



EUROPEAN
COMMISSION

Brussels, XXX
PLAN/2025/1345 CIS Rev.1
(POOL/G5/2025/1345/1345R1-
EN.docx)
[...] (2025) XXX

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

of XXX

amending Commission Implementing Regulation (EU) 2021/405 as regards the lists of third countries or regions thereof authorised for the entry into the Union of consignments of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council.

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amending Commission Implementing Regulation (EU) 2021/405 as regards the lists of third countries or regions thereof authorised for the entry into the Union of consignments of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council.

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 127(2) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 lays down rules for official controls and other control activities performed by the competent authorities of the Member States in order to check compliance with Union legislation, among others, in the area of food safety at any stage of production, processing and distribution. In particular, Article 126(2), point (a), of Regulation (EU) 2017/625 provides that a delegated act may require that only consignments of certain animals and goods from a third country or region thereof which appears on a list drawn up by the Commission for that purpose may enter the Union.
- (2) Commission Delegated Regulation (EU) 2022/2292² supplements Regulation (EU) 2017/625 by laying down entry requirements to ensure that consignments of food-producing animals and certain goods intended for human consumption from third countries or regions thereof comply with the relevant requirements established in the rules on food safety referred to in Article 1(2), point (a), of Regulation (EU) 2017/625 or with requirements recognised to be at least equivalent thereto. In particular, Article 3 of Delegated Regulation (EU) 2022/2292 identifies the food-producing animals and goods intended for human consumption that are subject to the requirement to enter the

¹ [OJ L 95, 7.4.2017, p. 1](#), ELI: <http://data.europa.eu/eli/reg/2017/625/oj>.

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](#), ELI: http://data.europa.eu/eli/reg_del/2022/2292/oj).

Union only from a third country or region thereof which appears on the list referred to in Article 126(2), point (a), of Regulation (EU) 2017/625.

- (3) Commission Implementing Regulation (EU) 2021/405³ lays down the lists of third countries or regions thereof from which the entry into the Union of consignments of certain animals and goods intended for human consumption is permitted in accordance with Article 126(2), point (a), of Regulation (EU) 2017/625.
- (4) Article 3 of Delegated Regulation (EU) 2022/2292 identifies the food-producing animals and goods intended for human consumption that are subject to the requirement to enter the Union only from a third country or region thereof which appears on a list drawn up by the Commission. Meat preparations of farmed rabbit and wild leporidae are included in these animals and goods and should therefore be added to the products covered by Article 8 of Implementing Regulation (EU) 2021/405. In addition, as regards the third countries listed in Annex V, the evidence and guarantees of compliance with the relevant Union requirements already provided cover meat preparations of farmed rabbit and wild Leporidae
- (5) Article 6(1) of Delegated Regulation (EU) 2022/2292 provides that, in addition to the requirements laid down in Regulation (EU) 2017/625, consignments of food-producing animals, products of animal origin and composite products are to enter the Union only from a third country that has in place a control plan for pharmacologically active substances, pesticides and contaminants.
- (6) Article 7 of Delegated Regulation (EU) 2022/2292 provides that, in addition to the conditions laid down in Regulation (EU) 2017/625, consignments of food-producing animals, products of animal origin and composite products may enter the Union only from a third country that complies with the requirements provided for in Article 6(1) of Delegated Regulation (EU) 2022/2292 and is included in the list of third countries approved for the entry into the Union of the concerned food-producing animals or products of animal origin set out in Annex -I to Implementing Regulation (EU) 2021/405.
- (7) Article 8(1) of Delegated Regulation (EU) 2022/2292 provides that, by way of derogation from Article 7, consignments of food-producing animals, products of animal origin and composite products may enter the Union from third countries that do not have an approved control plan for pharmacologically active substances, pesticides and contaminants but ensure that the food-producing animals and products of animal origin, including those used in composite products, originate in a Member State or a third country included in the list set out in Annex -I to Implementing Regulation (EU) 2021/405. Article 8(2) of Delegated Regulation (EU) 2022/2292 provides that in addition to the requirements laid down in Article 127(3) of Regulation (EU) 2017/625, the Commission is to decide on the inclusion of a third country in the list referred to in Article 126(2), point (a), of that Regulation only if the competent authority of that third country provides the Commission with evidence and guarantees of compliance with the requirements laid down in Article 8(1) of Delegated Regulation (EU) 2022/2292. Such evidence and guarantees are to consist of information on the procedures in place in that third country to guarantee the traceability and origin of those food-producing animals and those products of animal origin.

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, ELI: http://data.europa.eu/eli/reg_impl/2021/405/oj).

- (8) Ukraine is currently listed in Annex -I to Implementing Regulation (EU) 2021/405 with an 'X' for rabbit and products thereof and in Annex V for 'only farmed rabbit'. However, Ukraine has informed the Commission that it is not interested in further exporting rabbit meat to the Union and therefore did not provide guarantees of compliance with the requirements of Article 6(1) of Delegated Regulation (EU) 2022/2292. The marking 'X' for rabbit for Ukraine in Annex -I and the entry for Ukraine in Annex V to Implementing Regulation (EU) 2021/405 should therefore be deleted.
- (9) Ukraine is currently listed in Annex -I to Implementing Regulation (EU) 2021/405 with an 'M' for aquaculture and in Annex VIII to that Implementing Regulation with the remark 'Only marine gastropods'. Ukraine did not provide the required guarantees of compliance with the relevant Union requirements. Ukraine should therefore be delisted from Annex VIII to that Implementing Regulation and consequently the marking 'M' in Annex -I to Implementing Regulation (EU) 2021/405 for aquaculture for Ukraine should be deleted.
- (10) Albania intends to use for the production of products intended for export to the Union only raw crustaceans either from Member States or from other third countries approved for imports of raw crustaceans into the Union. Albania has provided the required guarantees and should therefore be listed with a 'Δ' for crustaceans in Annex -I to Implementing Regulation (EU) 2021/405.
- (11) North Macedonia has submitted a control plan for casings. The plan provides the required guarantees and should therefore be approved. North Macedonia should therefore be listed with an 'X' for casings in Annex -I to Implementing Regulation (EU) 2021/405.
- (12) Uganda has submitted a control plan for aquaculture: finfish and finfish products. The plan provides the required guarantees and should therefore be approved. In addition, Uganda provided evidence and guarantees that finfish and finfish products comply with the relevant Union requirements. Uganda should therefore be listed with an 'X' for aquaculture: 'finfish and finfish products only' in Annex -I to Implementing Regulation (EU) 2021/405 and with the same remark in Annex IX.
- (13) The Kyrgyz Republic has submitted a control plan for honey. The plan provides the required guarantees and should therefore be approved. The Kyrgyz Republic should therefore be listed with an 'X' for honey in Annex -I to Implementing Regulation (EU) 2021/405.
- (14) Israel is marked with an 'X' for milk in Annex -I to Implementing Regulation (EU) 2021/405. Israel made a request to be included in the list referred to in Article 6(2) of Delegated Regulation (EU) 2022/2292 with an 'O' for eggs in Annex -I to Implementing Regulation (EU) 2021/405. According to this request, Israel intends to produce and export to the Union shelf-stable composite products containing eggs. In accordance with Article 2a(4) of Implementing Regulation (EU) 2021/405, Israel should therefore be listed with an 'O' for eggs in Annex -I.
- (15) Article 5 of Delegated Regulation (EU) 2022/2292 identifies the animals and products that are subject to the requirement to enter the Union only from a third country that has in place a control plan for pharmacologically active substances, pesticides and contaminants. Live bivalve molluscs are not covered by this Article. The wording of footnote 16 in Annex -I to Implementing Regulation (EU) 2021/405 should therefore

be amended to clarify that an approved control plan is not required for live bivalve molluscs even if from aquaculture origin.

- (16) Japan is listed in Annex -I to Implementing Regulation (EU) 2021/405 with an “X” for aquaculture with a footnote referring to ‘finfish and finfish products only’. However, Japan is listed in Annex IX with the remark ‘aquaculture: only finfish’. Therefore, the remark in Annex IX for Japan should be changed to ‘aquaculture: finfish and finfish products only’.
- (17) Ukraine is listed in Annex -I to Implementing Regulation (EU) 2021/405 with an “X” for aquaculture with a footnote referring to ‘finfish and finfish products only’. However, Ukraine is listed in Annex IX with the remark ‘aquaculture, only finfish’. Therefore, the remark in Annex IX for Ukraine should be changed to ‘aquaculture: finfish and finfish products only’.
- (18) Implementing Regulation (EU) 2021/405 should therefore be amended accordingly.
- (19) 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

Implementing Regulation (EU) 2021/405 is amended as follows:

- (1) Article 8 is replaced by the following:

‘List of third countries authorised for the entry into the Union of consignments of fresh meat of farmed rabbit, and of fresh meat of wild leporidae not containing offal except for unskinned and uneviscerated wild leporidae, and meat preparations of farmed rabbit and wild leporidae.

Consignments of fresh meat of farmed rabbit and of fresh meat of wild leporidae not containing offal except for unskinned and uneviscerated wild leporidae, and consignments of meat preparations of farmed rabbit and wild leporidae, intended for human consumption, shall only be authorised for the entry into the Union if they come from the third countries that are listed in Annex V.’

- (2) Annexes I, V, VIII and IX are amended in accordance with 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,

For the Commission
The President
Ursula VON DER LEYEN