Changes to legislation: *Commission Implementing Regulation (EU) No 1235/2012 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) No 1235/2012 of 19 December 2012 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) No 1235/2012

of 19 December 2012

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 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 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 dried vine fruit from Afghanistan, watermelons from Brazil, strawberries from China, peas and beans from Kenya, mint from Morocco, watermelon seeds and derived products from Sierra Leone and certain herbs, spices and vegetables from Vietnam, the relevant sources of information indicate the emergence of new risks and/or a degree of non-compliance with the relevant safety requirements, thereby warranting the introduction of an increased level of official controls. Entries concerning those consignments should be therefore included in the list.

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(5) The list should also be amended to decrease the intensity of official controls of the commodities for which the available information indicates an overall improvement of compliance with the relevant requirements provided for in Union legislation and for which the current frequency of official controls is therefore no longer justified. The entries in the list concerning aubergines and bitter melon from Dominican Republic, spices from India and Yardlong beans, aubergines and Brassica vegetables from Thailand, should be therefore amended accordingly.

(6) The list should also be amended by deleting the entries for commodities for which available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased control frequency is therefore no longer justified. The entries in the list concerning peaches from Egypt, feed additives and premixtures from India and *Capsicum annuum* from Peru should be therefore deleted.

(7) With a view to better targeting certain products set out in the list, TARIC codes have to be added, where appropriate. Amendment of certain CN codes is also necessary to align with the revised Combined Nomenclature applying as of 1 January 2013.

(8) In the interest of consistency and clarity of Union legislation, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.

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

(10) 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

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 January 2013.

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

Done at Brussels, 19 December 2012.

For the Commission

The President

José Manuel BARROSO

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ANNEX

‘ANNEXFeed and food of non-animal origin subject to an increased level of official controls at the designated point of entryWhere only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked ‘ex’.In particular residues of: Acephate, Methamidophos, Triazophos, Endosulfan, Monocrotophos, Methomyl, Thiodicarb, Diafenthiuron, Thiamethoxam, Fipronil, Oxamyl, Acetamipirid, Indoxacarb, Mandipropamid.In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofol, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, Thiacloprid.In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyriphos, Chlorpyriphos-methyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, Triforine.In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyriphos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, Monocrotophos.Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).In particular residues of: Carbendazim, Cyfluthrin Cyprodinil, Diazinon, Dimethoate, Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb, Methomyl, Omethoate, Oxamyl, Phenthoate, Thiophanate-methyl.In particular residues of: Methomyl, Oxamyl, Carbendazim, Clofentezine, Diafenthiuron, Dimethoate, Formetanate, Malathion, Procymidone, Tetradifon, Thiophanate-methyl.In particular residues of: Carbofuran, Methomyl, Omethoate, Dimethoate, Triazophos, Malathion, Profenofos, Prothiofos, Ethion, Carbendazim, Triforine, Procymidone, Formetanate.In particular residues of: Buprofezin; Imidacloprid; Fenvalerate and Esfenvalerate (Sum of RS & SR isomers); Profenofos; Trifluralin; Triazophos; Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)).In particular residues of: Triazofos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl, Fenthoate, Methidathion.In particular residues of: Carbofuran (sum), Chlorpyrifos, Cypermethrin (sum), Cyproconazole, Dicofol (sum), Difenoconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz, Profenofos, Propiconazole, Thiophanate-methyl and Triforine.Species of Brassica oleracea L. convar. Botrytis (L) Alef var. Italica Plenck, cultivar alboglabra. Also know as ’ Kai Lan’, ‘Gai Lan’, ‘Gailan’, ‘Kailan’, ‘Chinese bare Jielan’.In particular residues of: Chlorfenapyr, Fipronil, Carbendazim, Acetamiprid, Dimethomorph and Propiconazole.In particular residues of: Carbofuran, Carbendazim (sum), Chlorpyriphos, Profenofos, Permethrin, Hexaconazole, Difenoconazole, Propiconazole, Fipronil, Propargite, Flusilazole, Phenthoate, Cypermethrin, Methomyl, Quinalphos, Pencycuron, Methidathion, Dimethoate (sum), Fenbuconazole.In particular residues of: Dimethoate (Sum), Chlorpyriphos, Acephate, Methamidophos, Methomyl, Diafenthiuron, Indoxacarb.In particular residues of: Chlorpyriphos, Cypermethrin, Dimethoate (sum), Endosulfan (sum), Hexaconazole, Parathion-Methyl (sum), Methomyl, Flutriafol, Carbendazim (sum), Flubendiamide, Myclobutanil, Malathion (sum).’Feed and food(intended use)CN codeTARIC sub-divisionCountry of originHazardFrequency of physical and identity checks(%)Dried grapes(vine fruit)0806 20Afghanistan (AF)Ochratoxin A50(Food)Hazelnuts(in shell or shelled)0802 21 00; 0802 22 00Azerbaijan (AZ)Aflatoxins10(Feed and food)Watermelon0807 11 00Brazil (BR)Salmonella10(Food)—

Groundnuts (peanuts), in shell

—

1202 41 00

Brazil (BR)Aflatoxins10—

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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)0811 10China (CN)Norovirus and hepatitis A5(Food)Brassica oleracea(other edible Brassica, 'Chinese Broccoli')ex 0704 90 9040China (CN)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10(Food — fresh or chilled)Dried Noodlesex 1902 11 00;10China (CN)Aluminium10ex 1902 19 10;10ex 1902 19 90;10ex 1902 20 10;10ex 1902 20 30;10ex 1902 20 91;10ex 1902 20 99;10ex 1902 30 10;10ex 1902 30 1091(Food)Pomelosex 0805 40 0031; 39China (CN)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods20(Food — fresh)Tea, whether or not flavoured0902China (CN)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10(Food)—
Aubergines
—
0709 30 00; ex 0710 80 95
72Dominican Republic (DO)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10—
Bitter melon (*Mormodica charantia*)
—
ex 0709 99 90;
70ex 0710 80 9570(Food — fresh, chilled or frozen vegetables)—
Yardlong beans (*Vigna unguiculata* spp. *sesquipedalis)*
—
ex 0708 20 00;
10Dominican Republic (DO)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods20ex 0710 22 0010—
Peppers (sweet and other than sweet) (*Capsicum* spp.)
—
0709 60 10; ex 0709 60 99
20—
0710 80 51; ex 0710 80 59
20(Food — fresh, chilled or frozen vegetables)—
Oranges (fresh or dried)
—
0805 10 20; 0805 10 80
Egypt (EG)Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods10—
Pomegranates
—
ex 0810 90 75
30—
Strawberries
—
0810 10 00