Commission Implementing Regulation (EU) 2019/1084 of 25 June 2019 amending Regulation (EU) No 142/2011 as regards the harmonisation of the list of approved or registered establishments, plants and operators and the traceability of certain animal by-products and derived products (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1084

of 25 June 2019

amending Regulation (EU) No 142/2011 as regards the harmonisation of the list of approved or registered establishments, plants and operators and the traceability of certain animal by-products and derived products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to 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[(1)], and in particular Articles 21(5)(a), 23(3), 41(4), 47(2) and 48(2) thereof,

Whereas:

(1) Commission Regulation (EU) No 142/2011[(2)] lays down implementing rules for Regulation (EC) No 1069/2009, including requirements concerning commercial documents and traceability of animal by-products and derived products.

(2) Pursuant to Article 21 of Regulation (EC) No 1069/2009, each consignment of animal by-products and derived products is to be accompanied during transportation by a commercial document drawn up in accordance with the model set out in Annex VIII to Regulation (EU) No 142/2011 and completed by the operator.

(3) The competent authority of the Member State of origin is to notify the dispatch of animal by-products and derived products subject to Article 48(3) of Regulation (EC) No 1069/2009 to the competent authority of the Member State of destination by means of the integrated computerised veterinary system (TRACES) introduced by Commission Decision 2004/292/EC[(3)].

(4) For the purpose of efficient official controls at the place of destination, operators involved in the dispatch of consignments subject to Article 48(3) of Regulation (EC) No 1069/2009 should only be allowed to choose the place of destination from lists of approved or registered establishments and plants integrated in TRACES, and not from lists of registered operators also integrated in TRACES.

(5) Regulation (EU) No 142/2011 should therefore be amended to include requirements for the harmonised lists of approved or registered establishments and plants and provide that harmonised and up-to-date lists are entered in or accessible by TRACES. A new Article should therefore be added to Chapter VI of Regulation (EU) No142/2011.

(6) Harmonisation of lists in or accessibility by TRACES may present an administrative burden for competent authorities in Member States. Competent authorities should therefore have an appropriate transitional period for the implementation of the new provisions.

(7) Article 30 of Regulation (EU) No 142/2011 should not apply in case of specific movements of animal by-products and derived products between territories of the Russian Federation referred to in Article 29 of that Regulation and in case of specific transit through Croatia of animal by-products and derived products coming from Bosnia and Herzegovina and destined to third countries referred to in Article 29a of that Regulation. The specific requirements for the movements and transits laid down in the aforementioned Articles provide for an appropriate level of protection of public and animal health and thus allow for a derogation from the listing of establishments and plants of origin in TRACES.

(8) Article 30 of Regulation (EU) No142/2011 should therefore be amended accordingly.

(9) Pursuant to Article 21(2) of Regulation (EC) No 1069/2009, operators are to ensure that animal by-products and derived products are accompanied during transport by a commercial document. In order to prevent the use of certain animal by-products and derived products in the production chain of feed for farmed animals, the activities of registered traders responsible for arranging transport should be clarified and made more transparent for the purpose of official controls. The model of the commercial document that is to accompany the aforementioned animal by-products and derived products should be adapted in order to provide for the necessary information.

(10) Certain animal by-products and derived products laid down in Article 48(3) of Regulation (EC) No1069/2009 are subject to channelling procedures. Operators and competent authorities should ensure that, where storage is required, such animal by-products or derived products always arrive to a storage plant registered in accordance with Article 23(1)(a) of Regulation (EC) No1069/2009, an establishment or plant approved in accordance with Article 24(1) of that Regulation or arrive at the destination set out in Article 24(1)(j)(i) to (iv) thereof. It is therefore necessary to adapt the model of commercial document to the requirements laid down in Article 48(3) of Regulation (EC) No1069/2009.

(11) The duration of transport between the place of origin and the place of destination should be limited to 15 working days to ensure the traceability of consignments. Should a consignment not arrive at the place of destination within this period, all involved competent authorities are to identify the location of such consignment immediately.

(12) Several new commodities are subject to trade between Member States. The Commercial document should be revised to list those new commodities accordingly.

(13) Annex VIII to Regulation (EU) No 142/2011 should therefore be amended accordingly.

(14) The dispatch to other Member States of animal by-products and derived products referred to in Article 48(1) of Regulation (EC) No 1069/2009 shall be authorised in advance by the competent authority of the Member State of destination upon application

by the operator. Annex XVI to Regulation (EU) No 142/2011 sets out a standard format for the authorisation of the dispatch of animal by-products and derived products to another Member State. That format should be amended to include information on the authorised destination of derived products and the authorised users of animal by-products or derived products. Authorisation of those animal by-products and derived products in one Member State does not preclude a refusal of such dispatch by the competent authorities in other Member States. The standard format for the authorisation should be introduced in TRACES and electronically linked to the commercial document used for the authorised consignment s of animal by-products or derived products in order to prevent generation of the commercial document without a completed application form approved by the competent authority at the place of destination.

(15) Annex XVI to Regulation (EU) No 142/2011 should be amended accordingly.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 142/2011 is amended as follows:

(1) the following Article 20a is inserted:

Article 20a

Lists of establishments, plants and operators in Member States

The competent authority of a Member State shall ensure that up-to-date lists of establishments, plants and operators, referred to in the first subparagraph of Article 47(1) of Regulation (EC) No 1069/2009 are:

(a) drawn up in accordance with the technical specifications published on the Commission website[(4)];

(b) either entered in TRACES or accessible by means of TRACES as of 31 October 2021 at the latest.

(2) in Article 30, the following paragraph is added:

This Article does not apply to the specific movements of consignments of animal by-products coming from and destined to the Russian Federation as referred to in Article 29 and to the movements of consignments of animal by-products and derived products coming from Bosnia and Herzegovina and destined to third countries as referred to in Article 29a.;

(3) in Article 32, paragraph 7 is replaced by the following:

7. Operators shall submit applications for the authorisation referred to in paragraph 6 in accordance with the standard format set out in Section 10 of Chapter III of Annex XVI hereto by means of TRACES.;

(4) Annexes VIII and XVI are amended in accordance with the Annex to this Regulation.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1084. (See end of Document for details)*

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, 25 June 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1084. (See end of Document for details)*

ANNEX

Regulation (EU) No 142/2011 is amended as follows:

(1) in Annex VIII, Chapter III, point 6 is amended as follows

(a) in point (f), points (iv) to (vii) are replaced by the following:

(iv) the name and address of the establishment or plant of origin of the material and its approval or registration number assigned in accordance with Regulation (EC) No 1069/2009 or, where applicable, in accordance with Regulations (EC) No 852/2004[(5)], (EC) No 853/2004[(6)] or (EC) No 183/2005 of the European Parliament and of the Council[(7)], and the nature and the method of the treatment, as applicable;

(v) the name, the address and the registration number of the transporter of the material;

(vi) the name and address of the establishment or plant of destination and the registration or approval number assigned in accordance with Regulation (EC) No 1069/2009 or, where applicable, in accordance with Regulations (EC) No 852/2004 or (EC) No 183/2005;

(vii) in case of transport in containers, the complete container identification number ("BIC code") issued in accordance with the requirements of the Bureau International des Containers et du Transport Intermodal[(8)];

(viii) in case of export of processed animal protein and products containing processed animal proteins as referred to in Annex IV to Regulation (EC) No 999/2001, the Member State of exit and border inspection post referred to in Commission Decision 2009/821/EC[(9)] of exit.

(b) the following point (i) is added:

(i) The competent authority responsible for the place of destination referred to in the second subparagraph of Article 48(3) of Regulation (EC) No 1069/2009 shall, within 15 working days of the receipt of the information referred to in the first subparagraph of Article 48(3) of that Regulation, inform the competent authority of the Member State of origin of the arrival of the consignment by means of TRACES.

(c) the model of commercial document is replaced by the following:

Commercial document *For the transport within the European Union of animal by-products and derived products not intended for human consumption in accordance with Regulation (EC) No 1069/2009*