

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/363

of 24 January 2022

amending and correcting Annex IX to Implementing Regulation (EU) 2021/405 as regards the lists of third countries or regions thereof authorised for the entry into the Union of certain fishery products*(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1), point (b), 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) ⁽²⁾, and in particular Article 127(2),

Whereas:

- (1) Commission Delegated Regulation (EU) 2019/625 ⁽³⁾ sets out 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 applicable requirements established in the rules on food safety referred to in Article 1(2)(a) of Regulation (EU) 2017/625 or with requirements recognised to be at least equivalent. In particular, entry into the Union of those goods and animals is subject to the requirement that they come from a third country or region thereof which is included in a list in accordance with Article 126(2), point (a), of Regulation (EU) 2017/625.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 95, 7.4.2017, p. 1.

⁽³⁾ Commission Delegated Regulation (EU) 2019/625 of 4 March 2019 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 certain animals and goods intended for human consumption (OJ L 131, 17.5.2019, p. 18).

- (2) Commission Implementing Regulation (EU) 2021/405 ⁽⁴⁾ lays down the lists of third countries and regions thereof authorised for the entry into the Union of certain animals and goods intended for human consumption in accordance with Article 126(2), point (a), of Regulation (EU) 2017/625. Annex IX to that Regulation set outs the list of third countries or regions thereof authorised for the entry into the Union of consignments of certain fishery products, among which products from aquaculture.
- (3) Commission Implementing Decision (EU) 2022/367 ⁽⁵⁾ has included Belarus, Israel ⁽⁶⁾, Moldova, Switzerland, Turkey, the United Arab Emirates, and Uruguay in the Annex to Commission Decision 2011/163/EU ⁽⁷⁾ for the sub-category 'caviar (product of finfish)' in the category 'aquaculture products'. It is therefore appropriate to include those third countries in Annex IX to Implementing Regulation (EU) 2021/405 with the remark 'Aquaculture: caviar (product of finfish)'.
- (4) Canada, China and the United States were previously listed for 'aquaculture' in the Annex to Decision 2011/163/EU and were exporting caviar of aquaculture origin on this basis. The residue monitoring plan for finfish they presented was in compliance with general Union requirements for aquaculture and covered as well caviar. Therefore, those third countries were left off the list for 'products of finfish (e.g. caviar)' in the Annex to Decision 2011/163/EU as amended by Implementing Decision (EU) 2021/2315. Implementing Decision (EU) 2022/367 has included Canada, China and the United States in the Annex to Decision 2011/163/EU for the sub-category 'caviar (product of finfish)' in the category 'aquaculture products'. It is therefore appropriate to include those third countries in Annex IX to Implementing Regulation (EU) 2021/405 for all fishery products in the category of aquaculture.
- (5) Oman was removed from the list of eligible countries for aquaculture products in the Annex to Decision 2011/163/EU by Commission Implementing Decision (EU) 2021/2315 ⁽⁸⁾, as Oman's approved residue monitoring plan was not satisfactory. Oman was removed from Annex IX to Implementing Regulation (EU) 2021/405 by Commission Implementing Regulation (EU) 2022/34 ⁽⁹⁾ for aquaculture products, but also, inadvertently, for wild caught fish, which does not require a residue monitoring plan. Therefore, the entry for Oman for wild caught fish in Annex IX to Implementing Regulation (EU) 2021/405 needs to be corrected.
- (6) Annex IX to Implementing Regulation (EU) 2021/405 should therefore be amended and corrected accordingly.
- (7) In order to minimise trade disruptions and ensure legal certainty and consistency with Decision 2011/163/EU, this Regulation should enter into force as a matter of urgency.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽⁴⁾ 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).

⁽⁵⁾ Commission Implementing Decision (EU) 2022/367 of 2 March 2022 amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (see page 107 of this Official Journal).

⁽⁶⁾ Hereafter understood as the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.

⁽⁷⁾ 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).

⁽⁸⁾ Commission Implementing Decision (EU) 2021/2315 of 17 December 2021 amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (OJ L 464, 28.12.2021, p. 17).

⁽⁹⁾ Commission Implementing Regulation (EU) 2022/34 of 22 December 2021 amending Annexes III, VIII, IX and XI to Implementing Regulation (EU) 2021/405 as regards the lists of third countries or regions thereof authorised for the entry into the Union of certain wild game birds intended for human consumption, of consignments of certain bivalve molluscs, echinoderms, tunicates and marine gastropods, of certain fishery products, and of frogs' legs and snails, and repealing Decision 2007/82/EC (OJ L 8, 13.1.2022, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Annex IX to Implementing Regulation (EU) 2021/405 is amended 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, 24 January 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex IX to Implementing Regulation (EU) 2021/405 is amended as follows:

a) the entry for United Arab Emirates is replaced by the following:

'AE	United Arab Emirates	Aquaculture: finfish and caviar (product of finfish) Only raw material either from Member States or from other third countries approved for imports of such raw material into the Union'
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b) the entry for Belarus is replaced by the following:

'BY	Belarus	Aquaculture: finfish and caviar (product of finfish)'
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c) the entry for Canada is replaced by the following:

'CA	Canada (*)	
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(*) These third countries or regions thereof can export all fishery products (finfish, caviar (product of finfish) and crustaceans).'

d) the entry for Switzerland is replaced by the following:

'CH	Switzerland (*)	Aquaculture: finfish and caviar (product of finfish)
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(*) In accordance with the Agreement of 21 June 1999 between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 114, 30.4.2002, p. 132).'

e) the entry for China is replaced by the following:

'CN	China (*)	
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(*) These third countries or regions thereof can export all fishery products (finfish, caviar (product of finfish) and crustaceans).'

f) the entry for Israel is replaced by the following:

'IL	Israel (*)	Aquaculture: finfish and caviar (product of finfish)
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(*) Hereinafter understood as the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.'

g) the entry for Moldova is replaced by the following:

'MD	Moldova	Aquaculture: finfish and caviar (product of finfish)'
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h) the following entry is inserted between the entries for New Zealand and Panama:

'OM	Oman	Only wild catch'
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i) the entry for Turkey is replaced by the following:

'TR	Turkey	Aquaculture: finfish and caviar (product of finfish)'
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j) the entry for the United States is replaced by the following:

'US	United States (*)	
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(*) These third countries or regions thereof can export all fishery products (finfish, caviar (product of finfish) and crustaceans).'

k) the entry for Uruguay is replaced by the following:

'UY	Uruguay	Aquaculture: finfish and caviar (product of finfish)'
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