

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in or consigned from India due to contamination risks by pentachlorophenol and dioxins (Text with EEA relevance) (repealed)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/175

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(Text with EEA relevance) (repealed)

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

Whereas:

- (1) Article 53(1) of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Union emergency measures for feed and food imported from a third country in order to protect human health, animal health and the environment, where the risk cannot be contained satisfactorily by means of measures taken by the Member States individually.
- (2) In July 2007, high levels of pentachlorophenol (PCP) and dioxins have been found in the Union in certain batches of guar gum originating in or consigned from India. Such contamination constitutes a threat to public health within the Union if no measures are taken to avoid the presence of pentachlorophenol and dioxins in guar gum.
- (3) Therefore special conditions on the imports of guar gum originating in or consigned from India were established by Commission Decision 2008/352/EC<sup>(2)</sup>, later replaced by Commission Regulation (EU) No 258/2010<sup>(3)</sup>, due to contamination risks by pentachlorophenol and dioxins.
- (4) As follow-up to the audits of the Food and Veterinary Office of the European Commission (FVO) in 2007 and 2009, another audit took place in October 2011 in order to assess the systems in place to control PCP and dioxin contamination in guar gum originating in or consigned from India and intended for export to the Union.
- (5) During the audit of October 2011 the FVO observed that the competent authority of India has put in place a procedure to ensure that sampling is undertaken by one of two designated sampling bodies, in line with Union sampling provisions provided for in Commission Directive 2002/63/EC<sup>(4)</sup> and that all exported lots are accompanied by a

certificate and by an analytical report from a laboratory accredited in accordance with EN ISO/IEC 17025 for the analysis of PCP in feed and food. The FVO noted that due to that procedure contaminated lots are not exported to the Union.

- (6) The European Union Reference Laboratory for Dioxins and PCBs in Feed and Food has carried out a study on the correlation between 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
- (7) The laboratory is still finding high levels of PCP in guar gum powder for export for use in food. As the legal status of PCP for industrial use remains unclear in India and as there is no evidence of the source of contamination, and no investigations on the source of contamination of non-compliant lots are undertaken, the potential for contaminated lots remains.
- (8) Those findings indicate that the contamination of guar gum with PCP cannot be regarded as an isolated incident and that only the effective analysis by the approved laboratory has prevented contaminated product from being further exported to the Union.
- (9) As the source of contamination is not yet eliminated it is appropriate to maintain special conditions for import. However, it is appropriate to bring the control measures at import in line with existing control measures at import applicable to certain food and feed of non-animal origin. Given that such alignment entails several changes, it is appropriate to repeal Regulation (EU) No 258/2010 and replace it by a new Implementing Regulation.
- (10) 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:

- (1) [OJ L 31, 1.2.2002, p. 1.](#)
- (2) Commission Decision 2008/352/EC of 29 April 2008 imposing special conditions governing guar gum originating in or consigned from India due to contamination risks of those products by pentachlorophenol and dioxins ([OJ L 117, 1.5.2008, p. 42](#)).
- (3) Commission Regulation (EU) No 258/2010 of 25 March 2010 imposing special conditions on the imports of guar gum originating in or consigned from India due to contamination risks of those products by pentachlorophenol and dioxins and repealing Decision 2008/352/EC ([OJ L 80, 26.3.2010, p. 28](#)).
- (4) Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticides residues in and on products of plant and animal origin and repealing Directive 79/700/EEC ([OJ L 187, 16.7.2002, p. 30](#)).