulation (EU) 2017/625.

### *Article 14*

#### **Transitional period**

1. The reporting obligations set out in Article 15 of Commission Regulation 669/2009, Article 13 of Commission Regulations (EU) No 884/2014, Article 12 of (EU) 2018/1660, Article 12 of Commission Regulation (EU) No 2015/175 and Article 12 of Commission Regulation (EU) No 2017/186 shall continue to apply until 31 January 2020.  
Such reporting obligations shall cover the period until 31 December 2019.
2. The reporting obligations referred to in paragraph 1 shall be deemed to be satisfied where Member States have registered in TRACES the common entry documents issued by their respective competent authorities in accordance with Commission Regulation 669/2009, Commission Regulation (EU) No 884/2014, Commission Regulation (EU) No 2015/175, Commission Regulation (EU) No 2017/186 and Commission Regulation (EU) 2018/1660 during the reporting period set out in the provisions referred to in paragraph 1.
3. Consignments of food and feed listed in Annex II 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 respectively in force on 13 December 2019 shall be authorised for the entry into the Union until 13 June 2020.

*Article 15*

**Entry into force and date of application**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 14 December 2019.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission  
The President  
Jean-Claude JUNCKER*

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