Commission Regulation (EU) No 717/2013 of 25 July 2013 amending Regulation (EU) No 142/2011 as regards the entries for animal welfare in certain model health certificates (Text with EEA relevance)

COMMISSION REGULATION (EU) No 717/2013

of 25 July 2013

amending Regulation (EU) No 142/2011 as regards the entries for animal welfare in certain model health certificates

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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 (Animal by-products Regulation)[(1)], and in particular the first subparagraph of Article 42(2)(d) thereof,

Whereas:

(1) Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive[(2)] provides that consignments of animal by-products and derived products for importation into or transit through the Union are to be accompanied by health certificates in accordance with the models set out in Annex XV thereto.

(2) Certain model certificates set out in Annex XV to Regulation (EU) No 142/2011 provide that the official veterinerian is to certify compliance with animal welfare rules laid down in Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing[(3)].

(3) Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing[(4)] repealed and replaced Directive 93/119/EC. Regulation (EC) No 1099/2009 applies from 1 January 2013.

(4) For reasons of clarity the animal welfare statements in the model of health certificates Chapter 3(D), II.1.3 (b)(iv) in Chapter 3(F) and II.2.2(b)(iv) in Chapter 8 of Annex XV to Regulation (EU) No 142/2011 should be updated.

(5) To avoid any disruption of trade, the use of certificates issued in accordance with Regulation (EU) No 142/2011 prior to the entry into force of this Regulation should be authorised for a transitional period.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 717/2013. (See end of Document for details)*

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XV to Regulation (EU) No 142/2011 is amended in accordance with the Annex to this Regulation.

Article 2

For a transitional period until 31 January 2014, consignments of products of animal origin accompanied by certificates issued before 1 December 2013 in accordance with the models set out in Annex XV to Regulation (EU) No 142/2011 before the amendments introduced by this Regulation may continue to be introduced into the Union.

Article 3

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

It shall apply from 1 December 2013.

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

Done at Brussels, 25 July 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

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

(1) Chapter 3(D) is replaced by the following:

CHAPTER 3(D)

Health certificate

for raw pet food for direct sale or animal by-products to be fed to fur animals, intended for dispatch to or for transit through ([2]) the European Union

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor
Name
Address
Tel.

I.2. Certificate reference No | I.2.a.

I.3. Central competent authority

I.4. Local competent authority

I.5. Consignee
Name
Address
Postcode
Tel.

I.6. Person responsible for the load in EU
Name
Address
Postcode
Tel.

I.7. Country of origin ISO code | I.8. Region of origin Code

I.9. Country of destination ISO code | I.10. Region of destination Code

I.11. Place of origin
Name Approval number
Address
Name Approval number
Address
Name Approval number
Address

I.12. Place of destination
Name Custom warehouse ☐
Address Approval number
Postcode

I.13. Place of loading

I.14. Date of departure

I.15. Means of transport
Aeroplane ☐ Ship ☐ Railway wagon ☐
Road vehicle ☐ Other ☐
Identification
Documentation references

I.16. Entry BIP in EU

I.17.

I.18. Description of commodity

I.19. Commodity code (HS code)

I.20. Quantity

I.21. Temperature of product
Ambient ☐ Chilled ☐ Frozen ☐

I.22. Number of packages

I.23. Seal/Container No

I.24. Type of packaging

I.25. Commodities certified for:
Animal feedingstuff ☐ Technical use ☐

I.26. For transit through EU to third country ☐
Third country ISO code

I.27. For import or admission into EU ☐

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Approval number of establishments Manufacturing plant	Net weight	Batch number

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 717/2013. (See end of Document for details)*

COUNTRY

Raw pet food for direct sale or animal by-products to be fed to fur animals

Part II: Certification

II. **Health information**	II.a. Certificate reference No	II.b.

I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1069/2009 of the European Parliament and of the Council ([1a]) and in particular Articles 10 thereof, and Commission Regulation (EU) No 142/2011 ([1b]), and in particular Chapter II of Annex XIII and Chapter II of Annex XIV thereto, and certify that the raw pet food or animal by-products described above:

II.1. consist of animal by-products that satisfy the health requirements below;

II.2. consist of animal by-products:

(a) derived from meat which satisfies the relevant animal and public health requirements laid down in:

— Commission Regulation (EU) No 206/2010 ([3]) and provided the animals from which the meat is derived come from the third countries, territories or parts thereof ..... (ISO code in case of country or codes for territories or parts thereof) which has been free of foot-and-mouth disease, rinderpest, classical swine fever, African swine fever and swine vesicular disease for the last 12 months and where no vaccination has taken place during that time (only as relevant for the susceptible species;

— and/or Commission Regulation (EC) No 798/2008 ([4]), and provided the animals from which the meat is derived come from the third countries, territories or parts thereof ..... (ISO code in case of country or codes for territories or parts thereof) as listed in that Regulation which has been free from Newcastle disease and avian influenza for the last 12 months;

— and/or Commission Regulation (EC) No 119/2009 ([5]), and provided the animals from which the meat is derived come from the third countries, territories or parts thereof ..... (ISO code in case of country or codes for territories or parts thereof) as listed in that Regulation which has been free from foot-and-mouth disease, rinderpest, classical swine fever, African swine fever, swine vesicular disease, Newcastle disease and avian influenza for the last 12 months and where no vaccination has taken place during that time (only as relevant for the susceptible species);

(b) derived from animals that, at the slaughterhouse, have passed the ante-mortem health inspection during the 24 hours before the slaughter and have shown no evidence of the diseases referred in the Regulations laid down in point (a) for which the animals are susceptible; and

(c) derived from animals that have been handled in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Union legislation and have met requirements at least equivalent to those laid down in Chapters II and III of Council Regulation (EC) No 1099/2009; or

(d) in the case of feed for fur animals derived from aquatic animals which satisfies the relevant animal and public health requirements laid down in Commission Decision 2006/766/EC ([6]), come from countries or territories thereof ..... (ISO code) as listed in Annex II to that Decision;

II.3.1. consist only of the following animal by-products:

(a) carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with Union legislation, but are not intended for human consumption for commercial reasons; and

(b) parts of slaughtered animals, which are rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that are fit for human consumption in accordance with Union legislation;

II.3.2. in the case of feed for fur animals in addition to II.3.1. consist also of the following animal by-products:

([2]) *either* [- animal by-products from poultry and lagomorphs slaughtered on the farm as referred to in Article 1(3)(d) of Regulation (EC) No 853/2004, which did not show any signs of disease communicable to humans or animals;]

([2]) *and/or* [- blood of animals which did not show any signs of disease communicable through blood to humans or animals, obtained from animals other than ruminants that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with Union legislation;]

([2]) *and/or* [- animal by-products arising from the production of products intended for human consumption, including degreased bone, greaves and centrifuge or separator sludge from milk processing;]

([2]) *and/or* [- products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;]

([2]) *and/or* [- pet food and feedingstuffs of animal origin, or feedingstuffs containing animal by-products or derived products, which are no longer intended for feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;]

([2]) *and/or* [- blood, placenta, wool, feathers, hair, horns, hoof cuts and raw milk originating from live animals that did not show signs of any disease communicable through that product to humans or animals;]

([2]) *and/or* [- aquatic animals, and parts of such animals, except sea mammals, which did not show any signs of diseases communicable to humans or animals;]

COUNTRY **Raw pet food for direct sale or animal by-products to be fed to fur animals**

II.	**Health information**	II.a. Certificate reference No	II.b.

(2) *and/or* [- animal by-products from aquatic animals originating from plants or establishments manufacturing products for human consumption;]

(2) *and/or* [- the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals:

(i) shells from shellfish with soft tissue or flesh;

(ii) the following originating from terrestrial animals:

— hatchery by-products,

— eggs,

— egg by-products, including egg shells;

(iii) day-old chicks killed for commercial reasons;]

(2) *and/or* [- animal by-products from aquatic or terrestrial invertebrates other than species pathogenic to humans or animals;]

(2) *and/or* [- animals and parts thereof of the zoological orders of Rodentia and Lagomorpha, except Category 1 material as referred to in Article 8(a)(iii), (iv) and (v) of Regulation (EC) No 1069/2009 and Category 2 material as referred to in Article 9(a) to (g) of that Regulation;]

II.4. have been obtained and prepared without contact with other material not complying with the conditions laid down in the Regulation (EC) No 1069/2009, and it has been handled so as to avoid contamination with pathogenic agents;

II.5. have been packed in final packaging which bear labels indicating 'RAW PET FOOD — NOT FOR HUMAN CONSUMPTION' or 'ANIMAL BY-PRODUCTS FOR FEED FOR FUR ANIMALS — NOT FOR HUMAN CONSUMPTION' and then in leak-proof and officially sealed boxes/containers or in new packaging preventing any leakage and officially sealed boxes/containers which bear labels indicating 'RAW PET FOOD — NOT FOR HUMAN CONSUMPTION' or 'ANIMAL BY-PRODUCTS FOR FEED FOR FUR ANIMALS — NOT FOR HUMAN CONSUMPTION', and the name and the address of the establishment of destination;

II.6. in the case of raw pet food:

(a) have been prepared and stored in a plant approved and supervised by the competent authority in accordance with Article 24 of Regulation (EC) No 1069/2009; and

(b) were examined by random sampling of at least five samples from each batch taken during storage (before dispatch) and complies with the following standards (7):

Salmonella: absence in 25 g: n=5, c=0, m=0, M=0

Enterobacteriaceae: n=5, c=2, m=10, M=5000 in 1 gram;

II.7.

(2) *either* [the product does not contain and is not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council (8) or mechanically separated meat obtained from bones of bovine, ovine or caprine animals; and the animals from which this product is derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;]

(2) *or* [the product does not contain and is not derived from bovine, ovine or caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2) of Regulation (EC) No 999/2001;]

II.8. in addition as regards TSE:

(2) *either* [in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last three years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last three years:

(i) it has been subject to regular official veterinary checks;

(ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case:

— all animals in which classical scrapie was confirmed have been killed and destroyed, and

— all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele;

(iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).]