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)

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)

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,

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 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 requirements 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 by the rules referred to in Article 1(2)(a) of Regulation (EU) 2017/625 or with requirements recognised to be at least equivalent. Article 3 of Delegated Regulation (EU) 2019/625 lays down rules regarding certain animals and goods that are

required to come only from third countries or regions thereof included in the list referred to in Article 126(2)(a) of Regulation (EU) 2017/625. Requirements to be included in the list are laid down in Article 4 of Delegated Regulation (EU) 2019/625, in addition to the more general requirements for inclusion laid down in Article 127(3) of Regulation (EU) 2017/625.

(3) Commission Implementing Regulation (EU) 2019/626[(3)] lays down or refers to lists of third countries or regions thereof authorised for the entry into the Union of consignments of certain animals and goods intended for human consumption to ensure compliance with the food safety requirements laid down in Article 4 of Delegated Regulation (EU) 2019/625 and Article 127(3) of Regulation (EU) 2017/625. Implementing Regulation (EU) 2019/626 applies from 14 December 2019.

(4) Article 12 of Implementing Regulation (EU) 2019/626 authorises the entry into the Union of consignments of snails, as defined in point 6.2 of Annex I to Regulation (EC) No 853/2004[(4)], under certain conditions, provided that such consignments come from the third countries or regions thereof listed in Annex III to Implementing Regulation (EU) 2019/626.

(5) In accordance with Article 6(1)(a) of Regulation (EC) No 853/2004, products of animal origin, including other species of snails intended for human consumption, may be imported in the Union only if the third country or regions thereof appear on a list laid down in Implementing Regulation (EU) 2019/626.

(6) Pending such listing in accordance with Regulation (EU) 2019/626, imports of such snails are allowed in accordance with Article 3 of Commission Regulation (EU) 2017/185[(5)], which provides a derogation concerning public health requirements for imports of products of animal origin laid down in Article 6(1) of Regulation (EC) No 853/2004 and which applies until 31 December 2020. It is appropriate to include these species of snails in the list of third countries and regions thereof, laid down in Annex III to Implementing Regulation (EU) 2019/626 to avoid any trade disruption after 31 December 2020.

(7) On 31 January 2019, Armenia requested to be included in the list of third countries from which Member States are to authorise the import to the Union of snails intended for human consumption. Armenia provided guarantees on compliance with the requirements laid down in Article 127(3) of Regulation (EU) 2017/625 and Article 4 of Delegated Regulation (EU) 2019/625, to be authorised for the entry into the Union of snails. Armenia should therefore be included in the list of third countries and regions thereof authorised for the entry into the Union of snails, set out in Annex III of Implementing Regulation (EU) 2019/626.

(8) Article 14 of Implementing Regulation (EU) 2019/626 refers to lists of third countries and regions thereof authorised for the entry into the Union of gelatine and collagen. Article 14 restricts the entry into the Union of gelatine and collagen derived from bovine, ovine, caprine, porcine and equine animals, and from poultry, only to third countries or regions thereof authorised for the entry into the Union of fresh meat of certain species of ungulates and poultry meat.

(9) Article 14 further restricts the entry into the Union of such gelatine and collagen based on animal health restrictions applicable to fresh meat. The latter restrictions are not appropriate because the production process of gelatine and collagen excludes the presence of such animal health hazards. Therefore, a less strict approach should be applied for the entry into the Union of gelatine and collagen from third countries or regions thereof, only based on compliance with the requirements for the entry into the Union of animal and goods laid down in Regulation (EU) 2017/625 and Delegated Regulation (EU) 2019/625.

(10) Article 20 of Implementing Regulation (EU) 2019/626 refers to a list of third countries and regions thereof authorised for the entry into the Union of insects. This Article refers to third countries and regions thereof from which insects have been authorised in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council[(6)] and listed in Commission Implementing Regulation (EU) 2017/2470[(7)]. However, Article 20 of Implementing Regulation (EU) 2019/626 does not provide to specifically identify the third countries and regions thereof that have such authorisation. It is therefore appropriate to refer to a concrete list of third countries and regions thereof authorised for the entry into the Union of these insects in a specific Annex to Implementing Regulation (EU) 2019/626. Third countries and regions thereof should only be authorised for the entry into the Union of insects and listed if they provide sufficient guarantees that they comply with the requirements laid down in Article 127(3) of Regulation (EU) 2017/625 and Article 4 of Delegated Regulation (EU) 2019/625.

(11) On 8 October 2019, Canada provided sufficient guarantees to be authorised for the entry into the Union of insects.

(12) On 28 August 2019, Switzerland provided sufficient guarantees to be authorised for the entry into the Union of insects.

(13) On 11 September 2019, South Korea provided sufficient guarantees to be authorised for the entry into the Union of insects.

(14) Canada, Switzerland and South Korea should therefore be listed as authorised for the entry into the Union of insects and Article 20 of Implementing Regulation (EU) 2019/626 should be amended accordingly.

(15) As Implementing Regulation (EU) 2019/626 applies with effect from 14 December 2019, this Regulation should also apply from that date in order to avoid any trade disruption in particular on the entry into the Union of consignments of gelatine and collagen.

(16) 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

Implementing Regulation (EU) 2019/626 is amended as follows:

(1) in Article 2, point 17 is replaced by the following:

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1981. (See end of Document for details)*

(17) "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;;

(2) Article 12 is replaced by the following:

Article 12

List of third countries or regions thereof authorised for the entry into the Union of snails

Consignments of snails intended for human consumption shall only be authorised for the entry into the Union if they come from third countries or regions thereof that are listed in Annex III to this Regulation.;

(3) in Article 14, paragraphs 1 and 2 are replaced by the following:

1. Consignments of gelatine and collagen derived from bovine, ovine, caprine, porcine and equine animals, intended for human consumption shall only be authorised for the entry into the Union if they come from the third countries listed in column 1 of Part 1 of Annex II to Regulation (EU) No 206/2010 or from South Korea, Malaysia, Pakistan or Taiwan.

2. Consignments of gelatine and collagen derived from poultry intended for human consumption shall only be authorised for the entry into the Union if they come from the third countries listed in column 1 of the table in Part 1 of Annex I to Regulation (EC) No 798/2008, or from Taiwan.;

(4) Article 20 is replaced by the following:

Article 20

Third countries or regions thereof authorised for the entry into the Union of insects

Consignments of insects intended for human consumption shall only be authorised for the entry into the Union if such foods have originated in and been consigned from a third country or region thereof, listed in Annex IIIa to this Regulation.;

(5) the Annexes are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 14 December 2019.

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