

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)

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<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, 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.

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- (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.

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

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## ANNEX

‘ANNEX Feed and food of non-animal origin subject to an increased level of official controls

I at the designated point of entry 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’. In particular residues of: Acephate, Methamidophos, Triazophos, Endosulfan, Monocrotophos, Methomyl, Thiodicarb, Diafenthiuron, Thiamethoxam, Fipronil, Oxamyl, Acetamiprid, Indoxacarb, Mandipropamid. In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS<sub>2</sub> (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofof, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, Thiacloprid. 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. In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyrifos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, Monocrotophos. 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). In particular residues of: Carbendazim, Cyfluthrin Cyprodinil, Diazinon, Dimethoate, Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb, Methomyl, Omethoate, Oxamyl, Phenthoate, Thiophanate-methyl. In particular residues of: Methomyl, Oxamyl, Carbendazim, Clofentezine, Diafenthiuron, Dimethoate, Formetanate, Malathion, Procymidone, Tetradifon, Thiophanate-methyl. In particular residues of: Carbofuran, Methomyl, Omethoate, Dimethoate, Triazophos, Malathion, Profenofos, Prothiofos, Ethion, Carbendazim, Triforine, Procymidone, Formetanate. 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)). In particular residues of: Triazofos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl, Fenthoate, Methidathion. In particular residues of: Carbofuran (sum), Chlorpyrifos, Cypermethrin (sum), Cyproconazole, Dicofof (sum), Difenconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz, Profenofos, Propiconazole, Thiophanate-methyl and Triforine. 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’. In particular residues of: Chlorfenapyr, Fipronil, Carbendazim, Acetamiprid, Dimethomorph and Propiconazole. In particular residues of: Carbofuran, Carbendazim (sum), Chlorpyrifos, Profenofos, Permethrin, Hexaconazole, Difenconazole, Propiconazole, Fipronil, Propargite, Flusilazole, Phenthoate, Cypermethrin, Methomyl, Quinalphos, Pencycuron, Methidathion, Dimethoate (sum), Fenbuconazole. In particular residues of: Dimethoate (Sum), Chlorpyrifos, Acephate, Methamidophos, Methomyl, Diafenthiuron, Indoxacarb. In particular residues of: Chlorpyrifos, Cypermethrin, Dimethoate (sum), Endosulfan (sum), Hexaconazole, Parathion-Methyl (sum), Methomyl, Flutriafol, Carbendazim (sum), Flubendiamide, Myclobutanil, Malathion (sum).’ Feed and food (intended use) CN code TARI code sub-division Country of origin Hazard Frequency of physical and identity checks (%) Dried grapes (vine fruit) 0806 20 Afghanistan (AF) Ochratoxin A 50 (Food) Hazelnuts (in shell or shelled) 0802 21 00; 0802

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22 00Azerbaijan (AZ)Aflatoxins10(Feed and food)Watermelon0807 11 00Brazil  
(BR)Salmonella10(Food)—  
Groundnuts (peanuts), in shell  
—  
1202 41 00  
Brazil (BR)Aflatoxins10—  
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)Strawberries (frozen)0811 10China (CN)Norovirus and hepatitis  
A5(Food)Brassica oleracea(other edible Brassica, ‘Chinese Broccoli’)ex 0704 90  
9040China (CN)Pesticide residues analysed with multi-residue methods based on GC-  
MS and LC-MS or with single-residue methods10(Food — fresh or chilled)Dried  
Noodlesex 1902 11 00;10China (CN)Aluminium10ex 1902 19 10;10ex 1902 19  
90;10ex 1902 20 10;10ex 1902 20 30;10ex 1902 20 91;10ex 1902 20 99;10ex 1902  
30 10;10ex 1902 30 1091(Food)Pomelosex 0805 40 0031; 39China (CN)Pesticide  
residues analysed with multi-residue methods based on GC-MS and LC-MS or with  
single-residue methods20(Food — fresh)Tea, whether or not flavoured0902China  
(CN)Pesticide residues analysed with multi-residue methods based on GC-MS and  
LC-MS or with single-residue methods10(Food)—  
Aubergines  
—  
0709 30 00; ex 0710 80 95  
72Dominican Republic (DO)Pesticide residues analysed with multi-residue methods  
based on GC-MS and LC-MS or with single-residue methods10—  
Bitter melon (*Mormodica charantia*)  
—  
ex 0709 99 90;  
70ex 0710 80 9570(Food — fresh, chilled or frozen vegetables)—  
Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis*)  
—  
ex 0708 20 00;  
10Dominican Republic (DO)Pesticide residues analysed with multi-residue methods  
based on GC-MS and LC-MS or with single-residue methods20ex 0710 22 0010—  
Peppers (sweet and other than sweet) (*Capsicum* spp.)  
—  
0709 60 10; ex 0709 60 99  
20—  
0710 80 51; ex 0710 80 59  
20(Food — fresh, chilled or frozen vegetables)—  
Oranges (fresh or dried)  
—  
0805 10 20; 0805 10 80  
Egypt (EG)Pesticide residues analysed with multi-residue methods based on GC-MS  
and LC-MS or with single-residue methods10—

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Pomegranates

—

ex 0810 90 75

30—

Strawberries

—

0810 10 00

(Food – fresh fruits)Peppers (sweet and other than sweet) (*Capsicum* spp.)0709 60 10;  
ex 0709 60 99;20Egypt (EG)Pesticide residues analysed with multi-residue methods  
based on GC-MS and LC-MS or with single-residue methods100710 80 51; ex 0710  
80 5920(Food – fresh, chilled or frozen)—

Groundnuts (peanuts), in shell

—

1202 41 00

Ghana (GH)Aflatoxins50—

Groundnuts (peanuts), shelled

—

1202 42 00

—

Peanut butter

—

2008 11 10

(Feed and Food)Curry leaves (*Bergera/Murraya koenigii*)ex 1211 90 8610India  
(IN)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-  
MS or with single residue methods50(Food – fresh herbs)—*Capsicum annuum*, whole

—

0904 21 10

India (IN)Aflatoxins10—

*Capsicum annuum*, crushed or ground

—

ex 0904 22 00

10—

Dried fruit of the genus *Capsicum*, whole, other than sweet peppers (*Capsicum*  
*annuum*)

—

0904 21 90

—

Curry (chilli products)

—

0910 91 05

—

Nutmeg (*Myristica fragrans*)

—

0908 11 00; 0908 12 00

—

Mace (*Myristica fragrans*)

—

0908 21 00; 0908 22 00

—

Ginger (*Zingiber officinale*)

—

0910 11 00; 0910 12 00

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—  
*Curcuma longa* (turmeric)

—  
0910 30 00  
(Food – dried spices)—  
Groundnuts (peanuts), in shell

—  
1202 41 00  
India (IN)Aflatoxins20—  
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)Okraex 0709 99 9020India (IN)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods50(Food – fresh)—  
Nutmeg (*Myristica fragrans*)

—  
0908 11 00; 0908 12 00  
Indonesia (ID)Aflatoxins20—  
Mace (*Myristica fragrans*)

—  
0908 21 00; 0908 22 00  
(Food – dried spices)—  
Peas with pods (unshelled)

—  
ex 0708 10 00  
40Kenya (KE)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10—  
Beans with pods (unshelled)

—  
ex 0708 20 00  
40(Food – fresh and chilled)Watermelon (Egusi, *Citrullus lanatus*) seeds and derived productsex 1207 70 00;10Nigeria (NG)Aflatoxins50ex 1106 30 90;30ex 2008 99 9950(Food)Mintex 1211 90 8630Morocco (MA)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10(Food – fresh herb)Watermelon (Egusi, *Citrullus lanatus*) seeds and derived productsex 1207 70 00;10Sierra Leone (SL)Aflatoxins50ex 1106 30 90;30ex 2008 99 9950(Food)Peppers (other than sweet) (*Capsicum* spp.)ex 0709 60 9920Thailand (TH)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10(Food – fresh)—  
Coriander leaves

—  
ex 0709 99 90  
72Thailand (TH)Salmonella10—  
Basil (holy, sweet)

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—  
ex 1211 90 86  
20—  
Mint  
—  
ex 1211 90 86  
30(Food – fresh herbs)—  
Coriander leaves  
—  
ex 0709 99 90  
72Thailand (TH)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods20—  
Basil (holy, sweet)  
—  
ex 1211 90 86  
20(Food – fresh herbs)—  
Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis*)  
—  
ex 0708 20 00;  
10Thailand (TH)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods20ex 0710 22 0010—  
Aubergines  
—  
0709 30 00; ex 0710 80 95  
72—  
Brassica vegetables  
—  
0704; ex 0710 80 95  
76(Food – fresh, chilled or frozen vegetables)—  
Sweet Peppers (*Capsicum annuum*)  
—  
0709 60 10; 0710 80 51  
Turkey (TR)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10—  
Tomatoes  
—  
0702 00 00; 0710 80 70  
(Food – fresh, chilled or frozen vegetables)Dried grapes (vine fruit)0806  
20Uzbekistan (UZ)Ochratoxin A50(Food)—  
Coriander leaves  
—  
ex 0709 99 90  
72Vietnam (VN)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods20—  
Basil (holy, sweet)  
—  
ex 1211 90 86  
20—  
Mint  
—  
ex 1211 90 86  
30—  
Parsley



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—  
ex 0709 99 90  
40(Food – fresh herbs)—  
Okra  
—  
ex 0709 99 90  
20Vietnam (VN)Pesticide residues analysed with multi-residue methods based on GC-  
MS and LC-MS or with single-residue methods20—  
Peppers (other than sweet) (*Capsicum* spp.)  
—  
ex 0709 60 99  
20(Food – fresh)—  
Groundnuts (peanuts), in shell  
—  
1202 41 00  
South Africa (ZA)Aflatoxins10—  
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)

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- (1) [OJ L 165, 30.4.2004, p. 1.](#)
- (2) [OJ L 194, 25.7.2009, p. 11.](#)

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