Commission Implementing Regulation (EU) 2019/626 of 5 March 2019 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/626

of 5 March 2019

concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)[(1)], and in particular Article 127(2) thereof,

After consulting the Standing Committee on Plants, Animals, Food and Feed,

Whereas:

(1) Regulation (EU) 2017/625 lays down rules for official controls and other control activities performed by the competent authorities of the Member States in order to verify compliance with Union legislation in the area of, among others, food safety at all stages of the production, processing and distribution process. In particular, it provides that certain animals and goods are only to enter the Union from of a third country or region thereof which appears on a list drawn up by the Commission for that purpose.

(2) Commission Delegated Regulation (EU) 2019/625[(2)] supplements Regulation (EU) 2017/625 as regards the conditions for the entry into the Union of consignments of certain animals and goods intended for human consumption from third countries or regions thereof in order to ensure that they comply with the relevant requirements established in the rules referred to in Article 1(2)(a) of Regulation (EU) 2017/625 (food safety) or with requirements recognised to be at least equivalent. Those conditions

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/626. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

include the identification of the animals and goods intended for human consumption to which the requirement to come from a third country or region thereof listed in accordance with Article 126(2)(a) of Regulation (EU) 2017/625 applies.

(3) Lists of third countries or regions thereof for the entry into the Union of consignments of certain animals and goods intended for human consumption are established to ensure compliance with food safety requirements in accordance with Article 11(1) of Regulation (EC) No 854/2004 of the European Parliament and of the Council[(3)], which will be repealed by 14 December 2019 by Regulation (EU) 2017/625, and with animal health requirements in accordance with Article 8(1) of Council Directive 2002/99/EC[(4)]. When compliance with both human and animal health requirements was deemed necessary, common lists covering both aspects were laid down by Commission Implementing Regulation (EU) 2016/759[(5)], Commission Regulation (EU) No 206/2010[(6)], Commission Regulation (EC) No 119/2009[(7)], Commission Decision 2007/777/EC[(8)], Commission Decision 2003/779/EC[(9)] and Commission Regulation (EU) No 605/2010[(10)].

(4) Additional lists of third countries or regions thereof from which the entry into the Union of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products is permitted, based on public health considerations, are established in Commission Decision 2006/766/EC[(11)], adopted under Article 11(1) of Regulation (EC) No 854/2004.

(5) Since Regulation (EC) No 854/2004 is repealed by Regulation (EU) 2017/625 with effect from 14 December 2019 and in order to have one single legal act compiling all third countries or regions thereof required to be listed to enter certain animals and goods on the Union market from food and food safety perspective, it is appropriate to lay down lists for those animals and goods in this Regulation.

(6) Since discussions within the context of the implementation of Regulation (EU) 2016/429 of the European Parliament and of the Council[(12)] are ongoing on the requirements for the listing of third countries or regions thereof for the entry into the Union of certain products of animal origin for animal health reasons, it is also appropriate to provide lists for these products of animal origin by laying down cross-references to the existing lists for animal health reasons in order to avoid duplication of lists. These lists have been drawn up on the basis of Regulation (EC) No 854/2004 and Directive 2002/99/EC at the request of the third countries concerned. In order to be on these lists, the competent authorities of the third countries provided appropriate guarantees, in particular as regards compliance or equivalence with Union food law and the organisation of the third country's competent authorities. The re-assessment of compliance with these conditions in accordance with Regulation (EU) 2017/625 is therefore not necessary.

(7) It is appropriate to maintain common lists for the purpose of Regulation (EU) 2017/625 related to food and food safety with the existing lists, laid down for animal health reasons and to keep a coordinated approach by only listing third countries and regions thereof if a residue control programme has been approved in accordance with Council Directive 96/23/EC[(13)], when applicable.

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(8) Regulation (EC) No 853/2004 of the European Parliament and of the Council[(14)] lays down requirements for food business operators importing products of animal origin and composite products. In particular, it provides that food business operators importing products of animal origin from third countries or regions thereof are to ensure that the third country of dispatch appears on a list of third countries from which imports of such products are permitted.

(9) Transitional measures providing for derogations from the import conditions laid down in Regulation (EC) No 853/2004 and applying to certain products of animal origin are provided for in Commission Regulation (EU) 2017/185[(15)], and apply until 31 December 2020.

(10) Additional lists of third countries or regions thereof must therefore be established at the latest before the transitional measures laid down in Regulation (EU) 2017/185 expire to avoid an interruption of the entry into the Union of consignments of those products of animal origin. Lists should be established in particular for rendered animal fats and greaves, reptile meat, insects and casings.

(11) Food consisting of, isolated from or produced from insects or their parts, including live insects, are subject to novel food authorisation in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council[(16)]. It is appropriate to establish a list for these groups of products.

(12) It is necessary to establish before the end of the transitional measures provided for in Regulation (EU) 2017/185, a list of products of animal origin other than those for which specific lists have been laid down in this Regulation to avoid jeopardising the entry into the Union of currently imported products of animal origin, which are essential for European food business operators.

(13) The transitional measures laid down in Regulation (EU) 2017/185 for certain products of animal origin and composite products were introduced because they represent a low risk for human health because of the very low quantities consumed or because the manufacturing of the products largely excludes human health risk. It is therefore disproportionate to request all evidence and guarantees from third countries in accordance with Article 127(3) of Regulation (EU) 2017/625 and Article 4 of Delegated Regulation (EU) 2019/625.

(14) Lists should be laid down in this Regulation and deleted from Implementing Regulation (EU) 2016/759 and Decision 2006/766/EC. Regulation (EU) 2016/759 should therefore be amended accordingly and Decision 2006/766/EC should be repealed.

(15) As Regulation (EU) 2017/625 applies with effect from 14 December 2019, this Regulation should also apply from that date.

(16) Lists of third countries or regions thereof allowed, on the basis of their animal health status, for the entry into the Union of consignments of casings will only be established as from 21 April 2021 in accordance with Regulation (EU) 2016/429. It is appropriate that the list of third countries or regions thereof allowed for the entry into the Union of consignments of casings for human consumption applies only from the same date

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on. Transitional measures providing derogations concerning public health requirements for the entry into the Union of consignments of casings should therefore be extended until 20 April 2021.

(17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation concerns the lists of third countries or regions thereof from which consignments of certain animals and goods intended for human consumption shall be authorised for entry into the Union from food safety perspective in accordance with Article 126(2)(a) of Regulation (EU) 2017/625.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

(1) ‘fresh meat’ means fresh meat as defined in point 1.10 of Annex I to Regulation (EC) No 853/2004;

(2) ‘meat preparations’ means meat preparations as defined in point 1.15 of Annex I to Regulation (EC) No 853/2004;

(3) ‘meat’ means meat as defined in point 1.1 of Annex I to Regulation (EC) No 853/2004;

(4) ‘poultry’ means poultry as defined in point 1.3 of Annex I to Regulation (EC) No 853/2004;

(5) ‘wild game’ means wild game as defined in point 1.5 of Annex I to Regulation (EC) No 853/2004;

(6) ‘eggs’ means eggs as defined in point 5.1 of Annex I to Regulation (EC) No 853/2004;

(7) ‘egg products’ means egg products as defined in point 7.3 of Annex I to Regulation (EC) No 853/2004;

(8) ‘meat products’ means meat products as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004;

(9) ‘treated stomachs, bladders and intestines’ means treated stomachs, bladders and intestines as defined in point 7.9 of Annex I to Regulation (EC) No 853/2004;

(10) ‘bivalve molluscs’ means bivalve molluscs as defined in point 2.1 of Annex I to Regulation (EC) No 853/2004;

(11) ‘fishery products’ means fishery products as defined in point 3.1 of Annex I to Regulation (EC) No 853/2004;

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(12) ‘raw milk’ means raw milk as defined in point 4.1 of Annex I to Regulation (EC) No 853/2004;

(13) ‘dairy products’ means dairy products as defined in point 7.2. of Annex I to Regulation (EC) No 853/2004;

(14) ‘colostrum’ means colostrum as defined in point 1 of Section IX of Annex III of Regulation (EC) No 853/2004;

(15) ‘colostrum-based products’ means colostrum-based products as defined in points 2 of Section IX of Annex III of Regulation (EC) No 853/2004;

(16) ‘frogs' legs’ means frogs' legs as defined in point 6.1 of Annex I to Regulation (EC) No 853/2004;

(17) **[**[F1]‘snails’ means snails as defined in point 6.2 of Annex I to Regulation (EC) No 853/2004 and any other species of snails of the family of Helicidae, Hygromiidae or Sphincterochilidae, intended for human consumption;**]**

(18) ‘rendered animal fat’ means rendered animal fat defined in point 7.5 of Annex I to Regulation (EC) No 853/2004;

(19) ‘greaves’ means greaves as defined in point7.6 of Annex I to Regulation (EC) No 853/2004;

(20) ‘gelatine’ means gelatine as defined in point 7.7 of Annex I to Regulation (EC) No 853/2004;

(21) ‘collagen’ means collagen as defined in point 7.8 of Annex I to Regulation (EC) No 853/2004;

(22) ‘honey’ means honey as defined in point 1 of Part IX of Annex II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[(17)];

(23) ‘apiculture products’ means apiculture products as defined in point 2 of Part IX of Annex II of Regulation (EU) No 1308/2013;

(24) ‘reptile meat’ means reptile meat as defined in point (16) of Article 2 of Regulation (EU) 2019/625;

(25) ‘insects’ means insects as defined in point (17) of Article 2 of Regulation (EU) 2019/625.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2019/1981 of 28 November 2019 amending Implementing Regulation (EU) 2019/626 as regards lists of third countries and regions thereof authorised for the entry into the European Union of snails, gelatine and collagen, and insects intended for human consumption (Text with EEA relevance).