

To: Interested parties – see attached list

23 June, 2009 Reference: OCR 084

Dear Sir/Madam,

EU REGULATION No 669/2009 (AMENDED BY REGULATION (EU) No 212/2010) IMPLEMENTING REGULATION (EC) NO 882/2004 AS REGARDS THE INCREASED LEVEL OF OFFICIAL CONTROLS ON IMPORTS OF CERTAIN FEED AND FOOD OF NON-ANIMAL ORIGIN (NON-POAO)

- 1. Regulation (EC) 669/2009, which came into force on 25 January 2010, provides for an increased level of official controls on imports of certain feed and food of non-animal origin from certain non-EU countries, which are considered to be "high risk". Annex I to the Regulation lists the "high risk" products that are to be subject to the increased level of controls. It is a requirement of the Regulation that the list in Annex I is reviewed on a regular basis, at least quarterly. The review should take into account those sources of information listed in Article 2 of the Regulation.
- 2. A draft Commission Regulation amending Annex I to Regulation (EC) No 669/2009 is due to be presented for vote at the meeting of the Standing Committee on the Food Chain and Animal Health (SCoFCAH) on 1st July. The draft Regulation is attached at <u>Appendix 1</u> and your views on this are welcome.
- 3. The main changes to the list of products at Annex I, to which increased import controls will apply are outlined below:

New Products:

- Noodles (dried) from China to be sampled and tested for aluminium contamination at a frequency of 10% of all consignments
- Fresh curry leaves from India to be sampled and tested for pesticide residues at a frequency of 10% of all consignments
- Fresh Coriander and basil from Thailand to be sampled and tested for pesticide residues at a frequency of 20% of all consignments
- Fresh herbs and spices (coriander, basil and mint) from Thailand to be sampled and tested for Salmonella contamination at a frequency of 10% of all consignments
- Oranges, peaches, strawberries, pomegranates and fresh green beans from Egypt to be sampled and tested for pesticide residues at a frequency of 10% of all consignments

Aviation House 125 Kingsway London WC2B 6NH

DISABLED TO



 Capsicum (paprika, sweet pepper, chilli) (dried) from Peru to be sampled and tested for Aflatoxins and Ochratoxin A contamination at a frequency of 10% of all consignments

To note that the frequency of physical checks for Basmati rice from Pakistan has been reduced to 20%; and that bananas from the Dominican Republic have been removed from the list.

- 4. Please bear in mind that the text is still subject to comments of the Commission's Legal Service but the Commission has indicated that no major changes are expected.
- 5. To allow us time to consider any comments that you may have before finalising the UK position for the SCoFCAH meeting, I must ask for responses as soon as possible and **by Monday 28 June 2010** at the latest.

Yours faithfully,

Rufina Acheampong Enforcement and Local Authority Delivery Division SANCO/11443/2010 (POOL/E5/2010/11443/11443-EN.doc)

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EUROPEAN COMMISSION

Brussels, C(2010)

Draft

COMMISSION REGULATION

of

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)

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Draft

COMMISSION REGULATION

of

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 rules¹, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009² ("the Regulation") 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) According to Article 2 of the Regulation, the list in Annex I to it should be reviewed on a regular basis, and at least quarterly. The review of the list should take into account updated information from at least the data sources referred to in that Article (including data resulting from notifications received through the Rapid Alert System on Feed and Food, reports and information resulting from the activities of the Food and Veterinary Office, from Member States, from third countries and from European Food Safety Authority).
- (3) The updated information and data collected since the entry into application of the Regulation indicate the need to review the list in Annex I by de-listing certain items for which an increased level of border controls is no longer justified, and by adding to the list certain commodities for which the data currently available give rise to concern as to the extent to which imported products comply with the European Union's safety standards. Regulation (EC) No 669/2009 should therefore be amended accordingly.

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OJ L 165, 30.4.2004, p. 1.

OJ L 194, 25.7.2009, p. 11.

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

Article 2

This Regulation shall enter into force on 1 October 2010.

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

Done at Brussels,

For the Commission José Manuel BARROSO The President

ANNEX

ANNEX I

(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 ⁽¹⁾ | Country of origin | Hazard | Frequency of physical and identity checks (%) |
|---|--|-----------------------|---|---|
| - Groundnuts (peanuts), in shell | - 1202 10 90 | Argentina | Aflatoxins | 10 |
| - Groundnuts (peanuts), shelled | - 1202 20 00 | | | |
| - Peanut butter | - 2008 11 10 | | | |
| - Groundnuts (peanuts), otherwise prepared or preserved | - 20081191; 20081196; 20081198 | | | |
| (Feed and food) | | | | |
| - Groundnuts (peanuts), in shell | - 1202 10 90 | Brazil | Aflatoxins | 50 |
| - Groundnuts (peanuts), shelled | - 1202 20 00 | | | |
| - Peanut butter | - 2008 11 10 | | | |
| - Groundnuts (peanuts), otherwise prepared or preserved | - 20081191; 20081196; 20081198 | | | |
| (Feed and food) | | | | |
| Dried Noodles | ex 1902 | China | Aluminium | 10 |
| (Food) | | | | |
| Trace elements ⁽²⁾ (Feed and food) | ex 2602 00 00; ex 2817 00 00; ex 2820 90 10; ex 2820 90 90; ex 2821 10 00; ex 2825 50 00; ex 2833 25 00; ex 2833 29 20; ex 2833 29 80; ex 2836 99 11; ex 2836 99 17 | China | Cadmium and lead | 50 |
| Mangos Yardlong beans (Vigna sesquipedalis) Bitter melon (Momordica charantia) Lauki (Lagenaria siceraria) | - ex 0804 50 00 - ex 0708 20 00; ex 0710 22 00 - ex 0709 90 90 - ex 0709 90 90 | Dominican Republic | Pesticide residues analysed with Multiresidue methods based on GC- MS and LC- MS or with | 50 |
| - Peppers | - 0709 60 10; 0709 60 99; 07108051; 07108059 | | Single residue | |

Appendix 1

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|--|--|-------|---|----|
| - Aubergines (Food - fresh, chilled or frozen fruit and vegetables) | - 0709 30 00 | | methods(*) | |
| Oranges (fresh or dried) Peaches Pomegranates Strawberries Green beans (Food - fresh fruits and vegetables) | - 0805 10 20; 0805 10 80 - 0809 30 90 - ex 0810 90 95 - 0810 10 00 - ex 0708 20 00 | Egypt | Pesticide residues analysed with Multiresidue methods based on GC-MS and LC-MS or with Single residue methods (*) | 10 |
| Groundnuts (peanuts), in shell Groundnuts (peanuts), shelled Peanut butter (Feed and Food) | - 12021090 - 12022000 - 2008 11 10 | Ghana | Aflatoxins | 50 |
| Curry leaves (Food – fresh herbs) | ex 1211 90 85 | India | Pesticide residues analysed with Multiresidue methods based on GC- MS and LC- MS or with Single residue methods (***) | 10 |

Appendix 1

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|---|--|----------|----------------|----|
| - Chilli (Capsicum annuum), whole | - 0904 20 10 | India | Aflatoxins | 50 |
| - Chilli (Capsicum annuum), crushed or ground | - 0904 20 90 | | | |
| - Nutmeg (Myristica fragrans) | - 0908 10 00 | | | |
| - Mace (Myristica fragrans) | - 0908 20 00 | | | |
| - Ginger (Zingiber officinale) | - 0910 10 00 | | | |
| - Curcuma longa (turmeric) | - 0910 30 00 | | | |
| (Food – dried spices) | | | | |
| - Groundnuts (peanuts), in shell | - 1202 10 90 | India | Aflatoxins | 10 |
| - Groundnuts (peanuts), shelled | - 1202 20 00 | | | |
| - Peanut butter | - 2008 11 10 | | | |
| - Groundnuts (peanuts), otherwise prepared or preserved | - 20081191; 20081196; 20081198 | | | |
| (Feed and food) | | | | |
| Watermelon (egusi) seeds and derived products ⁽³⁾ | ex 1207 99 97; ex 1106 30 90; ex 2008 99 99; [080711] | Nigeria | Aflatoxins | 50 |
| (Food) | | | | |
| Basmati rice for direct human consumption | ex 1006 30 | Pakistan | Aflatoxins | 20 |
| (Food - milled rice) | | | | |
| - Chilli (Capsicum annuum), whole | - 0904 20 10 | Peru | Aflatoxins and | 10 |
| - Chilli (Capsicum annuum), crushed or ground | - 0904 20 90 | | Ochratoxin A | |
| (Food - dried spice) | | | | |
| - Coriander | - ex 0709 90 90; ex 1211 90 85 | Thailand | Salmonella | 10 |
| - Basil | - ex 0709 90 90; ex 1211 90 85 | | (****) | |
| - Mint | - ex 0709 90 90; ex 1211 90 85 | | | |
| (Food - fresh herbs) | | | | |
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Appendix 1

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| - Coriander | - ex 0709 90 90; ex 1211 90 85 | Thailand | Pesticide | 20 |
| - Basil (holy, sweet) | - ex 0709 90 90; ex 1211 90 85 | | residues | |
| (Food - fresh herbs) | | | analysed with Multi-residue | |
| | | | methods | |
| | | | based on GC- | |
| | | | MS and LC- | |
| | | | MS or with | |
| | | | Single | |
| | | | residue methods ^(**) | |
| X7 11 1 | 0700 20 00 0710 22 00 | (E) 1 | | 50 |
| - Yardlong beans (Vigna sesquipedalis) | - 0708 20 00; ex 0710 22 00 | Thailand | Pesticide residues | 50 |
| | 0700 20 00: 07 0710 80 05 | | analysed with | |
| - Aubergines | - 0709 30 00; ex 0710 80 95 | | Multi-residue | |
| - Brassica vegetables | - 0704; ex 0710 80 95 | | methods | |
| (Food - fresh, chilled or | | | based on GC- | |
| frozen vegetables) | | | MS and LC- MS or with | |
| | | | Single | |
| | | | residue | |
| | | | methods(**) | |
| - Peppers | - 0709 6010; 07096099; | Turkey | Pesticides: | 10 |
| | 07108051; 07108059 | | methomyl | |
| - Courgettes | - 0709 90 70; ex 0710 80 95 | | and oxamyl | |
| - Tomatoes | - 0702 00 00; 0710 80 70 | | | |
| (Food - fresh, chilled or | | | | |
| frozen vegetables) | | | | |
| Pears | 0808 20 10; 0808 20 50 | Turkey | Pesticide: | 10 |
| (Food) | | | amitraz | |
| Dried grapes (vine fruit) | 0806 20 | Uzbekistan | Ochratoxin A | 50 |
| (Food) | | | | |
| - Groundnuts (peanuts), in shell | - 1202 10 90 | Vietnam | Aflatoxins | 10 |
| - Groundnuts (peanuts), shelled | - 1202 20 00 | | | |
| - Peanut butter | - 2008 11 10 | | | |
| - Groundnuts (peanuts), | - 20081191; 20081196; | | | |
| otherwise prepared or | 20081198 | | | |
| preserved | | | | |
| (Feed and food) | | | | |
| | | | | |

| - Chilli (Capsicum annuum), crushed or ground | - 0904 20 90 | All third countries | Sudan dyes | 20 |
|---|-----------------|---------------------|------------|----|
| - Chilli products (curry) | - 0910 91 05 | | | |
| - Curcuma | - 0910 30 00 | | | |
| (Food - dried spices) | | | | |
| - Red palm oil | - 1511 10 90 10 | | | |
| (Food) | | | | |

- (*) 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-ethyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, Triforine.
- (***) In particular residues of: Triazophos, oxydemeton-methyl, chlorpyriphos, acetampiprid, thiamethoxam, clothianidin, methamidophos, acephate, propargite, monocrotophos
- (****) Reference method EN/ISO 6579
- (*****) In particular residues of: carbendazim, cyfluthrin cyprodinil, diazinon, dimethoate, ethion, fenitrothion, fenpropathrin, fludioxonil, hexaflumuron, lambda-cyhalothrin, methiocarb, methomyl, omethoate, oxamyl, phenthoate, thiophanate-methyl
- Where 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' (for example, ex 1006 30: only Basmati rice for direct human consumption is included).
- The trace elements referred to in this entry are the trace elements belonging to the functional group of compounds of trace elements referred to in point 3(b) of Annex I to Regulation (EC) No 1831/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 29).
- Pending the establishment of maximum levels for aflatoxin in melon seeds, the maximum levels established for aflatoxins in groundnuts and derived products listed in points 2.1.1 and 2.1.3 of Section 2 of the Annex to Commission Regulation (EC) No 1881/2006 (OJ L 364, 20.12.2006, p. 5) shall be the reference points for action.

(B) Definitions

For the purposes of this Annex, 'Sudan dyes' refers to the following chemical substances:

- (i) Sudan I (CAS Number 842-07-9);
- (ii) Sudan II (CAS Number 3118-97-6);
- (iii) Sudan III (CAS Number 85-86-9);
- (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).

Interested parties

ADAS Drayton ADM Milling Ltd

Agricultural Industries

Confederation

Agricultural Industries

Confederation

Agriculture and Horticulture

Development Board

Agri-Food and Biosciences Institute
Airline Operators Committee for

Cargo

Allied Bakeries Ltd Allied Technical Centre American Peanut Council Anheuser-Busch InBev

Araches Ltd Aspall Cider

Associated British Foods plc

Association of Convenience Stores

Association of Frozen Food

Producers & Ice Cream Federation

Association of Port Health

Authorities

Association of Public Analysts of

Scotland

Assured Food Standards Barrow Lane & Ballard Ltd Basildon Chemical Co Ltd

Besana Group Besana UK Ltd

BEUC - The European Consumers'

Organisation
BFP Wholesale
Booker Ltd
Bourne Salads
Brent Council
Brewers of Europe

Bristol City Council Scientific

Services

British Association of Feed Supplement & Additive Manufacturers Ltd

British Beer and Pub Association British Chambers of Commerce British Coatings Federation British Coffee Association British Equestrian Trade

Association

British Food Importers and Distributors Association

British Frozen Food Federation British Fruit Juice Association British Hospitality Association British Independent Fruit Growers

Association

British International Freight

Association

British International Freight

Association

British International Freight

Association

British Leafy Salads Association

Ltd

British Medical Association British Peanut Council Ltd

British Pharmacopoeia Secretariat

British Ports Association British Retail Consortium

British Soft Drinks Association Ltd

British Specialist Nutrition

Association

British Starch Industry Association

British Sugar plc

British Trout Association
British Veterinary Association

Britvic plc

Cambridge Manufacturing Limited

Campden BRI

Cargill Europe Limited CEFIC Avenue E Van Nieuwenhuyse 4, bte 2 Cereal Partner UK Chamber of Shipping Chartered Institute of Environmental Health

Chemical Business Association

Cheshire Scientific

Chilled Food Association Ltd City of London Corporation CJ Wildbird Foods Limited

Clearspring Ltd

Coca-Cola Great Britain & Ireland Cocoa Association of London Ltd Coffee Science Information Centre

Combined Edible Nut Trade

Association (CENTA)
Community Foods Ltd

Confederation of British Industry Confederation of the Food and Drink Industries in the EU Consumer Council for Northern

Ireland

Consumer Focus

Consumer Focus Scotland Consumer Focus Wales Co-operative Group

Council of National Beekeeping

Association in the Craft Guild of Chefs

Crop Protection Association

Crop Services

Crown Packaging UK PLC

Dairy UK Scotland

DARDNI, Food Policy Branch Del Monte Foods (UK) Ltd

Demos Ciclitira Ltd

Department of Agriculture and

Rural Developments Duskin Farm Ltd Ebrahimoff & Sons

English Apples & Pears Ltd

EU Food Law

Eurofins Laboratories Limited European Snacks Association /

SNACMA

F Duerr & Sons Ltd

Farm Animal Welfare Council

(FAWC)

Federation of Bakers

Federation of Small Businesses

Federation of Wholesale

Distributors

Feed Fat Association Flagship Fruit & Nut Ltd

Food Additives and Ingredients

Association

Food and Drink Federation

Food and Environment Research

Aaencv

Food Chemical Risk Analysis

(FCRA) Food Dialog

FOSFA International

Fresh Produce Consortium Friends of the Earth UK, Ltd Frozen and Chilled Potato

Processors Association

Gala Coffee Limited

Gerber Foods

Glasgow Caledonian University
Grain and Feed Trade Association

Greenangle Ltd
Greencore Group

H R Higgins (Coffee-Man) Ltd Hampshire Scientific Services

Hapico

Harper Adams University College Hayman Horticultural Consultancy

Health Food Manufacturers'

Association

Health Nutrition and Research UK

Limited

Health Protection Agency Health Protection Scotland Holland & Barrett Retail Limited

Home Office

Horticultural Development

Company (HDC)

Horticulture Development

Company

Horticulture Research International

Humdinger Ltd Ice Cream Alliance

ILS Ltd

Institute of Food Research Institute of Food Science &

Technology

International Pectin Producers'

Association
J Pao & Co Ltd
J Sainsbury plc
James White Drinks
Julian Graves Ltd

K & S Fruit Washers Limited Kellogg Europe Trading Limited

Kettle Foods

Kinnersley Brothers Ltd

LEAF - Linking Environment And

Farming

Leatherhead Food International

LGC Limited

Livestock and Meat Commission

for Northern Ireland

Local Authorities Co-ordinators of

Regulatory Service

Local Authorities Co-ordinators of

Regulatory Service

Longbenton Foods Ltd Malaysian Palm Oil Board Maltsters Association of Great

Britain

McCormick (UK) Ltd

Mexican Trade Commission

Minerva Scientifc Ltd

Musgrave Retail Partners GB Mycotoxin Laboratory Ltd (UK) National Association of British and

Irish Millers

National Association of Cider &

Perry Makers

National Association of Health

Stores

National Cattle Association (Dairy)

National Dried Fruit Trade Association (NDFTA)

National Edible Oil Distributors

Association

National Farmers' Union

National Farmers Union Scotland National Federation of Meat and

Food Traders

National Federation of Women's

Institutes

National Office of Animal Health

Ltd

National Pharmacy Association National Starch & Food Innovation

Neogen Europe Ltd Nestle UK Limited

Neville Craddock Associates

NFU Cymru

Nickerson (UK) Ltd

North Lanarkshire Council

Northern Foods plc

Northern Ireland Agricultural Producers' Association

Northern Ireland Food & Drink

Association

Northern Ireland Grain Trade

Association

Northern Ireland Meat Exporters

Association

NPHS Microbiology Rhyl

NRM

Nut Company

Orchard House Foods
Pauls Freight Services Ltd

People 1st

Percy Dalton (Holdings) Ltd

Perrigo UK

Pet Food Manufacturers

Association

Positive Action Publications Ltd Premier Analytical Services

Quaker Oats Ltd Quality Meat Scotland Rathbones Bakeries Ltd

R-Biopharm AG

R-Biopharm Rhone Ltd

Reading Scientific Services Ltd

Regulatory Solutions

Research Programme Advisor

Rother District Council

Royal Association of British Dairy

Farmers

Royal Environmental Health

Institute of Scotland

Royal Pharmaceutical Society of

Great Britain

Royal Society for Public Health

S W Trading Ltd

Scientific Analysis Laboratories Ltd

Scotch Whisky Association

Scotch Whisky Research Institute Scottish Food and Drink Federation

Scottish Salmon Producers'

Organisation

Seasoning and Spice Association Seed Crushers & Oil Producers

Association

SH Pratt & Co. (Bananas) Ltd

Shipton Mill Ltd Shoreham Port

SITPRO

Smithfield Foods

Smiths Flour Mills Head Office Society of Chief Officers of Trading

Standards in Scotland

Society of Food Hygiene and

Technology Soil Association Solvay SA Speedibrews

Spitafields Market Tenants

Association

State General Laboratory (SGL)

Sustain: the alliance for better food

and farming Syngenta

T M Duche & Sons Ltd

Taylors of Harrogate

Tesco Stores plc

The Cold Storage & Distribution

Federation

The Food Commission

The Organic Herb Trading

Company

The Vegan Society

Toximet Limited

Trading Standards Institute

Tropicana

UK Major Ports Group Ltd

Ulster Farmers' Union

Unilever plc

Uniq plc

United Distillers & Vintners Brand

Technical Centre

University of Bristol

University of Reading

University Of Strathclyde

University of Sussex

Vegetarian Economy and Green

Agriculture

Verner Wheelock Associates

Limited

Veterinary Laboratories Agency

Vitrition UK Ltd

Voicevale Ltd

Waitrose Ltd

West Yorkshire Analytical Services

Which?

Wine and Spirit Trade Association

Worcestershire Scientific Services