

COMMISSION IMPLEMENTING REGULATION (EU) No 799/2011

of 9 August 2011

amending Annex I to Commission 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, certain other commodities for which the information sources indicate a degree of non-compliance

with the relevant safety requirements, thereby warranting the introduction of an increased level of official controls, should be included in the list.

- (6) The entries in the list for certain imports from Azerbaijan, China, Egypt, India and Pakistan should therefore be amended accordingly.
- (7) As regards the entry for imports of fresh peppers from Thailand, a clarification is necessary in the interest of clarity of Union legislation concerning the CN codes affected.
- (8) The amendment to the list concerning the deletion of the references to 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.
- (9) 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.
- (10) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (11) 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 its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2011.

However, the deletion of the entry for Pakistan for basmati rice 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, 9 August 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

‘ANNEX I

A. 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 (%)
— Groundnuts (peanuts), in shell	— 1202 10 90	Argentina (AR)	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 20 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>				
Hazelnuts (in shell or shelled)	0802 21 00; 0802 22 00	Azerbaijan (AZ)	Aflatoxins	10
<i>(Feed and food)</i>				
— Groundnuts (peanuts), in shell	— 1202 10 90	Brazil (BR)	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 20 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	ex 1902	China (CN)	Aluminium	10
<i>(Food)</i>				
Fresh pomelos	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
<i>(Food)</i>				
Tea leaves (black and green)	0902	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁰⁾	10
<i>(Food)</i>				

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>) — Bitter melon (<i>Momordica charantia</i>) — Lauki (<i>Lagenaria siceraria</i>) — Peppers (<i>Capsicum</i> spp.) — Aubergines (<i>Food — fresh, chilled or frozen vegetables</i>)	— ex 0708 20 00; ex 0710 22 00 — ex 0709 90 90; ex 0710 80 95 — ex 0709 90 90; ex 0710 80 95 — 0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59 — 0709 30 00; ex 0710 80 95	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽³⁾	50
— Oranges (fresh or dried) — Peaches (excluding nectarines) — Pomegranates — Strawberries — Green beans (<i>Food — fresh fruits and vegetables</i>)	— 0805 10 20; 0805 10 80 — 0809 30 90 — ex 0810 90 95 — 0810 10 00 — ex 0708 20 00	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁷⁾	10
Peppers (<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 10 90 — 1202 20 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⁾	10

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Chilli (<i>Capsicum annuum</i>), whole	— 0904 20 10	India (IN)	Aflatoxins	50
— Chilli (<i>Capsicum annuum</i>), crushed or ground	— ex 0904 20 90			
— Chilli products (curry)	— 0910 91 05			
— Nutmeg (<i>Myristica fragrans</i>)	— 0908 10 00			
— Mace (<i>Myristica fragrans</i>)	— 0908 20 00			
— Ginger (<i>Zingiber officinale</i>)	— 0910 10 00			
— <i>Curcuma longa</i> (turmeric)	— 0910 30 00			
(Food — dried spices)				
— Groundnuts (peanuts), in shell	— 1202 10 90	India (IN)	Aflatoxins	20
— Groundnuts (peanuts), shelled	— 1202 20 00			
— Peanut butter	— 2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
Feed additives and premixtures	ex 2309	India (IN)	Cadmium and lead	10
(Feed)				
Fresh okra (Food)	ex 0709 90 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 99 97; ex 1106 30 90; ex 2008 99 99	Nigeria (NG)	Aflatoxins	50
— Chilli (<i>Capsicum annuum</i>), whole	— 0904 20 10	Peru (PE)	Aflatoxins and Ochratoxin A	10
— Chilli (<i>Capsicum annuum</i>), crushed or ground	— ex 0904 20 90			
(Food — dried spice)				
— Fresh chilli peppers (<i>Capsicum</i> spp.) (Food)	0709 60 10, 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 (9)	10

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Coriander leaves	— ex 0709 90 90	Thailand (TH)	Salmonella ⁽⁶⁾	10
— Basil (holy, sweet)	— ex 1211 90 85			
— Mint	— ex 1211 90 85			
(Food — fresh herbs)				
— Coriander leaves	— ex 0709 90 90	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁴⁾	20
— Basil (holy, sweet)	— ex 1211 90 85			
(Food — fresh herbs)				
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁴⁾	50
— Aubergines	— 0709 30 00; ex 0710 80 95			
— Brassica vegetables	— 0704; ex 0710 80 95			
(Food — fresh, chilled or frozen vegetables)				
— Sweet Peppers (<i>Capsicum annum</i>)	— 0709 60 10; 0710 80 51	Turkey (TR)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁸⁾	10
— Tomatoes	— 0702 00 00; 0710 80 70			
(Food — fresh, chilled or frozen vegetables)				
Dried grapes (vine fruit)	0806 20	Uzbekistan (UZ)	Ochratoxin A	50
(Food)				
— Groundnuts (peanuts), in shell	— 1202 10 90	South Africa (ZA)	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 20 00			
— Peanut butter	— 2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Chilli (<i>Capsicum annuum</i>), crushed or ground	— ex 0904 20 90	All third countries	Sudan dyes	10
— Chilli products (curry)	— 0910 91 05			
— <i>Curcuma longa</i> (turmeric)	— 0910 30 00			
(Food — dried spices)				
— Red palm oil	— ex 1511 10 90			
(Food)				

⁽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.

⁽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, Fenpropathrin, 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.

⁽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.

B. Definitions

For the purposes of this Annex, “Sudan dyes” refers to the following chemical substances:

- (i) Sudan I (CAS Number 842-07-9);
- (ii) Sudan II (CAS Number 3118-97-6);
- (iii) Sudan III (CAS Number 85-86-9);
- (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).⁷