

To: Interested parties – see attached list

16 July, 2010

Reference:

OCR 084

Dear Sir/Madam,

**EU REGULATION No 669/2009 (AS AMENDED) 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. Further to my letter of 23 June, I am writing to let you know that the draft Commission Regulation amending Annex I to the above Regulation received a favourable opinion by the Standing Committee on the Food Chain and Animal Health (SCoFAH) at its meeting on 14 July.
2. The amending Regulation, presented for vote, is attached at [Appendix 1](#). The text had been further revised to address some linguistic and legal points and to clarify some CN codes and descriptions. We are grateful for the comments from stakeholders that we have received to date, and have taken these into account in developing the UK position for on-going negotiations with the Commission.
3. The draft Regulation will now be subject to European Parliament scrutiny prior to formal adoption, and it is anticipated that the date of application will be 1 October 2010. In the meantime, the Agency will ensure that UK designated points of entry (DPEs) still meet the minimum requirements for DPE status for the amended Annex I and update the list as appropriate. We will keep stakeholders informed about any further developments.
4. If you wish to discuss any of the above, please get in touch with me or with Donatella Howe on 020 7276 8720 (email: Donatella.Howe@foodstandards.gsi.gov.uk)

Yours faithfully,

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EUROPEAN COMMISSION

Brussels,
C(2010)

final

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)

Draft

COMMISSION REGULATION

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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 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, 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 in Annex I thereto 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) Occurrence and relevance of food incidents notified through the Rapid Alert System for Feed and Food (RASFF), findings of the missions to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports which Member States have to make available as regards the official controls performed at their borders according to Article 15 of Regulation (EC) No 669/2009 indicate that there is need to review the list in Annex I to the above Regulation. In particular, Annex I thereto must be reviewed by removing those commodities for which the above information sources show an overall satisfactory degree of compliance with the relevant EU safety requirements and for which an increased level of official control is therefore no longer justified, and by adding other commodities for which the same sources show a degree of non-compliance with the relevant EU safety requirements that warrants the introduction of increased level of official controls.

¹ OJ L 165, 30.4.2004, p. 1.

² OJ L 194, 25.7.2009, p. 11.

- (4) The amendments to Annex I of Regulation (EC) No 669/2009 provided for in this Regulation should become applicable as soon as possible so that the increased level of official controls can, on one hand, cease for those commodities which are removed from the list and, on the other hand, start for those newly added.
- (5) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (6) 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 text in 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 (%) |
|--|---|---------------------------|---|---|
| <ul style="list-style-type: none"> - Groundnuts (peanuts), in shell - Groundnuts (peanuts), shelled - Peanut butter - Groundnuts (peanuts), otherwise prepared or preserved (Feed and food) | <ul style="list-style-type: none"> - 1202 10 90 - 1202 20 00 - 2008 11 10 - 2008 11 91; 2008 11 96; 2008 11 98 | Argentina | Aflatoxins | 10 |
| <ul style="list-style-type: none"> - Groundnuts (peanuts), in shell - Groundnuts (peanuts), shelled - Peanut butter - Groundnuts (peanuts), otherwise prepared or preserved (Feed and food) | <ul style="list-style-type: none"> - 1202 10 90 - 1202 20 00 - 2008 11 10 - 2008 11 91; 2008 11 96; 2008 11 98 | Brazil | Aflatoxins | 50 |
| Dried Noodles (Food) | ex 1902 | China | Aluminium | 10 |
| Trace elements ⁽²⁾ (Feed and food) | 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 |
| <ul style="list-style-type: none"> - Mangoes - Yardlong beans (<i>Vigna sesquipedalis</i>) - Bitter melon (<i>Momordica charantia</i>) - Lauki (<i>Lagenaria siceraria</i>) - Peppers | <ul style="list-style-type: none"> - ex 0804 50 00 - ex 0708 20 00; ex 0710 22 00 - ex 0709 90 90; ex 0710 80 95 - ex 0709 90 90; ex 0710 80 95 - 0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59 | Dominican Republic | Pesticide residues analysed with Multiresidue methods based on GC-MS and LC-MS or with Single residue | 50 |

| | | | | |
|---|--|--------------|--|----|
| - Aubergines <i>(Food - fresh, chilled or frozen fruit and vegetables)</i> | - 0709 30 00; ex 0710 80 95 | | methods(*) | |
| - Oranges (fresh or dried) - Peaches - Pomegranates - Strawberries - Green beans <i>(Food - fresh fruits and vegetables)</i> | - 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 <i>(Feed and Food)</i> | - 1202 10 90 - 1202 20 00 - 2008 11 10 | Ghana | Aflatoxins | 50 |
| Curry leaves (<i>Bergera/ Murraya koenigii</i>) <i>(Food – fresh herbs)</i> | ex 1211 90 85 | India | Pesticide residues analysed with multiresidue methods based on GC-MS and LC-MS or with Single residue methods (***) | 10 |

| | | | | |
|---|--|-----------------|-----------------------------|----|
| <ul style="list-style-type: none"> - Chilli (<i>Capsicum annuum</i>), whole - Chilli (<i>Capsicum annuum</i>), crushed or ground - Nutmeg (<i>Myristica fragrans</i>) - Mace (<i>Myristica fragrans</i>) - Ginger (<i>Zingiber officinale</i>) - Curcuma longa (turmeric) <p>(Food – dried spices)</p> | <ul style="list-style-type: none"> - ex 0904 20 10 - ex 0904 20 90 - 0908 10 00 - 0908 20 00 - 0910 10 00 - 0910 30 00 | India | Aflatoxins | 50 |
| <ul style="list-style-type: none"> - Groundnuts (peanuts), in shell - Groundnuts (peanuts), shelled - Peanut butter - Groundnuts (peanuts), otherwise prepared or preserved <p>(Feed and food)</p> | <ul style="list-style-type: none"> - 1202 10 90 - 1202 20 00 - 2008 11 10 - 2008 11 91; 2008 11 96; 2008 11 98 | India | Aflatoxins | 10 |
| <p>Watermelon (<i>egusi</i>, <i>Citrullus lanatus</i>) seeds and derived products</p> <p>(Food)</p> | ex 1207 99 97; ex 1106 30 90; ex 2008 99 99; | Nigeria | Aflatoxins | 50 |
| <p>Basmati rice for direct human consumption</p> <p>(Food - milled rice)</p> | ex 1006 30 | Pakistan | Aflatoxins | 20 |
| <ul style="list-style-type: none"> - Chilli (<i>Capsicum annuum</i>), whole - Chilli (<i>Capsicum annuum</i>), crushed or ground <p>(Food - dried spice)</p> | <ul style="list-style-type: none"> - ex 0904 20 10 - ex 0904 20 90 | Peru | Aflatoxins and Ochratoxin A | 10 |
| <ul style="list-style-type: none"> - Coriander leaves - Basil (holy, sweet) - Mint <p>(Food - fresh herbs)</p> | <ul style="list-style-type: none"> - ex 0709 90 90 - ex 1211 90 85 - ex 1211 90 85 | Thailand | Salmonella (****) | 10 |

| | | | | |
|--|---|-------------------|--|----|
| <ul style="list-style-type: none"> - Coriander leaves - Basil (holy, sweet) (Food - fresh herbs) | <ul style="list-style-type: none"> - ex 0709 90 90 - ex 1211 90 85 | Thailand | Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods(**) | 20 |
| <ul style="list-style-type: none"> - Yardlong beans (<i>Vigna sesquipedalis</i>) - Aubergines - Brassica vegetables (Food - fresh, chilled or frozen vegetables) | <ul style="list-style-type: none"> - ex 0708 20 00; ex 0710 22 00 - 0709 30 00; ex 0710 80 95 - 0704; ex 0710 80 95 | Thailand | Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods(**) | 50 |
| <ul style="list-style-type: none"> - Peppers - Courgettes - Tomatoes (Food - fresh, chilled or frozen vegetables) | <ul style="list-style-type: none"> - 0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59 - 0709 90 70; ex 0710 80 95 - 0702 00 00; 0710 80 70 | Turkey | Pesticides: methomyl and oxamyl | 10 |
| Pears (Food) | 0808 20 10; 0808 20 50 | Turkey | Pesticide: amitraz | 10 |
| Dried grapes (vine fruit) (Food) | 0806 20 | Uzbekistan | Ochratoxin A | 50 |
| <ul style="list-style-type: none"> - Groundnuts (peanuts), in shell - Groundnuts (peanuts), shelled - Peanut butter - Groundnuts (peanuts), otherwise prepared or preserved (Feed and food) | <ul style="list-style-type: none"> - 1202 10 90 - 1202 20 00 - 2008 11 10 - 2008 11 91; 2008 11 96; 2008 11 98 | Vietnam | Aflatoxins | 10 |

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

(*) In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthion, Diazinon, Dichlorvos, Dicofof, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, thiabendazol, Thiachloprid.

(**) In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyrifos, Chlorpyrifos-ethyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, Triforine.

(***) In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyrifos, Acetamiprid, 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.

(1) 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).

(2) 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). They should be subject to the increased controls provided for in this Regulation also when imported to be used in food.

(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

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|--|--|
| ADAS Drayton | British Medical Association |
| ADM Milling Ltd | British Peanut Council Ltd |
| Agricultural Industries Confederation | British Pharmacopoeia Secretariat |
| Agriculture and Horticulture | British Ports Association |
| Development Board | British Retail Consortium |
| Agri-Food and Biosciences Institute | British Soft Drinks Association Ltd |
| Airline Operators Committee for Cargo | British Specialist Nutrition Association |
| Allied Bakeries Ltd | British Starch Industry Association |
| Allied Technical Centre | British Sugar plc |
| American Peanut Council | British Trout Association |
| Anheuser-Busch InBev | British Veterinary Association |
| Araches Ltd | Britvic plc |
| Aspall Cider | Cambridge Manufacturing Limited |
| Associated British Foods plc | Campden BRI |
| Association of Convenience Stores | Cargill Europe Limited |
| Association of Frozen Food Producers | CEFIC Avenue E Van Nieuwenhuysse |
| & Ice Cream Federation | 4, bte 2 |
| Association of Port Health Authorities | Cereal Partner UK |
| Association of Public Analysts of | Chamber of Shipping |
| Scotland | Chartered Institute of Environmental |
| Assured Food Standards | Health |
| Barfoots of Botley Ltd | Chemical Business Association |
| Barrow Lane & Ballard Ltd | Cheshire Scientific |
| Bartlett Media Ltd | Chilled Food Association Ltd |
| BASILDON CHEMICAL CO LTD | City of London Corporation |
| Besana Group | CJ Wildbird Foods Limited |
| Besana UK Ltd | Clearspring Ltd |
| BEUC - The European Consumers' | Coca-Cola Great Britain & Ireland |
| Organisation | Cocoa Association of London Ltd |
| BFP Wholesale | Coffee Science Information Centre |
| Booker Ltd | Combined Edible Nut Trade |
| Bourne Salads | Association (CENTA) |
| Brent Council | Community Foods Ltd |
| Brewers of Europe | Confederation of British Industry |
| Bristol City Council Scientific Services | Confederation of the Food and Drink |
| British Association of Feed | Industries in the EU |
| Supplement & Additive Manufacturers | Consumer Council for Northern Ireland |
| Ltd | Consumer Focus |
| British Beer and Pub Association | Consumer Focus Scotland |
| British Chambers of Commerce | Consumer Focus Wales |
| British Coatings Federation | Co-operative Group |
| British Coffee Association | Council of National Beekeeping |
| British Equestrian Trade Association | Association in the |
| British Food Importers and Distributors | Craft Guild of Chefs |
| Association | Crop Protection Association |
| British Frozen Food Federation | Crop Services |
| British Fruit Juice Association | Crown Packaging UK PLC |
| British Hospitality Association | Dairy UK Scotland |
| British Independent Fruit Growers | DARDNI, Food Policy Branch |
| Association | DEL MONTE FOODS (UK) LTD |
| British International Freight | Demos Ciclitira Ltd |
| Association | Department of Agriculture and Rural |
| British Leafy Salads Association Ltd | Developments |
| | Duskin Farm Ltd |

Ebrahimoff & Sons
English Apples & Pears Ltd
Eurofins Laboratories Limited
European Snacks Association /
SNACMA
Exotic Farm Produce Ltd
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
Agency
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 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 Government Regulation
Longbenton Foods Ltd
M & W Mack Limited
Malaysian Palm Oil Board
Maltsters Association of Great Britain
McCormick (UK) Ltd
Mexican Trade Commission
Minerva Scientific 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
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
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
Vitriton UK Ltd
VOICEVALE LTD
Waitrose Ltd
West Yorkshire Analytical Services
Which?
Wine and Spirit Trade Association
Worcestershire Scientific Services