# Commission Implementing Regulation (EU) No 718/2014 of 27 June 2014 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) No 718/2014

## of 27 June 2014

## 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 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) thereof,

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[(2)], and in particular Articles 15(5) and 63(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 669/2009[(3)] 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) 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 Food and Veterinary Office, as well as the quarterly 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 table grapes originating from Peru and dried apricots originating from Turkey, the relevant sources of information indicate the emergence of

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new risks requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.

(5) In addition, the list should 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. On this basis, the entry in the list concerning curry from India should be deleted.

(6) Finally, the list should also be amended by increasing the frequency of official controls for the commodities for which the same sources of information show 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 *Brassica oleracea* from China 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.

(8) Article 19 of Regulation (EC) No 669/2009 provides for a transitional period of five years from the entry into force of that Regulation during which the minimum requirements for designated points of entry (DPEs) may be progressively implemented. Accordingly, the competent authorities of the Member States should be allowed, during that transitional period, to carry out the required identity and physical checks at control points other than the DPEs. In those cases, such control points should comply with the minimum requirements for DPEs set out in that Regulation. This transitional period will expire on 14 August 2014.

(9) A number of Member States have indicated to the Commission that they still face practical difficulties with the application of the minimum requirements for DPEs. In addition, a review of the provisions applicable to DPEs and to border controls in general is currently ongoing, following the adoption by the Commission of a proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities[(4)]. This may result in changes to the requirements applicable to DPEs and to border controls in general. Pending the outcome of this review, it is appropriate to extend the transitional period referred to in Article 19 of Regulation (EC) No 669/2009 for an additional term of five years, so as to allow the smooth entry into force of any new requirement that might result from that review.

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

(11) 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*

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

1. Paragraph 1 of Article 19 is replaced by the following:

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1. For a period of 10 years from the date of entry into force of this Regulation, where a designated point of entry is not equipped with the facilities required to carry out identity and physical checks as provided for in Article 8(1)(b), those checks may be carried out at another control point in the same Member State, authorised for that purpose by the competent authority, before goods are declared for release for free circulation, provided that such control point complies with the minimum requirements laid down in Article 4.

2. Annex I to Regulation (EC) No 669/2009 is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 July 2014.

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

Done at Brussels, 27 June 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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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 (%)** |
|---|---|---|---|---|---|
| Dried grapes (vine fruit) *(Food)* | 0806 20 | | Afghanistan (AF) | Ochratoxin A | 50 |
| — Groundnuts (peanuts), in shell | 1202 41 00 | | Brazil (BR) | Aflatoxins | 10 |
| — 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)* | | | | | |
| Strawberries (frozen) *(Food)* | 0811 10 | | China (CN) | Norovirus and hepatitis A | 5 |
| *Brassica oleracea* (other edible Brassica, “Chinese Broccoli”)[b] *(Food — fresh or chilled)* | ex 0704 90 90 | 40 | China (CN) | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods[c] | 50 |

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| | | | | | |
|---|---|---|---|---|---|
| Pomelos *(Food — fresh)* | ex 0805 40 00 | 31; 39 | China (CN) | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods[d] | 20 |
| Tea, whether or not flavoured *(Food)* | 0902 | | China (CN) | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods[e] | 10 |
| — Aubergines | 0709 30 00; ex 0710 80 95 | 72 | Dominican Republic (DO) | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods[f] | 10 |
| — Bitter melon *(Momordica charantia)* | — ex 0709 99 90; ex 0710 80 95 | 70<br>70 | | | |
| *(Food — fresh, chilled or frozen vegetables)* | | | | | |
| — Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis)* | ex 0708 20 00; ex 0710 22 00 | 10<br>10 | Dominican Republic (DO) | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods[f] | 20 |
| — Peppers (sweet and other than sweet) (*Capsicum* spp.) | 0709 60 10; ex 0709 60 99 | 20 | | | |
| *(Food — fresh, chilled* | — 0710 80 51; | 20 | | | |