

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***(notified under document C(2021) 9751)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular the fourth subparagraph of Article 29(1) and Article 29(2) thereof,

Whereas:

- (1) Article 29(1) of Directive 96/23/EC requires that third countries from which Member States are authorised to import animals and animal products covered by that Directive submit residue monitoring plans providing required guarantees ('the plans'). The plans should cover at least the groups of residues and substances listed in Annex I to Directive 96/23/EC.
- (2) Commission Decision 2011/163/EU ⁽²⁾ approves the plans submitted by certain third countries concerning animals and animal products, which are listed in the Annex to that Decision.
- (3) Third countries authorised for the entry into the Union of certain meat products and treated stomachs, bladders and intestines for human consumption in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council ⁽³⁾ are listed in Commission Implementing Regulation (EU) 2021/404 ⁽⁴⁾. Third countries authorised for the entry into the Union of certain meat products in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽⁵⁾ are listed in Commission Implementing Regulation (EU) 2021/405 ⁽⁶⁾.

⁽¹⁾ OJ L 125, 23.5.1996, p. 10.

⁽²⁾ 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).

⁽³⁾ 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') (OJ L 84, 31.3.2016, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 1).

⁽⁵⁾ 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 (OJ L 95, 7.4.2017, p. 1).

⁽⁶⁾ 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).

- (4) Albania, Argentina, Australia, Belarus, Brazil, Chile, China, Colombia, Egypt, India, Iran, Japan, Lebanon, Mongolia, Morocco, New Zealand, Pakistan, Paraguay, Russia, Serbia, Switzerland, Syria, Tunisia, Turkey, Ukraine, United Kingdom ⁽⁷⁾, Uruguay, and Uzbekistan have submitted a specific residue-monitoring plan for casings and have been evaluated satisfactorily by the Commission. All the plans submitted provide sufficient guarantees and should be approved. An entry for these third countries for casings should therefore be included in the list of the Annex to Decision 2011/163/EU accordingly.
- (5) The column 'Aquaculture' in the Annex to Decision 2011/163/EU should be divided into four sub-columns, namely 'Finfish', 'Products of finfish', 'Crustaceans' and 'Molluscs', to be better aligned with the categories used for the certificates laid down in Commission Implementing Regulation (EU) 2020/2235 ⁽⁸⁾, and with the lists of countries authorised for the entry into the Union of certain products laid down in Annexes VIII and IX to Implementing Regulation (EU) 2021/405.
- (6) To reflect the different aquaculture products exported by third countries, the Commission has evaluated their residue-monitoring plan and completed the four sub-columns, namely 'Finfish', 'Products of finfish', 'Crustaceans' and 'Molluscs', based on the information laid down in their aquaculture residue-monitoring plan submitted, accordingly.
- (7) Albania, Argentina, Armenia, Belarus, Bosnia Herzegovina, Falkland Islands, Faroe Islands, Isle of Man, Israel, Japan, Kenya, Mauritius, Moldova, Montenegro, Morocco, New Zealand, North Macedonia, Serbia, Singapore, Turkey, Uganda, Ukraine, United Kingdom and Uruguay have submitted a specific residue-monitoring plan restricted to only one subcategory of aquaculture, 'finfish', and have been evaluated satisfactorily by the Commission. All these plans provide sufficient guarantees and should be approved. An entry for these third countries should therefore be included in the sub-column for finfish in the list of the Annex to Decision 2011/163/EU accordingly.
- (8) Australia, Iran and Madagascar have submitted a specific residue-monitoring plan related to the subcategory of aquaculture 'products of finfish' and have been evaluated satisfactorily by the Commission. All these plans provide sufficient guarantees and should be approved. An entry for these third countries should therefore be included in the sub-column for products of finfish in the list of the Annex to Decision 2011/163/EU accordingly.
- (9) Belize, Brunei, Cuba, Guatemala, Mozambique, New Caledonia, Nicaragua, Nigeria, Tanzania and Venezuela have submitted a specific residue-monitoring plan, restricted to only one subcategory of aquaculture, 'crustaceans' and have been evaluated satisfactorily by the Commission. All these plans provide sufficient guarantees and should be approved. An entry for these third countries should therefore be included in the sub-column for crustaceans in the list of the Annex to Decision 2011/163/EU accordingly.
- (10) Mexico has not submitted to the Commission a plan for pork products. However, Mexico has provided guarantees, in respect of pork products originating either from Member States or from third countries which are approved to export such products to the Union. An entry for Mexico in the porcine column with the appropriate footnote should therefore be added in the list of the Annex to Decision 2011/163/EU accordingly.

⁽⁷⁾ 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.

⁽⁸⁾ 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).

- (11) United Arab Emirates have not submitted to the Commission a plan for finfish. However, United Arab Emirates have provided guarantees, in respect of finfish originating either from Member States or from third countries which are approved to export such products to the Union. An entry for United Arab Emirates in the sub-column for finfish with the appropriate footnote should therefore be added in the list of the Annex to Decision 2011/163/EU accordingly.
- (12) Third countries can source processed products of animal origin contained in composite products either from Member States or from other third countries approved for imports of such processed products to the Union, with the purpose to be used only for the preparation of composite products to be exported to the Union. An entry for third countries requiring the use of such processed product of animal origin contained in the composite products with the appropriate footnote should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (13) Albania is unable to provide a residue-monitoring plan for milk, equivalent to that required by Article 7 of Directive 96/23/EC. However, Albania has provided guarantees, through a statement in accordance with Article 2 of Decision 2011/163/EU, to use only milk originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Albania regarding milk should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (14) Egypt is unable to provide a residue-monitoring plan for milk, equivalent to that required by Article 7 of Directive 96/23/EC. However, Egypt has provided guarantees, through a statement in accordance with Article 2 of Decision 2011/163/EU, to use only milk originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Egypt regarding milk should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (15) Indonesia is unable to provide a residue-monitoring plan for milk and eggs, equivalent to that required by Article 7 of Directive 96/23/EC. However, Indonesia has provided guarantees, through a statement in accordance with Article 2 of Decision 2011/163/EU, to use only milk and eggs originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Indonesia regarding milk and eggs should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (16) Japan is unable to provide a residue-monitoring plan for honey, equivalent to that required by Article 7 of Directive 96/23/EC. However, Japan has provided guarantees, through a statement in accordance with Article 2 of the Decision 2011/163/EU, to use only honey originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Japan regarding honey should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (17) Mexico is unable to provide a residue-monitoring plan for milk, equivalent to that required by Article 7 of Directive 96/23/EC. However, Mexico has provided guarantees, through a statement in accordance with Article 2 of Decision 2011/163/EU, to use only milk originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Mexico regarding milk should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (18) Morocco is unable to provide a residue-monitoring plan for milk, crustaceans, and eggs, equivalent to that required by Article 7 of Directive 96/23/EC. However, Morocco has provided guarantees, through a statement in accordance with Article 2 of Decision 2011/163/EU, to use only milk, crustaceans, and eggs originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Morocco regarding milk, crustaceans, and eggs should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.

- (19) Oman is unable to provide a residue-monitoring plan for milk, eggs and honey equivalent to that required by Article 7 of Directive 96/23/EC. However, Oman has provided guarantees, through a statement in accordance with Article 2 of that Decision 2011/163/EU, to use only milk, eggs and honey originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the EU. An entry for Oman regarding milk, eggs and honey should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (20) Taiwan is unable to provide a residue-monitoring plan for milk, equivalent to that required by Article 7 of Directive 96/23/EC. However, Taiwan has provided guarantees, through a statement in accordance with Article 2 of Decision 2011/163/EU, to use only milk originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Taiwan regarding milk should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (21) Vietnam is unable to provide a residue-monitoring plan for milk and eggs, equivalent to that required by Article 7 of Directive 96/23/EC. However, Vietnam has provided guarantees, through a statement in accordance with Article 2 of Decision 2011/163/EU, to use only milk and eggs originating, either from Member States or from third countries approved to export such products to the Union, in the composite product to be exported to the Union. An entry for Vietnam regarding milk, and eggs should therefore be added to the list of the Annex to Decision 2011/163/EU accordingly.
- (22) Australia has submitted to the Commission a plan for eggs. That plan provides sufficient guarantees and should be approved. An entry for Australia for eggs should therefore be included in the list of the Annex to Decision 2011/163/EU accordingly.
- (23) Ghana is currently included in the approval list, laid down in the Annex to Decision 2011/163/EU, for honey. Ghana has submitted to the Commission a plan for honey that does not provide sufficient guarantees. Therefore, the entry for Ghana concerning honey should be deleted from the list of the Annex to Decision 2011/163/EU.
- (24) Iran is currently included in the approval list, laid down in the Annex to Decision 2011/163/EU, for aquaculture products, excluding finfish. Iran has submitted to the Commission a plan for products of finfish and for crustaceans. This plan provides sufficient guarantees. An entry for Iran for products of finfish and for crustaceans only should therefore be included in the list of the Annex to Decision 2011/163/EU accordingly.
- (25) Oman is currently included in the approval list, laid down in the Annex to Decision 2011/163/EU, for aquaculture products, excluding crustaceans. Oman has submitted to the Commission a plan for finfish that does not provide sufficient guarantees. Therefore, the entry for Oman concerning finfish should be deleted from the list of the Annex to Decision 2011/163/EU accordingly.
- (26) Tunisia is currently included in the approval list, laid down in the Annex to Decision 2011/163/EU, for wild game. Tunisia has not submitted to the Commission a plan for wild game and has indicated that there is no production of wild game since many years. Therefore, the entry for Tunisia concerning wild game should be deleted from the list of the Annex to Decision 2011/163/EU accordingly.
- (27) Wallis-et-Futuna has submitted to the Commission a plan for honey. That plan provides sufficient guarantees and should be approved. An entry for Wallis-et-Futuna for honey should therefore be included in the list of the Annex to Decision 2011/163/EU accordingly.

- (28) Decision 2011/163/EU should therefore be amended accordingly.
- (29) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of this Decision, the definitions laid down in Article 2 of Commission Delegated Regulation (EU) 2020/692 ⁽⁹⁾ apply.

Article 2

The Annex to Decision 2011/163/EU is replaced by the text in the Annex to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

⁽⁹⁾ 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).

ANNEX

'ANNEX

Code ISO2	Country (1)	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aquaculture products				Milk	Eggs	Rabbit	Wild game	Farmed game	Honey	Casings
							Fishery products			Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Products of finfish (e.g. caviar)	Crustaceans								
AD	Andorra	X	X	X (?)	X											X	
AE	United Arab Emirates						X (?)				X (?)						
AL	Albania		X				X				X (2a)	X					X
AM	Armenia						X									X	
AR	Argentina	X	X		X	X	X				X	X	X	X	X	X	X
AU	Australia	X	X		X		X	X	X	X	X		X	X	X	X	X
BA	Bosnia and Herzegovina	X	X	X		X	X				X	X				X	
BD	Bangladesh						X		X								
BF	Burkina Faso															X	
BJ	Benin															X	
BN	Brunei								X								
BR	Brazil	X			X	X	X		X							X	X
BW	Botswana	X															
BY	Belarus				X (?)		X				X	X				X	X

Code ISO2	Country (1)	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aquaculture products				Milk	Eggs	Rabbit	Wild game	Farmed game	Honey	Casings
							Fishery products			Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Products of finfish (e.g. caviar)	Crustaceans								
BZ	Belize							X									
CA	Canada	X	X	X	X	X	X		X	X	X	X	X	X	X		
CH	Switzerland	X	X	X	X	X	X			X	X	X	X	X	X	X	
CL	Chile	X	X	X		X	X			X			X		X	X	
CM	Cameroon														X		
CN	China					X	X		X		X	X			X	X	
CO	Colombia						X		X		X (2)					X	
CR	Costa Rica						X		X								
CU	Cuba								X						X		
DO	Dominican Republic														X		
EC	Ecuador						X		X								
EG	Egypt									X (2a)						X	
ET	Ethiopia														X		
FK	Falkland Islands	X	X (2)				X										
FO	Faroes Islands						X										

Code ISO2	Country (1)	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aquaculture products				Milk	Eggs	Rabbit	Wild game	Farmed game	Honey	Casings
							Fishery products			Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Products of finfish (e.g. caviar)	Crustaceans								
GB	United Kingdom	X	X	X	X	X	X			X	X	X	X	X	X	X	
GE	Georgia														X		
GG	Guernsey	X								X							
GL	Greenland		X											X			
GT	Guatemala								X						X		
HN	Honduras						X		X								
ID	Indonesia						X		X	X (2a)	X (2a)						
IL	Israel (4)					X	X			X	X				X		
IM	Isle of Man	X	X	X			X		X	X					X		
IN	India					X (2a)	X		X	X (2a)	X				X	X	
IR	Iran							X	X							X	
JE	Jersey	X								X							
JM	Jamaica														X		
JP	Japan	X		X		X	X		X	X	X				X (2a)	X	
KE	Kenya						X										
KR	South Korea					X	X		X	X (2a)	X (2a)				X (2a)		
LB	Lebanon															X	

Code ISO2	Country (1)	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aquaculture products				Milk	Eggs	Rabbit	Wild game	Farmed game	Honey	Casings
							Fishery products			Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Products of finfish (e.g. caviar)	Crustaceans								
LK	Sri Lanka						X		X								
MA	Morocco					X	X		X (2a)	X (2a)	X (2a)					X	
MD	Moldova					X	X			X	X				X		
ME	Montenegro	X	X (5)	X		X	X			X	X				X		
MG	Madagascar						X	X	X						X		
MK	North Macedonia	X	X	X		X	X			X	X		X		X		
MM	Myanmar						X		X						X		
MN	Mongolia															X	
MU	Mauritius						X								X (2)		
MX	Mexico			X (2)			X		X	X (2a)	X				X		
MY	Malaysia					X (2)	X		X								
MZ	Mozambique								X								
NA	Namibia	X	X (2)										X				
NC	New Caledonia								X					X	X		
NG	Nigeria								X								
NI	Nicaragua								X						X		

Code ISO2	Country (1)	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aquaculture products				Milk	Eggs	Rabbit	Wild game	Farmed game	Honey	Casings
							Fishery products			Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Products of finfish (e.g. caviar)	Crustaceans								
NZ	New Zealand	X	X	X (2a)	X	X (2a)	X			X	X	X (2a)	X	X	X	X	
OM	Oman									X (2a)	X (2a)				X (2a)		
PA	Panama						X		X								
PE	Peru						X		X								
PH	Philippines						X		X	X (2a)	X (2a)						
PK	Pakistan															X	
PM	Saint Pierre and Miquelon					X											
PN	Pitcairn Islands														X		
PY	Paraguay	X														X	
RS	Serbia (6)	X	X	X	X (7)	X	X			X	X		X		X	X	
RU	Russia	X	X	X		X				X	X			X (8)	X	X	
RW	Rwanda														X		
SA	Saudi Arabia						X		X								
SG	Singapore	X (2)	X (2)	X (2)	X (9)	X (2)	X			X (2)	X (2a)		X (9)	X (9)			
SL	Sierra Leone														X		

Code ISO2	Country (1)	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aquaculture products				Milk	Eggs	Rabbit	Wild game	Farmed game	Honey	Casings
							Fishery products			Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Products of finfish (e.g. caviar)	Crustaceans								
SM	San Marino	X		X (2)						X					X		
SV	El Salvador														X		
SY	Syria															X	
SZ	Eswatini	X															
TG	Togo														X		
TH	Thailand	X (2a)		X (2a)		X	X		X	X (2a)	X (2a)				X		
TN	Tunisia						X		X							X	
TR	Turkey					X	X		X	X	X				X	X	
TW	Taiwan						X		X	X (2a)	X				X		
TZ	Tanzania							X							X		
UA	Ukraine	X		X		X	X		X	X	X	X			X	X	
UG	Uganda						X								X		
US	United States	X	X (10)	X		X	X	X	X	X	X	X	X	X	X		
UY	Uruguay	X	X		X		X		X	X			X		X	X	
UZ	Uzbekistan															X	
VE	Venezuela							X									
VN	Vietnam						X	X	X	X (2a)	X (2a)				X		

Code ISO2	Country ⁽¹⁾	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aquaculture products				Milk	Eggs	Rabbit	Wild game	Farmed game	Honey	Casings
							Fishery products			Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Products of finfish (e.g. caviar)	Crustaceans								
WF	Wallis et Futuna														X		
XK	Kosovo *					X ⁽²⁾											
ZA	South Africa												X	X ⁽¹¹⁾			
ZM	Zambia														X		

⁽¹⁾ The table contains a list of countries and territories. It is not limited to countries recognised by the Union.

⁽²⁾ Third countries using only raw material either from Member States or from other third countries approved for imports of such raw material to the Union, in accordance with Article 2.

^(2a) Third countries using product of animal origin either from Member States or from other third countries approved for imports of such processed products to the Union, in accordance with Article 2, with the purpose to be used only for the preparation of composite products to be exported to the Union.

⁽³⁾ Camel milk only.

⁽⁴⁾ 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.

⁽⁵⁾ Ovine species only.

⁽⁶⁾ Not including Kosovo.

⁽⁷⁾ Export to the Union of live equidae for slaughter (food producing animals only).

⁽⁸⁾ Reindeer only.

⁽⁹⁾ Only for commodities of fresh meat originating from New Zealand, destined to the Union and being unloaded, reloaded and transited with or without storage through Singapore.

⁽¹⁰⁾ Caprine species only.

⁽¹¹⁾ Ratites only.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.'