



Brussels, **XXX**
PLAN/XXXX/2024
[...] (2024) **XXX** draft

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

of XXX

amending Delegated Regulation (EU) 2022/2292 with regard to requirements for the entry into the Union of certain dairy products, certain food additives derived from animals, collagen casings, minced meat, meat preparations, mechanically separated meat and composite products containing gelatine capsules

(Text with EEA relevance)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

[Briefly]

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

[Essential part]

3. LEGAL ELEMENTS OF THE DELEGATED ACT

[Briefly]

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(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) Regulation (EU) 2017/625 lays down rules for the performance of official controls and other official activities by the competent authorities of the Member States, in particular to ensure that consignments of animals and goods from third countries or regions thereof intended for human consumption entering the Union comply with the relevant requirements established by the rules referred to in Article 1(2) thereof, with the exception of points (d), (e), (g) and (h) of that Article, or with requirements recognised to be at least equivalent.
- (2) Commission Delegated Regulation (EU) 2022/2292⁽²⁾ supplements Regulation (EU) 2017/625 as regards the requirements for the entry into the Union of consignments of food-producing animals and certain goods intended for human consumption.

¹ OJ L 95, 7.4.2017, p. 1.

² Commission Delegated Regulation (EU) 2022/2292 of 6 September 2022 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 food-producing animals and certain goods intended for human consumption (OJ L 304, 24.11.2022, p. 1).

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- (3) Article 3 of Delegated Regulation (EU) 2022/2292 lays down Combined Nomenclature codes ('CN codes') of products of animal origin allowed for entry into the Union from a third country or region thereof included in the lists for those products of animal origin laid down in Commission Implementing Regulation (EU) 2021/405³). Food business operators in the Union depend on the entry into the Union of certain dairy products, certain food additives derived from animals and collagen casings the CN codes of which are not included in Article 3. Consequently, the entry into the Union of these products is currently not allowed from any third country or region thereof. Article 3 of that Regulation should be amended to introduce these CN codes for products of animal origin from third countries or regions thereof where they comply with the food safety requirements referred to in Article 1(2), point (a) of Regulation (EU) 2017/625 (compliance with food safety requirements) for listing in Implementing Regulation (EU) 2021/405.
- (4) Article 13 of Delegated Regulation (EU) 2022/2292 lays down CN codes of products of animal origin allowed for entry into the Union where those consignments are dispatched from, and obtained or prepared in, establishments that appear on lists drawn up and kept up-to-date in accordance with Article 127(3), points (e)(ii) and (iii), of Regulation (EU) 2017/625. Where certain dairy products and collagen casings are allowed for entry into the Union, it is appropriate that they are dispatched from, and obtained or prepared in establishments- listed to provide guarantees that they comply with the Union food safety requirements referred to in Article 1(2), point (a) of Regulation (EU) 2017/625. Article 13 should be amended to introduce the CN codes for these dairy products and collagen casings.
- (5) Article 15 of Delegated Regulation (EU) 2022/2292 lays down that raw materials for minced meat, meat preparations, mechanically separated meat and meat products must be obtained in slaughterhouses, game-handling establishments or cutting plants, appearing on list of establishments drawn up and kept up-to-date in accordance with Article 127(3), point (e), of Regulation (EU) 2017/625. By such listing of establishments competent authorities of third countries provide guarantees that these establishments comply with Union food safety requirements referred to in Article 1(2), point (a) of Regulation (EU) 2017/625 or at least to equivalent requirements. Some of these raw materials e.g. for the production of meat products intended for the entry into the Union, may also be obtained from establishments producing minced meat, meat preparation or mechanically separated meat. Such establishments should also appear on the list of establishments allowed to enter these products of animal origin into the Union to guarantee that they comply with the Union food safety requirements referred to in Article 1(2), point (a) of Regulation (EU) 2017/625 for entry into the Union.
- (6) Article 21 of Delegated Regulation (EU) 2022/2292 lays down CN codes of products of animal origin allowed for entry into the only are accompanied by an official certificate. When certain dairy products and collagen casings are allowed for entry into the Union, it is appropriate that they are accompanied by an official certificate to

³ Commission Implementing Regulation (EU) 2021/405 of 24 March 2021 laying down the lists of third countries or regions thereof authorised for the entry into the Union of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 118–150)

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provide guarantees that they comply with the Union food safety requirements, referred to in Article 1(2), point (a) of Regulation (EU) 2017/625. Article 21 should be amended to introduce these CN codes for certain dairy products and collagen casings.

- (7) In accordance with Article 21(3) no official certificate is required for the entry into the Union of gelatine capsules covered by HS headings 3913, 3926 or 9602 of Part Two of Annex I to Regulation (EEC) No 2658/87, where those capsules are not derived from ruminant bones. Article 22 of that Delegated Regulation provides that certain composite products are to be accompanied by a private attestation. For reasons of consistency, no attestation should be required for the entry into the Union of composite products containing such gelatine capsules as only processed product of animal origin. Article 22 should be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2022/2292 is amended as follows:

- (1) In Article 3(b), point (ii) is replaced by the following:
- ‘(ii) Harmonised System headings (‘HS headings’) 0901, 1702, **1806**, 2105, 2106, 2301, 3001, 3002, **3203**, 3302, 3501, 3502, 3503, 3504, 3507, **3823, 3824**, 3913, 3926, 4101, 4102, 4103 or 9602 **and CN codes 2202 99 95 90 and 3917 10 10;**’
- (2) In Article 13(1), point (a)(ii) is replaced by the following:
- ‘(ii) the HS subheadings under the headings 1702, **1806**, 2105, 2106, 2301, 3001, 3002, 3501, 3502, 3503, 3504, 4101, 4102 or 4103, **and CN codes 2202 99 95 90 and 3917 10 10;**’
- (3) In Article 15, the introductory paragraph is replaced by the following:
- ‘Consignments of the following products of animal origin shall only enter the Union if they have been manufactured from raw materials obtained in slaughterhouses, game-handling establishments, cutting plants, **establishments producing minced meat, meat preparations and mechanically separated meat**, and establishments handling fishery products, appearing on lists of establishments drawn up and kept up to date in accordance with Article 127(3), point (e), of Regulation (EU) 2017/625 or obtained in Member States:’
- (4) In Article 21(1), point (b)(ii) is replaced by the following:
- ‘(ii) the HS headings 0901, 1702, **1806**, 2105, 2106, 2301, 3001, 3002, 3302, 3501, 3502, 3503, 3504, 3507, 3913, 3926, 4101, 4102, 4103 or 9602, **and CN codes 2202 99 95 90 and 3917 10 10;**’
- (5) In Article 22, paragraph 2 is replaced by the following:
- ‘2. By way of derogation from paragraph 1 of this Article,
- (a) for the composite products exempted from official controls at border control posts in accordance with Article 48, point (h), of Regulation (EU) 2017/625, the private attestation shall accompany the composite products at the time of

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their placing on the market, except for the products referred to in Article 20(4) of this Regulation;

- (b) **no private attestation shall be required for the entry into the Union of composite products containing no other processed product of animal origin than gelatine capsules not derived from ruminant bones covered by HS headings 3913, 3926 or 9602 of Part Two of Annex I to Regulation (EEC) No 2658/87.**

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,

*For the Commission
The President
Ursula VON DER LEYEN*

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