

COMMISSION IMPLEMENTING REGULATION (EU) 2022/424
of 14 March 2022

amending and correcting Annexes I, IV, XV, XVI, XVII and XXI to Implementing Regulation (EU) 2021/404 as regards the lists of third countries, territories or zones or compartments thereof authorised for the entry into the Union of equine animals, meat products, milk, colostrum, colostrum-based products and dairy products, casings and aquatic animals

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 230(1) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 lays down, inter alia, the animal health requirements for the entry into the Union of consignments of animals, germinal products and products of animal origin, and it applies from 21 April 2021. One of those animal health requirements is that those consignments must come from a third country, territory or zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation.
- (2) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ supplements Regulation (EU) 2016/429 as regards the animal health requirements for the entry into the Union of consignments of certain species and categories of animals, germinal products and products of animal origin from third countries, territories or zones or compartments thereof. Delegated Regulation (EU) 2020/692 provides that consignments of animals, germinal products and products of animal origin falling within its scope may only be permitted to enter into the Union if they come from a third country, territory or zone or compartment thereof, listed for the particular species and categories of animals, germinal products and products of animal origin, in accordance with the animal health requirements laid down in that Delegated Regulation.
- (3) Commission Implementing Regulation (EU) 2021/404 ⁽³⁾ establishes the lists of third countries, territories or zones or compartments thereof, from which the entry into the Union of those species and categories of animals, germinal products and products of animal origin, that fall within the scope of Delegated Regulation (EU) 2020/692, is permitted. The lists and certain general rules concerning the lists are set out in Annexes I to XXII to that Implementing Regulation.
- (4) Annex IV to Implementing Regulation (EU) 2021/404 sets out the list of third countries, territories or zones thereof authorised for the entry into the Union of consignments of equine animals. The erroneous reference in the title of column 2 of that list should be corrected. Annex IV to Implementing Regulation (EU) 2021/404 should therefore be corrected accordingly.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽³⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (OJ L 114, 31.3.2021, p. 1).

- (5) Section A of Part 1 of Annex XV to Implementing Regulation (EU) 2021/404 sets out the list of third countries, territories or zones thereof authorised for the entry into the Union of consignments of meat products from ungulates, poultry and game birds. In the fifth column of that list, the entry for Serbia as regards porcine animals, should reflect the risk-mitigating treatments B or C referred to in Article 1, point (a), of Commission Implementing Decision (EU) 2019/1351 ⁽⁴⁾, which applied until 31 December 2021, and which are now set out in Annex XXVI to Delegated Regulation (EU) 2020/692. That entry for Serbia should be corrected, and Annex XV to Implementing Regulation (EU) 2021/404 should therefore be corrected accordingly.
- (6) Annex XVI to Implementing Regulation (EU) 2021/404 sets out the list of third countries, territories or zones thereof authorised for the entry into the Union of consignments of casings. Mongolia submitted to the Commission its response to a questionnaire concerning the entry into the Union of consignments of casings from that third country in terms of animal and public health. Mongolia has also provided sufficient evidence and guarantees to the Commission to be included in that list which should therefore be amended to include that third country. Annex XVI to Implementing Regulation (EU) 2021/404 should therefore be amended accordingly.
- (7) Annex XVII to Implementing Regulation (EU) 2021/404 sets out a list of third countries, territories or zones thereof authorised for the entry into the Union of milk, colostrum, colostrum-based products, dairy products derived from raw milk and dairy products not subject to a specific risk-mitigating treatment against foot-and-mouth disease. That list should take account of the list of third countries or parts thereof authorised for the introduction into the European Union of consignments of raw milk, dairy products, colostrum and colostrum-based products and indicating the type of heat treatment required for such commodities set out in Annex I to Commission Regulation (EU) No 605/2010 ⁽⁵⁾, as Regulation (EU) No 605/2010 was repealed and replaced by Implementing Regulation (EU) 2021/404. Annex XVII to Implementing Regulation (EU) 2021/404 should therefore be corrected to include an entry for the Isle of Man, which was listed in Annex I to Regulation (EU) No 605/2010.
- (8) Annex XXI to Implementing Regulation (EU) 2021/404 sets out the list of third countries or territories or zones or compartments thereof from which the entry into the Union of consignments of live aquatic animals of listed species is authorised. That Annex should be corrected by reinserting Parts 2, 3 and 4 as applicable before the amendments made to Annex XXI to Implementing Regulation (EU) 2021/404, by Commission Implementing Regulation (EU) 2021/1937 ⁽⁶⁾, and unintentionally deleted by that Implementing Regulation. Annex XXI to Implementing Regulation (EU) 2021/404 should therefore be corrected accordingly.
- (9) Implementing Regulation (EU) 2021/404 should therefore be amended and corrected accordingly.
- (10) As Implementing Regulation (EU) 2021/404 applies from 21 April 2021, in the interest of legal certainty, the amendments and corrections to be made to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.

⁽⁴⁾ Commission Implementing Decision (EU) 2019/1351 of 19 August 2019 setting up special conditions in respect of imports into and transit through the Union of meat products and treated stomachs, bladders and intestines derived from porcine animals originating in the Republic of Serbia following the occurrence of African swine fever in that country and amending Implementing Decision 2013/426/EU (OJ L 216, 20.8.2019, p. 1).

⁽⁵⁾ Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption (OJ L 175, 10.7.2010, p. 1).

⁽⁶⁾ Commission Implementing Regulation (EU) 2021/1937 of 9 November 2021 amending Implementing Regulation (EU) 2021/404 as regards the entry into the Union of consignments of molluscs and crustaceans intended to be kept for ornamental purposes in closed facilities and laying down the list of third countries or territories, or the zones or compartments thereof from which the entry into the Union of such consignments is authorised (OJ L 396, 10.11.2021, p. 36).

- (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:

Article 1

Annexes I, IV, XV, XVI, XVII and XXI to Implementing Regulation (EU) 2021/404 are amended and corrected in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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.

Done at Brussels, 14 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

Annexes I, IV, XV, XVI, XVII and XXI to Implementing Regulation (EU) 2021/404 are amended and corrected as follows:

(1) in Annex I, point 10 is replaced by the following:

‘(10) When reference to Serbia is made, the territory of Kosovo (*) is not included.

(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.’;

(2) in Annex IV, in Part 1, the titles of the table are replaced by the following:

ISO code and name of the third country or territory	Zone as set out in Part 2	Sanitary group	Categories permitted to enter the Union	Animal health certificates	Specific conditions as set out in Part 3	Animal health guarantees as set out in Part 4	Closing date	Opening date
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(3) in Annex XV, in Part 1, in Section A, the entry for Serbia is replaced by the following:

RS Serbia	RS-0	A	A	B or C	A	D	D	D	D	D	Not authorised	MPNT⁽¹⁾ MPST	
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(4) in Annex XVI, in Part 1, the following entry for Mongolia is inserted between the entry for Morocco and the entry for New Zealand:

MN Mongolia	MN-0		Ungulates and poultry		CAS								
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(5) in Annex XVII, in Part 1, the following entry for the Isle of Man is inserted between the entry for Greenland and the entry for Jersey:

IM Isle of Man	IM-0	Ungulates	MILK-RM, MILK-RMP/NT, COLOSTRUM, COLOSTRUM-BP, DAIRY-PRODUCTS-PT										
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(6) in Annex XXI, the following Parts 2, 3 and 4 are added after Part 1:

PART 2

Descriptions of zones or compartments of third countries or territories referred to in column 2 of the table set out in Part 1

Name of the third country or territory	Code of the zone/compartment	Description of the zone
Canada	CA-1	British Columbia
	CA-2	Alberta
	CA-3	Saskatchewan
	CA-4	Manitoba
	CA-5	New Brunswick
	CA-6	Nova Scotia
	CA-7	Prince Edward Island
	CA-8	Newfoundland and Labrador
	CA-9	Yukon
	CA-10	Northwest territories
	CA-11	Nunavut
	CA-12	Quebec
Malaysia	MY-1	Peninsular, Western Malaysia
United States	US-1	Whole country except the following States: New York, Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota and Pennsylvania
	US-2	Humboldt Bay (California)
	US-3	Netarts Bay (Oregon)
	US-4	Wilapa Bay, Totten Inlet, Oakland Bay, Quilcence Bay and Dabob Bay (Washington)
	US-5	NELHA (Hawai)

PART 3

Specific conditions referred to in column 7 of the table set out in Part 1

A	Aquatic animals and products of animal origin from aquatic animals other than live aquatic animals to which Part II.2.4. of model official certificate FISH-CRUST-HC applies, must originate from a third country or territory, or zone or compartment thereof listed in this Annex, Part 1, column 2. In all cases, this shall apply without prejudice to Commission Implementing Regulation (EU) 2021/405 (*)
B	Aquatic animals and products of animal origin from aquatic animals other than live aquatic animals, to which Part II.2.4 of model official certificate MOL-HC applies, must originate from a third country or territory, or zone or compartment thereof listed in this Annex, Part 1, column 2. In all cases, this shall apply without prejudice to Implementing Regulation (EU) 2021/405 This official certificate may only be used for the entry into the Union of consignments of live aquatic animals intended for human consumption that comply with the health standards for live bivalve molluscs laid down in Annex III, Section VII, Chapter V, to Regulation (EC) No 853/2004 of the European Parliament and of the Council (**), and the food safety criteria laid down in Annex I, Chapter 1, points 1.17 and 1.25, to Commission Regulation (EC) No 2073/2005 (***)
<p>(*) Commission Implementing Regulation (EU) 2021/405 of 24 March 2021 laying down the lists of third countries or regions thereof authorised for the entry into the Union of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 118).</p> <p>(**) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).</p> <p>(***) Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJ L 338, 22.12.2005, p. 1).</p>	

PART 4

Animal health guarantees referred to in column 8 of the table set out in Part 1

None.