

## COMMISSION IMPLEMENTING REGULATION (EU) No 889/2012

of 27 September 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 <sup>(1)</sup>, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 <sup>(2)</sup> 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, for consignments of *Brassica oleracea* ('Chinese broccoli') from China, 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. An entry concerning those consignments should therefore be included in the list.
- (5) 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 in the Annex to this Regulation.
- (6) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (7) 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 October 2012.

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

Done at Brussels, 27 September 2012.

For the Commission  
The President

José Manuel BARROSO

<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 194, 25.7.2009, p. 11.

## 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 <sup>(1)</sup>	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>				
<i>Brassica oleracea</i> (other edible Brassica, “Chinese broccoli”) <sup>(13)</sup> <i>(Food — fresh or chilled)</i>	ex 0704 90 90	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(14)</sup>	10
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 <sup>(11)</sup>	20
Tea, whether or not flavoured <i>(Food)</i>	0902	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(10)</sup>	10
— Yardlong beans ( <i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> ) — Bitter melon ( <i>Momordica charantia</i> )	— ex 0708 20 00; ex 0710 22 00 — ex 0709 99 90; 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 <sup>(3)</sup>	20

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
<ul style="list-style-type: none"> <li>— Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.)</li> <li>— Aubergines</li> </ul> <p>(Food — fresh, chilled or frozen vegetables)</p>	<ul style="list-style-type: none"> <li>— 0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59</li> <li>— 0709 30 00; ex 0710 80 95</li> </ul>			
<ul style="list-style-type: none"> <li>— Oranges (fresh or dried)</li> <li>— Peaches (excluding nectarines)</li> <li>— Pomegranates</li> <li>— Strawberries</li> </ul> <p>(Food — fresh fruits and vegetables)</p>	<ul style="list-style-type: none"> <li>— 0805 10 20; 0805 10 80</li> <li>— 0809 30 90</li> <li>— ex 0810 90 75</li> <li>— 0810 10 00</li> </ul>	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (7)	10
<ul style="list-style-type: none"> <li>Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.)</li> </ul> <p>(Food — fresh, chilled or frozen)</p>	<ul style="list-style-type: none"> <li>0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59</li> </ul>	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (12)	10
<ul style="list-style-type: none"> <li>— Groundnuts (peanuts), in shell</li> <li>— Groundnuts (peanuts), shelled</li> <li>— Peanut butter</li> </ul> <p>(Feed and food)</p>	<ul style="list-style-type: none"> <li>— 1202 41 00</li> <li>— 1202 42 00</li> <li>— 2008 11 10</li> </ul>	Ghana (GH)	Aflatoxins	50
<ul style="list-style-type: none"> <li>Curry leaves (<i>Bergera/Murraya koenigii</i>)</li> </ul> <p>(Food — fresh herbs)</p>	<ul style="list-style-type: none"> <li>ex 1211 90 85</li> </ul>	India (IN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single residue methods (5)	50
<ul style="list-style-type: none"> <li>— <i>Capsicum annuum</i>, whole</li> <li>— <i>Capsicum annuum</i>, crushed or ground</li> </ul>	<ul style="list-style-type: none"> <li>— 0904 21 10</li> <li>— ex 0904 22 00</li> </ul>	India (IN)	Aflatoxins	20

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Dried fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , whole, other than sweet peppers ( <i>Capsicum annum</i> )	— 0904 21 90			
— Curry (chilli products)	— 0910 91 05			
— Nutmeg ( <i>Myristica fragrans</i> )	— 0908 11 00, 0908 12 00			
— Mace ( <i>Myristica fragrans</i> )	— 0908 21 00, 0908 22 00			
— Ginger ( <i>Zingiber officinale</i> )	— 0910 11 00, 0910 12 00			
— <i>Curcuma longa</i> (turmeric)	— 0910 30 00			
(Food — dried spices)				
— Groundnuts (peanuts), in shell	— 1202 41 00	India (IN)	Aflatoxins	20
— Groundnuts (peanuts), in shell	— 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)				
Feed additives and premixtures	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
(Feed)				
Okra	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)	50
(Food — fresh)				
Nutmeg ( <i>Myristica fragrans</i> )	— 0908 11 00, 0908 12 00	Indonesia (ID)	Aflatoxins	20

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
Mace ( <i>Myristica fragrans</i> )  (Food — dried spices)	— 0908 21 00, 0908 22 00			
Watermelon ( <i>Egusi, 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  — Dried fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , whole, other than sweet peppers ( <i>Capsicum annuum</i> )  (Food — dried spice)	— 0904 21 10  — ex 0904 22 00  — 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 (2)	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
— Yardlong beans ( <i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> )  — 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	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (4)	50

Feed and food (intended use)	CN code <sup>(1)</sup>	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Sweet peppers ( <i>Capsicum annuum</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 <sup>(8)</sup>	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

<sup>(1)</sup> 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).

<sup>(2)</sup> In particular residues of: Acephate, Methamidophos, Triazophos, Endosulfan, Monocrotophos, Methomyl, Thiodicarb, Diafenthuron, Thiamethoxam, Fipronil, Oxamyl, Acetamiprid, Indoxacarb, Mandipropamid.

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

<sup>(4)</sup> 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.

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

<sup>(6)</sup> 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).

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

<sup>(8)</sup> In particular residues of: Methomyl, Oxamyl, Carbendazim, Clofentezine, Diafenthuron, Dimethoate, Formetanate, Malathion, Procymidone, Tetradifon, Thiophanate-methyl.

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

<sup>(10)</sup> 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)).

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

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

<sup>(13)</sup> 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".

<sup>(14)</sup> In particular residues of: Chlorfenapyr, Fipronil, Carbendazim, Acetamiprid, Dimethomorph and Propiconazole.