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COMMISSION IMPLEMENTING DECISION (EU) 2026/1428

of 1 July 2026

amending the Annex to 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 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 128(1) thereof,

Whereas:

(1) Commission Decision 2002/994/EC ([2]) applies to all products of animal origin, which are intended for human consumption or animal feed use, from China.

(2) Pursuant to Article 2(1) of that Decision, Member States are to prohibit the entry of those products, and Article 2(2) thereof provides for two derogations from that general prohibition.

(3) Under 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 respective products concerned.

(4) Under 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 from the Chinese competent authority, referred to in Article 3 of that Decision, stating that each consignment has been subjected to a chemical test, to ensure that the products concerned do not present a danger to animal or human health.

(5) Chitosan, similarly to glucosamine, is mainly obtained by hydrolysis of chitin from insect and crustacean shells. Chitosan is a polysaccharide composed of glucosamine units. Both products are intended for animal feed use as evidenced by entry 13.2.8 in Part C of the Annex to Commission Regulation (EU) No 68/2013 ([3]). In addition, both products are listed as highly refined products in points 1(d) and (e) of Section XVI of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council ([4]) and therefore subject to the same requirement that the treatment of the raw materials of animal origin used in the manufacturing of those products eliminates any animal or public health risk. However, while glucosamine is listed in Part I of the Annex to Decision 2002/994/EC, and is therefore authorised for entry into the Union from China without the declaration referred to in Article 3 to that Decision, chitosan is currently not listed in the same way.

([1]) OJ L 95, 7.4.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/625/oj.
([2]) 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, ELI: http://data.europa.eu/eli/dec/2002/994/oj).
([3]) Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/68/oj).
([4]) 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).

(6) It is therefore appropriate to apply the first derogation from the prohibition on the import of certain products into the Union from China, provided for in Article 2(2) of Decision 2002/994/EC, also to chitosan by including it in the list of products intended for human consumption or animal feed use from China that are authorised for entry without the declaration referred to in Article 3 to that Decision.

(7) Part I of the Annex to Decision 2002/994/EC should, therefore, be amended accordingly.

(8) 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, 1 July 2026.

For the Commission
The President
Ursula VON DER LEYEN

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 declaration provided for in Article 3:

— fishery products, except:

  — those obtained from aquaculture,

  — peeled and/or processed shrimps,

  — crayfish of the species *Procambarus 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 ([1])*;

— substances to be used as or in food supplements as regulated under Directive 2002/46/EC of the European Parliament and of the Council ([2])*;

— vitamin D3 intended for human consumption, and precursors used for the production thereof, when complying with the specific treatments for highly refined products (fat derivatives) set out in Section XVI of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council ([3])*;

— pet food as regulated under Regulation (EC) No 1069/2009 of the European Parliament and of the Council ([4])*;

— chondroitin sulphate, glucosamine and chitosan considered as feed materials, as regulated under Commission Regulation (EU) No 68/2013 ([5])*;

— vitamin D3 to be used as a feed additive in accordance with Regulation (EC) No 1831/2003 of the European Parliament and of the Council ([6])* and precursors used for the production thereof, intended for use in 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.

([1])* 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, ELI: http://data.europa.eu/eli/reg/2008/1333/oj).

([2])* 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, ELI: http://data.europa.eu/eli/dir/2002/46/oj).

([3])* 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).

([4])* 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, ELI: http://data.europa.eu/eli/reg/2009/1069/oj).

([5])* Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/68/oj).

([6])* 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, ELI: http://data.europa.eu/eli/reg/2003/1831/oj).'