Commission Implementing Regulation (EU) 2016/1024 of 24 June 2016 amending 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) 2016/1024

of 24 June 2016

amending 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) and 63(1) 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 quarterly, taking into account at least the sources of information referred to in that Article.

(3) Experience gained over the last 6 years has shown that it is apropriate to provide for a reduction in the default frequency of the reviews of Annex I to a biannual schedule, while keeping the possibility for the Commission to revise the list more often if necessary. This simplification is expected to improve efficiency, while maintaining the main features and objectives of the Regulation. The reduction in the default frequency of Annex I reviews to a biannual schedule should be complemented by a corresponding change in the frequency of Member States reporting to the Commission. The Member States should therefore submit their reports biannually.

(4) 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 quarterly reports on consignments

Changes to legislation: Commission Implementing Regulation (EU) 2016/1024 is up to date with all changes known to be in force on or before 15 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

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.

(5) In particular, for consignments of hazelnuts originating from Georgia the relevant sources of information indicate the emergence of new risks requiring the introduction of an increased level of official controls. An entry concerning those consignments should therefore be included in the list.

(6) The list should also be amended by deleting the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entries in the list concerning dried grapes from Afghanistan and almonds from Australia should therefore be deleted.

(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

Regulation (EC) No 669/2009 is amended as follows:

(1) In Article 2, the second subparagraph is replaced by the following:

> The list in Annex I shall be reviewed on a regular basis, and at least biannually.

(2) In Article 15(1), the second subparagraph is replaced by the following:

> They shall submit that report biannually by the end of the month following each semester.

(3) 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 July 2016.

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

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Done at Brussels, 24 June 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 (%)**
— Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis*)	ex 0708 20 00;	**10**	**Cambodia (KH)**	Pesticide residues[bc]	50
	ex 0710 22 00	**10**			
— Aubergines	0709 30 00;				
	ex 0710 80 95	**72**			
(Food — fresh, chilled or frozen vegetables)					
Chinese celery (*Apium graveolens*) ***(Food — fresh or chilled herb)***	ex 0709 40 00	**20**	**Cambodia (KH)**	Pesticide residues[bd]	50
Brassica oleracea (other edible Brassica, “Chinese Broccoli”)[e] ***(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[bf]	10

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— Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis*)	ex 0708 20 00;	**10**	**Dominican Republic (DO)**	Pesticide residues[bg]	20
	ex 0710 22 00	**10**			
— Peppers (sweet and other than sweet) (*Capsicum* spp.)	0709 60 10;				
	0710 80 51				
(Food — fresh, chilled or frozen vegetables)	— ex 0709 60 99;	**20**			
	ex 0710 80 59	**20**			
Strawberries ***(Food — fresh or chilled)***	0810 10 00		**Egypt (EG)**	Pesticide residues[bh]	10
Peppers (sweet and other than sweet) (*Capsicum* spp.)	— 0709 60 10;		**Egypt (EG)**	Pesticide residues[bi]	10
	0710 80 51				
(Food — fresh, chilled or frozen)	— ex 0709 60 99;	**20**			
	ex 0710 80 59	**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				