

COMMISSION REGULATION (EU) No 1099/2010**of 26 November 2010****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, 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 in Annex I thereto 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) Occurrence and relevance of food incidents notified through the Rapid Alert System for Feed and Food (RASFF), findings of the various missions to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports which the Member States have submitted to the Commission in

accordance with Article 15 of Regulation (EC) No 669/2009 indicate that there is a need to review the list in Annex I to that Regulation.

- (4) In particular, Annex I thereto must be reviewed by decreasing the control frequency of those commodities for which the above information sources show an overall improvement of compliance with the relevant Union legislation and for which the current level of official control is no longer justified, and by increasing the control frequency of other commodities for which the same sources show a higher degree of non-compliance with the relevant Union legislation that warrants the increase of the level of official controls.
- (5) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (6) 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 1 January 2011.

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

Done at Brussels, 26 November 2010.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.⁽²⁾ OJ L 194, 25.7.2009, p. 11.

ANNEX

ANNEX I

A. 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⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), in shell	1202 10 90	Argentina	Aflatoxins	10
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
— Groundnuts (peanuts), in shell	1202 10 90	Brazil	Aflatoxins	10
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
Dried Noodles (Food)	ex 1902	China	Aluminium	10
Trace elements ⁽²⁾ (Feed and food)	ex 2817 00 00; ex 2820 90 10; ex 2820 90 90; ex 2821 10 00; ex 2825 50 00; ex 2833 25 00; ex 2833 29 20; ex 2833 29 80; ex 2836 99 11; ex 2836 99 17	China	Cadmium and lead	10
Mangoes (Food – fresh or chilled)	ex 0804 50 00	Dominican Republic	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods ⁽³⁾	10
— Yardlong beans (<i>Vigna sesquipedalis</i>)	ex 0708 20 00; ex 0710 22 00	Dominican Republic	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods ⁽³⁾	50
— Bitter melon (<i>Momordica charantia</i>)	ex 0709 90 90; ex 0710 80 95			
— Lauki (<i>Lagenaria siceraria</i>)	ex 0709 90 90; ex 0710 80 95			
— Peppers	0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59			

Feed and food (intended use)	CN code (1)	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Aubergines <i>(Food – fresh, chilled or frozen vegetables)</i>	0709 30 00; ex 0710 80 95			
— Oranges (fresh or dried) — Peaches — Pomegranates — Strawberries — Green beans <i>(Food – fresh fruits and vegetables)</i>	0805 10 20; 0805 10 80 0809 30 90 ex 0810 90 95 0810 10 00 ex 0708 20 00	Egypt	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods (7)	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter <i>(Feed and Food)</i>	1202 10 90 1202 20 00 2008 11 10	Ghana	Aflatoxins	50
Curry leaves (<i>Bergera/Murraya koenigii</i>) <i>(Food – fresh herbs)</i>	ex 1211 90 85	India	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with Single residue methods (7)	10
— Chilli (<i>Capsicum annuum</i>), whole — Chilli (<i>Capsicum annuum</i>), crushed or ground — Chilli products (curry) — Nutmeg (<i>Myristica fragrans</i>) — Mace (<i>Myristica fragrans</i>) — Ginger (<i>Zingiber officinale</i>) — Curcuma longa (<i>turmeric</i>) <i>(Food – dried spices)</i>	ex 0904 20 10 ex 0904 20 90 0910 91 05 0908 10 00 0908 20 00 0910 10 00 0910 30 00	India	Aflatoxins	50
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter	1202 10 90 1202 20 00 2008 11 10	India	Aflatoxins	20

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), otherwise prepared or preserved (Feed and food)	2008 11 91; 2008 11 96; 2008 11 98			
Watermelon (<i>egusi</i> , <i>Citrullus lanatus</i>) seeds and derived products (Food)	ex 1207 99 97; ex 1106 30 90; ex 2008 99 99;	Nigeria	Aflatoxins	50
Basmati rice for direct human consumption (Food — milled rice)	ex 1006 30	Pakistan	Aflatoxins	20
— Chilli (<i>Capsicum annuum</i>), whole — Chilli (<i>Capsicum annuum</i>), crushed or ground (Food — dried spice)	ex 0904 20 10 ex 0904 20 90	Peru	Aflatoxins and Ochratoxin A	10
— Coriander leaves — Basil (holy, sweet) — Mint (Food — fresh herbs)	ex 0709 90 90 ex 1211 90 85 ex 1211 90 85	Thailand	Salmonella ⁽⁶⁾	10
— Coriander leaves — Basil (holy, sweet) (Food — fresh herbs)	ex 0709 90 90 ex 1211 90 85	Thailand	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 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	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁴⁾	50
— Peppers — Courgettes — Tomatoes (Food — fresh, chilled or frozen vegetables)	0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59 0709 90 70; ex 0710 80 95 0702 00 00; 0710 80 70	Turkey	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁸⁾	10
Pears (Food)	0808 20 10; 0808 20 50	Turkey	Pesticide: amitraz	10

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (Food)	0806 20	Uzbekistan	Ochratoxin A	50
— Groundnuts (peanuts), in shell	1202 10 90	Vietnam	Aflatoxins	10
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
— Chilli (<i>Capsicum annuum</i>), crushed or ground	ex 0904 20 90	All third countries	Sudan dyes	20
— Chilli products (curry)	0910 91 05			
— Curcuma longa (<i>turmeric</i>)	0910 30 00			
(Food – dried spices)				
— Red palm oil	ex 1511 10 90			
(Food)				

⁽¹⁾ 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).

⁽²⁾ The trace elements referred to in this entry are the trace elements belonging to the functional group of compounds of trace elements referred to in point 3(b) of Annex I to Regulation (EC) No 1831/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 29). They should be subject to the increased controls provided for in this Regulation also when imported to be used in food.

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

⁽⁴⁾ 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, and Triforine.

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

⁽⁶⁾ Reference method EN/ISO 6579.

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

⁽⁸⁾ In particular residues of: Methomyl and Oxamyl.

B. Definitions

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).'