



2024/256

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COMMISSION IMPLEMENTING REGULATION (EU) 2024/256

of 17 January 2024

amending Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station

(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 54(4), first subparagraph, point (b), and Article 90, first paragraph, points (a), (c) and (f), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/1158 ⁽³⁾ imposes conditions on the import of food and feed originating in certain third countries following the accident at the Chernobyl nuclear power station.
- (2) In Implementing Regulation (EU) 2020/1158, the footnote defining how the maximum level has to be applied to concentrated or dried products was erroneously omitted and should therefore be inserted again.
- (3) Commission Implementing Regulation (EU) 2019/628 ⁽⁴⁾ concerning model official certificates for certain animals and goods has been repealed by Commission Implementing Regulation (EU) 2020/2235 ⁽⁵⁾ and the correlation table in Annex VI of that Regulation contains errors with regard to references to corresponding Articles of the two acts. Those correlation errors relate to the articles of Implementing Regulation (EU) 2019/628 referred to in Implementing Regulation (EU) 2020/1158 and therefore the reference to the articles of Implementing Regulation (EU) 2019/628 should be replaced by the correct reference to the articles of Implementing Regulation (EU) 2020/2235.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 95, 7.4.2017, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) 2020/1158 of 5 August 2020 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station (OJ L 257, 6.8.2020, p. 1).

⁽⁴⁾ 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).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC (OJ L 442, 30.12.2020, p. 1).

- (4) Article 3 of Implementing Regulation (EU) 2020/1158 requires that each consignment of products from third countries listed in Annex I to that Implementing Regulation that are listed in Annex II to that Implementing Regulation, with reference to the relevant CN code from the Combined Nomenclature, is accompanied by the relevant official certificate and identified by means of an identification code to be indicated on the official certificate and on the Common Health Entry Document.
- (5) Commission Implementing Regulation (EU) 2021/1832 ⁽⁹⁾, which is applicable since January 2022, introduced new CN codes for mushrooms of the genus *Cantharellus* (CN 0709 53), *Boletus* (CN 0709 52), Shiitake (CN 0709 54, CN 0712 34), Matsutake (CN 0709 55) and truffles (CN 0709 56, CN 0710 80 95, CN 2001 90 97). Those mushrooms were falling under the CN code 0709 59 before that change in the Customs Nomenclature. For the sake of legal certainty and clarity, Implementing Regulation (EU) 2020/1158 should be updated in order to reflect these changes of the CN codes.
- (6) To ensure a harmonised application across the Union of conditions governing imports of food and feed originating in third countries and to ensure a high level of human health protection, it is important to clarify and to avoid any legal uncertainty that the conditions for entry into the Union are applicable to all products containing or derived from wild mushrooms and wild fruits of the genus *Vaccinium*. Therefore, new entries should be added.
- (7) Certain products should be added to Annex II to Implementing Regulation (EU) 2020/1158, for which the conditions governing imports of food and feed originating from third countries were not applicable previously. This concerns in particular mixtures of nuts and dried fruits, jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, mixtures of juices, flavoured waters and certain food products consisting of several ingredients containing the listed mushrooms and fruits. The inclusion of those products would ensure a high level of human health protection and to avoid any doubt that the conditions for entry into the Union are applicable to all products containing or derived from listed wild mushrooms and from wild fruits.
- (8) Furthermore, in accordance with Article 5(1) of Implementing Regulation (EU) 2020/1158, the physical controls on products listed in Annex II to that Implementing Regulation, subject to border control post checks, should be performed at the border control post or at a designated control point.
- (9) Given that certain foods containing wild mushrooms or wild berries might contain also ingredients of animal origin, the physical controls on those foods should be performed at the border control post only.
- (10) In order to enable economic operators to take the necessary measures to comply with requirements of sampling, analysis and certification for the products concerned by this measure and to allow a smooth transition to the new rules, it is appropriate to provide for a transitional period during which consignments falling under CN codes ex 0813 50, ex 2007, ex 2008 97, ex 2009 90, ex 2202 10, ex 2202 99, ex 1704 90, ex 1806 and ex 1905 do not need to be accompanied by an official certificate as required by Article 3(3) of Implementing Regulation (EU) 2020/1158.
- (11) For certain wild mushrooms previously falling under CN code ex 0709 59, new CN codes have been established since 2020 i.e. ex 0709 52 00, ex 0709 53 00, ex 0709 54 00, ex 0709 55 00, ex 0709 56 00 and ex 0712 34 00. Furthermore, processed wild truffles previously covered under the CN codes ex 0710 80 69 and ex 2001 90 50 are traded under CN codes ex 7108095 and ex 2001 90 97. Therefore, there is no need to provide for transitional measures for those products as Article 3(3) of Implementing Regulation (EU) 2020/1158 is already applicable to them.
- (12) Implementing Regulation (EU) 2020/1158 should therefore be amended accordingly.

⁽⁹⁾ Commission Implementing Regulation (EU) 2021/1832 of 12 October 2021 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 385, 29.10.2021, p. 1).

- (13) 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

Amendments to Implementing Regulation (EU) 2020/1158

Implementing Regulation (EU) 2020/1158 is amended as follows:

- (1) in Article 3, paragraph 2 is replaced by the following:

‘2. The products shall comply with the following accumulated maximum permitted levels of radioactive contamination in terms of caesium-137 (*):

- (a) 370 Bq/kg for milk and milk products and for food for infants and young children as defined in Article 2(2)(a) and (b) of Regulation (EU) No 609/2013;
- (b) 600 Bq/kg for all other products concerned.

(*) The level applicable to concentrated or dried products shall be calculated on the basis of the reconstituted product as ready for consumption.’;

- (2) in Article 4, paragraphs 3 and 4 are replaced by the following:

‘3. The official certificate which is not submitted in the Information Management System for Official Controls (IMSOC) by the competent authority of the third country issuing it shall also meet the requirements for model official certificates not submitted in IMSOC laid down in Article 5 of Implementing Regulation (EU) 2020/2235.

4. Competent authorities may issue a replacement official certificate only in accordance with the rules laid down in Article 6 of Implementing Regulation (EU) 2020/2235.’;

- (3) in Article 5, paragraph 1 is replaced by the following:

‘1. Consignments of products of non-animal origin referred to in Article 3(3) shall be subject to official controls at their entry into the Union at a border control post and/or at a designated control point.

Consignments of products referred to in Article 3(3) containing ingredient or ingredients of animal origin shall be subject to official controls at their entry into the Union at a border control post.’;

- (4) Annex II is replaced by the Annex to this Regulation.

Article 2

Transitional measure

Consignments of products falling under CN codes ex 0813 50, ex 2007, ex 2008 97, ex 2009 90, ex 2202 10, ex 2202 99, ex 1704 90, ex 1806 and ex 1905, which have been dispatched to the Union from a third country listed in Annex I to Implementing Regulation (EU) 2020/1158, before the date of entry into force of this Regulation, may enter the Union until 7 March 2024 without being accompanied by the official certificate as required by Article 3(3) of that Implementing Regulation, under the condition that they comply with all other requirements of Union law applicable to them.

Article 3

Entry into force

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, 17 January 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

'ANNEX II

List of products to which the conditions laid down in Article 3(3) apply

| CN code | Description |
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| | Food listed as mixtures hereafter relate to mixtures containing wild mushrooms and/or wild fruits of the genus <i>Vaccinium</i> in a quantity above 20 % of either a single product or as the sum of wild mushrooms and wild fruits of the genus <i>Vaccinium</i>. |
| ex 0709 51 00 | mushrooms of the genus <i>Agaricus</i> , fresh or chilled, other than cultivated mushrooms; mixtures of cultivated and wild mushrooms of the genus <i>Agaricus</i> , fresh or chilled |
| ex 0709 52 00 | mushrooms of the genus <i>Boletus</i> , fresh or chilled, other than cultivated mushrooms; mixtures of cultivated and wild mushrooms of the genus <i>Boletus</i> , fresh or chilled |
| ex 0709 53 00 | mushrooms of the genus <i>Cantharellus</i> , fresh or chilled, other than cultivated mushrooms; mixtures of cultivated and wild mushrooms of the genus <i>Cantharellus</i> , fresh or chilled |
| ex 0709 54 00 | shiitake (<i>Lentinus edodes</i>), fresh or chilled, other than cultivated; mixtures of cultivated and wild shiitake (<i>Lentinus edodes</i>), fresh or chilled |
| ex 0709 55 00 | matsutake (<i>Tricholoma matsutake</i> , <i>Tricholoma magnivelare</i> , <i>Tricholoma anatolicum</i> , <i>Tricholoma dulciolens</i> , <i>Tricholoma caligatum</i>), fresh or chilled, other than cultivated; mixtures of cultivated and wild matsutake (<i>Tricholoma matsutake</i> , <i>Tricholoma magnivelare</i> , <i>Tricholoma anatolicum</i> , <i>Tricholoma dulciolens</i> , <i>Tricholoma caligatum</i>), fresh or chilled |
| ex 0709 56 00 | truffles (<i>Tuber</i> spp.), fresh or chilled, other than cultivated; mixtures of cultivated and wild truffles (<i>Tuber</i> spp.), fresh or chilled |
| ex 0709 59 00 | other mushrooms, fresh or chilled, other than cultivated mushrooms; mixtures of cultivated and wild other mushrooms, fresh or chilled |
| ex 0710 80 61 | mushrooms of the genus <i>Agaricus</i> (uncooked or cooked by steaming or boiling in water), frozen, other than cultivated mushrooms; mixtures of cultivated and wild mushrooms of the genus <i>Agaricus</i> (uncooked or cooked by steaming or boiling in water), frozen |
| ex 0710 80 69 | other mushrooms (uncooked or cooked by steaming or boiling in water), frozen, other than cultivated mushrooms; mixtures of cultivated and wild other mushrooms (uncooked or cooked by steaming or boiling in water), frozen |

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| ex 0710 80 95 | truffles (<i>Tuber</i> spp.) (uncooked or cooked by steaming or boiling in water), frozen, other than cultivated; mixtures of cultivated and wild truffles (uncooked or cooked by steaming or boiling in water), frozen |
| ex 0711 51 00 | mushrooms of the genus <i>Agaricus</i> provisionally preserved, but unsuitable in that state for immediate consumption, other than cultivated mushrooms; mixtures of cultivated and wild mushrooms of the genus <i>Agaricus</i> provisionally preserved, but unsuitable in that state for immediate consumption |
| ex 0711 59 00 | other mushrooms and truffles provisionally preserved, but unsuitable in that state for immediate consumption, other than cultivated mushrooms; mixtures of cultivated and wild other mushrooms and truffles provisionally preserved, but unsuitable in that state for immediate consumption |
| ex 0712 31 00 | mushrooms of the genus <i>Agaricus</i> , dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms; mixtures of cultivated and wild mushrooms of the genus <i>Agaricus</i> , dried, whole, cut, sliced, broken or in powder, but not further prepared |
| ex 0712 32 00 | wood ears (<i>Auricularia</i> spp.) dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms; mixtures of cultivated and wild wood ears (<i>Auricularia</i> spp.) dried, whole, cut, sliced, broken or in powder, but not further prepared |
| ex 0712 33 00 | jelly fungi (<i>Tremella</i> spp.) dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms; mixtures of cultivated and wild jelly fungi (<i>Tremella</i> spp.) dried, whole, cut, sliced, broken or in powder, but not further prepared |
| ex 0712 34 00 | shiitake (<i>Lentinus edodes</i>) dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms; mixtures of cultivated and wild shiitake (<i>Lentinus edodes</i>) dried, whole, cut, sliced, broken or in powder, but not further prepared |
| ex 0712 39 00 | other mushrooms and truffles, dried, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms; mixtures of cultivated and wild other mushrooms and truffles, dried, whole, cut, sliced, broken or in powder, but not further prepared |
| ex 2001 90 50 | mushrooms prepared or preserved by vinegar or acetic acid other than cultivated mushrooms; mixtures of cultivated and wild mushrooms prepared or preserved by vinegar or acetic acid |
| ex 2001 90 97 | truffles (<i>Tuber</i> spp.) prepared or preserved by vinegar or acetic acid other than cultivated mixtures of cultivated and wild truffles (<i>Tuber</i> spp.) prepared or preserved by vinegar or acetic acid |

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| ex 2003 | <p>mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid, other than cultivated mushrooms;</p> <p>mixtures of cultivated and wild mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid</p> |
| ex 0810 40 | <p>wild cranberries, wild bilberries and other wild fruit of the genus <i>Vaccinium</i>, fresh;</p> <p>mixtures of wild and cultivated cranberries, bilberries and other fruit of the genus <i>Vaccinium</i>, fresh</p> |
| ex 0811 90 50 | <p>wild fruits of the species <i>Vaccinium myrtillus</i>, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter;</p> <p>mixtures of wild and cultivated fruits of the species <i>Vaccinium myrtillus</i>, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter</p> |
| ex 0811 90 70 | <p>wild fruits of the species <i>Vaccinium myrtilloides</i> and <i>Vaccinium angustifolium</i>, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter;</p> <p>mixtures of wild and cultivated fruits of the species <i>Vaccinium myrtilloides</i> and <i>Vaccinium angustifolium</i>, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter</p> |
| ex 0811 90 95 | <p>wild fruits of other species of the genus <i>Vaccinium</i>, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter;</p> <p>mixtures of wild and cultivated fruits of the other species of the genus <i>Vaccinium</i>, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter</p> |
| ex 0812 90 40 | <p>wild fruits of the species <i>Vaccinium myrtillus</i>, provisionally preserved, but unsuitable in that state for immediate consumption;</p> <p>mixtures of wild and cultivated fruits of the species <i>Vaccinium myrtillus</i> provisionally preserved, but unsuitable in that state for immediate consumption;</p> |
| ex 0813 40 95 | wild fruits, dried, of the genus <i>Vaccinium</i> |
| ex 0813 50 15 ex 0813 50 19 ex 0813 50 91 ex 0813 50 99 | mixture of dried fruits or of nuts and dried fruits containing wild fruits of the genus <i>Vaccinium</i> |
| ex 2007 | jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter, made from and/or containing wild fruits of the genus <i>Vaccinium</i> or processed products thereof |

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| ex 2008 93 | <p>wild cranberries (<i>Vaccinium macrocarpon</i>, <i>Vaccinium oxycoccos</i>) and lingonberries (<i>Vaccinium vitis-idaea</i>), otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included;</p> <p>mixtures of wild and cultivated cranberries (<i>Vaccinium macrocarpon</i>, <i>Vaccinium oxycoccos</i>) and lingonberries (<i>Vaccinium vitis-idaea</i>), otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included</p> |
| ex 2008 97 | Mixtures of fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, containing wild fruits of the genus <i>Vaccinium</i> |
| ex 2008 99 28 ex 2008 99 34 ex 2008 99 37 ex 2008 99 40 ex 2008 99 49 ex 2008 99 67 ex 2008 99 99 | <p>other wild fruits of the genus <i>Vaccinium</i>, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included;</p> <p>mixtures of wild and cultivated other fruits of the genus <i>Vaccinium</i>, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included</p> |
| ex 2009 81 | <p>cranberry (<i>Vaccinium macrocarpon</i>, <i>Vaccinium oxycoccos</i>) juice and lingonberry (<i>Vaccinium vitis-idaea</i>) juice from wild fruits, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter;</p> <p>cranberry (<i>Vaccinium macrocarpon</i>, <i>Vaccinium oxycoccos</i>) juice and lingonberry (<i>Vaccinium vitis-idaea</i>) juice from a mixture of wild and cultivated fruits, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter</p> |
| ex 2009 89 35 ex 2009 89 38 ex 2009 89 79 ex 2009 89 86 ex 2009 89 89 ex 2009 89 99 | Other juices of wild fruits of the genus <i>Vaccinium</i> , unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter |
| ex 2009 90 21 ex 2009 90 29 ex 2009 90 51 ex 2009 90 59 ex 2009 90 94 ex 2009 90 96 ex 2009 90 98 | mixture of juices made from and/or containing wild fruits of the genus <i>Vaccinium</i> or processed products thereof |
| ex 2202 10 | Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured containing juice or other processed products from wild fruits of the genus <i>Vaccinium</i> |

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| ex 2202 99 | Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured and other non-alcoholic beverages, containing juice or other processed products from wild fruits of the genus <i>Vaccinium</i> |
| | Due to risk of contamination by radioactivity food listed hereafter relate to food consisting of two or more ingredients, containing any of the individual products listed above in a quantity above 20 % of either a single product or as the sum of products listed |
| ex 1704 90 | Sugar confectionery (including white chocolate), not containing cocoa, other than chewing gum, whether or not sugar-coated |
| ex 1806 | Chocolate and other food preparations containing cocoa |
| 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' |