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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	1 February 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 1.2.2021 amending Delegated Regulation (EU) 2019/625 as regards import conditions for live snails, for composite products and for casings placed on the market for human consumption

Delegations will find attached document C(2021) 428 final.

Encl.: C(2021) 428 final



Brussels, 1.2.2021
C(2021) 428 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 1.2.2021

amending Delegated Regulation (EU) 2019/625 as regards import conditions for live snails, for composite products and for casings placed on the market for human consumption

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2017/625 of the European Parliament and of the Council lays down rules for the performance of official controls and other control activities by the competent authorities of the Member States, including for the establishment of requirements to be fulfilled for the entry into the Union of consignments of animals and goods from third countries or regions thereof and official controls performed on such consignments that are intended for human consumption in order to ensure that they comply with Union legislation in the area of food and food safety.

Delegated Regulation (EU) 2019/625 supplements Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption.

This amendment of Delegated Regulation (EU) 2019/625 extends import conditions to live snails to ensure safe imports from Third Countries to the EU of live snails intended for human consumption. In addition, Harmonized System codes for composite products are added.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This Delegated Regulation has been discussed on 5 June 2020 at the meeting of the expert group on food hygiene and control of food of animal origin, representing competent authorities of all Member States, and is supported by these experts.

Before adopting this Delegated Regulation, the Commission conducted public consultations in an open and transparent way in accordance with the procedures laid down in the Interinstitutional Agreement on Better Law-Making.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Commission Delegated Regulation (EU) 2019/625 and its amendments are adopted pursuant to Article 126(1) of Regulation (EU) 2017/625, which became applicable with effect from 14 December 2019.

COMMISSION DELEGATED REGULATION (EU) .../...

of 1.2.2021

amending Delegated Regulation (EU) 2019/625 as regards import conditions for live snails, for composite products and for casings placed on the market for human consumption

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)¹, and in particular Article 126(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2019/625² lays down the requirements for the entry into the Union consignments of, *inter alia*, prepared snails.
- (2) According to Article 1(2)(a)(i) and (iii) of Delegated Regulation (EU) 2019/625, third countries exporting consignments of prepared snails to the Union are to be listed, and each consignment of prepared snails is to be accompanied by an official certificate. Similar requirements should also apply to live snails intended for human consumption.
- (3) To clearly identify the snails subject to requirements for entry into the Union, a definition of snails should be introduced in Delegated Regulation (EU) 2019/625.
- (4) Delegated Regulation (EU) 2019/625 should not apply to samples of goods intended for human consumption, imported for the purpose of product analysis and quality testing without being placed on the market and therefore do not represent a risk to public health. Article 1(3) should be amended accordingly. Article 12 of Delegated Regulation (EU) 2019/625 provides for import requirements for consignments of composite products referred to by Harmonised System codes ('HS codes') under

¹ OJ L 95, 7.4.2017, p.1

² Commission delegated regulation (EU) 2019/625 of 4 March 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption (OJ L 131, 17.5.2019, p.18)

certain headings of Part Two of Annex I to Council Regulation (EEC) No 2658/87³. It is appropriate to refer to Combined Nomenclature (CN) codes in accordance with Regulation (EU) 2017/625. In addition, codes of certain composite products are missing in Article 12 of Delegated Regulation (EU) 2019/625. It is therefore appropriate to add these CN codes.

- (5) Consignments of live snails and of composite products placed on the market for human consumption should be subject to individual certification for entry into the Union to reduce the risk of non-compliance with Union requirements on food safety. Certification of compliance with Union requirements also contributes to reminding food business operators and the competent authorities of third countries or regions thereof of the applicable Union requirements.
- (6) Article 7 of Delegated Regulation (EU) 2019/625 provides for requirements on the manufacturing of raw materials for import of consignments of fresh meat, minced meat, meat preparations, meat products, mechanically separated meat and raw materials intended for the production of gelatine and collagen to avoid a possible public health risk. Bladders and intestines used for the production of casings, are subject to a treatment that eliminates any public health risk. It is therefore appropriate to allow that the raw materials for the production of casings come from slaughterhouses under the supervision of the national competent authorities and Article 7 should be amended accordingly.
- (7) Article 13 of Delegated Regulation (EU) 2019/625 establishes that each consignment of certain listed products may enter the Union only if the consignment is accompanied by an official certificate. Composite products are not included in the list of products that are to be accompanied by an official certificate.
- (8) The risk related to certain categories of composite products depends on the type of ingredients and on their storage conditions. Consignments of such products placed on the market for human consumption should therefore be subject to the individual certification of each consignment for entry into the Union for placing on the market. Certification of compliance with Union requirements may also contribute to reminding food business operators and the competent authorities of third countries or regions thereof of the applicable Union requirements.
- (9) Certain shelf-stable composite products that do not contain any other meat products than gelatine or collagen or highly refined products do not represent a public or animal health risk because of the nature of the treatment required for the manufacture of such meat products. Such composite products should be accompanied by a private attestation instead of an official certificate.
- (10) Delegated Regulation (EU) 2019/625 should therefore be amended accordingly.
- (11) As Articles 12 and 14 of Delegated Regulation (EU) 2019/625 applies from 21 April 2021, the amendments to Articles relevant for these Articles 12 and 14 should also apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2019/625 is amended as follows:

³ 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).

- (1) in Article 1(2)(d), the following point (v) is added:
‘(v) live snails.’;
- (2) in Article 1(3) a new point (c) is added:
‘(c) goods intended for human consumption for the purpose of samples for product analysis and quality testing without being placed on the market.’
- (3) in Article 2, the following point (14)(a) is inserted:
‘(14)(a) “snails” means snails as defined in point 6.2 of Annex I to Regulation (EC) No 853/2004 and any other species of snails of the family of Helicidae, Hygromiidae or Sphincterochilidae, intended for human consumption;’
- (4) in Article 3, the following point (c) is inserted:
‘(c) live snails referred to by the CN code 0307 60 00 of Part Two of Annex I to Regulation (EEC) No 2658/87.’
- (5) Article 7(d) is replaced by the following:
‘(d) mechanically separated meat and meat products excluding casings as defined in point 45 of Article 2 of Commission Delegated Regulation (EU) No 2020/692;’
- (6) Article 12(1) is replaced by the following:
‘1. Consignments of composite products referred to by the CN codes under headings 1517, 1518, 1601 00, 1602, 1603 00, 1604, 1605, 1702, 1704, 1806, 1901, 1902, 1904, 1905, 2001, 2004, 2005, 2101, 2103, 2104, 2105 00, 2106, 2202, 2208 of Annex I to Regulation (EEC) No 2658/87 shall enter the Union for placing on the market only if each processed product of animal origin contained in the composite products was either produced in establishments that are located in third countries or regions thereof and authorised to export those processed products of animal origin to the Union in accordance with Article 5 or in establishments located in Member States’
- (7) Article 13(1) is amended as follows:
 - (a) the following point (d) is inserted:
‘(d) live snails referred to by the CN code 0307 60 00 of Part Two of Annex I to Regulation (EEC) No 2658/87;’
 - (b) the following point (e) is inserted:
‘(e) composite products referred to in Article 12 (2)(a) and (b) with the exclusion of shelf stable composite products that do not contain any other meat product than gelatine, collagen or highly refined products referred to in Section XVI of Annex III to Regulation (EC) No 853/2004.’
- (8) Article 14(1) is replaced by the following:
‘1. A private attestation confirming that the consignments comply with the applicable requirements referred to in Article 126(2) of Regulation (EU) 2017/625, prepared and signed by the importing food business operator, shall accompany the consignments of the composite products as referred to in Article 12(2)(b) where the composite products do not contain any other meat products than gelatine, collagen or highly refined products referred to in Section XVI of Annex III to Regulation (EC) No 853/2004, and Article 12(2)(c).’

Article 2

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

Article 1(5), (7)(b) and (8) shall apply from 21 April 2021.

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

Done at Brussels, 1.2.2021

For the Commission
The President
Ursula VON DER LEYEN