Imports of food of animal origin from non-EU countries

Provisions of guarantees equivalent to EU requirements on residues of veterinary medicines, pesticides and contaminants
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1 Objective of this brochure

This brochure aims to help non-EU countries interested in exporting food of animal origin to the European Union (EU) to better understand EU legislation and requirements for residues and contaminants.

It gives guidance on how to comply with this legislation e.g. design a residue monitoring plan or report data etc., and describes in detail import requirements for some commodities e.g. horsemeat, honey, casings.

2 Food safety in the EU: protecting consumers

The EU is the world’s biggest food importer and one of the biggest food exporters. Our regulations affect trading partners worldwide. Europeans expect safe food, and safety carries a high political and financial cost.
3 EU legislation on monitoring residues and contaminants in food of animal origin

Specific legislation protects consumers from exposure to potentially harmful residues of veterinary medicines, pesticides and environmental contaminants in food of animal origin (Directive 96/23/EC).

EU countries implement residue monitoring plans for the detection of illegal use of substances in animal production and the misuse of authorised veterinary medicines. They must also take appropriate action to minimise the occurrence of such residues in food. The European Commission approves the submitted residue monitoring plans every year.

EU countries must also sample imported foodstuffs (Regulation (EC) No 136/2004).

Food consignments containing residues above EU maximum limits or levels for veterinary medicines, pesticides and contaminants (see section 4.3) will be rejected. Consignments containing residues of substances which do not have EU limits established may be rejected. In the event of a residue problem, the EU or individual EU Member States may reinforce checks at the point of import (Article 24, Directive 97/78/EC).

Reasonable efforts are made to avoid trade disruption. In cases of an evident problem with compliance, the Commission has imposed safeguard measures e.g. import bans or compulsory testing at the point of import until the non-EU country finds a satisfactory resolution.
4 Residue monitoring requirements for non-EU countries wishing to export food of animal origin to the EU

Directive 96/23/EC outlines the relevant requirements (Articles 29 and 30). Article 29 (1) states that a non-EU country must submit a plan with the guarantees it offers for the monitoring of the residues and substances in Annex I to the Directive. Guarantees must have an effect at least equivalent to those in the Directive and meet the requirements of:

- Article 4 and specify the particulars in Article 7 of the Directive;
- Article 11 (2) of Directive 96/22/EC.

Key requirements:

- the residue monitoring plan must be centrally co-ordinated (Article 4, Directive 96/23/EC);
- a description of the legislation governing the authorisation, distribution and use of veterinary medicines (Article 7 (indent 1), Directive 96/23/EC);
- the number of samples taken are evaluated against the sampling levels and frequencies of Annex IV (Article 7 (indent 6), Directive 96/23/EC) and the Annex to Decision 97/747/EC.
- EU countries cannot import (Article 11 (2), Directive 96/22/EC):
  a. animals (and/or products derived from them) to which stilbenes, thyrostats and oestradiol have been administered for any purpose or
  b. animals (and/or products derived thereof) to which certain steroid hormones and beta-agonists have been administered for growth promotion.

**Requirement for a 'split system'**

If a non-EU country authorises the use of hormones and beta-agonists for growth promotion, its residues monitoring plan can only be approved if there is a 'split system' in place guaranteeing that animals (or their products) for export to the EU have not been treated with these substances at any time during their rearing.
4.1 Evaluation and approval of residue monitoring plans

The first step in a non-EU country’s eligibility to export food of animal origin to the EU is the Commission’s approval of the country’s residue monitoring plan for those commodities. The list of countries with approved plans is in Decision 2011/163/EU.

An approved residue monitoring plan is one of the pre-requisites for export to the EU. EU animal and public health conditions must also be satisfied – see Guidance on this topic.

4.1.1 Deadline for submission of plans and results

Non-EU countries should submit their residue monitoring plans and the results of previous years’ monitoring to the Commission by 31 March each year to:

Director
Health and food audits and analysis
DG Health and Food Safety
European Commission
Grange, Dunsany, Co Meath, C15DA39, IRELAND
Tel: 00353 46 9061833 /Fax: 00353 46 9061705
E-mail: SANTE-TCRESIDUEPLANS@ec.europa.eu

4.1.2 Evaluation

The Commission evaluates whether the documentation provided, with regards to the residue control system can offer guarantees at least equivalent to those in EU legislation. Chapters 4.2, 4.3 and 4.4 of this brochure explain the key elements and requirements for the evaluation. Evaluations are done on a regular basis.

Based on a favourable evaluation, of the guarantees received on paper, a non-EU country is or will remain listed for the commodity concerned. If a Commission audit ascertains that the implementation of the residue control system cannot ensure the offered guarantees, or no residue monitoring plan is submitted annually, delisting might be the consequence.
4.2 **Key elements of residue monitoring plans**

4.2.1 **The initial plan must include:**

- Details on the structure of the non-EU country’s competent authority i.e. the central public body drawing up the residues monitoring plan and co-ordinating the departments involved in implementing the plan, plus information on their structure and resources;
- A description of the legislative framework covering the rules on the use of veterinary medicines, authorisation and/or prohibition procedures etc. In particular, the authorisation/use/prohibition of hormones and beta-agonists for growth promotion must be described. If hormones and beta-agonists for growth promotion are authorised, details of the split system(s) in place must be provided and should include the specific programme requirements, advance approval and certification procedures, record-keeping requirements, identification systems for segregation and traceability of the animals produced under the programme and the food products derived from them.
- A list of approved laboratories for residue testing and their accreditation status;
- Details on measures to be taken in the event of a non-compliant (positive) result.

4.2.2 **Subsequent residue monitoring plans**

When submitting their annual residue monitoring plans, non-EU countries are not required to send a detailed description of their regulatory systems every year. Only relevant updates or changes to the system should be communicated to the Commission such as:

- the residue monitoring plan for the current year;
- results of the previous year’s plan, details of its implementation i.e. numbers of samples taken compared to the number planned and a brief description of the measures taken when non-compliant (‘positive’) results (if any) were found. This is evidence of how the plan was implemented and an indicator of the competent authorities’ performance.

Non-EU countries can of course submit all of the background data required for the initial plan (see 4.2.1) if they so wish.
4.3 Structure of the residue monitoring plan

There are templates for constructing the plan and producing supporting information in section 4.4. They outline the information the Commission expects to see in a residue monitoring plan. Using these facilitates the presentation of data in a common format and allows for a more rapid evaluation of the plan.

4.3.1 Commodities to be included in the plan

The plan should include only the commodities currently exported or intended for export to the EU. Plans should be submitted for any new commodities which the non-EU country wishes to export.

4.3.2 Sampling levels and frequencies

Sampling levels and frequencies are laid down in Directive 96/23/EC and Decision 97/747/EC. They are based on annual national production figures. Every EU country must observe the levels summarised in the following table.

For non-EU countries, the number of samples to be taken depends on the production eligible for export. For example, if countries where animals and products from any farm are eligible for export to the EU, the proportion of animals sampled should be based on the annual national production figures i.e. in line with the sampling levels and frequencies applied in EU countries.

For non-EU countries where only a certain population of animals is eligible for export with a system guaranteeing that only those animals from those farms are eligible for export to the EU, the number of sampled animals can be a proportion of that defined population rather than the national population.

Each sample can be analysed for one or more substances within a substance group.

Importantly samples need to be taken across the various production stages of a certain species or where specified at certain production stages. For example: fish samples to be analysed for Group B substances should be taken from fish ready to be placed on the market for consumption – these samples can be taken at farm level or at the processing plant – as long as it is possible to trace back to the farm of origin in the event of a non-compliant result. See details for various species in Directive 96/23/EC and Decision 97/747/EC.
### Summary of sampling requirements by commodity/species

**Directive 96/23/EC** and **Decision 97/747/EC**

<table>
<thead>
<tr>
<th>Species</th>
<th>Commodity</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bovine</td>
<td>Meat</td>
<td>0.4 % of the animals slaughtered the previous year</td>
</tr>
<tr>
<td>Bovine/Ovine/Caprine</td>
<td>Milk</td>
<td>One per 15,000 tonnes of annual production - minimum 300 samples</td>
</tr>
<tr>
<td>Porcine</td>
<td>Meat</td>
<td>0.05% of the animals slaughtered the previous year</td>
</tr>
<tr>
<td>Caprine, Ovine</td>
<td>Meat</td>
<td>0.05 % of the animals slaughtered the previous year older than 3 months</td>
</tr>
<tr>
<td>Equine</td>
<td>Meat</td>
<td>No frequency or minimum number of samples established</td>
</tr>
<tr>
<td>Poultry</td>
<td>Meat</td>
<td>One per 200 tonnes of annual production (deadweight)</td>
</tr>
<tr>
<td></td>
<td>Eggs</td>
<td>One per 1,000 tonnes of annual production for human consumption - minimum 200 samples</td>
</tr>
<tr>
<td>Rabbit</td>
<td>Meat</td>
<td>10 per 300 tonnes of annual production (deadweight) for the first 3,000 tonnes + 1 sample for every 300 tonnes thereafter</td>
</tr>
<tr>
<td>Farmed &amp; wild game</td>
<td>Meat</td>
<td>At least 100 samples</td>
</tr>
<tr>
<td>Farmed fin fish</td>
<td>Meat</td>
<td>One per 100 tonnes of annual production (deadweight)</td>
</tr>
<tr>
<td>Bees</td>
<td>Honey</td>
<td>10 per 300 tonnes of annual production for human consumption for the first 3,000 tonnes + 1 sample for every 300 tonnes thereafter</td>
</tr>
</tbody>
</table>

#### 4.3.3 Selection of residues for the residue monitoring plan

**Directive 96/23/EC** requires that non-EU countries provide guarantees on the residue status of exported products for all of the substance groups in Annex I to the Directive. Substance groups are divided into two groups, **A** and **B**.

**Group A** contains most of the banned substances in food-producing animals in the EU. It is divided into 6 subgroups (A1-A6).
Group B contains residues of many pharmacologically active substances (veterinary medicinal products) which may be authorised for use in food-producing animals in the EU i.e. listed in Table 1 of the Annex to Regulation (EU) No 37/2010. Group B also includes organochlorine and organophosphate pesticides and contaminants like heavy metals e.g. lead, cadmium, mercury. It is divided into 3 subgroups (B1, B2 and B3) with more subdivisions of these subgroups.

Group A and B subgroups which must be tested for in the commodities/animal species are listed in Annex II to Directive 96/23/EC. EU countries must follow these rules strictly, but non-EU countries can be given some flexibility.

Substances in Group A are of greatest concern to the EU as they are either banned or restricted. Non-EU countries must monitor compounds in Group A1 - A6 in the relevant commodities. If testing for the relevant substances is not in the residue monitoring plan, it may not be approved and the country would not be eligible to export these commodities to the EU.

There are several other substances banned in animal production in the EU not currently listed in Group A e.g. malachite green (for treatment of fungal disease in fish) and several growth promoting antibiotic substances banned from animal feedingstuffs in the EU because of known chemical risks e.g. olaquindox, carbadox and the nitrofuran nifursol. Independent scientific committees advising the Commission have given an opinion on nifursol, carbadox and olaquindox. If such substances are authorised in a non-EU country, particularly in livestock production for the EU market, the competent authority should consider analytical and/or other control strategies to offer equivalent guarantees to those of EU legislation, which bans their use.

For Group B, non-EU countries should test for those substances which are likely to be used or misused in their livestock production systems. They should justify their choice of tested substances with a documented risk-based approach. If there are substance-subgroups in Group B not included in the residue monitoring plan, the absence of testing would have to be justified and supported with documentary evidence accompanying the plan which could include:

- a register of all authorised therapeutic medicines and their class e.g. antibiotics, anthelmintics, etc. for use in each species of food-producing animals;
- historical residue monitoring data justifying decisions not to include specific Group B substances or substance groups in the monitoring plan etc;
- toxicological data or preferably, an assessment of the chemical risk of individual substances, the use patterns of these substances in each (export) livestock sector, the likelihood of potentially harmful residues occurring and the relative risk of consumer exposure.

Non-EU countries implementing their national rules fully equivalent to those in Directive 96/23/EC are not obliged to give information on the 2nd and 3rd bullet point above.

Those countries following the residue monitoring approach endorsed by the Codex Alimentarius must justify the absence of monitoring of any Group B substances on the basis of risk.
An overview of the substance groups to be monitored in each animal species or product can be found in Table 2. Substances/substance groups of particular concern for the EU for which monitoring is expected, are highlighted with the letter “E” (Essential). The same applies to substances frequently detected in various commodities, and which should be included in the programme. Other substances/substance groups to be tested are highlighted with letters “HD” (Highly Desirable). Decisions not to test for HD substances/substance groups in the plan should be justified and supported by documentary evidence. The list of individual substances in this table is not exhaustive.

Non-EU countries are also encouraged to test for additional substances on the basis of a risk assessment.

4.3.4 Maximum Residue Limits, Maximum Residue Levels and Maximum Limits in food of animal origin


Regulation (EC) No 396/2005 establishes EU MRLs for pesticides. These are laid down in various Regulations and a publicly available database is maintained by the Commission.

Regulation (EC) No 1881/2006 lays down maximum levels (MLs) for certain environmental contaminants e.g. heavy metals.

Some other substances classified as ‘feed additives’ in the EU (coccidiostats and histomonostats) may also leave residues in food derived from animals reared on feed containing them. See the European Union Register of Feed Additives

Authorised coccidiostats and histomonostats include:

- decoquinate; robenidine; halofuginone; diclazuril.
- monensin; salinomycin; maduramycin; semduramycin;
- lasalocid; narasin and narasin combined with nicarbazin.

Some of these are authorised either as veterinary medicines and/or as feed additives (‘dual-use’ substances). The MRL for the substance as a veterinary medicine also applies to its residues as a feed additive. Therefore, the MRLs for decoquinate, halofuginone, lasalocid and monensin as veterinary medicines established under Regulation (EC) No 470/2009 and listed in the Annex to Regulation (EU) No 37/2010 apply, if they are used as feed additives in the species to which the MRL applies.

For coccidiostats and histomonostats authorised only as feed additives, MRLs are established for individual formulations of each feed additive. For example, Regulation (EC) 109/2007 sets MRLs for monensin in chicken and turkey tissues for Coxidin- a formulation of monensin sodium authorised as feed additive for chicken and turkeys.
Cross-contamination of animal feedingstuffs can occur, i.e. trace quantities can end up in feed for other species, residues may be found in food from those animals. Regulation (EC) No 124/2009 lays down MLs for coccidiostats or histomonostats in food from such ‘non-target’ species.

4.3.5 Minimum required performance limits and ‘Action Levels’ in food of animal origin

A Minimum required performance limit (MRPL) applies to several substances prohibited or not authorised in food-producing animals in the EU e.g. chloramphenicol, nitrofurans or e.g. malachite green (Decision 2002/657/EC). MRPLs are ‘the minimum content of an analyte in a sample, which at least has to be detected and confirmed’. They are the reference point for action (‘Action levels’) when evaluating food consignments (Decision 2005/34/EC). The table below summarises the current MRPLs in force.

Summary of MRPLs for certain substances in the EU

<table>
<thead>
<tr>
<th>Substance and metabolite</th>
<th>Matrices or</th>
<th>MRPL</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chloramphenicol</td>
<td>Meat, Eggs, Milk,</td>
<td>0.3 μg/kg</td>
<td>Commission Decision 2003/181/EC (amending Decision 2002/657/EC)</td>
</tr>
<tr>
<td></td>
<td>Urine, Honey Aquaculture products</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medroxyprogesterone acetate</td>
<td>Pig kidney fat</td>
<td>1 μg/kg</td>
<td></td>
</tr>
<tr>
<td>Nitrofuran metabolites:</td>
<td>Poultry meat for all</td>
<td>1 μg/kg</td>
<td></td>
</tr>
<tr>
<td>– furazolidone</td>
<td>Aquaculture products</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– furaltadone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– nitrofurantoin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– nitrofurazone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sum of malachite green and leucomalachite green</td>
<td>Meat of aquaculture products</td>
<td>2 μg/kg</td>
<td>Commission Decision 2004/25/EC (amending Decision 2002/657/EC)</td>
</tr>
</tbody>
</table>
4.4 General instructions and templates for residue monitoring plans and results

The following documents/templates summarise the information the Commission needs to evaluate if the non-EU country residue monitoring plan offers guarantees equivalent to those in EU legislation:

1. **Table 1** (Updated 11 Sep 2018) - to be completed by the competent authority. It has 4 main sections - competent authority; residue monitoring plan; laboratory network and authorisation and control of veterinary medicines - each requiring details.

2. **Table 2** (Updated 11/10/2006) – summarises the substances or groups of substances to be monitored for each animal species or product.

3. **Sampling levels and frequencies** for each commodity. This document outlines the sampling requirements described in Directive 96/23/EC and Decision 97/747/EC.

4. **Plan Template** (Updated 8/2/2019) - the minimum numbers of samples under EU rules are automatically updated, when the production data are entered in this Excel file. Details of the analytes, materials to be tested, screening and confirmatory analytical methods etc. can be entered.

5. **An example of a completed specimen plan for aquaculture products (finfish and shrimp)** is included for information.

6. **A list** for reference, showing examples of several but not all prohibited and allowed substances in the EU countries. It indicates the Substance-Group (relative to Annex I to Directive 96/23) and the Chemical Abstracts Service (CAS) number for the compounds.

7. **Tables of results** (Updated 22/02/2007) for each commodity allow the uniform presentation of results for all non-EU countries. A separate Excel sheet can be filled in for each commodity.

**TO NOTE:** Please be aware that web links to legislation in this document refer to the last amended version until 30 June 2016. Legislation is regularly updated. Please check if more updated versions exist as those are legally binding.

It is important that the **analytical methods** used detect the residues in question at the same level/limits as applied in the EU (see 4.3.4. and 4.3.5.), and that they are validated and fit for purpose. Details of analytical methods and the performance characteristics thereof are given in Decision 2002/657/EC (pharmacologically active substances), Directive 2002/63/EC (pesticides), Regulation (EC) No 333/2007 (contaminants), Regulation (EC) No 401/2006 (mycotoxins) and Regulation (EU) No 589/2014 (dioxins/PCBs).
5 Special rules for certain commodities

5.1 Horses: importation into the EU and residue requirements

Food obtained from equidae must be safe when imported either as meat (slaughter outside the EU) or derived from equidae which are imported and slaughtered in the EU. There are 3 categories of equidae under EU law:

- **for slaughter** - ‘equidae intended to be transported either directly or after transit through a market or an approved marshalling centre to the slaughterhouse for slaughter’ – Article 2(d) of Directive 2009/156/EC;
- **registered equidae** - identified with a document by the breeding or other competent authority of the country of the animal’s origin, which manages the studbook or register for that breed or international organisation managing horses for competition or racing;
- **for breeding and production** - all other equidae except those intended for slaughter.

5.1.1 Situation in the EU

**EU requirements:**

5.1.2 Passport for equidae and medicines records

All EU equidae must be accompanied by a passport during their movements (Regulation (EU) No 2015/262). The passport is required to have a section (section II) in which treatments with certain veterinary medicines must be recorded according to Article 7 and 37 and Annex I, Part 1 of Regulation (EU) No 2015/262. All medicinal treatments must also be recorded in a medicines record kept on the farm (required by Article 10, Directive 96/23/EC).

5.1.3 Veterinary medicines which can and cannot be used

In the EU, pharmacologically active substances used for treating equidae are classified as:

**Substances with an EU MRL for equidae**

Substances with an established MRL in line with Regulation (EC) No 470/2009 and listed in the Annex to Regulation (EU) No 37/2010 can be used for treatment of horses. The meat from such animals may enter the food chain if the indicated medicine withdrawal periods are met before slaughter.
Substances without an EU MRL for equidae but which are essential for their treatment

Certain substances not in Table 1 of the Annex to Regulation (EU) No 37/2010 are considered essential when treating equidae (Regulation (EC) No 1950/2006).

Treated animals can enter the food chain if the treatment is documented in the equine passport and a default withdrawal period of 6 months is observed before slaughter.

Substances for which no MRL can be set for equidae in the EU

Horses for food production may not be treated with substances for which it is impossible to establish an MRL i.e. chloramphenicol, nitrofurans and nitroimidazoles (Table 2 of Annex to Regulation (EU) No 37/2010). Horses must be signed out of the food chain if they have been treated with any of these substances. The passport accompanying the animal to the slaughterhouse must record this.

Substances without an EU MRL for equidae which are not nor deemed essential medicines

Some medicines commonly used for horses world-wide e.g. phenylbutazone, are not listed in Regulation (EC) No 1950/2006 or in Table 1 of the Annex to Regulation (EU) No 37/2010. Any horse in the EU treated with phenylbutazone must be excluded from the food chain and signed out of the food chain in the passport.

Steroid hormones

Horses for food production in the EU can neither be treated with hormonal steroids for growth promotion, nor with certain anabolic or gestagenic steroids for therapeutic and/or zootechnical purposes (Directive 96/22/EC). Such treatments are illegal and the animals cannot enter the food chain.

5.1.4 Requirements for non-EU countries

Exporting meat from equidae

Non-EU countries exporting meat from equidae must implement a residue monitoring plan satisfying the requirements of Directive 96/23/EC (chapter 4). The provisions for wild game apply to equidae caught in the wild and immediately sent for slaughter.
They foresee the submission of an annual residue monitoring plan restricted to the analysis of environmental contaminants e.g. heavy metals.

Approved countries are listed in the Annex to Decision 2011/163/EU under ‘Equine’.

**Exporting live equidae for food production**

Live *equidae* for food production i.e. slaughter, can only be imported from a non-EU country that has implemented a residue monitoring plan with guarantees equivalent to those in Directive 96/23/EC. These countries are listed in the Annex to Decision 2011/163/EU under ‘Equine’ with the footnote: ‘Exports of live equidae for slaughter (food producing animals only)’.

If *equidae* in non-EU countries have been treated with either:

1. substances in Table 2 of the Annex to Regulation (EU) No 37/2010 e.g. chloramphenicol, nitrofurans or nitroimidazoles etc. or
2. hormonal steroids for growth promotion or
3. certain anabolic or gestagenic steroids for therapeutic and/or zootechnical purposes as in Directive 96/22/EC; they cannot be imported for direct slaughter in the EU and their meat is not eligible for export to the EU.

Horses are not usually reared specifically for food production. They end up in the food chain at the end of their productive lives. Hence, the requirements of Directive 96/23/EC and Directive 96/22/EC need to be followed to guarantee that slaughtered horses are safe for human consumption.

Besides implementing and submitting an annual residue monitoring plan to the Commission for approval, non-EU countries must implement:

- **Identification** of equine animals for food production and establishment of a system for identity verification.

- **A ‘split system’**. In non-EU countries where anabolic steroids are marketed for fattening, the administering of anabolic steroids for growth promotion to all equidae should either be banned or have a separate ‘split system’ for *equidae* that may be slaughtered for export of equine meat to the EU. This requires that equidae for meat production for the EU are identified and segregated from those treated with anabolic steroids.

- **Treatment records** to ensure animals are not slaughtered within the withdrawal period of the respective medicine, guaranteeing compliance with the EU MRL for the substance. (Note: EU stock farmers must keep medicines records). Treatments with veterinary medicines must be recorded in a document accompanying the identified animal when moving from one premise to another or to the slaughterhouse (food chain information).

- **Withdrawal period**. When moving the animal to the slaughterhouse, the non-EU country competent authority should guarantee compliance with the required withdrawal periods for veterinary medicines administered to the animal and recorded in the food chain information.

- **Control programme**. The non-EU country exporting equine meat must have a risk-based programme for controls on the use of veterinary medicines and substances banned in the EU including regular inspections of holdings, collection centres and slaughterhouses.
Non-EU countries intending to export equine meat to the EU must submit an action plan to the Commission (see point 4.1) together with the residue monitoring plan. Annual updates of the plans should be sent with the residue monitoring plans and monitoring results.

The action plan should describe how the competent authority implements the minimum measures above and the timeline. All such measures should have been in place from 31 July 2010. From then on, only horses with a known medicinal treatment history, and whose medicinal treatment records show they satisfy the veterinary medicine withdrawal periods, are allowed to be slaughtered for export to the EU. The Commission may inspect the implementation of the action plans on the spot.

The EU monitors the implementation of the above measures and may make amendments depending on the content of the action plans and the results of Commission audits of equine meat production in non-EU countries.

‘Registered’ or breeding equidae

Imports of registered equidae or equidae for breeding and production under Decision 93/197/EEC that have cleared customs cannot be slaughtered in the EU for food production before receiving an EU-conforming passport. Registered equidae temporarily admitted into the EU as per Decision 92/260/EEC cannot be slaughtered for food production in the EU.

The table below summarises the legal position for each type of import of equidae.

### Summary of legal basis for importing horses into the EU

<table>
<thead>
<tr>
<th>Importing Legislation</th>
<th>Description</th>
<th>Need for a residue monitoring plan in the exporting non-EU country</th>
<th>Can these animals be slaughtered in the EU?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directive 2009/156/EC</td>
<td>Import for slaughter</td>
<td>Yes</td>
<td>Yes - immediate</td>
</tr>
<tr>
<td>Commission Decision 93/197/EEC</td>
<td>Import of registered equidae or equidae for breeding and production</td>
<td>No</td>
<td>Yes, but only on condition that an EU passport has been issued and possibly only after a defined period.</td>
</tr>
<tr>
<td>Commission Decision 92/260/EEC</td>
<td>Temporary admission</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
5.2 Casings: Exemption for non-EU countries exporting casings only

Casings are membranous cases made of animal intestine used to contain sausage or other processed meat. Non-EU countries exporting casings (and no other meat products from that species) to the EU may do so without submitting a specific residue control plan for casings.

Rules for ruminant casings

The last four meters of the small intestines, plus the caecum of cattle and the ileum of ovine and caprine animals of all ages are specified risk material (SRM) for the transmission of Bovine Spongiform Encephalopathy (BSE) and cannot be used for the production of casings for human consumption. Exports of treated casings (excluding SRM) from cattle, sheep and goats to the EU are only authorised from non-EU countries with a negligible BSE risk established in line with Article 5 of Regulation (EC) No 999/2001. These countries are listed in the Annex to Commission Decision 2007/453/EC, last amended through Commission implementing Decision (EU) 2016/1100.

For non-EU countries seeking to export casings and meat or other animal products, a residue monitoring plan must be in place for the relevant species.
5.3 Residues in honey

Honey is defined in Directive 2001/110/EC. There are relatively few EU Maximum Residue Limits (MRLs) for pharmacologically active substances in honey e.g. tau-fluvalinate and amitraz. There are no authorised antimicrobial drugs for the treatment of honey bees in the EU, as there are no EU MRLs established for honey.

Antimicrobials are authorised for the treatment of honey bees in many non-EU countries, and this potentially raises problems with honey imports.

The Commission’s position on this issue has moved in recent years. Formerly, in the absence of EU MRLs, the presence of detectable residues in imported honey made the marketing of consignments illegal in the EU – effectively a zero tolerance approach. However, it is now the case that, because many of the antimicrobials used in honey bees in third countries have EU MRLs for commodities other than honey (so-called ‘allowed substances’ listed in Table 1 of the Annex to Regulation (EU) No 37/2010), the importing Member State can, on the basis of a risk assessment, decide to allow the consignment to be marketed. Such decisions are taken on a case by case basis. For substances listed in Table 2 to the above Annex, and for which there are no MRPLs established (e.g. nitroimidazoles) a ‘zero tolerance’ still applies and the consignment would either be destroyed or returned to the exporting country.

If a non-EU country wants to minimise the risk of a consignment being rejected, it should ensure that the analytical methods used in its residue monitoring plan is sensitive and reliable as freedom from detectable residues is the best way to guarantee that the consignment is placed on the EU market.

Extrapolation of MRLs for ‘allowed’ substances and setting RPAs for ‘non-allowed’ substances

Regulation (EC) No 470/2009 includes a mechanism for the extrapolation of MRLs from one species/food commodity to another (for substances in Table 1 of the Annex to Regulation EU) NO 37/2010). It also elaborates the principles for establishing the ‘Reference Points for Action’ (RPAs) for ‘non-allowed’ residues of pharmacologically active substances for which MRLs are not or cannot be established in the EU (Listed in Table 2 of the Annex to Regulation EU) NO 37/2010 or not listed in Table 1). The European Food Safety Authority (EFSA) has published the methodology by which RPAs should be established.
As is the case for the RPAs already established under Decision 2005/34/EC for those EU-banned substances with an MRPL (Commission Decision 2003/181/EC and Commission Decision 2004/25/EC amending Decision 2002/657/EC), the RPAs foreseen to be established under Regulation (EC) No 470/2009 are NOT MRLs (i.e. they are not regulatory limits). They are merely residue concentrations which will be technically feasible for control purposes to be detected by food control laboratories.

Regardless of the legal basis for the RPA – if this level is exceeded, the EU country rejects the consignment as it cannot legally market it (see Article 23 of Regulation (EC) No 470/2009).

Currently there are only RPAs set in honey for chloramphenicol and nitrofurans – see Decision 2005/34/EC. If a food control laboratory in an EU country unequivocally quantifies a substance at a concentration below the RPA in an imported consignment but above the decision limit CCα as in Article 6, Decision 2002/657/EC, the competent authority must allow the consignment to be placed on the market but must also follow certain administrative procedures including informing the Commission.