Commission Implementing Regulation (EU) 2019/1249 of 22 July 2019 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) 2019/1249

of 22 July 2019

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 ('the list'), at a designated point of entry ('DPE') 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 biannually, taking into account 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, as established by Regulation (EC) No 178/2002 of the European Parliament and of the Council[(3)], information regarding official controls performed by Member States on feed and food of non-animal origin as well as the biannual 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 jackfruit (*Artocarpus heterophyllus*) from Malaysia, the data resulting from notifications received through the Rapid Alert System for Food and Feed and information regarding official controls performed by Member States indicate the emergence of new risks to human health due to possible pesticide residues contamination, requiring the introduction of an increased level of official

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controls. In addition, for groundnuts (peanuts) from the United States of America, data resulting from notifications received through the Rapid Alert System for Food and Feed indicates risks to human health due to possible aflatoxins contamination, requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.

(5) Commission Regulation (EC) No 1881/2006[(4)] establishes a maximum level for hydrocyanic acid (cyanide) in unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer. In addition, Commission Regulation (EU) 2017/1237[(5)] provides that the operator who places unprocessed whole, ground, milled, cracked, chopped apricot kernels on the market for the final consumer is to provide upon request from the competent authority evidence of compliance of the marketed product with the maximum level. For consignments of unprocessed apricot kernels from Turkey intended to be placed on the market for the final consumer, data resulting from notifications received through the Rapid Alert System for Food and Feed indicates the emergence of new risks to human health due to the presence of hydrocyanic acid (cyanide), requiring the introduction of an increased level of official controls. An entry concerning those consignments should therefore be included in the list.

(6) Moreover, due to the high frequency of non-compliance with the relevant requirements provided for in Union legislation detected during official controls performed by Member States in accordance with Regulation (EC) No 669/2009, it is appropriate to increase the frequency of identity and physical checks on tea and goji berries from China and peppers and yardlong beans from the Dominican Republic. Entries concerning those consignments should therefore be amended accordingly.

(7) In addition, the list should be amended by decreasing the frequency of identity and physical checks on apricots from Turkey due to the low frequency of non-compliance with the relevant requirements provided for in Union legislation detected during official controls performed by Member States in accordance with Regulation (EC) No 669/2009. Entries concerning those consignments should therefore be amended accordingly.

(8) The existing entry concerning goji berries from China in the list requires the competent authorities to test this commodity for specific pesticides which do not include nicotine. Frequent detections of nicotine in goji berries from China have been reported. It is therefore appropriate to amend the existing entry concerning goji berries from China in Annex I to Regulation (EC) No 669/2009 to require competent authorities to test this commodity for nicotine.

(9) Turnips (*Brassica rapa* spp. *Rapa*) from Lebanon and from Syria prepared or preserved by brine or citric acid present the same risk as the forms of that commodity from Lebanon and from Syria currently listed. The list should therefore be amended to include turnips prepared or preserved by brine or citric acid from Lebanon and from Syria.

(10) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 in its entirety.

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(11) Regulation (EC) No 669/2009 should therefore be amended accordingly.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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*.

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

Done at Brussels, 22 July 2019.

For the Commission

The President

Jean-Claude JUNCKER

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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**[a]	**TARIC sub-division**	**Country of origin**	**Hazard**	**Frequency of physical and identity checks (%)**
— Groundnuts (peanuts), in shell	1202 41 00		**Bolivia (BO)**	Aflatoxins	50
— Groundnuts (peanuts), shelled	1202 42 00				
— Peanut butter	2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved ***(Feed and food)***	2008 11 91; 2008 11 96; 2008 11 98				
— Black pepper (*Piper*) ***(Food – neither crushed nor ground)***	ex 0904 11 00	**10**	**Brazil (BR)**	*Salmonella*[b]	20
Goji berries (wolfberries) (*Lycium barbarum* L.) ***(Food - fresh, chilled or dried)***	ex 0813 40 95; ex 0810 90 75	**10** **10**	**China (CN)**	Pesticide residues[cde]	20
Sweet peppers (*Capsicum annuum*)	ex 0904 22 00	**11**	**China (CN)**	*Salmonella*[b]	20

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(Food – crushed or ground)					
Tea, whether or not flavoured ***(Food)***	0902		**China (CN)**	Pesticide residues[cf]	20
Aubergines (*Solanum melongena*) ***(Food – fresh or chilled)***	0709 30 00		**Dominican Republic (DO)**	Pesticide residues[c]	20
— Sweet peppers (*Capsicum annuum*)	— 0709 60 10; 0710 80 51		**Dominican Republic (DO)**	Pesticide residues[cg]	50
— Peppers (other than sweet) (*Capsicum* spp.)	ex 0709 60 99; ex 0710 80 59	**20** **20**			
— Yardlong beans (*Vigna unguiculata* ssp. *sesquipedalis, vigna unguiculata* ssp. *unguiculata*) ***(Food - fresh, chilled or frozen)***	ex 0708 20 00; ex 0710 22 00	**10** **10**			
— Sweet peppers (*Capsicum annuum*)	— 0709 60 10; 0710 80 51		**Egypt (EG)**	Pesticide residues[ch]	20
— Peppers (other than sweet) (*Capsicum* spp.)	ex 0709 60 99; ex 0710 80 59	**20** **20**			