Changes to legislation: *Commission Regulation (EU) No 212/2010 is up to date with all changes known to be in force on or before 25 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 Regulation (EU) No 212/2010 of 12 March 2010 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 REGULATION (EU) No 212/2010

of 12 March 2010

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 certain feed and food of non-animal origin at points of entry into the territories listed in Annex I to Regulation (EC) No 882/2004. In particular, Annex I to Regulation (EC) No 669/2009 lists feed and food of non-animal origin that is to be subject to an increased level of official controls.

(2) Article 19 of Regulation (EC) No 669/2009 containing transitional measures needs to be amended so that the terminology used therein is consistent with that used in Article 8(1)(b) of that Regulation, in order to avoid any difficulties in interpreting Article 19 thereof.

(3) After the publication of Regulation (EC) No 669/2009, a number of Member States advised the Commission of the need for more precise definitions for certain CN codes used in Part A of Annex I to that Regulation, in order to facilitate the identification of the products covered by those definitions, as well as the need for technical clarifications to be provided in certain footnotes in that Annex.

(4) The Commission was also advised of the need to include a specific list of pesticide residues as hazards in vegetables, fresh, chilled or frozen (food), in the list in Part A of

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Annex I to Regulation (EC) No 669/2009, in order to take into consideration the Rapid Alert System for Food and Feed notifications received during the last three years.

(5) In the interests of clarity, further technical clarifications are needed with reference to the Notes for Guidance for the common entry document set out in Annex II to Regulation (EC) No 669/2009.

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

(7) Regulation (EC) No 669/2009 is to apply from 25 January 2010. Accordingly, this Regulation should also apply from that date.

(8) 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. Article 19 is replaced by the following:

Article 19

Transitional measures

1 For a period of five 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 Member States shall make publicly available, by electronic publication on their website, a list of the control points authorised in accordance with paragraph 1.

2. The Annexes are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 25 January 2010.

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

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Done at Brussels, 12 March 2010.

For the Commission

The President

José Manuel BARROSO

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ANNEX

Annexes I and II to Regulation (EC) No 669/2009 are amended as follows:

1. Annex I is amended as follows:

(a) Part A is replaced by the following:

(A) **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[c]**	**Country of origin**	**Hazard**	**Frequency of physical and identity checks(%)**
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11	Argentina	Aflatoxins	10
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11	Brazil	Aflatoxins	50
Trace elements (feed and food)[d]	2817 00 00; 2820; 2821; 2825 50 00; 2833 25 00; 2833 29 20; 2833 29 80; 2836 99	China	Cadmium and lead	50
Groundnuts (peanuts) and derived products (feed and food), in particular peanut butter (food)	1202 10 90; 1202 20 00; 2008 11	Ghana	Aflatoxins	50
Spices (food): — *Capsicum* spp. (dried fruits thereof,	0904 20; 0908 10 00; 0908 20 00; 0910 10 00; 0910 30 00	India	Aflatoxins	50

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whole or ground, including chillies, chilli powder, cayenne and paprika) — *Myristica fragrans* (nutmeg) — *Zingiber officinale* (ginger) — *Curcuma longa* (turmeric)				
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11	India	Aflatoxins	10
Melon (egusi) seeds and derived products[e] (food)	ex 1207 99	Nigeria	Aflatoxins	50
Dried vine fruit (food)	0806 20	Uzbekistan	Ochratoxin A	50
Chilli, chilli products, curcuma and palm oil (food)	0904 20 90; 0910 91 05; 0910 30 00; ex 1511 10 90	All third countries	Sudan dyes	20
Groundnuts (peanuts) and derived products (feed and food)	1202 10 90; 1202 20 00; 2008 11	Vietnam	Aflatoxins	10
Basmati rice for direct human consumption (food)	ex 1006 30	Pakistan	Aflatoxins	50