



2024/1333

21.5.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1333

of 17 May 2024

amending and correcting Annex III to Implementing Regulation (EU) 2020/2235 as regards model certificates for the entry into the Union of live fish, live crustaceans and products of animal origin from those animals and certain fishery products, intended for human consumption

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular Article 7(2), point (a), thereof,

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') ⁽²⁾, and in particular Articles 238(3) and 239(3) thereof,

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) ⁽³⁾, and in particular Article 90, first paragraph, point (a) and Article 126(3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/2235 ⁽⁴⁾ lays down rules regarding animal health certificates provided for in Regulation (EU) 2016/429, official certificates and attestations provided for in Regulation (EU) 2017/625, and animal health/official certificates based on both those Regulations, required, among others, for the entry into the Union of certain consignments of animals and goods.

⁽¹⁾ OJ L 139, 30.4.2004, p. 55, ELI: <http://data.europa.eu/eli/reg/2004/853/oj>.

⁽²⁾ OJ L 84, 31.3.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/429/oj>.

⁽³⁾ OJ L 95, 7.4.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/625/oj>.

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) No 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) No 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC (OJ L 442, 30.12.2020, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2020/2235/oj).

- (2) Chapter 28 (model FISH-CRUST-HC) of Annex III to Implementing Regulation (EU) 2020/2235 sets out the model animal health/official certificate for the entry into the Union of live fish, live crustaceans and products of animal origin from those animals intended for human consumption. Commission Implementing Regulation (EU) 2023/2744 ⁽⁵⁾ replaced that Chapter. In points II.2.6.2(i) and (iii) of the replaced Chapter 28, Implementing Regulation (EU) 2023/2744 contained two excess notes. In the interest of clarity, those notes should be deleted.
- (3) Chapter 29 (model EU-FISH) of Annex III to Implementing Regulation (EU) 2020/2235 sets out the model official certificate for the entry into the Union of fishery products intended for human consumption caught by vessels flying the flag of a Member State and transferred in third countries with or without storage. Implementing Regulation (EU) 2023/2744 deleted Part II of that Chapter erroneously. Part II of that Chapter should therefore be restored, and, for the sake of clarity, the order of the points be modified.
- (4) Council Directive 96/23/EC ⁽⁶⁾ was repealed and its provisions regarding entry into the Union laid down in Article 29 of that Directive were incorporated in Commission Delegated Regulation (EU) 2022/2292 ⁽⁷⁾. Moreover, Commission Decision 2011/163/EU ⁽⁸⁾ was repealed and its provisions were incorporated in Commission Implementing Regulation (EU) 2021/405 ⁽⁹⁾. It is therefore necessary to adapt the references to that Directive and that Decision in Chapter 29, Part II, of Annex III to Implementing Regulation (EU) 2020/2235 accordingly in the text to be restored.
- (5) As fishery products from wild catch are excluded from the application of the requirements laid down in Articles 6 to 12 of Delegated Regulation (EU) 2022/2292, a separate certification option should be introduced for those products in Chapter 29, Part II, of Annex III to Implementing Regulation (EU) 2020/2235. In relation to contaminants, that certification option should refer to compliance with Commission Regulation (EU) 2023/915 ⁽¹⁰⁾, and, in relation to pesticide residues, to compliance with Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽¹¹⁾.
- (6) Implementing Regulation (EU) 2020/2235 should therefore be amended and corrected accordingly.

⁽⁵⁾ Commission Implementing Regulation (EU) 2023/2744 of 20 November 2023 amending Implementing Regulation (EU) 2020/2235 as regards model animal health certificates, model official certificates, model animal health/official certificates and private attestation, for the entry into the Union or transit through the Union of consignments of certain categories of animals and goods, and official certification regarding such certificates (OJ L 2023/2744, 15.12.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2744/oj).

⁽⁶⁾ Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10, ELI: <http://data.europa.eu/eli/dir/1996/23/oj>).

⁽⁷⁾ Commission Delegated Regulation (EU) 2022/2292 of 6 September 2022 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of food-producing animals and certain goods intended for human consumption (OJ L 304, 24.11.2022, p. 1, ELI: http://data.europa.eu/eli/reg_del/2022/2292/oj).

⁽⁸⁾ Commission Decision 2011/163/EU of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (OJ L 70, 17.3.2011, p. 40, ELI: [http://data.europa.eu/eli/dec/2011/163\(1\)/oj](http://data.europa.eu/eli/dec/2011/163(1)/oj)).

⁽⁹⁾ 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, ELI: http://data.europa.eu/eli/reg_impl/2021/405/oj).

⁽¹⁰⁾ Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103, ELI: <http://data.europa.eu/eli/reg/2023/915/oj>).

⁽¹¹⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/396/oj>).

- (7) As the amendments made to Implementing Regulation (EU) 2020/2235 by Implementing Regulation (EU) 2023/2744 entered into force on 4 January 2024, in the interest of legal certainty and to facilitate trade, the amendments and corrections made to Implementing Regulation (EU) 2020/2235 by this Regulation should take effect as a matter of urgency. The urgent entry into force of the amendments and corrections is without prejudice to the fact that, in accordance with Article 2 of Implementing Regulation (EU) 2023/2744, until 15 September 2024, consignments of live fish, live crustaceans and products of animal origin from those animals and certain fishery products accompanied by the appropriate animal health/official certificate or official certificate issued in accordance with the models set out in Chapters 28 and 29 of Annex III to Implementing Regulation (EU) 2020/2235, as applicable before the amendments made to that Implementing Regulation by Implementing Regulation (EU) 2023/2744, continue to be authorised for the entry into the Union provided that the certificate was issued no later than 15 June 2024.
- (8) 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

Annex III to Implementing Regulation (EU) 2020/2235 is 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, 17 May 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex III to Implementing Regulation (EU) 2020/2235 is amended and corrected as follows:

(1) in Chapter 28, point II.2.6.2 is replaced by the following:

II.2.6.2. the aquatic animals are not transported under conditions that jeopardise their health status, in particular:

- (i) when the aquatic animals are transported in water, it does not alter their health status;
- (ii) the means of transport and the containers are constructed in such a way that the health status of the aquatic animals is not jeopardised during transportation;
- (iii) the [container] ^(*) [well-boat] ^(*) is [previously unused] ^(*) [cleaned and disinfected in accordance with a protocol and with products approved by the competent authority of the third country or territory of origin] ^(*), prior to the time of loading for dispatch to the Union;

(2) in Chapter 29, the following is added:

‘COUNTRY		Certificate model EU-FISH	
II. Health information		II.a	II.b
II.1. Public health attestation		Certificate reference	IMSOC reference
Part II: Certification	<p>I, the undersigned, declare that I am aware of the relevant requirements of Regulation (EC) No 178/2002 of the European Parliament and of the Council, Regulation (EC) No 852/2004 of the European Parliament and of the Council, Regulation (EC) No 853/2004 of the European Parliament and of the Council and Regulation (EU) 2017/625 of the European Parliament and of the Council and hereby certify that the fishery products described in Part I:</p>		
	<p>(a) have been landed and unloaded hygienically from the approved/registered vessel(s) ⁽¹⁾ (indicate approval/registration number(s) and name of the flag Member State(s)) in compliance with the relevant requirements of Section VIII, Chapter II, of Annex III to Regulation (EC) No 853/2004;</p>		
	<p>(b) are accompanied by the printout(s) ⁽²⁾ of the Transhipment Declaration/Landing Declaration or relevant parts thereof ⁽²⁾;</p>		
	<p>⁽³⁾ <i>either</i> [(c) fulfil the guarantees covering aquaculture provided by the control plan submitted in accordance with Article 6(2) of Commission Delegated Regulation (EU) 2022/2292 and the concerned third country or territory of the fishery products’ origin is listed with an entry “X” for aquaculture in Annex -I to Commission Implementing Regulation (EU) 2021/405;]</p>		
	<p>⁽³⁾ <i>or</i> [(c) are fishery products from wild catch for which monitoring arrangements are in place to control compliance with Union legislation on contaminants in accordance with Commission Regulation (EU) 2023/915, and on pesticide residues in accordance with Regulation (EC) No 396/2005 of the European Parliament and of the Council;]</p>		
	<p>⁽³⁾ [(d) have been stored in EU listed cold store(s) (indicate approval number(s)) in compliance with the relevant requirements of Section VIII, Chapter VII, of Annex III to Regulation (EC) No 853/2004;]</p>		
	<p>⁽³⁾ [(e) have been loaded hygienically on the approved vessel(s) (indicate approval number(s) and the flag of the Member State(s) or third country(ies) vessel(s)) in compliance with the relevant requirements laid down in Section VIII, Chapters I and VIII, of Annex III to Regulation (EC) No 853/2004;]</p>		
	<p>⁽³⁾ [(f) have been loaded in a container (indicate container number), or in a truck (indicate registration number of the truck and of the trailer), or in an aircraft (indicate the flight number) in compliance with the requirements laid down in Section VIII, Chapter VIII, of Annex III to Regulation (EC) No 853/2004.]</p>		
	<p>Notes</p> <p>In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, references to the Union in this official certificate include the United Kingdom in respect of Northern Ireland.</p> <p>This official certificate shall be completed in accordance with the notes for the completion of certificates provided for in Chapter 4 of Annex I to Commission Implementing Regulation (EU) 2020/2235.</p>		

COUNTRY

Certificate model EU-FISH

	<p>Part I:</p> <p>Box reference I.11: Indicate the name, address and number of the EU listed cold store(s) in the third country of dispatch or, if the product was not in cold storage, indicate the name and approval number or registration number of the Member State flagged vessel(s) of origin.</p> <p>Box reference I.15: Indicate the means of transport leaving the third country of dispatch. In the case of freezer/refrigerator vessel(s), indicate the name of the vessel(s), approval number and flag State; in the case of fishing vessel(s), indicate the registration number and flag State. If the means of transport are containers, trucks or aircraft the same indications as provided for in point II.1(f) shall be stated.</p> <p>Box reference I.20: Tick "Canning industry" for whole fish initially frozen in brine at – 9 °C or at a temperature higher than – 18 °C and intended for canning in accordance with the requirements of Section VIII, Chapter I, Part II, point 7, of Annex III to Regulation (EC) No 853/2004. Tick "Products for human consumption" or "Further processing" for the other cases.</p> <p>Box reference I.27: "CN code": Indicate the appropriate Harmonised System (HS) code(s) of the World Customs Organisation under the following headings: 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 0511, 1504, 1516, 1518, 1603, 1604, 1605 or 2106. "Treatment type": Specify whether chilled, frozen or processed.</p> <p>Part II:</p> <p>(¹) Includes fishing vessel(s), factory vessel(s), freezer and reefer vessel(s) as applicable.</p> <p>(²) Electronic format is also accepted. Transshipment Declaration shall be used if no storage takes place, and the Landing Declaration shall be used if storage takes place.</p> <p>(³) Delete if not applicable.</p>						
	<p>Certifying officer</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Name (in capital letters)</td> <td style="width: 50%;">Qualification and title</td> </tr> <tr> <td>Date</td> <td>Signature'</td> </tr> <tr> <td>Stamp</td> <td></td> </tr> </table>	Name (in capital letters)	Qualification and title	Date	Signature'	Stamp	
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