



12 June 2020

(20-4166)

Page: 1/3

Committee on Sanitary and Phytosanitary Measures

Original: English

**RULES APPLICABLE TO THE ENTRY OF COMPOSITE PRODUCTS
INTO THE EUROPEAN UNION AS OF 21 APRIL 2021**

COMMUNICATION BY THE EUROPEAN UNION

The following communication, received on 10 June 2020, is being circulated at the request of the Delegation of the European Union.

Composite products are foodstuffs containing both products of plant origin and processed products of animal origin. For the entry of composite products into the European Union, public health rules were established in Commission Delegated Regulation (EU) 2019/625¹ and animal health requirements in the Commission Delegated Regulation (EU) 2020/692², the latter supplementing rules set in Regulation (EU) 2016/429³. Rules are due to apply from 21 April 2021 onward.

1 PROCESSED PRODUCTS OF ANIMAL ORIGIN CONTAINED IN THE COMPOSITE PRODUCT

1. The requirements applicable to the processed products of animal origin contained in the composite products remain the same as at present. Any processed products of animal origin contained in the composite product must be produced in EU approved establishments located either:

- in EU Member States, or
- in third countries authorised for the entry into the European Union of those processed products of animal origin.

2. With regard to the control of residues, the third country manufacturing a composite product must be listed in Commission Decision 2011/163/EU⁴ for each processed product of animal origin contained in this composite product.

3. In practice this means that the third country manufacturing the composite product must either:

- have an approved residue monitoring plan for each of the ingredients of animal origin in question (in which case the country is listed in Annex to the above Decision) *or*

¹ Commission Delegated Regulation (EU) 2019/625 of 4 March 2019 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 certain animals and goods intended for human consumption OJ L 131, 17.5.2019, p. 18–30.

² Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin OJ L 174, 3.6.2020, p. 379–520.

³ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') OJ L 84, 31.3.2016, p. 1–208.

⁴ Commission Decision of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC OJ L 70, 17.3.2011, p. 40–46.

- must source the processed products of animal origin contained in the composite product from either an EU member State or a third country which is listed in the above Decision for those processed products of animal origin. In that latter case, the country manufacturing the composite product must be listed in the Annex to the above Decision with a footnote⁵ acknowledging such a sourcing.

4. Should a country manufacturing a composite product wish to source ingredients of animal origin from another country or an EU member State it would have to inform the European Commission of its intention to source ingredients in accordance with Article 2(1) of Commission Decision 2011/163/EU and address a request to the Director for Health and Food Audits and Analysis. A letter was addressed to all countries in that regard on 3 December 2019.

2 THREE RISK-BASED CATEGORIES OF COMPOSITE PRODUCTS

5. The way in which composite products are categorised will however change. Entry requirements will no longer be based on *percentage* of ingredients of animal origin but rather on the animal health or public health *risk* linked to the composite product itself. Article 12 of Commission Delegated Regulation (EU) 2019/625 establishes three categories of composite products:

1. non shelf stable composite products,
2. shelf stable composite products that contain meat products, and
3. shelf stable composite products that do not contain meat products.

6. The requirements applicable to the composite products will be established in accordance with the above risk categorisation.

3 CATEGORY-BASED REQUIREMENTS FOR THE COUNTRY MANUFACTURING COMPOSITE PRODUCTS

- 1) Non-shelf-stable composite products shall originate from countries authorised for entry into the European Union, in the relevant legislation on animal health, public health and residues⁶, for each processed product of animal origin contained in the composite product;
- 2) Shelf-stable composite products that contain processed meat shall originate from countries authorised for the entry into the European Union of those meat products⁷ contained in the composite product (including for the control of residues);
- 3) Shelf-stable composite products that do not contain processed meat shall originate from countries authorised for the entry into the European Union of either meat products³ or dairy products/colostrum-based products⁸ or fishery products⁹ or egg products¹⁰, including for the respective control of residues, independently of them being included in the composite product or not.

⁵ "Third countries using only raw material either from member States or from other third countries approved for imports of such raw material to the Union, in accordance with Article 2."

⁶ Commission Decision No 2011/163/EU of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC OJ L 70, 17.3.2011, p. 40

⁷ Please note that this legal act will be repealed as from 21 April 2021 and will be replaced by legal acts based on Regulation (EU) 2016/429 ("Animal Health Law").

Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC OJ L 312, 30.11.2007, p. 49.

⁸ Please note that this legal act will be repealed as from 21 April 2021 and will be replaced by legal acts based on Regulation (EU) 2016/429 ("Animal Health Law").

Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption OJ L 175, 10.7.2010, p. 1.

⁹ Please note that this legal act will be repealed as from 14 December 2019 and will be replaced by Regulation (EU) 2019/626.

Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted OJ L 320, 18.11.2006, p. 53.

¹⁰ Please note that this legal act will be repealed as from 21 April 2021 and will be replaced by legal acts based on Regulation (EU) 2016/429 ("Animal Health Law").

4 CATEGORY-BASED REQUIREMENTS FOR CERTIFICATION AND ATTESTATION GUARANTEES ACCOMPANYING THE COMPOSITE PRODUCTS

7. (1) Non-shelf-stable composite products and (2) shelf-stable composite products containing processed meat must be accompanied by an official certificate. The model certificate is in discussion with EU member States. This official certificate shall be signed by the competent authorities of the country where the composite product is manufactured/produced.

8. (3) Shelf-stable composite products not containing processed meat will only have to be accompanied by a private attestation provided by the importing food business operator, who is expected to provide the information requested in Article 14(3) of Commission Delegated Regulation (EU) 2019/625 and the relevant documentation provided for in Commission Delegated Regulation (EU) 2020/692. A model attestation has been prepared and is currently in discussion with EU member States.

5 CONTROLS AT ENTRY INTO THE UNION

9. All composite products will be subject to veterinary controls at the Border Control Posts before entry into the European Union.

10. However, the European Commission will list in a future act those composite products that, due to their lower risk, can be granted a derogation from veterinary control at the border and for which controls may be carried out at the point of destination. Discussions are ongoing and based on the list included in Annex II to Commission Decision 2007/275(EC) concerning lists of composite products to be subject to controls at border control posts¹¹.

Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements OJ L 226, 23.8.2008, p. 1.

¹¹ OJ L 116 4.5.2007, p. 9.