



22 November 2018

(18-7340)

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Committee on Sanitary and Phytosanitary Measures

Original: English

**NOTIFICATION OF EMERGENCY MEASURES**

<b>1. Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved:</b>
<b>2. Agency responsible:</b> European Commission, Health and Food Safety Directorate-General
<b>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):</b> Curry leaves, pitahaya (dragon fruit) and vine leaves
<b>4. Regions or countries likely to be affected, to the extent relevant or practicable:</b> <input type="checkbox"/> All trading partners <input checked="" type="checkbox"/> Specific regions or countries: India, Turkey, Viet Nam
<b>5. Title of the notified document:</b> 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 (Text with EEA relevance). <b>Language(s):</b> English, French and Spanish. <b>Number of pages:</b> 9 <a href="http://members.wto.org/crnattachments/2018/SPS/EEC/18_6034_00_e.pdf">http://members.wto.org/crnattachments/2018/SPS/EEC/18_6034_00_e.pdf</a> <a href="http://members.wto.org/crnattachments/2018/SPS/EEC/18_6034_00_f.pdf">http://members.wto.org/crnattachments/2018/SPS/EEC/18_6034_00_f.pdf</a> <a href="http://members.wto.org/crnattachments/2018/SPS/EEC/18_6034_00_s.pdf">http://members.wto.org/crnattachments/2018/SPS/EEC/18_6034_00_s.pdf</a>
<b>6. Description of content:</b> This Regulation will subject curry leaves from India, pitahaya (dragon fruit) from Viet Nam and vine leaves from Turkey to import conditions including the requirement that each consignment is accompanied by a health certificate. It repeals and replaces Implementing Regulation (EU) No 885/2014 and amends Regulation (EC) No 669/2009 that were previously setting import conditions for these products. Additionally, this Regulation includes a provision regarding the notification of border rejections due to non-compliance with a maximum residue level of pesticides.
<b>7. Objective and rationale:</b> <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.
<b>8. Nature of the urgent problem(s) and reason for urgent action:</b> The results from the official controls carried out by the member States in the framework of Regulation (EC) No 669/2009, data resulting from notifications received through the Rapid Alert System for Food and Feed, as established by Regulation (EC) No 178/2002, audit reports by the Commission, reports received from third countries and exchanges of information between the Commission, member States and the European Food Safety Authority show a continuous high frequency of non-compliance of vine leaves from Turkey with the maximum residue levels of pesticides set out in Regulation (EC) No 396/2005 of the European Parliament and of the Council. No improvement of the situation could therefore be observed even after increasing the frequency of controls at Union borders.

The results from the official controls carried out by the member States in the framework of Regulation (EC) No 669/2009 also show a high frequency of non-compliance of pitahaya (dragon fruit) from Viet Nam with the maximum residue levels of pesticides set out in Regulation (EC) No 396/2005. Moreover, an audit carried out by the Commission in Viet Nam in March 2017 to evaluate controls of pesticides in food of plant origin intended for export to the European Union found that there is no official effective pesticide control system for food exported to the Union and that the authorities cannot ensure compliance of Vietnamese products with maximum residue levels for pesticide residues.

This provides evidence that the import of vine leaves from Turkey and of pitahaya (dragon fruit) from Viet Nam is likely to constitute a serious risk to health and that such risk cannot be contained satisfactorily by the measures currently in place. It is therefore necessary to establish special conditions of import for vine leaves from Turkey and pitahaya (dragon fruit) from Viet Nam.

Curry leaves from India are currently subject to the special conditions of import set out in Commission Implementing Regulation (EU) No 885/2014. Special conditions of import for this product should be maintained, in light of the data resulting from notifications received through the Rapid Alert System for Food and Feed and of the results from the official controls carried out by the member States in the framework of Regulation (EU) No 885/2014, which show a continuous high frequency of non-compliance.

**9. 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 Pesticide Residues

**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:** This measure is based on EU MRLs, some of which deviate from the relevant Codex Standard.

**10. Other relevant documents and language(s) in which these are available:**  
ISO/IEC 17025

**11. Date of entry into force (dd/mm/yy)/period of application (as applicable):**  
28 November 2018

**Trade facilitating measure**

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

European Commission  
DG Health and Food Safety, Unit D2-Multilateral International Relations  
Rue Froissart 101  
B-1049 Brussels  
Tel: +(32 2) 29 54263  
Fax: +(32 2) 29 98090  
E-mail: sps@ec.europa.eu

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

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