

II

(Non-legislative acts)

REGULATIONS

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

(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)(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) and (4),

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)(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)(a) of Regulation (EU) 2017/625.
- (3) In order to be listed, a third country or region thereof is to comply with the requirements laid down in Article 127 of Regulation (EU) 2017/625 and with those laid down in Article 4 of Delegated Regulation (EU) 2019/625.
- (4) Article 4, point (f), of Delegated Regulation (EU) 2019/625 provides that the existence, implementation and communication of a residues control programme approved by the Commission, when applicable, is a prerequisite for the inclusion of third countries or regions thereof in the list referred to in Article 126(2)(a) of Regulation (EU) 2017/625. Commission Decision 2011/163/EU ⁽⁵⁾ approved the residue monitoring plans submitted by certain third countries concerning specific animals and animal products listed in the Annex to that Decision.
- (5) Commission Implementing Decision (EU) 2021/2315 ⁽⁶⁾ removed the approval of the residue monitoring plan of Tunisia for wild game. Tunisia should therefore be removed from the list of third countries authorised for the entry into the Union of certain wild game birds intended for human consumption, set out in Annex III to Implementing Regulation (EU) 2021/405. Tunisia has been informed accordingly.
- (6) Implementing Decision (EU) 2021/2315 approved the monitoring plan of Ukraine for marine gastropods within the subcategory 'molluscs'. Since Ukraine has provided appropriate evidence and guarantees that it fulfils the requirements of Union legislation for the entry into the Union of consignments of marine gastropods from aquaculture, that third country should be added in the list of third countries or regions thereof authorised for the entry into the Union of consignments of certain bivalve molluscs, echinoderms, tunicates and marine gastropods, set out in Annex VIII to Implementing Regulation (EU) 2021/405. Ukraine has been informed accordingly.
- (7) Implementing Decision (EU) 2021/2315 divided the category 'aquaculture products' in the Annex to Decision 2011/163/EU into the four sub-categories 'finfish', 'products of finfish', e.g. caviar, 'crustaceans' and 'molluscs'. For reasons of consistency and clarity, it is appropriate to amend Annex IX to Implementing Regulation (EU) 2021/405, in order to specify the subcategories of aquaculture products for which the third countries are authorised, where relevant.
- (8) Implementing Decision (EU) 2021/2315 approved the residue monitoring plans for aquaculture products of Albania, Argentina, Belarus, Bosnia Herzegovina, Chile, Falkland Islands, Faroes, Isle of Man, Israel, Japan, Kenya, Mauritius, Moldova, Montenegro, New Zealand, North Macedonia, Serbia, Singapore, Switzerland, Tunisia, Turkey, Uganda, Ukraine, United Kingdom and Uruguay, where applicable among other things, with respect to the subcategory 'finfish'. It is therefore appropriate to amend Annex IX to Implementing Regulation (EU) 2021/405 in order to reflect that approval. Those third countries have been informed accordingly.
- (9) Implementing Decision (EU) 2021/2315 approved the residue monitoring plans for aquaculture products of Bangladesh, Brazil, Canada, China, Colombia, Costa Rica, Ecuador, Honduras, India, Indonesia, Malaysia, Mexico, Morocco, Myanmar/Burma, Panama, Peru, Philippines, Saudi Arabia, South Korea, Sri Lanka, Taiwan, Thailand, United States and Vietnam, where applicable among other things, with respect to the subcategories 'finfish' and 'crustaceans'. It is therefore appropriate to amend Annex IX to Implementing Regulation (EU) 2021/405 in order to reflect that approval. Those third countries have been informed accordingly.

⁽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 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).

⁽⁶⁾ 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).

- (10) Implementing Decision (EU) 2021/2315 approved the residue monitoring plans for aquaculture products of Belize, Brunei, Cuba, Guatemala, Mozambique, New Caledonia, Nicaragua, Nigeria, Tanzania and Venezuela with respect to the subcategory 'crustaceans'. It is therefore appropriate to amend Annex IX to Implementing Regulation (EU) 2021/405 in order to reflect that approval. Those third countries have been informed accordingly.
- (11) Implementing Decision (EU) 2021/2315 approved the residue monitoring plan for aquaculture products of Iran with respect to the subcategories 'products of finfish (caviar)' and 'crustaceans'. Since Iran has now provided sufficient evidence and guarantees that it fulfils the requirements of Union legislation for the entry into the Union of consignments of products of finfish (caviar) and crustaceans from aquaculture, it is appropriate to amend its entry in the list of third countries or regions thereof authorised for the entry into the Union of consignments of certain fishery products, set out in Annex IX to Implementing Regulation (EU) 2021/405. Iran has been informed accordingly.
- (12) Implementing Decision (EU) 2021/2315 withdrew the approval of the residue monitoring plan of Oman for finfish. Oman should therefore be removed from the list of third countries or regions thereof authorised for the entry into the Union of consignments of certain fishery products, set out in Annex IX to Implementing Regulation (EU) 2021/405. Oman has been informed accordingly.
- (13) Annex XI to Implementing Regulation (EU) 2021/405 establishes the list of third countries or regions thereof authorised for the entry into the Union of consignments of frogs' legs and of snails. Georgia and Russia should be added to that list for snails since they provided appropriate evidence and guarantees that they fulfil the requirements of Union legislation for the entry into the Union of consignments of those goods.
- (14) Commission Decision 2007/82/EC⁽⁷⁾ requires Member States to prohibit the import from Guinea of all fishery products intended for human consumption. The Commission carried out an audit in Guinea in 2019, in order to evaluate the control systems in place governing fishery products intended for human consumption and export to the Union. On 7 May 2021, the Commission informed Guinea that the information provided was satisfactory and that the 2019 audit had been closed successfully. Decision 2007/82/EC should therefore be repealed. In the light of the outcome of the audit, it is appropriate to continue listing Guinea in Annex IX to Implementing Regulation (EU) 2021/405 as a third country authorised for the entry into the Union of consignments of wild caught fish that has not undergone any preparation or processing operation other than heading, gutting, chilling or freezing.
- (15) Annexes III, VIII, IX and XI to Implementing Regulation (EU) 2021/405 should therefore be amended accordingly.
- (16) For reasons of consistency with Decision 2011/163/EU and in the interest of legal certainty, this Regulation should enter into force as a matter of urgency.
- (17) 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 III, VIII, IX, and XI to Implementing Regulation (EU) 2021/405 are replaced by the text set out in the Annex to this Regulation.

Article 2

Decision 2007/82/EC is repealed.

⁽⁷⁾ Commission Decision 2007/82/EC of 2 February 2007 on emergency measures suspending imports from the Republic of Guinea of fishery products intended for human consumption (OJ L 28, 3.2.2007, p. 25).

Article 3

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, 22 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

ANNEX III

List of third countries from which unplucked and uneviscerated wild game birds intended for human consumption shall only be authorised for entry into the Union if they are transported by aeroplane, as referred to in Article 6

COUNTRY ISO CODE	THIRD COUNTRY	REMARKS
AR	Argentina	
BR	Brazil	
CA	Canada	
CL	Chile	
IL	Israel ⁽¹⁾	
NZ	New-Zealand	
TH	Thailand	
US	United States	

⁽¹⁾ 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.

ANNEX VIII

List of third countries or regions thereof authorised for the entry into the Union of consignments of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods, as referred to in Article 12

COUNTRY ISO CODE	THIRD COUNTRY OR REGIONS THEREOF	REMARKS
AU	Australia	
CA	Canada	
CH	Switzerland ⁽¹⁾	
CL	Chile	
GB	United Kingdom ⁽²⁾	
GG	Guernsey	Only wild catch
GL	Greenland	Only wild catch
IM	Isle of Man	
JE	Jersey	Only wild catch
JM	Jamaica	Only marine gastropods from wild catch
JP	Japan	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
KR	South Korea	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
MA	Morocco	Processed bivalve molluscs belonging to the species <i>Acanthocardia tuberculatum</i> shall be accompanied by: (a) an additional health attestation in accordance with the model MOL-AT set out in Chapter 32 of Annex III to Commission Implementing Regulation (EU) 2020/2235 ⁽³⁾ ; and (b) the analytical results of the test demonstrating that the molluscs do not contain a paralytic shellfish poison (PSP) level detectable by the bioassay method
NZ	New Zealand	
PE	Peru	Only eviscerated Pectinidae (scallops) of aquaculture origin
TH	Thailand	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods
TN	Tunisia	
TR	Turkey	As regards bivalve molluscs, only frozen or processed bivalve molluscs
UA	Ukraine	Only marine gastropods
US	United States	Only products originating from Washington State and Massachusetts
UY	Uruguay	
VN	Vietnam	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods

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- (¹) 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).
- (²) 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, for the purposes of this Annex references to the United Kingdom do not include Northern Ireland.
- (³) Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020 laying down rules for the application of Regulations (EU) 2016/429 and (EU) 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) 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).
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ANNEX IX

List of third countries or regions thereof authorised for the entry into the Union of consignments of certain fishery products, as referred to in Article 13, Articles 18(3), 19(4), and 20(3), and Articles 22(b) and 25(d)

COUNTRY ISO CODE	THIRD COUNTRY OR REGIONS THEREOF	REMARKS
AE	United Arab Emirates	Aquaculture: Only raw material either from Member States or from other third countries approved for imports of such raw material into the Union
AG	Antigua and Barbuda	Only live lobsters from wild catch
AL	Albania	Aquaculture: Only finfish
AM	Armenia	Only live, heat processed and frozen crayfish from wild catch
AO	Angola	Only wild catch
AR	Argentina	Aquaculture: Only finfish
AU	Australia (1)	
AZ	Azerbaijan	Only caviar from wild catch
BA	Bosnia and Herzegovina	Aquaculture: Only finfish
BD	Bangladesh	Aquaculture: Only finfish and crustaceans
BJ	Benin	Only wild catch
BN	Brunei	Aquaculture: Only crustaceans
BQ	Bonaire, Sint Eustatius, Saba	Only wild catch
BR	Brazil	Aquaculture: Only finfish and crustaceans
BS	Bahamas	Only wild catch
BY	Belarus	Aquaculture: Only finfish
BZ	Belize	Aquaculture: Only crustaceans
CA	Canada	Aquaculture: Only finfish and crustaceans
CG	Congo	Only wild catch. Only fishery products caught, frozen and packed in their final packaging at sea
CH	Switzerland (2)	Aquaculture: Only finfish
CI	Cote d'Ivoire	Only wild catch
CL	Chile	Aquaculture: Only finfish
CN	China	Aquaculture: Only finfish and crustaceans
CO	Colombia	Aquaculture: Only finfish and crustaceans
CR	Costa Rica	Aquaculture: Only finfish and crustaceans
CU	Cuba	Aquaculture: Only crustaceans
CV	Cape Verde	Only wild catch
CW	Curaçao	Only wild catch

DZ	Algeria	Only wild catch
EC	Ecuador	Aquaculture: Only finfish and crustaceans
EG	Egypt	Only wild catch
ER	Eritrea	Only wild catch
FJ	Fiji	Only wild catch
FK	Falkland Islands	Aquaculture: Only finfish
FO	Faroe Islands	Aquaculture: Only finfish
GA	Gabon	Only wild catch
GB	United Kingdom ^(?)	Aquaculture: Only finfish
GD	Grenada	Only wild catch
GE	Georgia	Only wild catch
GG	Guernsey	Only wild catch
GH	Ghana	Only wild catch
GL	Greenland	Only wild catch
GM	Gambia	Only wild catch
GN	Guinea	Only wild catch Only fish that has not undergone any preparation or processing operation other than heading, gutting, chilling or freezing
GT	Guatemala	Aquaculture: Only crustaceans
GY	Guyana	Only wild catch
HK	Hong Kong	Only wild catch
HN	Honduras	Aquaculture: Only finfish and crustaceans
ID	Indonesia	Aquaculture: Only finfish and crustaceans
IL	Israel ^(*)	Aquaculture: Only finfish
IM	Isle of Man	Aquaculture: Only finfish
IN	India	Aquaculture: Only finfish and crustaceans
IR	Iran	Aquaculture: only products of finfish (caviar) and crustaceans
JE	Jersey	Only wild catch
JM	Jamaica	Only wild catch
JP	Japan	Aquaculture: Only finfish
KE	Kenya	Aquaculture: Only finfish
KI	Kiribati	Only wild catch
KR	South Korea	Aquaculture: Only finfish and crustaceans
KZ	Kazakhstan	Only wild catch
LK	Sri Lanka	Aquaculture: Only finfish and crustaceans
MA	Morocco	Aquaculture: Only finfish and crustaceans
MD	Moldova	Aquaculture: Only finfish

ME	Montenegro	Aquaculture: Only finfish
MG	Madagascar (1)	
MK	North Macedonia	Aquaculture: Only finfish
MM	Myanmar/Burma	Aquaculture: Only finfish and crustaceans
MR	Mauritania	Only wild catch
MU	Mauritius	Aquaculture: Only finfish
MV	Maldives	Only wild catch
MX	Mexico	Aquaculture: Only finfish and crustaceans
MY	Malaysia	Aquaculture: Only finfish and crustaceans
MZ	Mozambique	Aquaculture: Only crustaceans
NA	Namibia	Only wild catch
NC	New Caledonia	Aquaculture: Only crustaceans
NG	Nigeria	Aquaculture: Only crustaceans
NI	Nicaragua	Aquaculture: Only crustaceans
NZ	New Zealand	Aquaculture: Only finfish
PA	Panama	Aquaculture: Only finfish and crustaceans
PE	Peru	Aquaculture: Only finfish and crustaceans
PF	French Polynesia	Only wild catch
PG	Papua New Guinea	Only wild catch
PH	Philippines	Aquaculture: Only finfish and crustaceans
PM	Saint Pierre and Miquelon	Only wild catch
PK	Pakistan	Only wild catch
RS	Serbia	Aquaculture: Only finfish
RU	Russia	Only wild catch
SA	Saudi Arabia	Aquaculture: Only finfish and crustaceans
SB	Solomon Islands	Only wild catch
SC	Seychelles	Only wild catch
SG	Singapore	Aquaculture: Only finfish
SH	Saint Helena (Not including the islands of Tristan da Cunha and Ascension)	Only wild catch
	Tristan da Cunha (Not including the islands of Saint Helena and Ascension)	Only lobsters (fresh or frozen) from wild catch
SN	Senegal	Only wild catch
SR	Suriname	Only wild catch
SV	El Salvador	Only wild catch
SX	Sint Maarten	Only wild catch

TH	Thailand	Aquaculture: Only finfish and crustaceans
TN	Tunisia	Aquaculture: Only finfish
TR	Turkey	Aquaculture: Only finfish
TW	Taiwan	Aquaculture: Only finfish and crustaceans
TZ	Tanzania	Aquaculture: Only crustaceans
UA	Ukraine	Aquaculture: Only finfish
UG	Uganda	Aquaculture: Only finfish
US	United States	Aquaculture: Only finfish and crustaceans
UY	Uruguay	Aquaculture: Only finfish
VE	Venezuela	Aquaculture: Only crustaceans
VN	Vietnam	Aquaculture: Only finfish and crustaceans
YE	Yemen	Only wild catch
ZA	South Africa	Only wild catch
ZW	Zimbabwe	Only wild catch

(¹) These third countries or regions thereof can export all fishery products (finfish, products of finfish and crustaceans).

(²) In accordance with the Agreement of 21st June 1999 between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 114, 30.4.2002, p. 132).

(³) 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, for the purposes of this Annex references to the United Kingdom do not include Northern Ireland.

(⁴) 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.

ANNEX XI

List of third countries or regions thereof authorised for the entry into the Union of consignments of frogs' legs and of snails, as referred to in Article 17

COUNTRY ISO CODE	THIRD COUNTRY OR REGIONS THEREOF	REMARKS
AL	Albania	
AM	Armenia	Only snails
AU	Australia	
AZ	Azerbaijan	
BA	Bosnia and Herzegovina	Only snails
BR	Brazil	Only frogs' legs
BY	Belarus	Only snails
CA	Canada	Only snails
CH	Switzerland ⁽¹⁾	
CI	Côte d'Ivoire	Only snails
CL	Chile	Only snails
CN	China	
DZ	Algeria	Only snails
EG	Egypt	Only frogs' legs
GB	United Kingdom ⁽²⁾	
GE	Georgia	Only snails
GG	Guernsey	
GH	Ghana	Only snails
ID	Indonesia	
IM	Isle of Man	
IN	India	Only frogs' legs
JE	Jersey	
MA	Morocco	Only snails
MD	Moldova	Only snails
MK	North Macedonia	Only snails
NG	Nigeria	Only snails
NZ	New Zealand	Only snails
PE	Peru	Only snails
RS	Serbia	Only snails
RU	Russia	Only snails
TH	Thailand	Only snails
TN	Tunisia	Only snails
TR	Turkey	

UA	Ukraine	Only snails
US	United States	Only snails
VN	Vietnam	
ZA	South Africa	Only snails

(¹) 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).

(²) 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, for the purposes of this Annex references to the United Kingdom do not include Northern Ireland.'
