

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1012**of 23 June 2015****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 recent 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, the list should be amended by deleting the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entry in the list concerning beans from Kenya should therefore be deleted.
- (5) In addition, the list should be amended by increasing the frequency of official controls for the commodities for which the same sources of information show a higher degree of non-compliance with the relevant Union legislation, thereby warranting an increased level of official controls. The entries in the list concerning coriander leaves, basil, mint, parsley, chilli peppers and okra from Vietnam, and vine leaves from Turkey, should therefore be amended accordingly.
- (6) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.
- (7) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.⁽²⁾ Commission Regulation (EC) No 669/2009 of 24 July 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 and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

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 day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2015.

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

Done at Brussels, 23 June 2015.

For the Commission
The President
Jean-Claude JUNCKER

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
— Almonds, in shell	— 0802 11		Australia (AU)	Aflatoxins	20
— Almonds, shelled	— 0802 12				
(Food)					
— 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				
(Feed and food)					
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex0708 20 00; ex 0710 22 00	10 10	Cambodia (KH)	Pesticide residues ⁽²⁾ ⁽³⁾	50
— Aubergines	— 0709 30 00; ex 0710 80 95	72			
(Food — fresh, chilled or frozen vegetables)					
Chinese celery (<i>Apium graveolens</i>) (Food — fresh or chilled herb)	ex 0709 40 00	20	Cambodia (KH)	Pesticide residues ⁽²⁾ ⁽⁴⁾	50
Brassica oleracea (other edible Brassica, "Chinese Broccoli") ⁽⁵⁾ (Food — fresh or chilled)	ex 0704 90 90	40	China (CN)	Pesticide residues ⁽²⁾	50
Tea, whether or not flavoured (Food)	0902		China (CN)	Pesticide residues ⁽²⁾ ⁽⁶⁾	10

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Aubergines	— 0709 30 00; ex 0710 80 95	72	Dominican Republic (DO)	Pesticide residues (2) (7)	10
— Bitter melon (<i>Momordica charantia</i>)	— ex 0709 99 90; ex 0710 80 95	70 70			
(Food — fresh, chilled or frozen vegetables)					
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Dominican Republic (DO)	Pesticide residues (2) (7)	20
— Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.)	— 0709 60 10; ex 0709 60 99	20			
(Food — fresh, chilled or frozen vegetables)	— 0710 80 51; ex 0710 80 59	20			
Strawberries (fresh)	0810 10 00		Egypt (EG)	Pesticide residues (2) (8)	10
(Food)					
Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.)	0709 60 10; ex 0709 60 99;	20	Egypt (EG)	Pesticide residues (2) (9)	10
(Food — fresh, chilled or frozen)	0710 80 51; ex 0710 80 59	20			
Betel leaves (<i>Piper betle</i> L.)	ex 1404 90 00	10	India (IN)	Salmonella (10)	50
(Food)					
Sesamum seeds	1207 40 90		India (IN)	Salmonella (10)	20
(Food — fresh or chilled)					
— <i>Capsicum annuum</i> , whole	— 0904 21 10	10	India (IN)	Aflatoxins	20
— <i>Capsicum annuum</i> , crushed or ground	— ex 0904 22 00				
— Dried fruit of the genus <i>Capsicum</i> , whole, other than sweet peppers (<i>Capsicum annuum</i>)	— 0904 21 90				
— Nutmeg (<i>Myristica fragrans</i>)	— 0908 11 00; 0908 12 00				
(Food — dried spices)					
Enzymes: prepared enzymes	3507		India (IN)	Chloramphenicol	50
(Feed and food)					

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Nutmeg (<i>Myristica fragrans</i>) (Food — dried spices)	— 0908 11 00; 0908 12 00		Indonesia (ID)	Aflatoxins	20
— Peas with pods (unshelled) (Food — fresh or chilled)	— ex 0708 10 00	40	Kenya (KE)	Pesticide residues (2) (11)	10
Mint (Food — fresh or chilled herb)	ex 1211 90 86; ex 2008 99 99	30 70	Morocco (MA)	Pesticide residues (2) (12)	10
Table grapes (Food — fresh)	0806 10 10		Peru (PE)	Pesticide residues (2) (13)	10
Watermelon (<i>Egusi, Citrullus lanatus</i>) 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
— 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		Sudan (SD)	Aflatoxins	50
Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh or chilled)	ex 0709 60 99	20	Thailand (TH)	Pesticide residues (2) (14)	10
Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00	10	Thailand (TH)	Salmonella (10)	50
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>) — Aubergines (Food — fresh, chilled or frozen vegetables)	— ex 0708 20 00; ex 0710 22 00 — 0709 30 00; ex 0710 80 95	10 10 72	Thailand (TH)	Pesticide residues (2) (15)	20

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Dried apricots	— 0813 10 00		Turkey (TR)	Sulphites (16)	10
— Apricots, otherwise prepared or preserved	— 2008 50 61				
(Food)					
— Sweet peppers (<i>Capsicum annuum</i>)	— 0709 60 10; 0710 80 51		Turkey (TR)	Pesticide residues (2) (17)	10
(Food — fresh, chilled or frozen vegetables)					
Vine leaves	ex 2008 99 99	11; 19	Turkey (TR)	Pesticide residues (2) (18)	50
(Food)					
— Pistachios, in shell	— 0802 51 00		United States (US)	Aflatoxins	20
— Pistachios, shelled	— 0802 52 00				
(Food)					
— Dried apricots	— 0813 10 00		Uzbekistan (UZ)	Sulphites (16)	50
— Apricots, otherwise prepared or preserved	— 2008 50 61				
(Food)					
Dried grapes (vine fruit)	0806 20		Uzbekistan (UZ)	Ochratoxin A	50
(Food)					
— Coriander leaves	— ex 0709 99 90	72	Vietnam (VN)	Pesticide residues (2) (19)	50
— Basil (holy, sweet)	— ex 1211 90 86; ex 2008 99 99	20 75			
— Mint	— ex 1211 90 86; ex 2008 99 99	30 70			
— Parsley	— ex 0709 99 90	40			
(Food — fresh or chilled herbs)					
— Okra	— ex 0709 99 90	20	Vietnam (VN)	Pesticide residues (2) (19)	50

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh or chilled)	— ex 0709 60 99	20			
— Pitahaya (dragon fruit) (Food — fresh or chilled)	— ex 0810 90 20	10	Vietnam (VN)	Pesticide residues (2) (13)	20

(1) Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists, the CN code is marked "ex".

(2) Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).

(3) Residues of Chlorbufam.

(4) Residues of Phenthoate.

(5) Species of *Brassica oleracea* L. convar. *Botrytis* (L) Alef var. *Italica* Plenck, cultivar *albuglabra*. Also known as "Kai Lan", "Gai Lan", "Gailan", "Kailan", "Chinese bare Jielan".

(6) Residues of Trifluralin.

(7) Residues of Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Diafenthiuron, Dicofol (sum of p, p' and o,p' isomers), Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb).

(8) Residues of Hexaflumuron, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Phenthoate and Thiophanate-methyl.

(9) Residues of Dicofol (sum of p, p' and o,p' isomers), Dinotefuran, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Thiophanate-methyl and Triforine.

(10) Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJ L 338, 22.12.2005, p. 1).

(11) Residues of Acephate and Diafenthiuron.

(12) Residues of Flubendiamide.

(13) Residues of Ethephon.

(14) Residues of Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride), Prothiofos and Triforine.

(15) Residues of Acephate, Dicrotophos, Prothiofos, Quinalphos and Triforine.

(16) Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.

(17) Residues of Diafenthiuron, Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride) and Thiophanate-methyl.

(18) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Metrafenone.

(19) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.