

COMMISSION IMPLEMENTING REGULATION (EU) 2022/478**of 24 March 2022****on maintaining protective measures on imports of bivalve molluscs from Turkey intended for human consumption****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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) ⁽¹⁾, and in particular Article 128(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 743/2013 ⁽²⁾ was adopted as Commission audits identified deficiencies in the implementation of official controls by the Turkish competent authorities on the production of bivalve molluscs intended for entry into the Union, and as Member States reported non-compliant consignments of bivalve molluscs originating in Turkey which were not fulfilling Union microbiological standards.
- (2) The most recent Commission audit which took place in September 2015, found that significant deficiencies in the control system for bivalve molluscs intended for entry into the Union, remained.
- (3) In January 2020, the Turkish competent authorities have presented information regarding the corrective measures initiated to address those deficiencies. Whilst that initially has been assessed favourably on paper, an audit on the spot to verify the implementation of those actions has not been possible yet due to COVID-19 pandemic restrictions. Until the outcomes of this audit have been considered favourably, the measures imposed by Implementing Regulation (EU) No 743/2013 should remain in place.
- (4) Implementing Regulation (EU) No 743/2013 expired on 31 December 2021. In addition, given that Council Directive 97/78/EC ⁽³⁾, constituting the basis for the above Regulation, is no longer applicable, the legal basis of the Commission Implementing Regulation should be updated to refer to Article 128 of Regulation (EU) 2017/625.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 743/2013 of 31 July 2013 on introducing protective measures on imports of bivalve molluscs from Turkey intended for human consumption (OJ L 205, 1.8.2013, p. 1).

⁽³⁾ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation shall apply to live, chilled, frozen and processed bivalve molluscs intended for human consumption (CN Codes: 0307, 1605) and originating in or dispatched from Turkey.

Article 2

Prohibition of entry of live and chilled bivalve molluscs

Member States shall not allow entry into the Union of live and chilled bivalve molluscs originating in or dispatched from Turkey.

Article 3

Measures concerning frozen and processed bivalve molluscs

1. Member States shall, using appropriate sampling plans and detection methods, carry out tests on consignments of frozen and processed bivalve molluscs originating in or dispatched from Turkey as provided for in paragraph 2.

Those tests shall take place at the border control post of entry into the Union of the consignments concerned.

2. Member States shall carry out the tests necessary to identify:

- (a) the contamination level of *Escherichia coli* in all consignments of frozen bivalve molluscs;
- (b) the presence of marine biotoxins in all consignments of frozen or processed bivalve molluscs.

3. The consignments subjected to tests referred to in paragraphs 1 and 2 shall stay under supervision of the competent authorities at the border control post concerned until the results of those tests are received and assessed.

4. If the tests referred to in paragraphs 1 and 2 indicate that a consignment is likely to be injurious to human health, the competent authority shall immediately seize and either destroy the consignment or subject it to special treatment as provided for by Article 67 of Regulation (EU) 2017/625 and in accordance with Article 71(1) and (2) of that same Regulation.

Article 4

Expenditures

All expenditures incurred by the Member States in the application of this Regulation shall be charged to the operator or his/her representative responsible for the consignment at the time of presentation of that consignment to the border control post of entry into the Union.

Article 5

Entry into force and period of application

This Regulation shall enter into force on the fourth day following that of its publication in the *Official Journal of the European Union*.

It shall apply until 31 December 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 March 2022.

For the Commission
The President
Ursula VON DER LEYEN
