

Commission Decision of 20 December 2002 concerning certain protective measures with regard to the products of animal origin imported from China (notified under document number C(2002) 5377) (Text with EEA relevance) (2002/994/EC)

COMMISSION DECISION

of 20 December 2002

concerning certain protective measures with regard to the products of animal origin imported from China

(notified under document number C(2002) 5377)

(Text with EEA relevance)

(2002/994/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽¹⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Under Directive 97/78/EC the necessary measures must be adopted as regards the import of certain products from third countries where any cause likely to constitute a serious risk to animal or human health appears or is spreading.
- (2) Under Council Directive 95/53/EC of 25 October, 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition⁽²⁾, as last amended by Directive 2001/46/EC of the European Parliament and of the Council⁽³⁾, the necessary measures must be adopted as regards the import of certain products from third countries and intended for animal nutrition, where any cause likely to constitute a serious danger to animal or human health appears or is spreading.
- (3) Under Council Directive 96/23/EC of 29 April 1996, on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC⁽⁴⁾, the production process of animals and primary products of animal origin shall be monitored for the purpose of detecting the presence of certain residues and substances in live animals, their excrements and body fluids and in tissue, animal products, animal feed and drinking water.
- (4) Following the detection of chloramphenicol in certain aquaculture and fishery products imported from China, the Commission adopted Decision 2001/699/EC, of 9 September 2001 concerning certain protective measures with regard to certain fishery and aquaculture products intended for human consumption and originating

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in China and Vietnam⁽⁵⁾, modified by Decision 2002/770/EC⁽⁶⁾. Furthermore, and following the shortcomings identified during an inspection visit to China as regards veterinary medicines regulation and the residue control system in live animals and animal products, the Commission adopted Decision 2002/69/EC of 30 January 2002 concerning certain protective measures with regard to the products of animal origin imported from China⁽⁷⁾, as last amended by Commission Decision 2002/933/EC⁽⁸⁾.

- (5) Decision 2002/69/EC provides that it shall be reviewed in the light of information provided by the competent authorities of China, any results from the increased monitoring and testing carried out by Member States on consignments arriving at the Community border inspection posts and, if necessary, on the basis of the results of a new inspection visit carried out on the spot by Community experts. The information provided by Chinese authority and the favourable results of the checks carried out by Member States have allowed authorisation of importation of certain products of animal origin and therefore several modifications of Decision 2002/69/EC.
- (6) In view of the information provided by the Chinese authorities, imports of the categories of products of animal origin for which the Chinese residue monitoring plans are approved are authorised.
- (7) For certain other categories of products of animal origin, it is necessary in view of the results of the checks carried out by Member States to maintain the monitoring mechanisms established under Decision 2002/69/EC. The frequency of the tests to be carried out on the consignments should be fixed in accordance with the level of risk observed.
- (8) Fishery products obtained by other means than aquaculture are not concerned by the risks identified above and should therefore be exempted from monitoring. However, for eels and shrimps, it is not possible to distinguish between aquaculture and wild catches for the time being, except for catches of shrimps made in the Atlantic Ocean; therefore, those products should remain prohibited except for the latter category of crustacean.
- (9) The monitoring provided for by Decision 2001/669/EC was maintained for a transitional period with regard to China, while it was subsequently deleted with regard to Vietnam by Decision 2002/770/EC.
- (10) It is therefore appropriate to update and consolidate in the present Decision the provisions in Decision 2002/69/EC and to repeal Decisions 2001/669/EC and 2002/69/EC accordingly.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to all products of animal origin imported from China and intended for human consumption or animal feed use.

Changes to legislation: There are outstanding changes not yet made to Commission Decision of 20 December 2002 concerning certain protective measures with regard to the products of animal origin imported from China (notified under document number C(2002) 5377) (Text with EEA relevance) (2002/994/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F¹Article 2

- 1 Member states shall prohibit the imports of products referred to in Article 1.
- 2 By derogation from paragraph 1, Member States shall authorise the imports of products listed in the Annex to this Decision in accordance with the specific animal and public health conditions applicable to the products concerned, and with Article 3 in the case of products listed in Part II of the Annex.]

Textual Amendments

- F1** Substituted by [Commission Decision of 22 July 2005 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China \(notified under document number C\(2005\) 2764\) \(Text with EEA relevance\) \(2005/573/EC\)](#).

F²Article 3

Member States shall authorise imports of consignments of products listed in Part II of the Annex accompanied by a declaration of the Chinese competent authority stating that each consignment has been subjected before dispatch to a chemical test in order to ensure that the products concerned do not present a danger to animal or human health. That chemical test must be carried out in particular, to detect the presence of chloramphenicol and nitrofurans and its metabolites in all products listed in Part II of the Annex. In addition, aquaculture fishery products referred to in Part II of the Annex shall be tested for the presence of malachite green and crystal violet and their metabolites. The results of those chemical tests shall be included in that declaration.]

Textual Amendments

- F2** Substituted by [Commission Decision of 17 June 2008 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China \(notified under document number C\(2008\) 2483\) \(Text with EEA relevance\) \(2008/463/EC\)](#).

F³Article 4

Textual Amendments

- F3** Deleted by [Commission Decision of 26 August 2004 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China \(notified under document number C\(2004\) 3256\) \(Text with EEA relevance\) \(2004/621/EC\)](#).

Article 5

Member States shall modify the measures they apply to trade to bring them into line with this Decision. They shall immediately inform the Commission thereof.

F⁴Article 6

This Decision shall be reviewed on the basis of the information and guarantees provided by the Chinese competent authority and, if necessary, the results of an on-the-spot inspection visit by Community experts.]

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Textual Amendments

- F4** Substituted by [Commission Decision of 26 August 2004 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China \(notified under document number C\(2004\) 3256\) \(Text with EEA relevance\) \(2004/621/EC\)](#).

Article 7

Decision 2001/699/EC and Decision 2002/69/EC are repealed.

Article 8

This Decision shall apply from 24 December 2002.

Article 9

This Decision is addressed to the Member States.

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[^{F1}ANNEX

[^{F5}PART I

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Union without the attestation provided by Article 3:

- fishery products, except:
 - those obtained by aquaculture,
 - peeled and/or processed shrimps,
 - crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations;
- gelatine;
- petfood as regulated under Regulation (EC) No 1069/2009 of the European Parliament and of the Council⁽⁹⁾;
- substances to be used as food additives as regulated under Regulation (EC) No 1333/2008 of the European Parliament and of the Council⁽¹⁰⁾;
- substances to be used as or in the food supplements as regulated under Directive 2002/46/EC of the European Parliament and of the Council⁽¹¹⁾;
- Chondroitin sulphate and glucosamine considered as feed material, as regulated under Commission Regulation (EU) No 68/2013⁽¹²⁾;
- L-cysteine and L-cystine considered as feed additives as regulated under Regulation (EC) No 1831/2003 of the European Parliament and of the Council⁽¹³⁾.]

Textual Amendments

- F5** Substituted by [Commission Implementing Decision \(EU\) 2015/1068 of 1 July 2015 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China \(notified under document C\(2015\) 4437\) \(Text with EEA relevance\).](#)

PART II

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community, subject to be accompanied of the attestation provided by Article 3

- Aquaculture fishery products,
- peeled and/or processed shrimps,
- crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations,
- casings,
- rabbit meat,
- honey,
- royal jelly^[^{F6},]
- [^{F7}poultrymeat products,]
- [^{F8}Eggs and egg products^[^{F9},]
- [^{F10}propolis and bee pollen.]]

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Textual Amendments

- F6** Substituted by Commission Decision of 30 July 2008 amending Decision 2002/994/EC concerning certain protective measures with regard to products of animal origin imported from China (notified under document number C(2008) 3882) (Text with EEA relevance) (2008/639/EC).
- F7** Inserted by Commission Decision of 30 July 2008 amending Decision 2002/994/EC concerning certain protective measures with regard to products of animal origin imported from China (notified under document number C(2008) 3882) (Text with EEA relevance) (2008/639/EC).
- F8** Inserted by Commission Decision of 29 October 2009 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China (notified under document C(2009) 8243) (Text with EEA relevance) (2009/799/EC).
- F9** Substituted by Commission Implementing Decision of 20 August 2012 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China (notified under document C(2012) 5753) (Text with EEA relevance) (2012/482/EU).
- F10** Inserted by Commission Implementing Decision of 20 August 2012 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China (notified under document C(2012) 5753) (Text with EEA relevance) (2012/482/EU).

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- (1) OJ L 24, 30.1.1998, p. 9.
- (2) OJ L 265, 8.11.1995, p. 17.
- (3) OJ L 234, 1.9.2001, p. 55.
- (4) OJ L 125, 23.5.1996, p. 10.
- (5) OJ L 251, 20.1.2001, p. 11.
- (6) OJ L 265, 3.10.2002, p. 16.
- (7) OJ L 30, 31.1.2002, p. 50.
- (8) OJ L 324, 29.11.2002, p. 71.
- (9) ^{F1}^{F5}Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).]]
- (10) ^{F1}^{F5}Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).]]
- (11) ^{F1}^{F5}Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).]]
- (12) ^{F1}^{F5}Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1).]]
- (13) ^{F1}^{F5}Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29).]]

Textual Amendments

- F1** Substituted by Commission Decision of 22 July 2005 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China (notified under document number C(2005) 2764) (Text with EEA relevance) (2005/573/EC).
- F5** Substituted by Commission Implementing Decision (EU) 2015/1068 of 1 July 2015 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China (notified under document C(2015) 4437) (Text with EEA relevance).

Changes to legislation:

There are outstanding changes not yet made to Commission Decision of 20 December 2002 concerning certain protective measures with regard to the products of animal origin imported from China (notified under document number C(2002) 5377) (Text with EEA relevance) (2002/994/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Annex Pt. 1 heading words substituted by [S.I. 2022/1090 reg. 6\(8\)\(a\)\(i\)](#)
- Annex Pt. 1 words substituted by [S.I. 2022/1090 reg. 6\(8\)\(a\)\(ii\)](#)
- Annex Pt. 2 heading words substituted by [S.I. 2022/1090 reg. 6\(8\)\(b\)](#)
- Art. 2(1) words substituted by [S.I. 2022/1090 reg. 6\(3\)\(a\)](#)
- Art. 2(2) words substituted by [S.I. 2022/1090 reg. 6\(3\)\(b\)](#)
- Art. 3 words substituted by [S.I. 2022/1090 reg. 6\(4\)](#)
- Art. 5 omitted by [S.I. 2022/1090 reg. 6\(5\)](#)
- Art. 6 words substituted by [S.I. 2022/1090 reg. 6\(6\)](#)
- Art. 9 omitted by [S.I. 2022/1090 reg. 6\(7\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 1(1) Art. 1 renumbered as Art. 1(1) by [S.I. 2022/1090 reg. 6\(2\)\(a\)](#)
- Art. 1(2) inserted by [S.I. 2022/1090 reg. 6\(2\)\(b\)](#)