

To: Interested parties – see attached list

14 December, 2010

Reference: OCR 087

Dear Sir/Madam,

**REGULATION (EC) 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 the letter from Rufina Acheampong of 1 December 2010, I am now writing to update you on developments following a Commission Working Group meeting in Brussels on 6 December at which a proposed amendment to Annex I to Regulation 669/2009 (anticipated to apply from April 2011) was discussed.

2. The Commission is hoping to present a proposed draft Commission Regulation amending Annex I to Regulation (EC) No 669/2009 to the Standing Committee on the Food Chain and Animal Health (SCoFCAH) on 12 January 2011. The draft Regulation is attached at Appendix 1 and your views on this are welcome **by 5 January 2011**.

3. The main changes to the list of products at Annex I, to which increased import controls is anticipated to apply from 1 April 2011 are outlined below:

Aflatoxins controls:

- de-listing of groundnuts and derived products (feed and food) from Vietnam

Heavy metals:

- de-listing of trace elements (feed and food) from China

Sudan Dyes:

- decrease frequency for identity/physical checks on chilli, chilli products, curcuma and red palm oil (food) from all third countries from 20% to 10%

Pesticide residues:

- de-listing of mangoes (food) from the Dominican Republic

New entries:

- groundnuts, peanut butter from South Africa-frequency of identity/physical checks of 10% (aflatoxins)
- okra from India - frequency of identity/physical checks of 10% (pesticide residues)

The Commission has indicated that any de-listing from Annex I and the decreasing of any of the control frequencies will be applicable on the 20th day following the publication of the amending Regulation in the Official Journal of the European Union.

4. We will keep you informed of further developments but, in the meantime, if you require further information please contact Alan Curran on 020 7276 8361 (email: Alan.Curran@foodstandards.gsi.gov.uk) or myself.

Yours faithfully,

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EUROPEAN COMMISSION

Brussels,
C(2010)

draft

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.
- (4) 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

¹ OJ L 165, 30.4.2004, p. 1.

² OJ L 194, 25.7.2009, p. 11.

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.

- (5) Similarly, Annex I thereto must be reviewed by decreasing the control frequency of those commodities for which the above information sources show an overall improvement of compliance with the relevant Union legislation and for which the current level of official control is no longer justified.
- (6) Concerning the commodities for which the increased level of official controls is no longer justified, considering that the original safety concerns are overcome as well as in the interest of the sound management of Member States' resources in the area of official controls, any delisting from Annex I to Regulation (EC) No 669/2009 should be applicable as early as possible.
- (7) Similarly, concerning the commodities for which the increased level of official controls should be reduced, considering that the original safety concerns are reduced to a lower extent as well as in the interest of the sound management of Member States' resources in the area of official controls, decreasing of any of the control frequencies set in Annex I to Regulation (EC) 669/2009 should be applicable as early as possible and no later than 20 days the date of publication of this Regulation.
- (8) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (9) 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

1. This Regulation shall enter into force on the 5th day following its publication in the *Official Journal of the European Union*.
2. It shall be applicable as of 1 April 2011.

However, the following changes to Annex I to Regulation (EC) No 669/2009 shall be applicable as of the date of entry into force:

- a) Delisting of mangoes (food) from the Dominican Republic, trace elements (feed and food) from China and groundnuts and derived products (feed and food) from Vietnam;
- b) Decreasing of the frequency of identity/physical checks on chilli, chilli products, curcuma and red palm oil (food) from all Third Countries.

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 <i>(Feed and food)</i>	<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 <i>(Feed and food)</i>	<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	10
Dried Noodles <i>(Food)</i>	ex 1902	China	Aluminium	10

<ul style="list-style-type: none"> - Yardlong beans (<i>Vigna sesquipedalis</i>) - Bitter melon (<i>Momordica charantia</i>) - Lauki (<i>Lagenaria siceraria</i>) - Peppers (<i>Capsicum spp</i>) - Aubergines <p>(Food - fresh, chilled or frozen vegetables)</p>	<ul style="list-style-type: none"> - 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 - 0709 30 00; ex 0710 80 95 	Dominican Republic	Pesticide residues analysed with Multiresidue methods based on GC-MS and LC-MS or with Single residue methods (3)	50
<ul style="list-style-type: none"> - Oranges (fresh or dried) - Peaches - Pomegranates - Strawberries - Green beans <p>(Food - fresh fruits and vegetables)</p>	<ul style="list-style-type: none"> - 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 (7)	10
<ul style="list-style-type: none"> - Groundnuts (peanuts), in shell - Groundnuts (peanuts), shelled - Peanut butter <p>(Feed and Food)</p>	<ul style="list-style-type: none"> - 1202 10 90 - 1202 20 00 - 2008 11 10 	Ghana	Aflatoxins	50
Curry leaves (<i>Bergera/ Murraya koenigii</i>) (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 (5)	10
<ul style="list-style-type: none"> - Chilli (<i>Capsicum annum</i>), whole - Chilli (<i>Capsicum annum</i>), crushed or ground - Chilli products (curry) - Nutmeg (<i>Myristica fragrans</i>) - Mace (<i>Myristica fragrans</i>) 	<ul style="list-style-type: none"> - ex 0904 20 10 - ex 0904 20 90 - 0910 91 05 - 0908 10 00 - 0908 20 00 	India	Aflatoxins	50

<ul style="list-style-type: none"> - Ginger (<i>Zingiber officinale</i>) - Curcuma longa (<i>turmeric</i>) <p>(Food – dried spices)</p>	<ul style="list-style-type: none"> - 0910 10 00 - 0910 30 00 			
<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	20
<p>Okra (Food)</p>	ex 0709 90 90	India	Pesticide residues analysed with multiresidue methods based on GC-MS and LC-MS or with Single residue methods (2)	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"> - 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 	South Africa	Aflatoxins	10
<ul style="list-style-type: none"> - Coriander leaves 	<ul style="list-style-type: none"> - ex 0709 90 90 	Thailand	Salmonella	10

- Basil (holy, sweet) - Mint (Food - fresh herbs)	- ex 1211 90 85 - ex 1211 90 85		(6)	
- Coriander leaves - Basil (holy, sweet) (Food - fresh herbs)	- 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 ⁽⁴⁾	20
- Yardlong beans (<i>Vigna sesquipedalis</i>) - Aubergines - Brassica vegetables (Food - fresh, chilled or frozen vegetables)	- 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 ⁽⁴⁾	50
- Sweet Peppers (<i>Capsicum annuum</i>) - Courgettes - Tomatoes (Food - fresh, chilled or frozen vegetables)	- 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	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁸⁾	10
Pears (Food)	0808 20 10; 0808 20 50	Turkey	Pesticide: amitraz	10
Dried grapes (vine fruit) (Food)	0806 20	Uzbekistan	Ochratoxin A	50
- Chilli (<i>Capsicum annuum</i>), crushed or ground - Chilli products (curry) - Curcuma longa (<i>turmeric</i>) (Food - dried spices) - Red palm oil (Food)	- ex 0904 20 90 - 0910 91 05 - 0910 30 00 - ex 1511 10 90	All third countries	Sudan dyes	10

- (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) In particular residues of: Acephate, Methamidophos, Triazophos, Endosulfan, Monocrotophos
- (3) In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofof, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, Thiacloprid.
- (4) In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, Triforine.
- (5) In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyrifos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, Monocrotophos
- (6) Reference method EN/ISO 6579 or a certified method validated against it (Article 5 of Regulation 2073/2005)
- (7) In particular residues of: Carbendazim, Cyfluthrin Cyprodinil, Diazinon, Dimethoate, Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb, Methomyl, Omethoate, Oxamyl, Phenthoate, Thiophanate-methyl.
- (8) In particular residues of: Methomyl, Oxamyl, Carbendazim, Clofentezine, Diafenthiuron, Dimethoate, Formetanate, Malathion, Procymidone, Tetradifon, Thiophanate-methyl.

(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
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 Port Health
Authorities
Association of Public Analysts of
Scotland
Assured Food Standards
Bakkavor Group UK
Barfoots of Botley Ltd
Barrow Lane & Ballard Ltd
Bartlett Media Ltd
Basildon Chemical Co Ltd
Besana Group
Besana UK Ltd
BEUC - The European Consumers'
Organisation
BFP Wholesale
Booker Ltd
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 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 Ingredient Manufacturers
Association
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
Crown Packaging UK plc
Dairy UK Ltd
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
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 Commission
Food Dialog Limited
FOSFA International
Fresh Produce Consortium
Freshtime UK Ltd
Friends of the Earth UK, Ltd
Gala Coffee Limited
Gerber Foods
Glasgow Caledonian University

Glaxosmithkline
Grain and Feed Trade Association
Greenangle Ltd
Greencore Group
H J Heinz Company Limited
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 Limited
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 Limited
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
Mack Vegetables
Malaysian Palm Oil Board

Maltsters Association of Great Britain
McCormick (UK) Ltd
Mexican Trade Commission
Minerva Scientific Ltd
Musgrave Retail Partners GB
Mycotoxin Laboratory (UK) Ltd
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
Potato Council
Premier Analytical Services
Quaker Oats Ltd
Quality Meat Scotland
Rathbones Bakeries Ltd
R-Biopharm AG
Reading Scientific Services Ltd
Regulatory Solutions
Research Programme Advisor
Ross Biosciences Limited
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 Ltd
Smiths Flour Mills Head Office
Society of Chief Officers of Trading Standards in
Society of Food Hygiene and Technology
Soil Association
Soil Association Certification Ltd
Solvay SA
Speedibrews
Spitfields Market Tenants Association
State General Laboratory (SGL)

Suffolk Coastal Port Health
Authority (Felixstowe)
Sustain: the alliance for better food
and farming
Syngenta
T M Duche & Sons Ltd
Taylors of Harrogate
Tesco Stores plc
The Organic Herb Trading
Company
Toximet Limited
Trading Standards Institute
Tropicana
UK Major Ports Group Ltd
Ulster Farmers' Union
Unilever UK Limited
Uniq plc
United Distillers & Vintners Brand
Technical Centre
University of Bristol
University of Reading
University of Strathclyde
University of Sussex
Vegan Society
Vegetable Consultants Association
Vegetarian Economy and Green
Agriculture
Verner Wheelock Associates
Limited
Veterinary Laboratories Agency
Vitriton UK Ltd
VOICEVALE LTD
Waitrose Limited
West Yorkshire Analytical Services
Western International Market
Tenants Association L
Which?
Wine and Spirit Trade Association
Worcestershire Scientific Services