

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Implementing Regulation (EU) 2022/158 of 4 February 2022	L 26	1	7.2.2022

**COMMISSION IMPLEMENTING REGULATION (EU) 2020/1641****of 5 November 2020****regarding imports of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption from the United States of America****(Text with EEA relevance)***Article 1***Subject matter and scope**

This Regulation lays down rules concerning the entry into the Union of consignments of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption from the States of Massachusetts and Washington of the United States.

*Article 2***Definition**

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

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

*Article 3***Equivalence**

The measures applied in the States of Massachusetts and Washington of the United States for the protection of public health in relation to the production and placing on the market of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption for which the Combined Nomenclature codes have been laid down in Part Two of Annex I to Regulation (EEC) No 2658/87 are equivalent to the requirements laid down in the rules referred to in Article 1(2)(a) of Regulation (EU) 2017/625.

*Article 4***Official certificate**

Each consignment of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption, as referred to Article 1, shall enter the Union only if they are accompanied by an official certificate duly completed in accordance with the model set out in the Annex.

*Article 5***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.



ANNEX

MODEL OFFICIAL CERTIFICATE FOR THE ENTRY INTO THE UNION OF LIVE, CHILLED, FROZEN OR PROCESSED BIVALVE MOLLUSCS, ECHINODERMS, TUNICATES AND MARINE GASTROPODS INTENDED FOR HUMAN CONSUMPTION FROM THE UNITED STATES OF AMERICA

Part I: Details of dispatched consignment	I.1. Consignor/Exporter Name Address Postal code Tel No.				I.2. Certificate reference number		I.2.a.			
					I.3. Central Competent Authority					
					I.4. Local Competent Authority					
					I.6.					
	I.5. Consignee/Importer Name Address Postal code Tel No.									
	I.7. Country of origin	ISO code	I.8. State of origin	Code				I.9. Country of destination	ISO code	I.10.
	USA	US	SEE BOX I.28	SEE BOX I.28						
	I.11. Place of dispatch Name Approval number Address							I.12.		
	I.13. Place of loading									
	I.15. Means of transport Airplane ☐ Ship ☐ Railway wagon ☐ Identification Documentary references:				I.16. Entry BCP in EU					
I.18. Description of commodity				I.17						
				I.19. Commodity code (HS code)						
				I.20. Quantity						
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐				I.22. Number of packages						
I.23. Identification of container/Seal number				I.24. Type of packaging						
I.25. Commodities certified for ☐ Human consumption ☐ Final consumer										

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I.26.		I.27. For import or admission into EU ☐	
I.28. Identification of the commodities			
Species (Scientific name)	Nature of commodity	Treatment type	Manufacturing plant name and approval number
			Harvest location/ Establishment of Origin
			Batch No.
			Number of packages
			Net Weight

United States (US)**Veterinary certificate to EU**

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b.
	II.1. Public health attestation for live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption I, the undersigned hereby certify that: — The herein described products comply with and were produced in accordance with relevant US standards and requirements of the US molluscan shellfish regulatory control program. — The herein described products are labelled as not destined to be immersed or in contact with any EU water — All foreign-sourced shellfish material used in these products originates from third countries/establishments/growing areas approved to export live bivalve molluscs to the EU.		
	(1) (2) II.2. Animal health attestation for live bivalve molluscs⁽³⁾ of listed species intended for human consumption, I, the undersigned official veterinarian, hereby certify that the aquatic animals referred to in Box I.18 of Part I meet: - II.2.1. the general animal health requirements for entry into the Union, which are set out in Article 6(1), in points (a)⁽⁴⁾, and (b), Articles 6(2) and 7(1) and Article 8 of Commission Delegated Regulation (EU) 2020/692 ^(A); - II.2.2. the specific animal health requirements for entry into the Union of the commodities to which this certificate applies, which are set out in Article 167, points (a), (c)(ii), (c)(iii) and (d), and Article 169(1) and (2) of Delegated Regulation (EU) 2020/692.]		
	<i>Notes</i> n 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 European Union in this certificate include the United Kingdom in respect of Northern Ireland.		

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Part I:

— Box reference I.8: Region of origin: state of US harvest and code of approved production area.

Part II:

(1) Part II.2. of this certificate applies only to the following commodities of live bivalve molluscs intended for human consumption:

- (a) molluscs of listed species transported without water which are packaged and labelled for human consumption in accordance with the specific requirements for those animals as set out in Regulation (EC) No 853/2004 of the European Parliament and of the Council ^(B) and which are no longer able to survive as living animals if returned to the aquatic environment;
- (b) molluscs of listed species transported without water which are intended for human consumption without further processing, provided they are packaged for retail sale in compliance with the requirements for such packaging as set out in Regulation (EC) No 853/2004;
- (c) molluscs of listed species transported without water which are packaged and labelled for human consumption in accordance with the specific requirements for those animals as set out in Regulation (EC) No 853/2004 and which are intended for further processing without temporary storage at the place of processing.

(2) Part II.2 does not apply, and should be deleted when the consignment consists of wild aquatic animals which are landed from fishing vessels.

(3) Species listed in columns 3 and 4 of the table in the Annex to Commission Implementing Regulation (EU) 2018/1882 ^(C). Species listed in column 4 of that table shall only be regarded as vectors under the conditions set out in Article 171(1) of Delegated Regulation (EU) 2020/692.

(4) Where disease is relevant and reportable.

(5) To be signed by:

- an official veterinarian when the animal health attestation of part II.2 is completed;
- a certifying officer or an official veterinarian when the animal health attestation in part II.2 is deleted.

[Official veterinarian]⁽⁵⁾ / [Certifying officer]⁽⁵⁾

Name (in capitals) _____

Qualification and title _____

Date _____

Signature _____

Stamp

^(A) 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).

^(B) 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).

^(C) Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).