

# Official Journal

## of the European Union

# L 197



English edition

## Legislation

Volume 59

22 July 2016

Contents

### II *Non-legislative acts*

#### DECISIONS

- ★ **Political and Security Committee Decision (CFSP) 2016/1193 of 12 July 2016 extending the mandate of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/1/2016)** ..... 1
- ★ **Political and Security Committee Decision (CFSP) 2016/1194 of 12 July 2016 extending the mandate of the Head of Mission of the European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) (EU BAM Rafah/1/2016)** ..... 3
- ★ **Commission Implementing Decision (EU) 2016/1195 of 4 July 2016 exempting courier services and other services than postal services in Poland from the application of Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (notified under document C(2016) 3986)<sup>(1)</sup>** ..... 4
- ★ **Commission Implementing Decision (EU) 2016/1196 of 20 July 2016 amending the Annexes to Decision 2007/275/EC concerning the lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC (notified under document C(2016) 4494)<sup>(1)</sup>** ..... 10

<sup>(1)</sup> Text with EEA relevance

# EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.



## II

(Non-legislative acts)

## DECISIONS

**POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2016/1193****of 12 July 2016****extending the mandate of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/1/2016)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2013/354/CFSP of 3 July 2013 on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) <sup>(1)</sup>, and in particular Article 9(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) Pursuant to Article 9(1) of Decision 2013/354/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with the third paragraph of Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS), including the decision to appoint a Head of Mission.
- (2) On 17 February 2015, the PSC adopted Decision (CFSP) 2015/381 <sup>(2)</sup>, appointing Mr Rodolphe MAUGET as Head of Mission of EUPOL COPPS from 16 February 2015 to 30 June 2015.
- (3) On 7 July 2015, the PSC adopted Decision (CFSP) 2015/1129 <sup>(3)</sup>, extending the mandate of Mr Rodolphe MAUGET as Head of Mission of EUPOL COPPS from 1 July 2015 to 30 June 2016.
- (4) On 7 July 2016, the Council adopted Decision (CFSP) 2016/1108 <sup>(4)</sup>, extending the mandate of EUPOL COPPS from 1 July 2016 to 30 June 2017.
- (5) The High Representative of the Union for Foreign Affairs and Security Policy has proposed the extension of the mandate of Mr Rodolphe MAUGET as Head of Mission of EUPOL COPPS from 1 July 2016 to 30 June 2017,

HAS ADOPTED THIS DECISION:

*Article 1*

The mandate of Mr Rodolphe MAUGET as Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) is hereby extended until 30 June 2017.

<sup>(1)</sup> OJ L 185, 4.7.2013, p. 12.

<sup>(2)</sup> Political and Security Committee Decision (CFSP) 2015/381 of 17 February 2015 on the appointment of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/1/2015) (OJ L 64, 7.3.2015, p. 37).

<sup>(3)</sup> Political and Security Committee Decision (CFSP) 2015/1129 of 7 July 2015 extending the mandate of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/2/2015) (OJ L 184, 11.7.2015, p. 17).

<sup>(4)</sup> Council Decision (CFSP) 2016/1108 of 7 July 2016 amending Decision 2013/354/CFSP on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (OJ L 183, 8.7.2016, p. 65).

*Article 2*

This Decision shall enter into force on the date of its adoption.

It shall apply from 1 July 2016.

Done at Brussels, 12 July 2016.

*For the Political and Security Committee*

*The Chairperson*

W. STEVENS

---

**POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2016/1194****of 12 July 2016****extending the mandate of the Head of Mission of the European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) (EU BAM Rafah/1/2016)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Joint Action 2005/889/CFSP of 25 November 2005 on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) <sup>(1)</sup>, and in particular Article 10(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) Pursuant to Article 10(1) of Joint Action 2005/889/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of the European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah), including the decision to appoint a Head of Mission.
- (2) On 7 July 2015, the PSC adopted Decision EU BAM Rafah/1/2015 <sup>(2)</sup>, appointing Ms Natalina CEA as Head of Mission of EU BAM Rafah from 1 July 2015 to 30 June 2016.
- (3) On 7 July 2016, the Council adopted Decision (CFSP) 2016/1107 <sup>(3)</sup>, extending the mandate of EU BAM Rafah from 1 July 2016 to 30 June 2017.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy has proposed to extend the mandate of Ms Natalina CEA as Head of Mission of EU BAM Rafah from 1 July 2016 to 30 June 2017,

HAS ADOPTED THIS DECISION:

*Article 1*

The mandate of Ms Natalina CEA as Head of Mission of EU BAM Rafah is hereby extended from 1 July 2016 to 30 June 2017.

*Article 2*

This Decision shall enter into force on the date of its adoption.

It shall apply from 1 July 2016.

Done at Brussels, 12 July 2016.

*For the Political and Security Committee*

*The Chairperson*

W. STEVENS

---

<sup>(1)</sup> OJ L 327, 14.12.2005, p. 28.

<sup>(2)</sup> Political and Security Committee Decision (CFSP) 2015/1128 of 7 July 2015 on the appointment of the Head of Mission of the European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) (EU BAM Rafah/1/2015) (OJ L 184, 11.7.2015, p. 16).

<sup>(3)</sup> Council Decision (CFSP) 2016/1107 of 7 July 2016 amending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) (OJ L 183, 8.7.2016, p. 64).

**COMMISSION IMPLEMENTING DECISION (EU) 2016/1195****of 4 July 2016****exempting courier services and other services than postal services in Poland from the application of Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC***(notified under document C(2016) 3986)***(Only the Polish text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC <sup>(1)</sup>, and in particular Articles 34 and 35,

Having regard to the request submitted by President of the Office of Electronic Communications on behalf of Poczta Polska S.A. by post and received on 2 February 2016,

Whereas:

**I. FACTS**

- (1) On 2 February 2016, the European Commission received by post a formal request from the President of the Office of Electronic Communications on behalf of Poczta Polska S.A. (hereinafter 'the applicant') pursuant to Article 35(1) of Directive 2014/25/EU. The request was accompanied by an opinion of the President of the Office of Electronic Communications that the services listed meet the conditions justifying their exemption on the basis of Article 34 of Directive 2014/25/EU. The Commission considers that this opinion does not qualify as a reasoned and substantiated position in the sense of Article 35(2) of Directive 2014/25/EU, since it is a simple statement that the mentioned conditions are met without providing any arguments in the support of that statement. Pursuant to the request, the Commission was asked to establish that the provisions of Directive 2014/25/EU, and the procurement procedures provided for in that Directive, did not apply to courier services and others services than postal services in Poland.
- (2) The request was submitted by the competent authority — President of the Office of Electronic Communications, in accordance with Article 138f of the Public procurement law <sup>(2)</sup>, at the request of Poczta Polska S.A. as contracting entity, with its registered office in Warsaw, and agreed with the President of the Office for Competition and Consumer Protection (UOKiK) and with the President of the Public Procurement Office (UZP).
- (3) The Commission requested additional information by e-mail of 19 February 2016. This information was submitted by the Office of Electronic Communications by e-mail of 26 February 2016 within the deadline set by the Commission.
- (4) In accordance with point 1 of Annex IV to Directive 2014/25/EU, the Commission has 105 working days to adopt the decision. The deadline expires on 7 July 2016.

**II. LEGAL FRAMEWORK**

- (5) According to Article 34 of Directive 2014/25/EU, contracts intended to enable one of the activities referred to in Articles 8 to 14 of that Directive are not subject to that Directive if, in the Member State in which it is performed, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics

<sup>(1)</sup> OJ L 94, 28.3.2014, p. 243.

<sup>(2)</sup> Journal of Laws 2013, item 907, as amended.

of the sector concerned. Access to a given market is deemed to be unrestricted if the Member State has implemented and applied Union legislation relating to the opening of the relevant market as set out in Annex III to Directive 2014/25/EU. Pursuant to Point F of that Annex, Directive 97/67/EC of the European Parliament and of the Council <sup>(1)</sup> (hereafter 'the Postal Services Directive') (as amended by Directive 2002/39/EC of the European Parliament and of the Council <sup>(2)</sup> and Directive 2008/6/EC of the European Parliament and of the Council <sup>(3)</sup>) constitutes relevant Union legislation relating to the opening of the postal services markets.

- (6) Poland implemented the Postal Services Directive by the Law of 23 November 2012 — Postal law <sup>(4)</sup> which became applicable from 1 January 2013 with respect to services of the clearance, sorting, transport and delivery of courier items and services in respect of unaddressed mail items. For these services, Poland reached the sufficient level of market opening and access to the market should be deemed not to be restricted in accordance with Article 34 of Directive 2014/25/EU.
- (7) It can also be observed that none of the services for which the request has been submitted have been subject to statutory monopoly in the past. Only postal services defined in Article 7 of the Directive 97/67/EC as amended by Directive 2002/39/EC and Directive 2008/6/EC have been reserved for the designated universal service providers. With the implementation of the Directive 2008/6/EC all Member States, including Poland, completely liberalised their postal markets and, with the exception of services under Article 8 of the above Directive, no postal services should be subject to statutory monopoly.
- (8) The request covers activities relating to the provision of postal services and other services than postal services on condition that such services are provided by an entity which also provides postal services, which are listed as being relevant under Directive 2004/17/EC of the European Parliament and of the Council <sup>(5)</sup>, which was a legal basis on which the request was based. These services are:

- (1) clearance, sorting, transport and delivery of courier items;
- (2) printing and packaging services;
- (3) services in respect of unaddressed mail items;
- (4) services in respect of international money orders;
- (5) services in respect of payments to a bank account;
- (6) bureaux de change services;
- (7) brokering services in respect of the payment of pension benefits;
- (8) services in respect of the sale of banking products;
- (9) services in respect of the sale of insurance products;
- (10) services in respect of cash withdrawals using a payment card;
- (11) cash handling services;
- (12) road freight transport services;
- (13) warehousing services.

<sup>(1)</sup> Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14).

<sup>(2)</sup> Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services (OJ L 176, 5.7.2002, p. 21).

<sup>(3)</sup> Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52, 27.2.2008, p. 3).

<sup>(4)</sup> Journal of Laws 2012, item 1529.

<sup>(5)</sup> Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 134, 30.4.2004, p. 1).

- (9) Among the services, other than postal services, covered by the request, it is noted that the services listed from points 4 to 13 of the previous recital, although in the scope of the Directive 2004/17/EC, are not covered by Directive 2014/25/EU. For these services the legislator has already examined the competitive situation and found that it is such that the discipline of the later Directive is no longer needed in respect of procurement made for the pursuit of these activities which have consequently been excluded from its scope.
- (10) Direct exposure to competition in a particular market is evaluated on the basis of various criteria, none of which are, per se, decisive. In respect of the markets covered by the request, the market share of the main players on a given market constitutes one criterion which should be taken into account. Finally, the question of possible barriers to entry may also be relevant. As the conditions vary for the different activities that are concerned by the request, the examination of the competitive situation should take into account the different situations in different markets.
- (11) This Decision is without prejudice to the application of the rules on competition. In particular, the criteria and the methodology used to assess direct exposure to competition under Article 35 of Directive 2014/25/EU are not necessarily identical to those used to perform an assessment under Article 101 or 102 of the Treaty or Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

### III. ASSESSMENT

- (12) The applicant, Poczta Polska S.A., is a contracting entity in the meaning of the contracting entity within the meaning of Article 4(1)(a) of Directive 2014/25/EU carrying out activity relating to postal services referred to in Article 13 of Directive 2014/25/EU.
- (13) Undertakings associated with the contracting entity, at the request of which the applicant has submitted this request, which carry out the activity which is the basis of the request are the following undertakings: Pocztowe Towarzystwo Ubezpieczeń Wzajemnych, Poczтовая Agencja Usług Finansowych S.A., Pocztylion-Arka Powszechna Towarzystwo Emerytalne S.A., Bank Pocztowy S.A.
- (14) For the purpose of the assessment the relevant activities are the following:
- (a) the services of clearance, sorting, transport and delivery of courier items;
  - (b) services in respect of unaddressed mail items;
  - (c) printing and packaging services.

#### **Services of clearance, sorting, transport and delivery of courier items**

- (15) The Commission has held in previous decisions that the market for the mail delivery services can be segmented in basic postal service and an express or courier delivery service <sup>(2)</sup>. In addition to faster and more reliable collection, transportation and delivery of the postal items, an express mail service is characterised by the provision of supplementary services, such as guarantee of delivery by a given date, delivery to the addressee in person or tracking and tracing of postal items throughout the distribution process. The definition proposed by the applicant is in line with the Commission precedents. For the purposes of this Decision and without prejudice to competition law, the relevant product market is defined as distribution of courier items.
- (16) As regards the geographical market, in its previous decisions, the Commission took the view that the markets for postal services, which could include narrower markets (e.g. letter mail services; small package delivery services) appeared to be national in scope <sup>(3)</sup>. Furthermore, the Commission also considered that for example the market for the international delivery of small packages had a national dimension <sup>(4)</sup>. The applicant's proposed definition is in line with the Commission precedents. Given that there are no reasons to assume a wider or a narrower scope of the market, for the purposes of this Decision, and without prejudice to competition law the geographical market for courier services is national in scope.

<sup>(1)</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

<sup>(2)</sup> Commission Decisions 90/16/EEC of 20 December 1989 concerning the provision in the Netherlands of express delivery services (OJ L 10, 12.1.1990, p. 47) and Commission Decision 90/456/EEC of 1 August 1990 concerning the provision in Spain of international express courier services (OJ L 233, 28.8.1990, p. 19).

<sup>(3)</sup> Case COMP/M.2908 Deutsche Post/DHL (II), recital 20 and Case COMP/M.5152- Posten AB/Post Danmark A/S, recital 64-74, COMP/M.6570 — UPS/TNT Express, recital 243, case COMP 39562 Slovak Post.

<sup>(4)</sup> Case COMP/M.5152 — Posten AB/Post Danmark A/S, recital 74.



- (17) Regarding the assessment whether the activity is directly exposed to competition, based on the information provided by the applicant and also when looking at the last report of the postal markets in Poland <sup>(1)</sup>, it can be established that there are several operators active in the market for express and courier services, including subsidiaries of all large integrators (i.e. UPS; DHL; FedEx), subsidiaries of national postal operators active in this segment of the postal market (e.g. DPD; GLS) and national providers (e.g. InPost; K-EX). According to available information <sup>(2)</sup>, market share of *Poczta Polska* in this segment of the market was almost 12 % in terms of volume and 9 % in terms of turnover in 2014, compared to almost 3 % in terms of volume and 5 % in terms of turnover in 2013.
- (18) The market shares of the competitors of *Poczta Polska S.A.* appear to be higher or comparable to those of *Poczta Polska S.A.*. The market shares of the biggest competitors in terms of turnover are respectively: [...] [...] %] in 2013 and [...] in 2014; [...] [...] %] in 2013 and [...] %] in 2014; [...] [...] %] in 2013 and [...] %] in 2014; [...] [...] %] in 2013, [...] %] in 2014; [...] [...] %] in 2013 and [...] %] in 2014 <sup>(3)</sup>.
- (19) For the purposes of this Decision and without prejudice to competition law, the factors listed in recitals 15 to 18 should be taken as an indication of exposure to competition, of this activity in Poland. Consequently, since the conditions set out in Article 34 of Directive 2014/25/EU are met, it should be established that Directive 2014/25/EU does not apply to contracts intended to enable the pursuit of this activity in Poland.

#### Unaddressed mail services

- (20) Unaddressed advertising mail is characterised by the absence of particular destination address identifying the final addressee individually. It is unsolicited advertising mail, which fulfils certain criteria such as: uniform weight, format, contents and layout for distribution to a group of recipients.
- (21) The Commission has held in previous decisions that the market for the mail delivery services can be segmented in addressed mail markets and unaddressed mail markets <sup>(4)</sup>.
- (22) Based on the information provided by UKE and having in mind the existing practice of the Commission, for the purposes of this Decision and without prejudice to competition law, the relevant product market could be defined as services related to the distribution of unaddressed mail items.
- (23) According to previous Commission practice, geographically unaddressed mail delivery is in principle national, as the delivery networks are organised at a national level, there are likely differences in pricing across different Member States and most of unaddressed mail items are advertising material, where the language is an important factor of targeted audience (= addressees). The applicant's proposed definition is in line with the Commission precedents. Given that there are no reasons to assume a wider or a narrower scope of the market, for the purposes of this Decision, and without prejudice to competition law the geographical market for unaddressed mail services is national in scope.
- (24) The market shares of the competitors of *Poczta Polska S.A.* appear to be higher or comparable to those of *Poczta Polska S.A.*. The market shares of the biggest competitors in terms of turnover are respectively: [...] in terms of turnover [...] %] in 2013, in [...] %] in 2014; [...] [...] %] in 2013, [...] %] in 2014; [...] [...] %] in 2013, [...] %] in 2014. The market share of *Poczta Polska S.A.* was low compared to its competitors, and it amounted to 6,2 % in terms of volume and 13,94 % in terms of turnover in 2014 <sup>(5)</sup>.
- (25) Based on the information provided in the request and taking account of the report of UKE from 2014, it seems that there are several competitors to *Poczta Polska* in this market. In view of their stable market share in 2013 and 2014 and in view of the fact that there are almost no barriers to entry into this market it can be assumed with some certainty that *Poczta Polska* is currently exposed to direct competition and will face competitive constraints also in the foreseeable future.

<sup>(1)</sup> Report of Urząd Komunikacji Elektronicznej from 2014, table 17, p. 35.

<sup>(2)</sup> Raport o stanie rynku pocztowego za rok 2014, p. 44.

<sup>(3)</sup> [...] confidential information.

<sup>(4)</sup> Case COMP/M.5152 — Posten AB/Post Danmark A/S.

<sup>(5)</sup> Report of Urząd Komunikacji Elektronicznej from 2014, table 20, p. 46

- (26) For the purposes of this Decision and without prejudice to competition law, the factors listed in recitals 20 to 25 should be taken as an indication of exposure to competition, of this activity in Poland. Consequently, since the conditions set out in Article 34 of Directive 2014/25/EU are met, it should be established that Directive 2014/25/EU does not apply to contracts intended to enable the pursuit of this activity in Poland.

#### **Printing and packaging services**

- (27) The printing and packing services are offered as a package of services for mass delivery which is a common practice in relation to mass correspondence. The package includes, among other things, receipt of documents, printing, enveloping and foliation, packaging.
- (28) In order to increase cost efficiency, such internal processes are often outsourced by companies to third parties.
- (29) Based on the information provided by UKE and having in mind the existing practice of the Commission <sup>(1)</sup>, for the purposes of this Decision, and without prejudice to competition law, the relevant product market is defined as services related to the printing and packaging of mail items.
- (30) According to Commission precedents, the delivery market for printing and packaging is in principle national. First, the printing facility is organised nationally, even though it may be the case that some printing can be done outside the national territory. Second, there are differences in pricing across different Member States. Third, most of these services are performed for potential or actual national senders in view to optimise their internal processes and reduce their costs.
- (31) The applicant's proposed definition is in line with the Commission precedents. Given that there are no reasons to assume a wider or a narrower scope of the market, for the purposes of this Decision, and without prejudice to competition law the geographical market for printing and packaging services is national in scope.
- (32) The market share of Poczta Polska S.A. is very low and it amounted to mere 1,17 % in 2014 <sup>(2)</sup>.
- (33) The market shares of Poczta Polska S.A. competitors are significantly higher. The market shares of the biggest players in terms of turnover are the following: Emerson Polska sp. z o.o. S.K.A. 28,4 % in 2013 and 24,6 % in 2014; Unizeto Technologies S.A. 21,2 % in 2013 and 21,0 % in 2014; Inforsys S.A. 17,8 % in 2013 and 20,7 % in 2014 <sup>(3)</sup>.
- (34) Based on the information provided in the request and taking account of the report of UKE from 2014, it can be concluded that Poczta Polska S.A. is currently exposed to direct competition and will face competitive constraints also in the foreseeable future.
- (35) For the purposes of this Decision and without prejudice to competition law, the factors listed in recitals 27 to 34 should be taken as an indication of exposure to competition of this activity in Poland. Consequently, since the conditions set out in Article 34 of Directive 2014/25/EU are met, it should be established that Directive 2014/25/EU does not apply to contracts intended to enable the pursuit of this activity in Poland.

#### **IV. CONCLUSION**

- (36) In view of the factors examined in recitals 3 to 35, the condition of direct exposure to competition laid down in Article 34 of Directive 2014/25/EU should be considered to be met in Poland in respect of the following services:
- (a) clearance, sorting, transport and delivery of courier items;
  - (b) unaddressed mail items;
  - (c) printing and packaging services.

<sup>(1)</sup> Commission Implementing Decision 2014/184/EU of 2 April 2014 exempting certain services in the postal sector in Austria from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 101, 4.4.2014, p. 4) recital 76.

<sup>(2)</sup> According to the information submitted by the applicant.

<sup>(3)</sup> Ibid.

- (37) Since the condition of unrestricted access to the market is deemed to be met, Directive 2014/25/EU should not apply when contracting entities award contracts intended to enable the services of clearance, sorting, transport and delivery of courier items, printing and packaging services, services in respect of unaddressed mail items be carried out in Poland, nor when design contests are organised for the pursuit of such an activity in that geographic area.
- (38) This Decision is based on the legal and factual situation as of 2 February 2016 to 23 March 2016 as it appears from the information submitted by the applicant, and the 2014 report of UKE. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 34 of Directive 2014/25/EU are no longer met.
- (39) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee for Public Contracts,

HAS ADOPTED THIS DECISION:

*Article 1*

Directive 2014/25/EU shall not apply to contracts awarded by contracting entities and intended to enable the following services to be carried out in Poland:

- (a) clearance, sorting, transport and delivery of courier items;
- (b) unaddressed mail items;
- (c) printing and packaging services.

*Article 2*

This Decision is addressed to the Republic of Poland.

Done at Brussels, 4 July 2016.

*For the Commission*  
Elżbieta BIEŃKOWSKA  
*Member of the Commission*

---

**COMMISSION IMPLEMENTING DECISION (EU) 2016/1196****of 20 July 2016****amending the Annexes to Decision 2007/275/EC concerning the lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC***(notified under document C(2016) 4494)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 4(5) thereof,

Having regard to 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 <sup>(2)</sup>, and in particular Article 3(5) thereof,

Whereas:

- (1) Commission Decision 2007/275/EC <sup>(3)</sup> provides that the animals and products listed in Annex I thereto are to be subjected to veterinary checks at border inspection posts in accordance with Directives 91/496/EEC and 97/78/EC ('the veterinary checks'). Decision 2007/275/EC also provides for a derogation from such veterinary checks for certain composite products and for the foodstuffs listed in Annex II thereto.
- (2) The list set out in Annex I to Decision 2007/275/EC lists the animals and products in accordance with the Combined Nomenclature ('CN'), as provided for in Council Regulation (EEC) No 2658/87 <sup>(4)</sup>. This list is used by the competent authorities of the Member States as a first step in the selection of consignments that are to be submitted to the veterinary checks.
- (3) Since the date of adoption of Decision 2007/275/EC, the CN codes laid down in Regulation (EEC) No 2658/87 have been updated several times, with the most recent amendments laid down in Commission Implementing Regulation (EU) 2015/1754 <sup>(5)</sup>. As several amendments have been made to the CN codes for products of animal origin, the list set out in Annex I to Decision 2007/275/EC should be updated to take account of those amendments.
- (4) In several CN headings and CN codes listed in Annex I to Decision 2007/275/EC products of animal origin represent only a small part of the goods included in the relevant CN heading or CN code. In such cases, column 3 of the above list refers to the applicable Union veterinary legislation and provides details of the animals and products which are to be subjected to veterinary checks. Taking into account the terminology and references in other Union veterinary legislation, those references in Decision 2007/275/EC should be updated in order to be aligned with current Union veterinary legislation.
- (5) In the interest of consistency of Union legislation, the list set out in Annex I to Decision 2007/275/EC should be updated to take account of amendments made to the CN codes and to Union veterinary legislation. Annex I to Decision 2007/275/EC should therefore be amended accordingly.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 9.

<sup>(3)</sup> Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC (OJ L 116, 4.5.2007, p. 9).

<sup>(4)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2015/1754 of 6 October 2015 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 285, 30.10.2015, p. 1).

- (6) The composite products and foodstuffs listed in Annex II to Decision 2007/275/EC are not to be submitted to veterinary checks. Therefore, they should be clearly identifiable and need to be linked to their CN codes. In addition, certain composite products and foodstuffs should be deleted from the list set out in Annex II to Decision 2007/275/EC. That list should therefore be amended accordingly.
- (7) Decision 2007/275/EC should therefore be amended accordingly.
- (8) 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*

The Annexes to Decision 2007/275/EC are amended in accordance with the Annex to this Decision.

*Article 2*

This Decision shall apply from 1 January 2017.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 July 2016.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

---

## ANNEX

Annexes I and II to Decision 2007/275/EC are amended as follows:

(1) Annex I is amended as follows:

(a) In CHAPTER 2, the table is replaced by the following:

'CN code	Description	Qualification and explanation
(1)	(2)	(3)
0201	Meat of bovine animals, fresh or chilled	All. However, raw material not intended or suitable for human consumption is not covered in this code.
0202	Meat of bovine animals, frozen	All. However, raw material not intended or suitable for human consumption is not covered in this code.
0203	Meat of swine, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this code.
0204	Meat of sheep or goats, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this code.
0205 00	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this code.
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this code.
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen	All. However, raw material not intended or suitable for human consumption is not covered in this code.
0208	Other meat and edible meat offal, fresh, chilled or frozen.	All. However, raw material not intended or suitable for human consumption is not covered in this code. This covers other raw material for the production of gelatine or collagen for human consumption. Covers all meat and edible meat offal from the following sub-headings: 0208 10 (of rabbits or hares) 0208 30 00 (of primates) 0208 40 (of whales, dolphins and porpoises (mammals of the order Cetacea); of manatees and dugongs (mammals of the order Sirenia); of seals, sea lions and walruses (mammals of the suborder Pinnipedia)) 0208 50 00 (of reptiles, including snakes and turtles) 0208 60 00 (of camels and other camelids (Camelidae)) 0208 90 (other: of domestic pigeons, of game other than of rabbits or hares); covers meat of quails, reindeer or any other mammal species. Covers frogs' legs under CN code 0208 90 70.

CN code	Description	Qualification and explanation
(1)	(2)	(3)
0209	Pig fat, free of lean meat, and poultry fat, not rendered or otherwise extracted, fresh, chilled frozen, salted, in brine, dried or smoked.	All, covers both fat and processed fat as described in column 2, even if suitable only for industrial use (not fit for human consumption).
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal.	All, covers meat, meat products and other products of animal origin. However, raw material not intended or suitable for human consumption is not covered in this code. Covers processed animal protein and dried pigs ears for human consumption. Even when such dried pig ears are used as animal feed, the Annex to Commission Regulation (EC) No 1125/2006 (*) clarifies that they may be covered in 0210 99 49. However, dried offal and pigs ears unfit for human consumption are in 0511 99 85. Bones for human consumption are covered under heading 0506. Sausages are covered under heading 1601. Extracts and juices of meat are covered under heading 1603. Greaves are covered under heading 2301.

(\*) Commission Regulation (EC) No 1125/2006 of 21 July 2006 concerning the classification of certain goods in the Combined Nomenclature (OJ L 200, 22.7.2006, p. 3)'.

(b) In CHAPTER 5, the table is amended as follows:

(i) The entry for heading 0506 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'0506	Bones and horn-cores, un-worked, defatted, simply prepared (but not cut to shape), treated with acid or de-gelatinised; powder and waste of these products.	Covers bones used as dog chews and bones for the production of gelatine or of collagen, if derived from carcasses that have been slaughtered for human consumption. Bone flour for human consumption is covered under heading 0410. Specific requirements for such products not intended for human consumption are laid down in Row 6 (game trophies), in Row 11 (bones and bone products (excluding bone meal), horns and horn products (excluding horn meal) and hooves and hoof products (excluding hoof meal) for uses other than as feed material, organic fertiliser or soil improver) and in Row 12 (dog chews) of Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.'

(ii) The entry for CN code 0508 00 00 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 0508 00 00	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof.	Empty shells for food use and use as raw material for glucosamine. In addition, shells, including cuttle-bones, containing soft tissue and flesh as referred to in point (k)(i) of Article 10 of Regulation (EC) No 1069/2009 are covered.'

(iii) The entry for heading ex 0511 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 0511	Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption.	All, covers subheadings 0511 10 to 0511 99. Covers genetic material (semen and embryos of animal origin such as of the bovine, ovine, caprine, equine and porcine species) and animal by-products of Categories 1 and 2 materials as referred to in Articles 8 and 9 of Regulation (EC) No 1069/2009. The following are examples of animal products falling within subheadings 0511 10 to 0511 99: 0511 10 00 (bovine semen). 0511 91 (products of fish or crustaceans, molluscs or other aquatic invertebrates): all, covers fish eggs for hatching, dead animals, animal by-products for the manufacture of petfood and for pharmaceuticals and other technical products. Covers dead animals referred to in Chapter 3, inedible or classed unfit for human consumption, for example, daphnids, known as water fleas, and other ostracoda or phyllopods, dried, for feeding aquarium fish; covers fish bait. ex 0511 99 10 (sinews or tendons; parings and similar waste of raw hides and skins). Veterinary checks are necessary for hides and skins not treated as referred to in point C 2 of Chapter V of Annex XIII to Regulation (EU) No 142/2011, if in compliance with Article 41(3) of Regulation (EC) No 1069/2009. ex 0511 99 31 (raw natural sponges of animal origin): all, if for human consumption; if not for human consumption, only those intended for petfood. Specific requirements for non-human consumption are set out in Row 12 of Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.



CN code	Description	Qualification and explanation
(1)	(2)	(3)
		<p>ex 0511 99 39 (other than raw natural sponges of animal origin): all, if for human consumption; if not for human consumption, only those intended for petfood. Specific requirements for non-human consumption are set out in Row 12 of Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.</p> <p>0511 99 85 (other animal products not elsewhere specified or included; dead animals of Chapter 1, unfit for human consumption): all: embryos, ova, semen and genetic material not covered in 0511 10 and of species other than bovine fall under this heading. Covers animal by-products for the manufacture of petfood or other technical products.</p> <p>Covers untreated horsehair, apiculture products other than waxes for apiculture or technical use, spermaceti for technical use, dead animals referred to in Chapter 1 which are inedible or not for human consumption (for example: dogs, cats, insects), animal material where the essential characteristics have not been changed, and edible animal blood not derived from fish, for human consumption.'</p>

(c) The following CHAPTER 6 is inserted:

CHAPTER 6

**Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage**

**General remarks**

This chapter covers mushroom spawn in a compost of sterilised manure of animal origin.

**Extract from the Harmonised System Explanatory Notes**

0602 90 10 Mushroom spawn:

Mushroom spawn is the term given to a net of fragile threads (Thallus or Mycelium), often found underground, which lives and grows on the surface of decomposing animal or vegetable matter and develops in the tissues themselves and produces mushrooms.

This subheading also includes a product consisting of mushroom spawn, not fully developed, placed in microscopic amounts on a layer of cereal grains enclosed in a compost of sterilized horse manure (a mixture of straw and horse dung).

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 0602 90 10	Mushroom spawn	Only, if containing processed manure of animal origin and specific rules are set out in Row 1 of Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.'

(d) In CHAPTER 12, the title is amended as follows:

**‘Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder’**

(e) CHAPTER 15 is amended as follows:

(i) In the ‘General remarks’, in the Section with the heading ‘Extract from the Harmonised System Explanatory Notes’, the following paragraphs are added:

‘Heading **1518** covers inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of the Chapter, not elsewhere specified or included.

This part covers, inter alia, used deep-frying oil containing, for example, rape oil, soya-bean oil and a small quantity of animal fat, for use in the preparation of animal feeds.’

(ii) The table is amended as follows:

— the entry for CN code 1505 00 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
‘1505 00	Wool grease and fatty substances derived therefrom (including lanolin).	All, wool grease imported as rendered fat as set out in Annex XIV to Regulation (EU) No 142/2011, or lanolin imported as intermediate product as set out in Annex XII to Regulation (EU) No 142/2011.’

— the entries for CN codes 1518 00 95 and 1518 00 99 are replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
‘ex 1518 00 95	Inedible mixtures or preparations of animal or of animal and vegetable fats and oils and their fractions.	Only fats and oil preparations, rendered fats and derivatives derived from animals; including used cooking oil, intended to be used within the scope of Regulation (EC) No 1069/2009. Fat derivatives produced by a method set out in point 1 of Chapter XI of Annex XIII to Regulation (EU) No 142/2011.
ex 1518 00 99	Other	Only if fat from animals is contained.’

(f) In CHAPTER 16, in the table, the entries for CN code 1603 00 and for headings 1604 and 1605 are replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
‘1603 00	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates.	All, covers meat extracts and meat concentrates, covers fish protein in gel form whether chilled or frozen, covers shark cartilage.

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	<p>All, cooked or pre-cooked culinary preparations containing or mixed with fish or fishery products. Covers surimi in CN code 1604 20 05.</p> <p>Covers canned fish and canned caviar in airtight containers, and also sushi (provided that they are not to be classified in a CN code referred to in Chapter 19).</p> <p>Pasta stuffed with fish products are covered by heading 1902.</p> <p>So-called fish skewers (raw fish meat or raw shrimps with vegetables presented on a wooden stick) are classified in CN code 1604 19 97.</p> <p>For composite products, see Articles 4 and 6 of this Decision.</p>
ex 1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:	<p>All, including fully prepared or pre-prepared snails. Covers canned crustaceans, or other aquatic invertebrates as well as mussel powder.</p> <p>For composite products, see Articles 4 and 6 of this Decision.</p>

(g) In CHAPTER 17, in the table, the entry for CN code 1702 11 00 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey.	<p>Artificial honey, lactose, mixtures of natural and artificial honey and mixtures containing lactose.</p> <p>For composite products, see Articles 4 and 6 of this Decision.</p>

(h) The following CHAPTER 18 is inserted:

‘CHAPTER 18

**Cocoa and cocoa preparations**

**General remarks**

This chapter covers animal products and composite products containing processed animal products.

**Notes to Chapter 18 (extract from the Notes to this Chapter of the Combined Nomenclature (CN) as laid down in Annex I to Regulation (EEC) No 2658/87)**

This chapter does not cover the preparations of heading 0403, 1901, 1904, 1905, 2105, 2202, 2208, 3003 or 3004.

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 1806	Chocolate and other food preparations containing cocoa.	Containing products of animal origin, for example, dairy products. For composite products, see Articles 4 and 6 of this Decision.’

(i) In CHAPTER 19, the table is amended as follows:

(i) The entry for heading 1901 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
‘ex 1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included.	Only those containing less than 20 % of products of animal origin, covers milk-based infant food, covers uncooked pizzas with toppings of animal origin. Culinary preparations are covered by Chapters 16 and 21. For composite products, see Articles 4 and 6 of this Decision.’

(ii) The following entry is inserted after the entry for CN code ex 1902 40 and before the entry for CN code ex 1904 90 10:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
‘ex 1904 10 10	Prepared food obtained by the swelling or roasting of maize.	Only those containing less than 20 % of products of animal origin, for example, those referred to in the Annex to Commission Implementing Regulation (EU) No 443/2013 (*), and subject to veterinary checks in accordance with point (c) of Article 4 of this Decision.

(\*) Commission Implementing Regulation (EU) No 443/2013 of 7 May 2013 concerning the classification of certain goods in the Combined Nomenclature (OJ L 130, 15.5.2013, p. 17)’.  
\_\_\_\_\_

(iii) The entry for heading ex 1905 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 1905	Pâtisseries.	Covers those preparations containing less than 20 % of meat or other animal products, for example: ex 1905 32 91: waffles or wafers filled with meat or cheese (for example: burek); ex 1905 32 99: waffles or wafers filled with animal products other than meat or cheese; ex 1905 90: pre-cooked or cooked pizza or quiche filled or covered with animal products; ex 1905 90 90: if not shelf stable. For composite products, see Articles 4 and 6 of this Decision.'

(j) CHAPTER 21 is amended as follows:

(i) In the 'Notes to Chapter 21', the following additional notes are added:

**'Additional notes**

....

5. Other food preparations presented in measured doses, such as capsules, tablets, pastilles and pills, and which are intended for use as food supplements are to be classified under heading 2106, unless elsewhere specified or included.'

(ii) The table is amended as follows:

— the entry for heading ex 2104 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 2104	Soups and broths and preparations therefore; homogenised composite food preparations.	Covers preparations containing animal products, including infant food in containers of a net weight content not exceeding 250 g. For composite products, see Articles 4 and 6 of this Decision.'

— the entries for CN codes ex 2106 90 92 and ex 2106 90 98 are replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 2106 90 92	Other food preparations not elsewhere specified or included, containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch.	Covers food preparations (for example, food supplements) containing animal products, for example, whey protein isolate, chondroitin, glucosamine, chitosan, calcium carbonate, pasteurised salted liquid egg yolk, animal oils (for example, fish oil in capsules), with or without other substances. For composite products, see Articles 4 and 6 of this Decision.

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 2106 90 98	Other food preparations not elsewhere specified or included.	Covers food preparations (for example: food supplements, cheese fondue) containing animal products, for example chondroitin, glucosamine, animal oils (for example, fish oil in capsules). For composite products, see Articles 4 and 6 of this Decision.'

(k) In CHAPTER 22, in the table, the entry for CN code ex 2202 90 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 2202 90 91	Other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009 and containing less than 0,2 % by weight of fat obtained from the products of heading 0401 to 0404.	Covers non-alcoholic beverages containing processed animal products, for example, yoghurt drinks with cereal flakes, coffee or chocolate drinks. For composite products, see Articles 4 and 6 of this Decision.
ex 2202 90 95	Other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009 and containing 0,2 % or more but less than 2 % by weight of fat obtained from the products of heading 0401 to 0404.	Covers non-alcoholic beverages containing processed animal products, for example, yoghurt drinks with cereal flakes, coffee or chocolate drinks. For composite products, see Articles 4 and 6 of this Decision.
ex 2202 90 99	Other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009 and containing 2 % or more by weight of fat obtained from the products of heading 0401 to 0404	Covers non-alcoholic beverages containing processed animal products, for example, yoghurt drinks with cereal flakes, coffee or chocolate drinks. For composite products, see Articles 4 and 6 of this Decision.
ex 2208 70	Liqueurs and cordials	Liqueurs including spirits, which consist of emulsions of spirit with animal products such as egg yolk or cream. For composite products, see Articles 4 and 6 of this Decision.'

(l) In CHAPTER 23, in the table, the entry for heading ex 2309 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 2309	Preparations of a kind used in animal feeding.	<p>All, if containing products of animal origin, except sub-headings 2309 90 20 and 2309 90 91.</p> <p>Covers, among other things, dog or cat food, put up for retail sale (subheading 2309 10), containing animal products and fish or marine mammal solubles (CN code 2309 90 10). Products for animal feeding purposes, including mixtures of meals (such as hoof and horn).</p> <p>This heading covers liquid milk, colostrum and products containing milk products, colostrum, or carbohydrates, all not fit for human consumption but for animal feeding.</p> <p>Covers petfood, dogchews and mixtures of meals, mixtures can include dead insects.</p> <p>Specific requirements for petfood including dogchews are set out in Row 12 of Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.</p> <p>Covers egg products not for human consumption and other processed products of animal origin not for human consumption.</p> <p>Specific requirements for egg products are set out in Row 9 of Table 1 of Section 1 of Chapter I of Annex XIV to Regulation (EU) No 142/2011.'</p>

(m) In CHAPTER 29, in the table, the entry for CN code ex 2932 99 00 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 2922 49	Other Amino-acids, other than those containing more than one kind of oxygen function, and their esters; salts thereof.	Only raw material of animal origin used for food supplements or for animal feed.
ex 2925 29 00	Other Imines and their derivatives than Chlordimeform (ISO); salts thereof.	Creatine of animal origin.
ex 2930	Organo-sulphur compounds:	Certain amino-acids of animal origin: ex 2930 90 13 Cysteine and cystine; ex 2930 90 16 Derivates of cysteine or cystine.
ex 2932 99 00	Other heterocyclic compounds with oxygen hetero-atom(s) only.	Only if of animal origin, for example glucosamine, glucosamine-6-phosphate and their sulphates.
ex 2942 00 00	Other organic compounds	Only if of animal origin.'

(n) In CHAPTER 30, the table is amended as follows:

(i) The entry for CN code 3001 90 91 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 3001 90 91	Animal substances prepared for therapeutic or prophylactic uses: heparin and its salts.	All animal products, which are destined for further processing in accordance with Article 34(1) of Regulation (EC) No 1069/2009 in order to comply with the definitions set out in points (a) to (f) of Article 33 of the same Regulation.'

(ii) The entry for CN code ex 3002 10 99 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 3002 10 98	Other blood fractions and immunological products, whether or not modified or obtained by means of biotechnological processes.	Only animal derived material.'

(o) In CHAPTER 31, in the table, the entry for CN code ex 3101 00 00 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 3101 00 00	Animal or vegetable fertilisers, whether or not mixed together or chemically treated; fertilisers produced by the mixing or chemical treatment of animal or vegetable products.	Only animal derived products in an un-adulterated form. Covers guano excluding mineralised guano. Covers manure mixed with processed animal protein, if used as fertiliser; but manure-chemical mixtures used as fertilisers are excluded (see heading 3105, which covers only mineral or chemical fertilisers). Specific requirements for manure, processed manure or processed manure products are set out in Row 1 of Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.
ex 3105 10 00	Goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg.	Only fertilisers containing animal derived products. Specific requirements for manure, processed manure or processed manure products are set out in Row 1 of Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.'



(p) The following CHAPTERS 32 and 33 are inserted:

‘CHAPTER 32

**Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks**

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3204	Synthetic organic colouring matter, whether or not chemically defined; preparations as specified in note 3 to this chapter based on synthetic organic colouring matter; synthetic organic products of a kind used as fluorescent brightening agents or as luminophores, whether or not chemically defined.	Only colour dispersions in milk fat base, used in the food or feed production.

CHAPTER 33

**Essential oils and resinoids; perfumery, cosmetic or toilet preparations**

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages.	Only flavourings in a milk fat base used for food or feed production.’

(q) In CHAPTER 35, the table is amended as follows:

(i) The entry for CN code ex 3503 00 is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
‘3503 00	Gelatine (including gelatine in rectangular [including square] sheets, whether or not surface-worked or coloured) and gelatine derivatives; isinglass; other glues of animal origin excluding casein glues of heading 3501.	Covers gelatine for human consumption and for the food industry. Gelatine classified in heading 3913 (hardened proteins) and in 9602 (worked, unhardened gelatine and articles of unhardened gelatine), for example, empty capsules if not for food or animal consumption are excluded from veterinary checks. Specific requirements are set out in Row 5 of Table 1 of Section 1 of Chapter I of Annex XIV to Regulation (EU) No 142/2011 for gelatine and hydrolysed protein not for human consumption and in Section 11 of Chapter II of Annex XIV to that Regulation for photo gelatine.’

(ii) The following entry is added:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 3507 90 90	Other enzymes than rennet and concentrates thereof or Lipoprotein lipase or aspergillus alkaline protease.	Only if of animal origin and used in food industry, for example, pepsin or enzymes with 45 % lactose.'

(r) CHAPTER 38 is amended as follows:

(i) The following Notes are inserted after the heading and before the table:

**'Notes to Chapter 38 (extract from the Notes to this Chapter of the Combined Nomenclature (CN) as laid down in Annex I to Regulation (EEC) No 2658/87)**

4. Throughout the nomenclature, 'municipal waste' means waste of a kind collected from households, hotels, restaurants, hospitals, shops, office, etc., road and pavement sweepings, as well as construction and demolition waste. Municipal waste generally contains a large variety of materials such as plastics, rubber, wood, paper, textiles, glass, metals, food materials, broken furniture and other damaged or discarded articles. ....'

(ii) The table is amended as follows:

— The entries for CN codes 3822 00 00 and ex 3825 10 00 are replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 3822 00 00	Diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, other than those of heading 3002 or 3006; certified reference materials.	Deriving from animal products only, except medical devices as defined in Article 1(2)(a) of Council Directive 93/42/EEC (*) and in vitro diagnostic medical devices as defined in Article 1(2)(b) of Directive 98/79/EC of the European Parliament and of the Council (**).
ex 3825 10 00	Municipal waste.	Only catering waste containing animal products, if it falls within the scope of point (g) of Article 2(2) of Regulation (EC) No 1069/2009, except catering waste originating directly from means of transport operating internationally and disposed in line with Article 12 (d) of the same Regulation.  Used cooking oil intended to be used within the scope of Regulation (EC) No 1069/2009, for example, for organic fertiliser or biogas, can be covered by this CN code.

(\*) Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1).

(\*\*) Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices (OJ L 331, 7.12.1998, p. 1).'

— The entry for CN code 3826 00 is deleted.

(s) In CHAPTER 39, the table is amended as follows:

(i) The entry for CN code ex 3913 90 00 in the table is replaced by the following:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 3913 90 00	Other natural polymers (except alginic acid, its salts and esters) and modified natural polymers (for example, hardened proteins, chemical derivatives of natural rubber), not elsewhere specified or included, in primary forms.	Deriving from animal products only, for example, chondroitin sulphate, chitosan, hardened gelatine.'

(ii) The following entries are added:

CN code	Description	Qualification and explanation
(1)	(2)	(3)
'ex 3926 90 92	Other articles of plastics and articles of other materials of headings 3901 to 3914 made from sheet.	Empty capsules of hardened gelatine for animal consumption; specific requirements are set out in Row 5 of Table 1 of Section 1 of Chapter I of Annex XIV to Regulation (EU) No 142/2011.
ex 3926 90 97	Other articles of plastics and articles of other materials of headings 3901 to 3914 made from other than sheet.	Empty capsules of hardened gelatine for animal consumption; specific requirements are set out in Row 5 of Table 1 of Section 1 of Chapter I of Annex XIV to Regulation (EU) No 142/2011.'

(t) The following CHAPTER 71 is inserted after CHAPTER 67:

*'CHAPTER 71*

**Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin**

**Harmonised System Classification Opinion 7101.21/1:** Oysters unfit for human consumption, containing one or more cultured pearls, preserved in brine and put up in airtight metal containers.

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 7101 21 00	Unworked cultured pearls.	Includes oysters unfit for human consumption, containing one or more cultured pearls, preserved in brine or by different methods, packaged in airtight containers.  Unworked cultured pearls as set out in Section 2 of Chapter IV of Annex XIV to Regulation (EU) No 142/2011 unless they are excluded from the scope of Regulation (EC) No 1069/2009 as provided for in point (f) of Article 2(2) of that Regulation.'

- (u) The following CHAPTER 96 is inserted after CHAPTER 95:

‘CHAPTER 96

**Miscellaneous manufactured articles**

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 9602 00 00	Worked, unhardened gelatin (except gelatin of heading 3503) and articles of unhardened gelatin.	Empty capsules of unhardened gelatine for food or animal consumption; specific requirements are set out in Row 5 of Table 1 of Section 1 of Chapter I of Annex XIV to Regulation (EU) No 142/2011 for animal consumption.’

- (v) CHAPTER 99 is replaced by the following:

‘CHAPTER 99

**Special combined nomenclature codes**

*Sub-chapter II*

**Statistical codes for certain specific movements of goods**

**General remarks**

This chapter covers animals, food of animal origin, composite products and animal by-products originating from third countries and delivered to vessels and aircraft within the European Union under customs transit procedure (T1). A derogation from European Union public health import conditions is applicable for food of animal origin and composite products, which are delivered to vessels in accordance with Article 13(3) of Directive 97/78/EC, with or without temporary storage in approved free zones, free or customs warehouses.

CN code	Description	Qualification and explanation
(1)	(2)	(3)
ex 9930 24 00	Goods of CN Chapters 1 to 24 delivered to vessels and aircraft.	Food of animal origin including composite products destined for ship supply as provided for in Articles 12 and 13 of Directive 97/78/EC.
ex 9930 99 00	Goods classified elsewhere delivered to vessels and aircraft.	Food of animal origin including composite products destined for ship supply as provided for in Articles 12 and 13 of Directive 97/78/EC.’

- (2) Annex II is replaced by the following text:

‘ANNEX II

**List of composite products and foodstuffs not subject to veterinary checks as referred to in Article 6(1)(b) of this Decision**

This list sets out composite products and foodstuffs according to the goods nomenclature in use in the Union which do not need to be submitted to veterinary checks at a border inspection post.

Notes relating to the table:

**Column (1) — CN code**

This column indicates the CN code. The CN, established by Regulation (EEC) No 2658/87, is based on the international Harmonised Commodity Description and Coding System (HS) drawn up by the Customs Cooperation Council, now the World Customs Organisation (WCO), adopted by the International Convention, concluded in Brussels on 14 June 1983 and approved on behalf of the European Economic Community by Decision 87/369/EEC ('the HS Convention'). The CN reproduces the headings and subheadings of the HS to six digits, with only the seventh and eighth figures creating further subheadings which are specific to it.

Where a four digit code is used: unless otherwise specified, all composite products and foodstuffs prefixed with or covered by these four digits are not required to be submitted to veterinary checks at a border inspection post.

Where only certain specified products under any four, six or eight digit code contain animal products and no specific subdivision under this code exists in the CN, the code is marked **ex** (for example, **ex 2001 90 65**: veterinary checks not required for the products outlined in Column (2)).

**Column (2) — Explanation**

This column gives details of the composite products and foodstuffs covered by the derogation from veterinary checks at border inspection posts. When necessary, official veterinarians at border inspection posts must assess the ingredients of a composite product and foodstuff and specify, if the animal product contained in the composite product and foodstuffs is sufficiently processed so as to not require the veterinary checks provided for in Union legislation.

CN Codes	Explanations
(1)	(2)
1704, 1806 20, 1806 31, 1806 32, 1806 90 11, 1806 90 19, 1806 90 31, 1806 90 39, 1806 90 50	Confectionery (including sweets) and chocolate, containing less than 50 % of processed dairy and egg products and treated as provided for in Article 6(1)(a) of this Decision.
1902 19, 1902 30, 1902 40	Pasta and noodles not mixed or filled with processed meat product; containing less than 50 % of processed dairy and egg products and treated as provided for in Article 6(1)(a) of this Decision.
1905 10, 1905 20, 1905 31, 1905 32, 1905 40, 1905 40 10, 1905 90 10, 1905 90 20, 1905 90 30, 1905 90 45, 1905 90 55, 1905 90 60, ex 1905 90 90;	Bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products; containing less than 20 % of processed dairy and egg products and treated as provided for in Article 6(1)(a) of this Decision. 1905 90 covers only dry and brittle products.
ex 2001 90 65, ex 2005 70 00 ex 1604	Olives stuffed with less than 20 % fish Olives stuffed with more than 20 % fish
ex 2104 10 and ex 2104 20	Soup stocks and flavourings packaged for the final consumer, containing less than 50 % of fish oils, fish powders or fish extracts and treated as provided for in Article 6(1)(a) of this Decision.
ex 2106 10, ex 2106 90	Food supplements packaged for the final consumer, containing small amounts (in total less than 20 %) of processed animal products (including glucosamine, chondroitin and/or chitosan) other than meat products.'





ISSN 1977-0677 (electronic edition)  
ISSN 1725-2555 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**