

COMMISSION IMPLEMENTING REGULATION (EU) No 294/2012

of 3 April 2012

amending Annex I to Regulation (EC) No 669/2009 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

(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 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 ⁽¹⁾, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 ⁽²⁾ lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto (the list), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.
- (3) The occurrence and relevance of food incidents notified through the Rapid Alert System for Food and Feed (RASFF), the findings of missions to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.
- (4) In particular, the list should be amended by deleting the entries for commodities for which those information sources indicate an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official control is therefore no longer justified.
- (5) In addition, the list should be amended by increasing the official control frequency for the commodities for which

the same source of information show a higher degree of non-compliance with the relevant Union legislation that warrants the increase of level of official controls.

- (6) The entries in the list for certain imports from India and for certain other commodities from all third countries should therefore be amended accordingly.
- (7) The amendment to the list concerning the deletion of the entries for certain commodities should apply as soon as possible, as the original safety concerns have been satisfied. Accordingly, those amendments should apply from the date of entry into force of this Regulation.
- (8) Taking into account the number of amendments that need to be made to Annex I to Regulation (EC) No 669/2009, it is appropriate to replace it by the text in the Annex to this Regulation.
- (9) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 669/2009 is replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 1 April 2012.

However, the amendments of Annex I to Regulation (EC) No 669/2009 concerning the deletion of entries of *Capsicum annum* (crushed or ground), Curry (chilli products), *Curcuma longa* (turmeric) and Red palm oil for the possible contamination of Sudan dyes shall apply from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 194, 25.7.2009, p. 11.

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

Done at Brussels, 3 April 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

'ANNEX I

Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
Hazelnuts (in shell or shelled) <i>(Feed and food)</i>	0802 21 00; 0802 22 00	Azerbaijan (AZ)	Aflatoxins	10
— Groundnuts (peanuts), in shell	— 1202 41 00	Brazil (BR)	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 42 00			
— Peanut butter	— 2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98			
<i>(Feed and food)</i>				
Dried Noodles <i>(Food)</i>	ex 1902	China (CN)	Aluminium	10
Pomelos <i>(Food - fresh)</i>	ex 0805 40 00	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹¹⁾	20
Tea leaves (black and green) <i>(Food)</i>	ex 0902	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁰⁾	10
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽³⁾	50
— Bitter melon (<i>Momordica charantia</i>)	— ex 0709 99 90; ex 0710 80 95			
— Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.)	— 0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59			
— Aubergines	— 0709 30 00; ex 0710 80 95			
<i>(Food — fresh, chilled or frozen vegetables)</i>				
— Oranges (fresh or dried)	— 0805 10 20; 0805 10 80	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁷⁾	10
— Peaches (excluding nectarines)	— 0809 30 90			

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Pomegranates — Strawberries <i>(Food — fresh fruits and vegetables)</i>	— ex 0810 90 75 — 0810 10 00			
Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.) <i>(Food — fresh, chilled or frozen)</i>	0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (12)	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter <i>(Feed and food)</i>	— 1202 41 00 — 1202 42 00 — 2008 11 10	Ghana (GH)	Aflatoxins	50
Curry leaves (<i>Bergera/Murraya koenigii</i>) <i>(Food — fresh herbs)</i>	ex 1211 90 85	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (5)	50
— <i>Capsicum annuum</i> , whole — <i>Capsicum annuum</i> , crushed or ground — Curry (chilli products) — Nutmeg (<i>Myristica fragrans</i>) — Mace (<i>Myristica fragrans</i>) — Ginger (<i>Zingiber officinale</i>) — <i>Curcuma longa</i> (turmeric) <i>(Food — dried spices)</i>	— 0904 21 10 — ex 0904 22 00 — 0910 91 05 — 0908 11 00, 0908 12 00 — 0908 21 00, 0908 22 00 — 0910 11 00, 0910 12 00 — 0910 30 00	India (IN)	Aflatoxins	20
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved <i>(Feed and food)</i>	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98	India (IN)	Aflatoxins	20

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
Feed additives and premixtures (Feed)	ex 2309; 2917 19 90; ex 2817 00 00; ex 2820 90 10; ex 2820 90 90; ex 2821 10 00; ex 2825 50 00; ex 2833 21 00; ex 2833 25 00; ex 2833 29 20; ex 2833 29 80; ex 2835; ex 2836; ex 2839; 2936	India (IN)	Cadmium and lead	10
Okra (Food — fresh)	ex 0709 99 90	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (2)	10
Watermelon (<i>egusi</i> , <i>Citrullus lanatus</i>) seeds and derived products (Food)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	Nigeria (NG)	Aflatoxins	50
— <i>Capsicum annuum</i> , whole — <i>Capsicum annuum</i> , crushed or ground — other dried fruits of the genus <i>Capsicum</i> (other than <i>Capsicum annuum</i>), whole (Food — dried spice)	— 0904 21 10 — ex 0904 22 00 — ex 0904 21 90	Peru (PE)	Aflatoxins and Ochratoxin A	10
Peppers (other than sweet)(<i>Capsicum</i> spp.) (Food — fresh)	ex 0709 60 99	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (3)	10
— Coriander leaves — Basil (holy, sweet) — Mint (Food — fresh herbs)	— ex 0709 99 90 — ex 1211 90 85 — ex 1211 90 85	Thailand (TH)	Salmonella (6)	10
— Coriander leaves — Basil (holy, sweet) (Food — fresh herbs)	— ex 0709 99 90 — ex 1211 90 85	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (4)	20

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>) — Aubergines — Brassica vegetables <i>(Food — fresh, chilled or frozen vegetables)</i>	— ex 0708 20 00; ex 0710 22 00 — 0709 30 00; ex 0710 80 95 — 0704; ex 0710 80 95	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁴⁾	50
— Sweet Peppers (<i>Capsicum annum</i>) — Tomatoes <i>(Food — fresh, chilled or frozen vegetables)</i>	— 0709 60 10; 0710 80 51 — 0702 00 00; 0710 80 70	Turkey (TR)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁸⁾	10
Dried grapes (vine fruit) <i>(Food)</i>	0806 20	Uzbekistan (UZ)	Ochratoxin A	50
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved <i>(Feed and food)</i>	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98	South Africa (ZA)	Aflatoxins	10

⁽¹⁾ Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked "ex" (for example, ex 1006 30: only Basmati rice for direct human consumption is included).

⁽²⁾ In particular residues of: Acephate, Methamidophos, Triazophos, Endosulfan, Monocrotophos, Methomyl, Thiodicarb, Diafenthiuron, Thiamethoxam, Fipronil, Oxamyl, Acetamipirid, Indoxacarb, Mandipropamid.

⁽³⁾ In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofof, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, Thiacloprid.

⁽⁴⁾ In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, Triforine.

⁽⁵⁾ In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyrifos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, Monocrotophos.

⁽⁶⁾ Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).

⁽⁷⁾ In particular residues of: Carbendazim, Cyfluthrin, Cyprodinil, Diazinon, Dimethoate, Ethion, Fenitrothion, Fenprothrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb, Methomyl, Omethoate, Oxamyl, Phenthoate, Thiophanate-methyl.

⁽⁸⁾ In particular residues of: Methomyl, Oxamyl, Carbendazim, Clofentezine, Diafenthiuron, Dimethoate, Formetanate, Malathion, Procymidone, Tetradifon, Thiophanate-methyl.

⁽⁹⁾ In particular residues of: Carbofuran, Methomyl, Omethoate, Dimethoate, Triazophos, Malathion, Profenofos, Prothiophos, Ethion, Carbendazim, Triforine, Procymidone, Formetanate.

⁽¹⁰⁾ In particular residues of: Buprofezin; Imidacloprid; Fenvalerate and Esfenvalerate (Sum of RS & SR isomers); Profenofos; Trifluralin; Triazophos; Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)).

⁽¹¹⁾ In particular residues of: Triazofos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl, Fenthoate, Methidathion.

⁽¹²⁾ In particular residues of: Carbofuran (sum), Chlorpyrifos, Cypermethrin (sum), Cyproconazole, Dicofof (sum), Difenconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz, Profenofos, Propiconazole, Thiophanate-methyl and Triforine.