Changes to legislation: *Commission Implementing Regulation (EU) 2016/2106 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*

Commission Implementing Regulation (EU) 2016/2106 of 1 December 2016 amending Implementing Regulation (EU) No 884/2014 imposing special conditions governing the import of spices from Ethiopia, groundnuts from Argentina and hazelnuts from Azerbaijan and amending the special conditions governing the import of dried figs and hazelnuts from Turkey and groundnuts from India (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2106

of 1 December 2016

amending Implementing Regulation (EU) No 884/2014 imposing special conditions governing the import of spices from Ethiopia, groundnuts from Argentina and hazelnuts from Azerbaijan and amending the special conditions governing the import of dried figs and hazelnuts from Turkey and groundnuts from India

(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 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)(ii) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 884/2014[(2)] imposes special conditions on the import of certain feed and food from certain third countries due to contamination risk by aflatoxins.

(2) Since 2015, there have been several notifications in the Rapid Alert System for Food and Feed (RASFF) reporting high levels of aflatoxins and ochratoxin A in (mixtures of) spices from Ethiopia. In order to protect human and animal health in the Union, it is necessary to provide for additional guarantees in relation to spices from Ethiopia.

(3) An increase of findings of non-compliance with Union legislation on aflatoxins has been reported by the RASFF recently for groundnuts (peanuts) from Argentina and hazelnuts from Azerbaijan. Both commodities have been listed in the past for an increased level of official controls on imports within the framework of Commission Regulation (EC) No 669/2009[(3)] and were delisted following favourable results of the official control checks. Given the recent increase of findings of non-compliance, it is necessary to provide for additional guarantees and to ensure that the competent authority of the country of origin carries out the necessary controls before export to the Union. Therefore the requirement that a health certificate accompany each consignment of groundnuts (peanuts) from Argentina and hazelnuts from Azerbaijan for import into the Union is necessary in order to protect human and animal health in the Union.

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(4) It should be noted that compound feed and food, containing any feed or food covered by the special conditions provided for in this Regulation in a quantity above 20 %, is also covered by the special conditions provided for in this Regulation. It should also be noted that the 20 % refers to the sum of the products covered by the special conditions provided for in this Regulation.

(5) Given that in certain situations, consignments have arrived at the designated point of import (DPI) without the relevant entries in the Common Entry Document (CED) completed for documentary control, it is appropriate to explicitly provide that the transfer of the consignment to the DPI may only be authorised after the presentation of a completed CED for documentary control.

(6) Based on the results of the official control tests, the following changes to products subject to specific conditions and/or control frequencies are appropriate: reduction of sampling frequency on dried figs from Turkey given the favourable results of the tests, reduction of sampling frequency on groundnuts (peanuts) from India given the favourable results of the tests, increase of the sampling frequency on hazelnuts from Turkey given the increase of findings of non-compliance through the RASFF.

(7) Furthermore, the CN code of dried fruit of the genus *Capsicum*, whole, other than sweet peppers (*Capsicum annuum*) has to be updated to align the scope with the entry *Capsicum annuum*, crushed or ground, i.e. not including the genus *Pimenta*.

(8) Implementing Regulation (EU) No 884/2014 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

Implementing Regulation (EU) No 884/2014 is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 1, the following points (l), (m) and (n) are added:

(l) spices originating in or consigned from Ethiopia;

(m) groundnuts (peanuts) in shell and shelled, peanut butter, groundnuts (peanuts) otherwise prepared or preserved (feed and food) originating in or consigned from Argentina;

(n) hazelnuts in shell and shelled, mixtures of nuts or dried fruits containing hazelnuts, hazelnut paste, hazelnuts prepared or preserved including mixtures, flour, meal and powder of hazelnuts, cut sliced and broken hazelnuts, and hazelnut oil originating in or consigned from Azerbaijan;;

(b) paragraph 2 is replaced by the following:

2. This Regulation shall also apply to feed and food processed from the feed and food referred to in paragraph 1 and to compound feed and food,

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containing any of the feed or food referred to in paragraph 1 in a quantity above 20 % of either a single product or as the sum of products referred to in paragraph 1.;

(2) in Article 5(2), the following points (j), (k) and (l) are added:

(j) the Ministry of Agriculture and Rural Development for food from Ethiopia;

(k) National Agri-Food Health and Quality Service (SENASA) for feed and food from Argentina;

(l) Consumer Commodity Expertise Centre (CCEC) of the State Service for Antimonopoly Policy and Protection of Consumer Rights (SSAPPCR) which is under the Ministry of Economic Development (MED) for food from Azerbaijan.;

(3) in Article 9(4), the first sentence is replaced by the following:

The customs authorities shall authorise the transfer of the consignment to a DPI after favourable completion of the checks referred to in paragraph 2 and the relevant entries of part II of the CED (II.3, II.5, II.8 and II.9) are completed and subject to the physical or electronic presentation of a completed CED by the feed and food business operator or their representative to the customs authorities.;

(4) Annex I is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Consignments of feed and food referred to in points (l), (m) and (n) of Article 1(1) which left the country of origin prior to the entry into force of this Regulation may be imported into the Union without being accompanied by a health certificate and the results of sampling and analysis.

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 to Implementing Regulation (EU) No 884/2014 is amended as follows:

(1) The following entries are added:

Feed and food(intended use)	**CN code ([1])**	**TARIC sub-division**	**Country of origin or country of consignment**	**Frequency of physical and identity checks (%) at import**
'— Pepper of the genus *Piper*; dried or crushed or ground fruit of the genus *Capsicum* or of the genus *Pimenta*	— 0904		Ethiopia (ET)	50
— Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices	— 0910			
(Food — dried spices)				
— Ground~~nut~~s (peanuts), in shell	1202 41 00		Argentina (AR)	5
— Ground~~nut~~s (peanuts), shelled	1202 42 00			
— Peanut butter	— 2008 11 10			
— Ground~~nut~~s (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
(Feed and Food)				

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— Hazelnuts (*Corylus* sp.) in shell	0802 21 00		Azerbaijan (AZ)	20’
— Hazelnuts (*Corylus* sp.) shelled	0802 22 00			
— Mixtures of nuts or dried fruits containing hazelnuts	ex 0813 50			
— Hazelnut paste	ex 2007 10 or ex 2007 99			
— Hazelnuts, otherwise prepared or preserved, including mixtures	ex 2008 19			
— Flour, meal and powder of hazelnuts	— ex 1106 30 90			
— Cut, sliced or broken hazelnuts	— ex 0802 22 00			
— Cut, sliced or broken hazelnuts, otherwise prepared or preserved	— ex 2008 19			
— Hazelnut oil	ex 1515 90 99			
(Food)				

(2) The fifth entry as regards dried figs, mixtures of nuts or dried fruits containing figs, fig paste and figs, prepared or preserved, including mixtures from Turkey is replaced by the following: