

Commission Implementing Decision of 6 October 2011 amending Implementing Decision 2011/402/EU on emergency measures applicable to fenugreek seeds and certain seeds and beans imported from Egypt (notified under document C(2011) 7027) (Text with EEA relevance) (2011/662/EU)

COMMISSION IMPLEMENTING DECISION

of 6 October 2011

amending Implementing Decision 2011/402/EU on emergency measures applicable to fenugreek seeds and certain seeds and beans imported from Egypt

(notified under document C(2011) 7027)

(Text with EEA relevance)

(2011/662/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(b)(i) and Article 53(1)(b)(iii) thereof,

Whereas:

- (1) Regulation (EC) No 178/2002 lays down the general principles governing food and feed in general, and food and feed safety in particular, at Union and national level. It provides for emergency measures where it is evident that food or feed imported from a third country is likely to constitute a serious risk to human health, animal health or the environment, and that such risk cannot be contained satisfactorily by means of measures taken by the Member State(s) concerned.
- (2) Certain lots of fenugreek seeds from Egypt have been identified to be the causative agent of an outbreak in the EU, of Shiga-toxin producing *Escherichia coli* bacteria (STEC), serotype O104:H4. Commission Implementing Decision 2011/402/EU of 6 July 2011 on emergency measures applicable to fenugreek seeds and certain seeds and beans imported from Egypt⁽²⁾ introduced a ban on imports of products of specific tax codes listed in the Annex.
- (3) From 21 August to 25 August 2011, the Commission's Food and Veterinary Office conducted an audit in Egypt in order to trace back the possible source of infection of the recent *E. coli* outbreaks (O104:H4 serotype) in the northern part of Germany and Bordeaux, France, and to evaluate the production and processing conditions of the suspect seeds.

- (4) While the findings of the audit and the actions being taken by Egypt are still under review, shortcomings were identified in the production of seeds for human consumption that may potentially be sprouted. The same shortcomings were however not present in the production sites of fresh leguminous vegetables for direct human consumption. In addition, since fresh or chilled leguminous vegetables are traded when seeds are not ripe yet, such seeds cannot be used for sprouting.
- (5) Fresh or chilled leguminous vegetables other than sprouts, imported from Egypt should no longer be considered as a food safety risk and be re-authorized for import. The emergency measures in Implementing Decision 2011/402/EU should therefore be reviewed based on this new information. The Annex to Implementing Decision 2011/402/EU should be amended accordingly.
- (6) Implementing Decision 2011/402/EU differentiates between mustard seeds for sowing and other mustard seeds under CN code 1207 50. Since these seeds represent all seeds under code CN 1207 50, the wording in Implementing Decision 2011/402/EU should be simplified. As well the sequence of the CN codes should be brought in line with the custom code nomenclature.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2011/402/EU shall be replaced with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 October 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX

ANNEX Seeds and beans for which import from Egypt is prohibited until 31 October 2011CN
CodeDescriptionex 0704 90 90Rocket sproutsex 0706 90 90Beetroot sprouts, radish
sproutsex 0708Sprouts of leguminous vegetables, fresh or chilledex 0709 90 90Soya
bean sprouts0713Dried leguminous vegetables, shelled, whether or not skinned or
split0910 99 10Fenugreek seed1201 00Soya beans, whether or not broken1207
50Mustard seeds1207 99 97Other oil seeds and oleaginous fruits, whether or not
broken1209 10 00Sugar beet seed1209 21 00Lucerne (alfalfa) seed1209 91Vegetable
seedsex 1214 90 90Lucerne (alfalfa) sprouts

Status: This is the original version (as it was originally adopted).

- (1) OJ L 31, 1.2.2002, p. 1.
- (2) OJ L 179, 7.7.2011, p. 10.