Commission Implementing Regulation (EU) 2017/731 of 25 April 2017 amending model veterinary certificates BOV-X, BOV-Y, BOV and OVI set out in Annexes I and II to Regulation (EU) No 206/2010, the model certificates GEL, COL, RCG and TCG set out in Annex II to Implementing Regulation (EU) 2016/759 and the model certificate for composite products set out in Annex I to Regulation (EU) No 28/2012 in relation to the rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/731

of 25 April 2017

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption[(1)], and in particular Article 9(2)(b) and 9(4)(b) thereof,

Having regard to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC[(2)], and in particular Article 13(1)(e) thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption[(3)], and in particular the second paragraph of Article 16 thereof,

Whereas:

(1) Commission Regulation (EU) No 206/2010[(4)] lays down, inter alia, the veterinary certification requirements for the introduction into the Union of certain consignments of live animals including domestic bovine animals and consignments of fresh meat intended for human consumption, including fresh meat of domestic bovine, ovine and caprine animals.

(2) Part 2 of Annex I to Regulation (EU) No 206/2010 sets out a model of veterinary certificate for domestic bovine animals (including *Bubalus* and *Bison* species and their cross-breeds) intended for breeding and/or production after importation (BOV-X) and

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a model of veterinary certificate for domestic bovine animals (including *Bubalus* and *Bison* species and their cross-breeds) intended for immediate slaughter after importation (BOV-Y). Part 2 of Annex II to that Regulation sets out a model of veterinary certificate for fresh meat, including minced meat, of domestic bovine animals (including *Bubalus* and *Bison* species and their cross-breeds) (BOV) and a model of veterinary certificate for fresh meat, including minced meat, of domestic ovine animals (*Ovis aries*) and domestic caprine animals (*Capra hircus*) (OVI). Those models of veterinary certificates include guarantees for bovine spongiform encephalopathy (BSE).

(3) Commission Implementing Regulation (EU) 2016/759[(5)] lays down, inter alia, the veterinary certification requirements for the introduction into the Union of certain products of animal origin intended for human consumption.

(4) Annex II to Implementing Regulation (EU) 2016/759 sets out a model certificate for imports of gelatine intended for human consumption (GEL) in Part III thereof, a model certificate for imports of collagen intended for human consumption (COL) in Part IV thereof, a model for imports of the raw materials for the production of gelatine and collagen intended for human consumption (RCG) in Part V thereof, and a model certificate for imports of the treated raw materials for the production of gelatine and collagen intended for human consumption (TCG) in Part VI. Those models of veterinary certificates include guarantees for BSE for products of bovine, ovine and caprine origin.

(5) Commission Regulation (EU) No 28/2012[(6)] lays down, inter alia, the health certification requirements for imports into or transit through the Union of consignments of certain composite products intended for human consumption.

(6) Annex I to Regulation (EU) No 28/2012 sets out the model of health certificate for imports into the European Union of composite products intended for human consumption. That model of health certificate includes guarantees for BSE for products of bovine, ovine and caprine origin.

(7) Regulation (EC) No 999/2001 of the European Parliament and of the Council[(7)] lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals. Chapter B of Annex IX to Regulation (EC) No 999/2001 lays down the conditions for import into the Union of bovine animals as regards BSE and Chapter C of that Annex lays down the conditions for import into the Union of products of animal origin for human consumption from bovine, ovine and caprine animals as regards BSE.

(8) Regulation (EC) No 999/2001 was amended by Commission Regulation (EU) 2016/1396[(8)]. Those amendments provide, inter alia, for clarification of the rules laid down in Chapter B and Chapter C of Annex IX to Regulation (EC) No 999/2001. They also provide for the amendment of the requirement to indicate a blue stripe on the label of the carcasses or wholesale cuts of the carcasses of bovine animals when removal of the vertebral column is not required as set out in Chapter C of Annex IX to that Regulation. This amendment requires that a red stripe should be indicated instead on the label when such removal is required for products of bovine animal origin imported into the Union.

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(9) In particular Regulation (EC) No 999/2001, as amended by Regulation (EU) 2016/1396, permits the imports of products of animal origin for human consumption of bovine, ovine and caprine animal origin from third countries with a negligible BSE risk as laid down in Section B of Chapter C of Annex IX, also where those products are derived from raw material coming from countries with a controlled or an undetermined BSE risk, provided that specified risk material has been removed from such raw material.

(10) The model veterinary certificates BOV-X and BOV-Y set out in Part 2 of Annex I and BOV and OVI set out in Part 2 of Annex II to Regulation (EU) No 206/2010, the model veterinary certificates GEL, COL, RCG and TCG set out in Annex II to Implementing Regulation (EU) 2016/759 and the model health certificate for import into the Union of composite products set out in Annex I to Regulation (EU) No 28/2012 should therefore be amended in order to reflect the requirements relating to imports of bovine animals and of fresh meat of bovine, ovine and caprine animals and of products of animal origin for human consumption of bovine, ovine and caprine animal origin, laid down in Regulation (EC) No 999/2001, as amended by Regulation (EU) 2016/1396.

(11) Regulation (EU) No 206/2010, Implementing Regulation (EU) 2016/759 and Regulation (EU) No 28/2012 should therefore be amended accordingly.

(12) Regulation (EU) 2016/1396 provides that the amendments that it made to Annex IX to Regulation (EC) No 999/2001 are to apply from 1 July 2017.

(13) In order to avoid any disruption of imports into the Union of consignments of live bovine, ovine and caprine animals, of fresh meat of domestic bovine, ovine and caprine animals, of gelatine, collagen, raw materials for production of gelatine and collagen and treated raw materials for the production of gelatine and collagen intended for human consumption and of certain composite products intended for human consumption, the use of certificates issued in accordance with Regulation (EU) No 206/2010, Implementing Regulation (EU) 2016/759 and Regulation (EU) No 28/2012 as applicable prior to the amendments being introduced by this Regulation should continue to be authorised during a transitional period subject to certain conditions.

(14) 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

Annexes I and II to Regulation (EU) No 206/2010 are amended in accordance with Annex I to this Regulation.

Article 2

Annex II to Implementing Regulation (EU) 2016/759 is amended in accordance with Annex II to this Regulation.

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Article 3

Annex I to Regulation (EU) No 28/2012 is amended in accordance with Annex III to this Regulation.

Article 4

1 For a transitional period until 31 December 2017, consignments of live bovine, ovine and caprine animals, accompanied by a model certificate issued in accordance with the model set out in Part 2 of Annex I to Regulation (EU) No 206/2010 and consignments of fresh meat of domestic bovine, ovine and caprine animals, accompanied by a model certificate issued in accordance with the model set out in Part 2 of Annex II to Regulation (EU) No 206/2010, as applicable before the amendments made by this Regulation, shall continue to be authorised for importation into the Union provided that the certificate was issued no later than 30 November 2017.

2 For a transitional period until 31 December 2017, consignments of gelatine intended for human consumption, collagen intended for human consumption, raw materials for production of gelatine and collagen intended for human consumption and treated raw materials for the production of gelatine and collagen intended for human consumption, accompanied by a model certificate issued in accordance with the model set out respectively in Parts III, IV, V and VI of Annex II to Implementing Regulation (EU) 2016/759, as applicable before the amendments made by this Regulation, shall continue to be authorised for importation into the Union provided that the certificate was issued no later than 30 November 2017.

3 For a transitional period until 31 December 2017, consignments of certain composite products intended for human consumption, accompanied by a model certificate issued in accordance with the model set out in Annex I to Regulation (EU) No 28/2012, as applicable before the amendments made by this Regulation, shall continue to be authorised for importation into the Union provided that the certificate was issued no later than 30 November 2017.

Article 5

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

It shall apply from 1 July 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 April 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX I

Annexes I and II to Regulation (EU) No 206/2010 are amended as follows:

(1) In Annex I, Part 2 is amended as follows:

(a) The model veterinary certificate BOV-X is amended as follows:

(i) In Part II.1, Public Health Attestation, point II.1.3 is replaced by the following:

II.1.3. with regard to bovine spongiform encephalopathy (BSE):

(a) the animals are identified by a permanent identification system enabling them to be traced back to the dam and herd of origin, and they have not been exposed to the following animals:

(i) any BSE cases;

(ii) bovine animals which, during their first year of life, were reared with the BSE cases during their first year of life, and which investigation has shown consumed the same potentially contaminated feed during that period; or

(iii) if the results of the investigation referred to in indent (ii) are inconclusive, bovine animals born in the same herd as, and within 12 months of the birth of, the BSE cases;

(1) (2) either [(b) if there have been BSE indigenous cases in the country concerned, the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants, as defined in the Terrestrial Animal Health Code of the World Organisation for Animal Health, was effectively enforced or after the date of birth of the last BSE indigenous case if born after the date of the feed ban.]

(1) (3) or [(b) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants as defined in the Terrestrial Animal Health Code of the World Organisation for Animal Health, was effectively enforced or after the date of birth of the last BSE indigenous case if born after the date of the feed ban.]

(1) (4) or [(b) the animals were born at least two years after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants, as defined in the Terrestrial Animal Health Code of the World Organisation for Animal Health, was effectively enforced or after the date of birth of the last BSE indigenous case if born after the date of the feed ban.]