

Brussels, 12 June 2026  
(OR. en)

10531/26

**DELECT 99**  
**DENLEG 64**  
**VETER 95**  
**FOOD 83**

**COVER NOTE**

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 12 June 2026

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: C(2026) 3876 final

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... amending Delegated Regulation (EU) 2022/2292 as regards the requirements for the entry into the Union of certain dairy products, certain fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods

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Delegations will find attached document C(2026) 3876 final.

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Encl.: C(2026) 3876 final



Brussels, 12.6.2026  
C(2026) 3876 final

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

**of 12.6.2026**

**amending Delegated Regulation (EU) 2022/2292 as regards the requirements for the entry into the Union of certain dairy products, certain fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Regulation (EU) 2017/625 of the European Parliament and of the Council 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 comply with the requirements for their entry into the Union.

Commission Delegated Regulation (EU) 2022/2292 supplements Regulation (EU) 2017/625 as regards, among others, the identification of food-producing animals and certain goods intended for human consumption subject to the requirements for the inclusion of the third country or region thereof or the establishment in a list and to the issuance of official certificates, and the specific conditions for the entry into the Union of consignments of those animals and those goods.

Based on experience gained to date, it is necessary to amend several provisions of Delegated Regulation (EU) 2022/2292. The amendments intend to:

- (a) introduce a number of Combined Nomenclature codes or Harmonised System headings (CN/HS codes) in Article 3 of Delegated Regulation (EU) 2022/2292.
- (b) introduce a number of CN/HS codes in Article 5 of Delegated Regulation (EU) 2022/2292.
- (c) indicate in Article 5 of Delegated Regulation (EU) 2022/2292 that live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods are excluded from the application of requirements laid down in Articles 6 to 12, except for farmed live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods reared in premises on land.
- (d) introduce a number of CN/HS codes in Article 13 and 18 of Delegated Regulation (EU) 2022/2292, to indicate that such entry into the Union should only be allowed if those consignments are dispatched from and obtained or prepared in establishments in third countries or regions thereof listed for that purpose.
- (e) introduce a number of CN/HS codes in Article 21 of Delegated Regulation (EU) 2022/2292, to indicate that the consignments of those products must be accompanied by the relevant official certificate.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Member States' experts were consulted within the Commission Expert Groups on Food Hygiene and Control of Food of Animal Origin<sup>1</sup>, which met to discuss the concerned subjects on 18 December 2025.

Third countries were informed by notification to the World Trade Organisation within the framework of the Agreement on the Application of Sanitary and Phytosanitary Measures.

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<sup>1</sup> Reference E03522 in the Register of Commission Expert Groups and other similar entities.

Finally, before adopting this Delegated Regulation, the Commission conducted open and transparent public consultations in accordance with the procedures laid down in the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making<sup>2</sup>.

As the Delegated Regulation is providing consistency with Regulation (EC) No 853/2004 which requires from food business operators to ensure that importation of products of animal origin takes place only from listed countries and with the view to allowing the entry into the Union of certain products of animal origin with limited trade volumes, no impact assessment has been carried out.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The legal basis for the Delegated Regulation is Article 126(1) of Regulation (EU) 2017/625.

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<sup>2</sup> OJ L 123, 12.5.2016, p. 1.

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

**of 12.6.2026**

**amending Delegated Regulation (EU) 2022/2292 as regards the requirements for the entry into the Union of certain dairy products, certain fishery products and bivalve molluscs, echinoderms, tunicates and marine gastropods**

(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)<sup>1</sup>, 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 for the verification of compliance with Union legislation in the area of, amongst others, food and food safety referred to in Article 1(2), point (a), thereof. Article 126 of that Regulation empowers the Commission to adopt delegated acts establishing conditions for the entry into the Union of animals and goods, and it provides that those conditions are to identify the animals and goods by referring to their codes from the Combined Nomenclature.
- (2) Commission Delegated Regulation (EU) 2022/2292<sup>2</sup> 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 in order to ensure that they comply with the applicable requirements established by the rules referred to in Article 1(2), point (a), of Regulation (EU) 2017/625 or with requirements recognised to be at least equivalent thereto.

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<sup>1</sup> OJ L 95, 7.4.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/625/oj>.

<sup>2</sup> 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](http://data.europa.eu/eli/reg_del/2022/2292/oj)).

- (3) Strict hygiene requirements for products of animal origin are laid down in Union legislation. In addition, Article 6(1), point (a), of Regulation (EC) No 853/2004 of the European Parliament and of the Council<sup>3</sup> requires food business operators importing products of animal origin from third countries to ensure that importation takes place only if the third country appears on a list of third countries from which imports of those products are permitted. Article 3, point (b), of Delegated Regulation (EU) 2022/2292 specifies the Combined Nomenclature codes or Harmonised System headings (CN/HS codes) of products of animal origin which are allowed to enter the Union only from a third country or region thereof included in a list for those products of animal origin. To ensure compliance with the relevant requirements established by Union legislation and to ensure consistency between Article 6(1), point (a), of Regulation (EC) No 853/2004 and Article 3, point (b), of Delegated Regulation (EU) 2022/2292, the CN/HS codes of some products of animal origin, which have not been included in Article 3, point (b), of that Delegated Regulation, namely those concerning food preparations based on dairy products and fishery products, should be included in that provision.
- (4) Article 5(1) of Delegated Regulation (EU) 2022/2292 identifies the animals and products of animal origin for which additional requirements for the entry into the Union as regards pharmacologically active substances and residues thereof, contaminants and pesticides residues are applicable, in accordance with Articles 6 to 12 of that Delegated Regulation. The requirements laid down in Council Directive 96/22/EC<sup>4</sup>, Commission Regulation (EU) No 37/2010<sup>5</sup> and Regulation (EC) No 396/2005 of the European Parliament and of the Council<sup>6</sup>, referred to in Articles 9 to 12 of Delegated Regulation (EU) 2022/2292, apply to dairy products and fishery products, including those whose CN/HS codes have not been included in Article 5(1) of Delegated Regulation (EU) 2022/2292. Therefore, the CN/HS codes of these products should be included in Article 5(1) of that Delegated Regulation.
- (5) Article 5 of Delegated Regulation (EU) 2022/2292 identifies the animals and products of animal origin for which additional requirements for the entry into the Union as regards pharmacologically active substances and residues thereof, contaminants and pesticide residues are applicable. Live, chilled, frozen and processed bivalve molluscs, echinoderms, tunicates and marine gastropods are included in Part Two, Chapter 3, of Annex I to Council Regulation (EEC) No 2658/87<sup>7</sup>. However, the production and harvesting of bivalve molluscs, echinoderms, tunicates and marine gastropods usually takes place in the natural environment. In the case of aquaculture production, contrary to other species, feed or other substances are not provided, except where this production takes place in premises on land. For this reason, a control plan for pharmacologically

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<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, ELI: <http://data.europa.eu/eli/reg/2004/853/oj>).

<sup>4</sup> Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of  $\beta$ -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3, ELI: <http://data.europa.eu/eli/dir/1996/22/oj>).

<sup>5</sup> Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, p. 1, ELI: [http://data.europa.eu/eli/reg/2010/37\(1\)/oj](http://data.europa.eu/eli/reg/2010/37(1)/oj)).

<sup>6</sup> Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/396/oj>).

<sup>7</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1, ELI: <http://data.europa.eu/eli/reg/1987/2658/oj>).

active substances and residues thereof, contaminants and pesticides residues is justified only for on-land production. Article 5(2) of Delegated Regulation (EU) 2022/2292 contains a list of products of animal origin which are excluded from the additional requirements for the entry into the Union as regards pharmacologically active substances and residues thereof, contaminants and pesticide residues. Therefore, live, chilled, frozen and processed bivalve molluscs, echinoderms, tunicates and marine gastropods, except when the production takes place in premises on land, should be added to that list.

- (6) Section VIII of Annex III to Regulation (EC) No 853/2004 lays down specific hygiene requirements for fishery products. Section IX of Annex III to Regulation (EC) No 853/2004 lays down specific hygiene requirements for dairy products. In addition, Article 6(1), point (b)(i), of Regulation (EC) No 853/2004 requires food business operators importing products of animal origin from third countries to ensure that importation takes place only if the establishment from which the products were dispatched, and in which they were obtained or prepared, appears on a list of establishments from which imports of those products are permitted, when applicable. Article 13(1), point (a), of Delegated Regulation (EU) 2022/2292 provides that consignments of products of animal origin, for which requirements are laid down in Annex III to Regulation (EC) No 853/2004, and whose CN/HS codes are listed in that Article, are allowed to enter the Union only where they 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. To ensure compliance with the specific requirements laid down in Sections VIII and IX of Annex III to Regulation (EC) No 853/2004 and for reasons of consistency, the CN/HS codes concerning food preparations based on dairy products and fishery products, which are not yet included in Article 13(1), point (a), of Delegated Regulation (EU) 2022/2292, should be included in that provision.
- (7) Article 18 of Delegated Regulation (EU) 2022/2292 provides that consignments of fishery products, whose CN/HS codes are listed in that Article, are allowed to enter the Union only where they have been obtained or prepared, at any stage of their production, in an on-land establishment, a factory or freezer vessel or stored in a cold-store or a reefer vessel that appears on a list drawn up and updated in accordance with Article 127(3), point (e), of Regulation (EU) 2017/625 and published by the Commission. To ensure compliance with the specific requirements laid down in Section VIII of Annex III to Regulation (EC) No 853/2004 and for reasons of consistency, the CN/HS codes concerning food preparations based on fishery products, which are not yet included in Article 18 of Delegated Regulation (EU) 2022/2292, should be included in that provision.
- (8) Article 6(1), point (d), of Regulation (EC) No 853/2004 requires food business operators importing products of animal origin from third countries to ensure that importation takes place only if those products are accompanied by certificates and documents, when applicable. Article 21(1), point (b)(ii), of Delegated Regulation (EU) 2022/2292 specifies the CN/HS codes of the products of animal origin which are allowed to enter the Union only where those products are accompanied by an official certificate. To ensure compliance with the specific requirements laid down in Sections VIII and IX of Annex III to Regulation (EC) No 853/2004 and for reasons of consistency, the CN/HS codes concerning food preparations based on dairy products and fishery products, which are not yet included in Article 21(1), point (b)(ii), of Delegated Regulation (EU) 2022/2292, should be included in that provision,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

- (1) in Article 3, point (b)(ii) is replaced by the following:

‘(ii) Harmonised System headings (“HS headings”) 0901, 1301, 1702, 1806, 1901, 2103, 2105, 2106, 2301, 3001, 3002, 3203, 3204, 3302, 3501, 3502, 3503, 3504, 3507, 3823, 3824, 3913, 3926, 4101, 4102, 4103 or 9602, and CN codes 2202 99 and 3917 10 10;’;
- (2) Article 5 is amended as follows:
  - (a) in paragraph 1, point (b) is replaced by the following:

‘(b) products of animal origin, for which CN codes have been laid down in Part Two, Chapters 2 to 5, 15 and 16, of Annex I to Regulation (EEC) No 2658/87, and for which Harmonised System subheadings (“HS subheadings”) have been laid down under HS headings 0901, 1901, 2103, 2105, 3501, 3502 and 3504;’;
  - (b) paragraph 2 is amended as follows:
    - (i) the fourth indent is replaced by following:

‘- fishery products from wild catch, insects, frogs, frogs’ legs, snails, reptiles and reptile meat, and’;
    - (ii) the following fifth indent is added:

‘- live, chilled, frozen and processed bivalve molluscs, echinoderms, tunicates and marine gastropods, except for farmed live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods, reared in premises on land.’;
- (3) in Article 13(1), point (a)(ii) is replaced by the following:

‘(ii) HS subheadings under headings 1702, 1806, 1901, 2103, 2105, 2106, 2301, 2932, 3001, 3002, 3501, 3502, 3503, 3504, 4101, 4102 or 4103, and CN codes 2202 99 and 3917 10 10;’;
- (4) Article 18 is replaced by the following:

*‘Article 18*

**Special requirements for fishery products**

Consignments of fishery products for which CN codes have been laid down under headings 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 0309, 1504, 1516, 1517, 1603, 1604, 1605, 2103 or 2106 in Part Two of Annex I to Regulation (EEC) No 2658/87, shall enter the Union for placing on the market only if they have been obtained or prepared, at any stage of their production, in an on-land establishment, a factory or freezer vessel or stored in a cold-store or a reefer vessel that appears on a list drawn up and updated in accordance with Article 127(3), point (e), of Regulation (EU) 2017/625 and published by the Commission.’;

- (5) in Article 21(1), point (b)(ii) is replaced by the following:

‘(ii) HS headings 0901, 1702, 1806, 1901, 2103, 2105, 2106, 2301, 3001, 3002, 3302, 3501, 3502, 3503, 3504, 3507, 3913, 3926, 4101, 4102, 4103 or 9602, and CN codes 2202 99 and 3917 10 10;’.

*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, 12.6.2026

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