Commission Implementing Regulation (EU) 2016/2107 of 1 December 2016 amending Annex I to Regulation (EC) No 669/2009 as regards the list of feed and food of non-animal origin subject to an increased level of official controls on imports (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2107

of 1 December 2016

amending Annex I to Regulation (EC) No 669/2009 as regards the list of feed and food of non-animal origin subject to an increased level of official controls on imports

(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 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 biannually, taking into account at least 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, the findings of audits to third countries carried out by the Directorate for Health and Food Audits and Analysis of the Commission Directorate-General for Health and Food Safety, as well as the 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 groundnuts and derived products originating from Bolivia, sesamum seeds and aubergines from Uganda, pineapples from Benin, table grapes from Egypt and pomegranates from Turkey the relevant sources of information indicate the emergence of new risks requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.

Changes to legislation: *Commission Implementing Regulation (EU) 2016/2107 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The list should also be amended by increasing the frequency of official controls for the commodities for which the available information shows a higher degree of non-compliance with the relevant Union legislation, thereby warranting an increased level of official controls. The entry in the list concerning lemons from Turkey should therefore be amended accordingly.

(6) In addition, the list should be amended by decreasing the frequency of official controls of the commodities for which the information sources indicate an overall improvement of compliance with the relevant requirements provided for in Union legislation and for which the current level of official control is therefore no longer justified. The entries in the list concerning pistachios from the United States and pitahaya (dragon fruit) from Vietnam should therefore be amended accordingly.

(7) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.

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

(9) 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 1 January 2017.

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

Done at Brussels, 1 December 2016.

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 (%)**
Pineapples *(Food — fresh or chilled)*	0804 30 00		Benin (BJ)	Pesticide residues[bc]	20
— 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	2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
— Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis*)	ex 0708 20 00; ex 0710 22 00	10 10	Cambodia (KH)	Pesticide residues[bd]	50
— Aubergines (*Solanum melongena*)	0709 30 00; ex 0710 80 95	72			
(Food — fresh, chilled					

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or frozen vegetables)					
Chinese celery (*Apium graveolens*) *(Food — fresh or chilled herb)*	ex 0709 40 00	20	Cambodia (KH)	Pesticide residues[be]	50
Brassica oleracea (other edible Brassica, "Chinese Broccoli")[f] *(Food — fresh or chilled)*	ex 0704 90 90	40	China (CN)	Pesticide residues[b]	50
Tea, whether or not flavoured *(Food)*	0902		China (CN)	Pesticide residues[bg]	10
— Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis)*	ex 0708 20 00; ex 0710 22 00	10 10	Dominican Republic (DO)	Pesticide residues[bh]	20
— Sweet peppers (*Capsicum annuum*)	— 0709 60 10; 0710 80 51				
— Peppers (other than sweet) (*Capsicum* spp.)	ex 0709 60 99; ex 0710 80 59	20 20			
(Food — fresh, chilled or frozen)					
Strawberries *(Food — fresh or chilled)*	0810 10 00		Egypt (EG)	Pesticide residues[bi]	10
— Sweet peppers	— 0709 60 10;		Egypt (EG)	Pesticide residues[bj]	10

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(*Capsicum annuum*)	0710 80 51				
— Peppers (other than sweet) (*Capsicum* spp.)	ex 0709 60 99; ex 0710 80 59	20 20			
(Food — fresh, chilled or frozen)					
Table grapes *(Food — fresh or chilled)*	0806 10 10		Egypt (EG)	Pesticide residues[bc]	20
— Groundnuts (peanuts), in shell	1202 41 00		Gambia (GM)	Aflatoxins	50
— 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)					
— Hazelnuts, in shell	0802 21 00		Georgia (GE)	Aflatoxins	20
— Hazelnuts, shelled	0802 22 00				
(Food)					
Palm oil *(Food)*	1511 10 90; 1511 90 11;		Ghana (GH)	Sudan dyes[k]	50
	ex 1511 90 19; 1511 90 99	90			
Sesamum seeds	1207 40 90		India (IN)	Salmonella[l]	20