

**COMMISSION IMPLEMENTING DECISION (EU) 2023/1016****of 22 May 2023****amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China****(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 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<sup>(1)</sup> (Official Controls Regulation), and in particular Article 128(1) thereof,

Whereas:

- (1) Commission Decision 2002/994/EC<sup>(2)</sup> applies to all products of animal origin imported from China and intended for human consumption or animal feed use.
- (2) Pursuant to Article 2(1) of that Decision, Member States are to prohibit imports of those products. Article 2(2) provides for two derogations from that prohibition.
- (3) In accordance with the first derogation, Member States are to authorise imports of products listed in Part I of the Annex to Decision 2002/994/EC in accordance with the specific animal and public health conditions applicable to the products concerned.
- (4) In accordance with the second derogation, Member States are to authorise imports of products listed in Part II of the Annex to Decision 2002/994/EC that are accompanied by a declaration of the Chinese competent authority stating that each consignment has been subjected to a chemical test, in order to ensure that the products concerned do not present a danger to human health.
- (5) Regulation (EC) No 853/2004 of the European Parliament and of the Council<sup>(3)</sup>, as amended by Commission Delegated Regulation (EU) 2022/2258<sup>(4)</sup>, introduced certain fat derivatives, such as vitamin D3 and precursors used for the production of vitamin D3, as highly refined products. That amendment was introduced because any animal and public health risk is eliminated by the specific treatment of those products of animal origin laid down in Regulation (EC) No 853/2004.

<sup>(1)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(2)</sup> Commission Decision 2002/994/EC of 20 December 2002 concerning certain protective measures with regard to the products of animal origin imported from China (OJ L 348, 21.12.2002, p. 154).

<sup>(3)</sup> Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

<sup>(4)</sup> Commission Delegated Regulation (EU) 2022/2258 of 9 September 2022 amending and correcting Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council on specific hygiene requirements for food of animal origin as regards fishery products, eggs and certain highly refined products, and amending Commission Delegated Regulation (EU) 2019/624 as regards certain bivalve molluscs (OJ L 299, 18.11.2022, p. 5).

- (6) Commission Implementing Regulation (EU) 2021/405 <sup>(5)</sup> provides that highly refined products derived from ungulates may enter into the Union from third countries listed in Annex XII to that Regulation. China is among the third countries listed in Annex XII to that Regulation. Consequently, vitamin D3 and precursors used for the production thereof should be allowed to enter into the Union from China in accordance with Article 22, point (a), of that Regulation.
- (7) Vitamin D3 is a highly purified product and it is used also in feed to satisfy nutritional requirements for animals. Vitamin D3 plays an essential role to regulate the physiological processes of calcium and phosphorus. Different additives specifically adapted to the use in feed have been authorised to prevent deficiencies in this vitamin. Vitamin D3 is also necessary for the health and welfare of animals. The relevant imports should comply with feed, public and animal health requirements. Consequently, vitamin D3 and precursors used for the production thereof should be allowed to enter into the Union from China in accordance with Regulation (EC) No 1069/2009 of the European Parliament and of the Council <sup>(6)</sup> and Regulation (EC) No 1831/2003 of the European Parliament and of the Council <sup>(7)</sup>.
- (8) It is therefore appropriate to extend the derogation from the prohibition of entry into the Union from China pursuant to Article 2(2) of Decision 2002/994/EC to vitamin D3 and precursors used for the production thereof.
- (9) Decision 2002/994/EC should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2002/994/EC is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 May 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(5)</sup> 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).

<sup>(6)</sup> 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).

<sup>(7)</sup> 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).

## ANNEX

In the Annex to Decision 2002/994/EC, Part I is replaced by the following:

## 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 from aquaculture,
  - peeled and/or processed shrimps,
  - crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations;
- gelatine;
- food additives as regulated under Regulation (EC) No 1333/2008 of the European Parliament and of the Council (\*);
- substances to be used as or in food supplements as regulated under Directive 2002/46/EC of the European Parliament and of the Council (\*\*);
- vitamin D3 intended for human consumption, and precursors used for the production thereof, when complying with the specific treatments for these highly refined products (fat derivatives) set in Section XVI of Annex III to Regulation (EC) No 853/2004 (\*\*);
- petfood as regulated under Regulation (EC) No 1069/2009 of the European Parliament and of the Council (\*\*\*);
- chondroitin sulphate and glucosamine considered as feed material, as regulated under Commission Regulation (EU) No 68/2013 (\*\*\*\*);
- vitamin D3 to be used as feed additive in accordance with Regulation (EC) No 1831/2003 of the European Parliament and of the Council (\*\*\*\*\*) and precursors used for the production thereof, for feed for farmed animals and petfood as regulated under Regulation (EC) No 1069/2009;
- L-cysteine and L-cystine to be used as feed additives in accordance with Regulation (EC) No 1831/2003.

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(\*) 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).

(\*\*) 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).

(\*\*\*) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

(\*\*\*\*) 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).

(\*\*\*\*\*) Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1).

(\*\*\*\*\*) 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).

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