COMMISSION IMPLEMENTING REGULATION (EU) No 1235/2012

of 19 December 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, the findings of audits 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, for consignments of dried vine fruit from Afghanistan, watermelons from Brazil, strawberries from China, peas and beans from Kenya, mint from Morocco, watermelon seeds and derived products from Sierra Leone and certain herbs, spices and vegetables from Vietnam, the relevant sources of information indicate the emergence of new risks and/or a degree of non-compliance with the relevant safety requirements, thereby warranting the introduction of an increased level of official controls. Entries concerning those consignments should be therefore included in the list.

(5) The list should also be amended to decrease the intensity of official controls of the commodities for which the available information indicates an overall improvement of compliance with the relevant requirements provided for in Union legislation and for which the current frequency of official controls is therefore no longer justified. The entries in the list concerning aubergines and bitter melon from Dominican Republic, spices from India and Yardlong beans, aubergines and Brassica vegetables from Thailand, should be therefore amended accordingly.

(6) The list should also be amended by deleting the entries for commodities for which available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased control frequency is therefore no longer justified. The entries in the list concerning peaches from Egypt, feed additives and premixtures from India and *Capsicum annuum* from Peru should be therefore deleted.

(7) With a view to better targeting certain products set out in the list, TARIC codes have to be added, where appropriate. Amendment of certain CN codes is also necessary to align with the revised Combined Nomenclature applying as of 1 January 2013.

(8) In the interest of consistency and clarity of Union legislation, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out 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 set out 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 January 2013.

([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, 19 December 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)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (*Food*)	0806 20		Afghanistan (AF)	Ochratoxin A	50
Hazelnuts (in shell or shelled) (*Feed and food*)	0802 21 00; 0802 22 00		Azerbaijan (AZ)	Aflatoxins	10
Watermelon (*Food*)	0807 11 00		Brazil (BR)	Salmonella	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (*Feed and food*)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Brazil (BR)	Aflatoxins	10
Strawberries (frozen) (*Food*)	0811 10		China (CN)	Norovirus and hepatitis A	5
Brassica oleracea (other edible Brassica, 'Chinese Broccoli') (13) (*Food — fresh or chilled*)	ex 0704 90 90	40	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (14)	10
Dried Noodles (*Food*)	ex 1902 11 00; ex 1902 19 10; ex 1902 19 90; ex 1902 20 10; ex 1902 20 30; ex 1902 20 91; ex 1902 20 99; ex 1902 30 10; ex 1902 30 10	10 10 10 10 10 10 10 10 91	China (CN)	Aluminium	10

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Pomelos (*Food — fresh*)	ex 0805 40 00	31; 39	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (11)	20
Tea, whether or not flavoured (*Food*)	0902		China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (10)	10
— Aubergines — Bitter melon (*Mormodica charantia*) (*Food — fresh, chilled or frozen vegetables*)	— 0709 30 00; ex 0710 80 95 — ex 0709 99 90; ex 0710 80 95	72 70 70	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (3)	10
— Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis*) — Peppers (sweet and other than sweet) (*Capsicum* spp.) (*Food — fresh, chilled or frozen vegetables*)	— ex 0708 20 00; ex 0710 22 00 — 0709 60 10; ex 0709 60 99 — 0710 80 51; ex 0710 80 59	10 10 20 20	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (3)	20
— Oranges (fresh or dried) — Pomegranates — Strawberries (*Food – fresh fruits*)	— 0805 10 20; 0805 10 80 — ex 0810 90 75 — 0810 10 00	 30	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (7)	10
Peppers (sweet and other than sweet) (*Capsicum* spp.) (*Food – fresh, chilled or frozen*)	0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59	20 20	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 (*Feed and Food*)	— 1202 41 00 — 1202 42 00 — 2008 11 10		Ghana (GH)	Aflatoxins	50

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Curry leaves (*Bergera/Murraya koenigii*) (*Food – fresh herbs*)	ex 1211 90 86	10	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (5)	50
— *Capsicum annuum*, whole — *Capsicum annuum*, crushed or ground — Dried fruit of the genus *Capsicum*, whole, other than sweet peppers (*Capsicum annuum*) — Curry (chilli products) — Nutmeg (*Myristica fragrans*) — Mace (*Myristica fragrans*) — Ginger (*Zingiber officinale*) — *Curcuma longa* (turmeric) (*Food – dried spices*)	— 0904 21 10 — ex 0904 22 00 — 0904 21 90 — 0910 91 05 — 0908 11 00; 0908 12 00 — 0908 21 00; 0908 22 00 — 0910 11 00; 0910 12 00 — 0910 30 00	10	India (IN)	Aflatoxins	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (*Feed and food*)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		India (IN)	Aflatoxins	20
Okra (*Food – fresh*)	ex 0709 99 90	20	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (2)	50
— Nutmeg (*Myristica fragrans*) — Mace (*Myristica fragrans*) (*Food – dried spices*)	— 0908 11 00; 0908 12 00 — 0908 21 00; 0908 22 00		Indonesia (ID)	Aflatoxins	20
— Peas with pods (unshelled) — Beans with pods (unshelled) (*Food – fresh and chilled*)	— ex 0708 10 00 — ex 0708 20 00	40 40	Kenya (KE)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (16)	10

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Watermelon (*Egusi, Citrullus lanatus*) seeds and derived products (*Food*)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Nigeria (NG)	Aflatoxins	50
Mint (*Food – fresh herb*)	ex 1211 90 86	30	Morocco (MA)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (17)	10
Watermelon (*Egusi, Citrullus lanatus*) seeds and derived products (*Food*)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Sierra Leone (SL)	Aflatoxins	50
Peppers (other than sweet) (*Capsicum* spp.) (*Food – fresh*)	ex 0709 60 99	20	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (9)	10
— Coriander leaves — Basil (holy, sweet) — Mint (*Food – fresh herbs*)	— ex 0709 99 90 — ex 1211 90 86 — ex 1211 90 86	72 20 30	Thailand (TH)	Salmonella (6)	10
— Coriander leaves — Basil (holy, sweet) (*Food – fresh herbs*)	— ex 0709 99 90 — ex 1211 90 86	72 20	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (4)	20
— Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis*) — Aubergines — Brassica vegetables (*Food – fresh, chilled or frozen vegetables*)	— ex 0708 20 00; ex 0710 22 00 — 0709 30 00; ex 0710 80 95 — 0704; ex 0710 80 95	10 10 72 76	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (4)	20
— Sweet Peppers (*Capsicum annuum*) — Tomatoes (*Food – fresh, chilled or frozen vegetables*)	— 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

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (*Food*)	0806 20		Uzbekistan (UZ)	Ochratoxin A	50
— Coriander leaves — Basil (holy, sweet) — Mint — Parsley (*Food – fresh herbs*)	— ex 0709 99 90 — ex 1211 90 86 — ex 1211 90 86 — ex 0709 99 90	72 20 30 40	Vietnam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (15)	20
— Okra — Peppers (other than sweet) (*Capsicum* spp.) (*Food – fresh*)	— ex 0709 99 90 — ex 0709 60 99	20 20	Vietnam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (15)	20
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (*Feed and food*)	— 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'.
(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, Dicofol, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, Thiacloprid.
(4) In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyriphos, Chlorpyriphos-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, Chlorpyriphos, 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, Prothiofos, 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, Dicofol (sum), Difenoconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz, Profenofos, Propiconazole, Thiophanate-methyl and Triforine.
(13) Species of *Brassica oleracea* L. convar. Botrytis (L) Alef var. Italica Plenck, cultivar alboglabra. Also know as ' Kai Lan', 'Gai Lan', 'Gailan', 'Kailan', 'Chinese bare Jielan'.
(14) In particular residues of: Chlorfenapyr, Fipronil, Carbendazim, Acetamiprid, Dimethomorph and Propiconazole.
(15) In particular residues of: Carbofuran, Carbendazim (sum), Chlorpyriphos, Profenofos, Permethrin, Hexaconazole, Difenoconazole, Propiconazole, Fipronil, Propargite, Flusilazole, Phenthoate, Cypermethrin, Methomyl, Quinalphos, Pencycuron, Methidathion, Dimethoate (sum), Fenbuconazole.
(16) In particular residues of: Dimethoate (Sum), Chlorpyriphos, Acephate, Methamidophos, Methomyl, Diafenthiuron, Indoxacarb.
(17) In particular residues of: Chlorpyriphos, Cypermethrin, Dimethoate (sum), Endosulfan (sum), Hexaconazole, Parathion-Methyl (sum), Methomyl, Flutriafol, Carbendazim (sum), Flubendiamide, Myclobutanil, Malathion (sum).'