Commission Implementing Regulation (EU) No 1277/2011 of 8 December 2011 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 1277/2011

of 8 December 2011

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 (RASFF), the findings of missions 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, the list should be amended by deleting the entries for commodities for which those information sources indicate an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official control is therefore no longer justified.

(5) 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

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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.

(6) The entries in the list for certain imports from Argentina, the Dominican Republic, Egypt and India should therefore be amended accordingly.

(7) In the interest of clarity of Union legislation, it is also necessary in the list to specify the entries for imports of fresh peppers from Thailand and feed additives and pre-mixtures from India, and to clarify the nature of peppers from the Dominican Republic, Egypt and Thailand.

(8) The amendment to the list concerning the deletion of the references to commodities, and the reduction in the frequency of controls, should apply as soon as possible, as the original safety concerns have been satisfied. Accordingly, those amendments should apply from the date of entry into force of this Regulation.

(9) Taking into account the number of amendments that need to be made to Annex I to Regulation (EC) No 669/2009, it is appropriate to replace it by the text in the Annex to this Regulation.

(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

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

Article 2

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

It shall apply from 1 January 2012.

However, the amendments to the following entries in Annex I to Regulation (EC) No 669/2009 shall apply from the date of entry into force of this Regulation:

(a) The deletion of the following entries on:

  (i) groundnuts (in shell or shelled), peanut butter and groundnuts otherwise prepared and preserved (food and feed) from Argentina;

  (ii) lauki (food) from the Dominican Republic;

  (iii) green beans (food) from Egypt;

(b) the decrease in frequency of physical and identity checks for dried spices (food) from India.

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

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Done at Brussels, 8 December 2011.

For the Commission

The President

José Manuel BARROSO