COMMISSION IMPLEMENTING REGULATION (EU) .../...
of 4.2.2022

amending Implementing Regulation (EU) 2020/1641 regarding imports of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption from the United States of America

(Text with EEA relevance)
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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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


and in particular Article 129(1) thereof,


and in particular Article 238(3) thereof,

Whereas:

(1) Regulation (EU) 2017/625 lays down general rules for the performance of official controls to verify compliance with rules aimed at preventing, eliminating or reducing, to acceptable levels, the risks to which humans and animals are exposed either directly or through the environment.

(2) In particular, Regulation (EU) 2017/625 lays down general conditions for the entry into the Union of animals and goods from third countries or regions thereof, including food intended for human consumption. Article 129 of Regulation (EU) 2017/625 empowers the Commission to recognise that measures applied by third countries, or regions thereof, are equivalent to the requirements laid down in certain rules referred to in Article 1(2) of that Regulation, if the third countries offer objective proof in this respect. It also empowers the Commission to set out the conditions governing the entry into the Union of such animals and goods from such third countries or regions thereof, in particular with regard to the nature and content of the official certificates or attestations that are to accompany those commodities.

In accordance with Commission Implementing Regulation (EU) 2020/1641\(^3\), the measures applied in the States of Massachusetts and Washington of the United States for the protection of public health in relation to the production and placing on the market of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption are equivalent to the requirements laid down in rules as regards food safety referred to in Article 1(2)(a) of Regulation (EU) 2017/625.

Implementing Regulation (EU) 2020/1641 establishes a model official certificate for imports from the United States of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption. The model official certificate requires an official inspector to certify that the measures applied to the production and placing on the market of those commodities are equivalent to the requirements laid down in rules as regards food safety referred to in Article 1(2)(a) of Regulation (EU) 2017/625.

In line with the measures agreed with the department of the Food and Drug Administration of the United States responsible for the export to the Union of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption, the model official certificate established in Implementing Regulation (EU) 2020/1641 should be adapted to the appropriate format for the export to the Union of those commodities. In particular, the model official certificate should inform about the date of departure of the consignments. Furthermore, information should be provided on whether the commodities are certified for human consumption or for the final consumer.

In addition to the public health requirements of the model official certificate established in Implementing Regulation (EU) 2020/1641, live bivalve molluscs of species listed in Commission Implementing Regulation (EU) 2018/1882\(^4\), which are intended for human consumption, and products of animal origin from those molluscs, which are intended for further processing in the Union before human consumption, should enter the Union only if they are accompanied by an official certificate that includes the appropriate animal health attestations. Consequently, in order to fulfil animal health requirements that provide guarantees equivalent to those provided for in Union legislation, the model official certificate should include the general animal health requirements for entry into the Union, as set out in Article 6(1), points (a) and (b), Articles 6(2) and 7(1) and Article 8 of Commission Delegated Regulation (EU) 2020/692\(^5\), and the specific animal health requirements for entry into the Union of those commodities as set out in Article 167, points (a), (c)(ii), (c)(iii) and (d), and Article 169(1) and (2) of Delegated Regulation (EU) 2020/692.

Implementing Regulation (EU) 2020/1641 should therefore be amended accordingly.

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\(^3\) Commission Implementing Regulation (EU) 2020/1641 of 5 November 2020 regarding imports of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption from the United States of America (OJ L 370, 6.11.2020, p. 4).


The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2020/1641 is replaced by the text set out in the Annex to this Regulation.

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.

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

Done at Brussels, 4.2.2022

For the Commission
The President
Ursula VON DER LEYEN