Commission Implementing Regulation (EU) 2016/759 of 28 April 2016 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No 2074/2005 and repealing Decision 2003/812/EC (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/759

of 28 April 2016

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption[(1)] and in particular Articles 8(1) and 9(4) thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption[(2)], and in particular Article 11(1) thereof,

Whereas:

(1) Regulation (EC) No 854/2004 requires products of animal origin to be imported only from a third country or a part of third country that appears on a list drawn up in accordance with that Regulation.

(2) Commission Decision 2003/812/EC[(3)] draws up lists of third countries from which Member States are to authorise imports of certain products for human consumption subject to Council Directive 92/118/EEC[(4)]. Those lists include a list of third countries or parts of third countries from which imports of gelatine intended for human consumption are authorised. However, there is no list which covers collagen, or raw materials for the production of gelatine and collagen, for human consumption. It is appropriate to draw up such lists.

(3) In accordance with Regulation (EC) No 853/2004 of the European Parliament and of the Council[(5)], food business operators importing products of animal origin are to ensure that the documents accompanying the consignment meet the requirements of Article 14 of Regulation (EC) No 854/2004. Commission Regulation (EC) No 2074/2005[(6)] lays down model certificates for imports of certain products of animal origin intended for

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2016/759. 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*

human consumption. Those model certificates include outdated references to previous legislation that need to be updated.

(4) Third countries, parts of third countries and territories listed in Annex II to Commission Decision 2006/766/EC[(7)], in Part 1 of Annex I to Commission Regulation (EC) No 798/2008[(8)], in Part 1 of Annex I to Commission Regulation (EC) No 119/2009[(9)] or in Part 1 of Annex II to Commission Regulation (EU) No 206/2010[(10)] meet the Union requirements with regard to imports of fresh meat and certain fishery products. Those lists could also be used for imports of raw materials for the production of gelatine and collagen. However, less strict requirements should apply if those raw materials have been subjected to certain treatments as provided for in Sections XIV and XV of Annex III to Regulation (EC) No 853/2004.

(5) Raw materials for the production of gelatine and collagen, whether or not treated, introduced into the Union for transit to a third country, pose a negligible risk to public health. Such raw materials, even when treated, should, however, comply with the relevant animal health requirements. Accordingly, a list of third countries, parts of third countries and territories should be drawn up and model certificates for transit, and storage before transit, of raw materials and treated raw materials for the production of gelatine and collagen should be laid down.

(6) Due to the geographical situation of Kaliningrad, specific animal health conditions should be laid down for transit via the Union of consignments of raw materials and treated raw materials for the production of gelatine or collagen to and from Russia, which only concern transit through Latvia, Lithuania and Poland.

(7) In the interest of clarity and simplification of Union legislation, and without prejudice to Commission Decision 2003/863/EC[(11)], the lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction of frogs' legs, snails, gelatine, collagen, raw materials and treated raw materials for the production of gelatine and collagen, and honey, royal jelly and other products of apiculture for human consumption, and the model certificates for those products, should be set out in an Annex to this Regulation. Consequently, the corresponding existing certificates should be deleted from Annex VI to Regulation (EC) No 2074/2005.

(8) In order to ensure the safety of certain highly refined products of animal origin, specific requirements have been inserted in Annex III to Regulation (EC) No 853/2004. Therefore it is appropriate to draw up the list of countries from which those products may be imported and lay down a model certificate for those products.

(9) As the lists of third countries, parts of third countries and territories from which Member States are to authorise imports of furred farm game meat products and feathered farm game meat products and leporidae (rabbit and hare) meat and their meat products have been laid down in Commission Decision 2007/777/EC[(12)] and in Regulation (EC) No 119/2009 respectively, Decision 2003/812/EC becomes redundant and should be repealed.

(10) It is appropriate to introduce a transitional period to allow Member States and food business operators to adapt to the new requirements laid down in this Regulation.

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(11) 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:

CHAPTER 1

IMPORTS OF CERTAIN PRODUCTS OF ANIMAL ORIGIN

[F1 Article 1

[F1 Lists of third countries, parts of third countries and territories]

. . . . . .

Textual Amendments

F1 Deleted by 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).

[F2 Article 2

[F2 Model certificates]

. . . . . .

Textual Amendments

F2 Deleted by Commission Implementing Regulation (EU) 2019/628 of 8 April 2019 concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates (Text with EEA relevance).

CHAPTER 2

TRANSIT OF CERTAIN PRODUCTS OF ANIMAL ORIGIN

Article 3

Lists of third countries, parts of third countries and territories

The third countries, parts of third countries and territories from which Member States are to authorise the transit through the Union of raw materials and treated raw materials for the production of gelatine and collagen intended for human consumption bound for a third country, either by immediate transit or after storage in the Union in accordance

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with Article 12(4) and Article 13 of Council Directive 97/78/EC[13], are set out in Parts IV and V of Annex I to this Regulation, respectively.

Article 4

Model certificate

1 The model certificate for the transit through the Union of the raw materials and treated raw materials referred to in Article 3 is set out in Annex III.

That certificate must be completed in accordance with the notes set out in Annex IV and in the relevant model certificate.

2 Electronic certification and other systems harmonised at Union level may be used.

Article 5

Derogation for transit through Latvia, Lithuania and Poland

1 By way of derogation from Article 3, transit by road or by rail between the specific, designated border inspection posts in Latvia, Lithuania and Poland, listed and marked with special remark 13 in Annex I to Commission Decision 2009/821/EC[14], of consignments of the raw materials or treated raw materials referred to in Article 3 of this Regulation coming from and bound for Russia, directly or via another third country, shall be authorised where the following conditions are met:

a the consignment is sealed with a serially numbered seal by the official veterinarian at the border inspection post of entry**[**F3**.]**

[F4 b the documents accompanying the consignment, as provided for in Article 7 of Directive 97/78/EC, are stamped with the words ‘Only for transit to Russia via the EU’ on each page by the official veterinarian at the border inspection post of entry;

c the procedural requirements provided for in Article 11 of Directive 97/78/EC are complied with;

d the consignment is certified as acceptable for transit on the common veterinary entry document issued by the official veterinarian at the border inspection post of entry.**]**

F4 2 . . . . . .

F4 3 . . . . . .

Textual Amendments

F3 Substituted by Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (Text with EEA relevance).

F4 Deleted by Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008,

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(EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (Text with EEA relevance).

CHAPTER 3

FINAL PROVISIONS

Article 6

Amendment

Annex VI to Regulation (EC) No 2074/2005 is amended as follows:

(1) in Section I, Chapters I, II, III and VI are deleted;

(2) Appendices I, II, III and VI are deleted.

Article 7

Repeal

Decision 2003/812/EC is repealed.

Article 8

Transitional provisions

Consignments of products of animal origin in respect of which the relevant certificates have been issued in accordance with Regulation (EC) No 2074/2005 may continue to be introduced into the Union provided that the certificate was signed before 3 December 2016.

Article 9

Entry into force

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

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