

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***(notified under document C(2022) 1200)***(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 Article 29(1), fourth subparagraph, 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) Commission Implementing Decision (EU) 2021/2315 last amended the Annex to Decision 2011/163/EU ⁽³⁾. Implementing Decision (EU) 2021/2315 divided the category 'aquaculture products' into four sub-categories, namely 'Finfish', 'Product of finfish (e.g., caviar)', 'Crustaceans' and 'Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)', to be better aligned with the categories used for the certificates laid down in Commission Implementing Regulation (EU) 2020/2235 ⁽⁴⁾, and with the lists of countries authorised for the entry into the Union of certain products laid down in Annexes VIII and IX to Commission Implementing Regulation (EU) 2021/405 ⁽⁵⁾.
- (4) Belarus, Canada, China, Israel ⁽⁶⁾, Moldova, Switzerland, Turkey, United States, and Uruguay 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 2011/163/EU as amended by Implementing Decision (EU) 2021/2315. To avoid

⁽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⁾ 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).

⁽⁴⁾ 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).

⁽⁵⁾ 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).

⁽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.

any unclarity regarding the eligibility to export caviar to the Union, those third countries should as well be listed under the column 'products of finfish (e.g. caviar)'. For reasons of clarity, the column 'products of finfish (e.g. caviar)' should be retitled 'caviar ⁽⁷⁾ (product of finfish)'.

- (5) The United Arab Emirates have not submitted to the Commission a residue monitoring plan for products of finfish. However, the United Arab Emirates have provided guarantees, in respect of products of finfish originating either from Member States or from third countries, which are approved to export such products to the Union. An entry for the United Arab Emirates in the sub-column for 'caviar (product of finfish)' with the appropriate footnote should therefore be included in the Annex to Decision 2011/163/EU.
- (6) Decision 2011/163/EU should therefore be amended accordingly.
- (7) 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 ⁽⁸⁾ 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, 2 March 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission

⁽⁷⁾ Caviar or caviar substitutes prepared from fish eggs.

⁽⁸⁾ 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	Caviar ⁽¹³⁾ (product of finfish)	Crustaceans								
AD	Andorra	X	X	X ⁽²⁾	X										X		
AE	United Arab Emirates						X ⁽²⁾	X ⁽²⁾			X ⁽³⁾						
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	
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	

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	Caviar ⁽¹³⁾ (product of finfish)	Crustaceans								
BW	Botswana	X															
BY	Belarus				X ⁽⁷⁾		X	X			X	X			X	X	
BZ	Belize								X								
CA	Canada	X	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	X	
CL	Chile	X	X	X		X	X			X			X		X	X	
CM	Cameroon														X		
CN	China					X	X	X	X			X	X		X	X	
CO	Colombia						X		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	

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	Caviar ⁽¹³⁾ (product of finfish)	Crustaceans								
ET	Ethiopia														X		
FK	Falkland Islands	X	X ⁽⁵⁾				X										
FO	Faroes Islands						X										
GB	United Kingdom	X	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		
HN	Honduras						X										
ID	Indonesia						X			X ^(2a)	X ^(2a)						
IL	Israel ⁽⁴⁾					X	X	X		X	X				X		
IM	Isle of Man	X	X	X			X			X					X		
IN	India					X ^(2a)	X		X	X ^(2a)	X				X	X	

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							Fishery products										Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)
							Finfish	Caviar ⁽¹³⁾ (product of finfish)	Crustaceans								
IR	Iran						X	X								X	
JE	Jersey	X								X							
JM	Jamaica															X	
JP	Japan	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
LK	Sri Lanka						X	X									
MA	Morocco					X	X	X ^(2a)	X	X ^(2a)	X ^(2a)						X
MD	Moldova					X	X	X	X	X					X		
ME	Montenegro	X	X ⁽³⁾	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		

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							Fishery products										Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)
							Finfish	Caviar ⁽¹³⁾ (product of finfish)	Crustaceans								
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		
NZ	New Zealand	X	X	X ^(2a)	X	X ^(2a)	X		X	X ^(2a)	X ^(2a)	X	X	X	X	X	
OM	Oman								X ^(2a)	X ^(2a)					X ^(2a)		
PA	Panama						X	X									
PE	Peru						X	X	X								
PH	Philippines						X	X	X ^(2a)	X ^(2a)							

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	Caviar ⁽¹³⁾ (product of finfish)	Crustaceans								
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		
SM	San Marino	X		X ⁽²⁾						X					X		
SV	El Salvador														X		
SY	Syria															X	

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							Finfish	Caviar ⁽¹³⁾ (product of finfish)	Crustaceans								
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	X	
TW	Taiwan						X		X	X ^(2a)	X				X		
TZ	Tanzania							X							X		
UA	Ukraine	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	X	
UZ	Uzbekistan															X	

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							Fishery products		Molluscs (bivalve molluscs, echinoderms, tunicates and marine gastropods)							
							Finfish	Caviar ⁽¹³⁾ (product of finfish)								
VE	Venezuela							X								
VN	Vietnam						X		X	X ^(2a)	X ^(2a)				X	
WF	Wallis et Futuna														X	
XK	Kosovo ⁽¹¹⁾					X ⁽²⁾										
ZA	South Africa											X	X ⁽¹²⁾			
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⁾ 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.

⁽¹²⁾ Ratites only.

⁽¹³⁾ Caviar or caviar substitutes prepared from fish eggs.'