

COMMISSION IMPLEMENTING REGULATION (EU) 2016/443**of 23 March 2016****amending Annex I to Regulation (EC) No 669/2009 as regards the list of feed and food of non-animal origin subject to an increased level of official controls on imports****(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 Directorate for Health and Food Audits and Analysis of the Commission Directorate-General for Health and Food Safety, 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 groundnuts and derived products originating from Madagascar, palm oil from Ghana, and lemons from Turkey the relevant sources of information indicate the emergence of new risks requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.
- (5) The list should also 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 entries in the list concerning aubergines and bitter melon from the Dominican Republic should therefore be deleted.
- (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 third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 April 2016.

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

Done at Brussels, 23 March 2016.

For the Commission
The President
Jean-Claude JUNKER

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)					
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Cambodia (KH)	Pesticide resi- dues ⁽²⁾ ⁽³⁾	50
— Aubergines	— 0709 30 00; ex 0710 80 95	72			
(Food — fresh, chilled or fro- zen vegetables)					
Chinese celery (<i>Apium graveo- lens</i>)	ex 0709 40 00	20	Cambodia (KH)	Pesticide resi- dues ⁽²⁾ ⁽⁴⁾	50
(Food — fresh or chilled herb)					
<i>Brassica oleracea</i> (other edible Brassica, “Chinese Broccoli”) ⁽⁵⁾	ex 0704 90 90	40	China (CN)	Pesticide resi- dues ⁽²⁾	50
(Food — fresh or chilled)					
Tea, whether or not flavoured (Food)	0902		China (CN)	Pesticide resi- dues ⁽²⁾ ⁽⁶⁾	10
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Dominican Republic (DO)	Pesticide resi- dues ⁽²⁾ ⁽⁷⁾	20
— Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.)	— 0709 60 10; 0710 80 51				
(Food — fresh, chilled or fro- zen vegetables)	— ex 0709 60 99; ex 0710 80 59	20 20			

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Strawberries (Food — fresh or chilled)	0810 10 00		Egypt (EG)	Pesticide residues ⁽²⁾ ⁽⁸⁾	10
Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen)	— 0709 60 10; 0710 80 51 — ex 0709 60 99; ex 0710 80 59	 20 20	Egypt (EG)	Pesticide residues ⁽²⁾ ⁽⁹⁾	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		Gambia (GM)	Aflatoxins	50
Palm oil (Food)	1511 10 90; 1511 90 11; 1511 90 19; 1511 90 99	 90	Ghana (GH)	Sudan dyes ⁽¹⁰⁾	50
Sesamum seeds (Food — fresh or chilled)	1207 40 90		India (IN)	Salmonella ⁽¹¹⁾	20
Enzymes; prepared enzymes (Feed and food)	3507		India (IN)	Chloramphenicol	50
Peas with pods (unshelled) (Food — fresh or chilled)	ex 0708 10 00	40	Kenya (KE)	Pesticide residues ⁽²⁾ ⁽¹²⁾	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		Madagascar (MG)	Aflatoxins	50

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Raspberries (Food — frozen)	0811 20 31; ex 0811 20 11; ex 0811 20 19	 10 10	Serbia (RS)	Norovirus	10
Watermelon (<i>Egusi</i> , <i>Citrullus</i> spp.) 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 resi- dues ⁽²⁾ ⁽¹³⁾	10
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>) — Aubergines (Food — fresh, chilled or fro- zen vegetables)	— ex 0708 20 00; ex 0710 22 00 — 0709 30 00; ex 0710 80 95	10 10 72	Thailand (TH)	Pesticide resi- dues ⁽²⁾ ⁽¹⁴⁾	20
— Dried apricots — Apricots, otherwise pre- pared or preserved (Food)	— 0813 10 00 — 2008 50 61		Turkey (TR)	Sulphites ⁽¹⁵⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) (Food — fresh, chilled or dried)	0805 50 10		Turkey (TR)	Pesticide residues ⁽²⁾	10
— Sweet Peppers (<i>Capsicum annuum</i>) (Food — fresh, chilled or frozen vegetables)	— 0709 60 10; 0710 80 51		Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁶⁾	10
Vine leaves (Food)	ex 2008 99 99	11; 19	Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁷⁾	50
— Pistachios, in shell — Pistachios, shelled (Food)	— 0802 51 00 — 0802 52 00		United States (US)	Aflatoxins	20
— Dried apricots — Apricots, otherwise prepared or preserved (Food)	— 0813 10 00 — 2008 50 61		Uzbekistan (UZ)	Sulphites ⁽¹⁵⁾	50
— Coriander leaves — Basil (holy, sweet) — Mint — Parsley (Food — fresh or chilled herbs)	— ex 0709 99 90 — ex 1211 90 86; ex 2008 99 99 — ex 1211 90 86; ex 2008 99 99 — ex 0709 99 90	72 20 75 30 70 40	Viet Nam (VN)	Pesticide residues ⁽²⁾ ⁽¹⁸⁾	50
— Okra — Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh or chilled)	— ex 0709 99 90 — ex 0709 60 99	20 20	Viet Nam (VN)	Pesticide residues ⁽²⁾ ⁽¹⁸⁾	50

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Pitahaya (dragon fruit) (Food — fresh or chilled)	— ex 0810 90 20	10	Viet Nam (VN)	Pesticide resi- dues ⁽²⁾ ⁽¹⁸⁾	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 alboglabra. 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, Dicofof (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 Dicofof (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⁾ 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).

⁽¹¹⁾ 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).

⁽¹²⁾ Residues of Acephate and Diafenthiuron.

⁽¹³⁾ Residues of Formetanate: Sum of formetanate and its salts expressed as formetanate (hydrochloride), Prothiofos and Triforine.

⁽¹⁴⁾ Residues of Acephate, Dicrotophos, Prothiofos, Quinalphos and Triforine.

⁽¹⁵⁾ Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.

⁽¹⁶⁾ Residues of Diafenthiuron, Formetanate: Sum of formetanate and its salts expressed as formetanate (hydrochloride) and Thiophanate-methyl.

⁽¹⁷⁾ Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Metrafenone.

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