COMMISSION REGULATION (EC) No 780/2004

of 26 April 2004

on transitional measures pursuant to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the import and transit of certain products from certain third countries

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of 3 October 2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption [1], as last amended by Commission Regulation (EC) No 668/2004 [2], and in particular Article 32(1) thereof,

Whereas:

(1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.

(2) In view of the strict nature of those requirements, it has been necessary to provide transitional measures for certain Member States to allow industry sufficient time to adjust. These transitional measures are laid down in a number of Commission decisions and regulations.

(3) Commission Regulation (EC) No 812/2003 [3], as amended by Regulation (EC) No 2268/2003 [4], provides general transitional measures for third countries until 30 April 2004. That Regulation establishes that the Commission shall propose further detailed transitional rules for products for which adequate justification has been provided.

(4) Certain third countries have provided adequate justification requesting specific transitional measures. Accordingly, such transition should be provided to enable the continuing implementation by those third-country operators exporting to the Community of current standards concerning the separation of Category 1, 2 and 3 processing plants.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation regarding the importation from third countries

By way of derogation from Article 29 of Regulation (EC) No 1774/2002, Member States shall accept consignments of products referred to in Annexes VII and VIII of that Regulation, until the dates referred to in Article 2, coming from establishments not meeting the requirements for the separation of Category 1, 2 and 3 processing plants, from the countries listed in Annex I, provided the products meet the minimum conditions in Annex II and are accompanied by a certificate in accordance with Annex III.

Article 2

Entry into force

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

2. It shall apply from 1 May 2004 until 31 October 2005.

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

Done at Brussels, 26 April 2004.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 273, 10.10.2002, p. 1.
[2] OJ L 112, 19.4.2004, p. 1.
[3] OJ L 117, 13.5.2003, p. 19.
[4] OJ L 336, 23.12.2003, p. 24.

ANNEX I

LIST OF THIRD COUNTRIES TO WHICH THE DEROGATION REFERRED TO IN ARTICLE 1 APPLIES

1. Australia
2. Canada
3. China
4. USA

ANNEX II

MINIMUM CONDITIONS CONCERNING THE SEPARATION OF CATEGORY 1, 2 AND 3 PROCESSING PLANTS

Products from processing plants not complying with the requirements for complete separation of Category 1, 2 and 3 processing plants set out in Chapter I(1) of Annex VII to Regulation (EC) No 1774/2002 must at least:

(a) have been produced in ways that prevent cross-contamination of Category 3 material with Category 1 and 2 materials; and

(b) comply with the rest of the specific requirements set out in paragraphs 3 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002.

ANNEX III

MODEL HEALTH CERTIFICATES FOR THE IMPORTATION FROM CERTAIN THIRD COUNTRIES OF CERTAIN ANIMAL BY-PRODUCTS AND PRODUCTS DERIVED THEREFROM

Notes

(a) Veterinary certificates shall be produced by the exporting country, based on the models appearing in this Annex III, according to the layout of the model that corresponds to the animal by-products concerned. They shall contain, in the numbered order that appears in the model, the attestations that are required for any third country and, as the case may be, those supplementary guarantees that are required for the exporting third country or part thereof.

(b) The original of each certificate shall consist of a single page, both sides, or, where more text is required, it shall be in such a form that all pages needed are part of an integrated whole and indivisible.

(c) It shall be drawn up in at least one of the official languages of the EU Member State in which the inspection at the border post shall be carried out and of the EU Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.

(d) If for reasons of identification of the items of the consignment additional pages are attached to the certificate, these pages shall also be considered as forming part of the original of the certificate by the application of the signature and stamp of the certifying official veterinarian, in each of the pages.

(e) When the certificate, including additional schedules referred to in (d), comprises more than one page, each page shall be numbered — (page number) of (total number of pages) — at the bottom and shall bear the code number of the certificate that has been designated by the competent authority on its top.

(f) The original of the certificate must be completed and signed by an official veterinarian. In doing so, the competent authorities of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed (OJ L 13, 16.1.1997, p. 28).

(g) The colour of the signature shall be different to that of the printing. The same rule applies to stamps other than those embossed or watermark.

(h) The original of the certificate must accompany the consignment at the EU border inspection post.

(A)

Health certificate

For processed animal protein not intended for human consumption, including mixtures and products other than petfood containing such protein, intended for dispatch to the European Community

Note for the importer: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.

1. **Consignor** (name and address in full)	**VETERINARY CERTIFICATE** **For processed animal protein not intended for human consumption, including mixtures and products other than petfood containing such protein, intended for dispatch to the European Community** Reference number (1) ORIGINAL
2. **Consignee** (name and address in full)	3. **Origin of the processed animal protein or product** 3.1. Country: Australia/Canada/China/USA (2) 3.2. Code of territory: ..... 4. **Competent Authority** 4.1. Responsible Ministry: ..... 4.2. Certifying department: ....
5. **Intended destination of the processed animal protein or product** 5.1. EU Member State: ..... 5.2. Name and address of destination:	6. **Place of loading for exportation** ....
7. **Means of transport and consignment identification** 7.1. (Lorry, rail wagon, ship, or aircraft) (2) 7.2. Number of seal (if applicable): ..... 7.3. Registration number(s), ship name or flight number:	7.4. Nature of packaging: .... 7.5. Number of packages: ..... 7.6. Net weight: ..... 7.7. Lot/batch production reference number: .... 7.8. Nature of packaging: ....
8. **Identification of the processed animal protein or product** 8.1. Nature of the processed animal protein or product: ..... 8.2. Processed animal protein of: ..... *(animal species)* 8.3. Address and approval number of the approved establishment of origin:	
9. **Health attestation** I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1774/2002 (3) and Regulation (EC) No 780/2004 and certify that: 9.1. the processed animal protein or product described above contains exclusively processed animal protein not intended for human consumption that:	

(a) has been prepared and stored in a plant approved, validated and supervised by the competent authority in ways that prevent cross-contamination of Category 3 material with Category 1 and 2 materials; and complying with the rest of the specific requirements set out in paragraphs 3 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002, and

(b) has been prepared exclusively with the following animal by-products :

(2) *either* [- parts of slaughtered animals, which were fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons,]

(2) *and/or* [- parts of slaughtered animals, which were rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcases that were fit for human consumption in accordance with Community legislation,]

(2) *and/or* [- hides and skins, hooves and horns, pig bristles and feathers originating from animals that were slaughtered in a slaughterhouse, underwent ante mortem inspection and were fit, as a result of such inspection, for slaughter in accordance with Community legislation,]

(2) *and/or* [- blood obtained from animals other than ruminants that were slaughtered in a slaughterhouse, underwent ante mortem inspection and were fit, as a result of such inspection, for slaughter in accordance with Community legislation,]

(2) *and/or* [- animal by-products derived from the production of products intended for human consumption, including degreased bones and greaves,]

(2) *and/or* [- former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals,]

(2) *and/or* [- fish or other sea animals, except sea mammals, caught in the open sea for the purposes of fishmeal production,]

(2) *and/or* [- fresh by-products from fish from plants manufacturing fish products for human consumption,]

(2) *and/or* [- shells, hatchery by-products and cracked egg by-products originating from animals which did not show clinical signs of any disease communicable through that product to humans or animals,]

and

(c) has been subjected to the following processing standard:

(2) *either* [heating to a core temperature of more than 133 °C for at least 20 minutes without interruption at a pressure (absolute) of at least 3 bars produced by saturated steam, with a particle size prior to processing of not more than 50 millimetres;]

(2) or [in the case of non-mammalian protein other than fishmeal, the processing method ..... as set out in Annex V, Chapter III, of Regulation (EC) 1774/2002;]

(2) or [in the case of fishmeal:

(2) *either* [the processing method ..... as set out in Annex V, Chapter III, of Regulation (EC) 1774/2002;]

(2) or [heating to at least 80 °C throughout its substance;]]

9.2. the competent authority examined a random sample immediately prior to dispatch and found it to comply with the following standards (4):

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

Enterobacteriaceae: n = 5, c = 2, m = 10, M = 300 in 1 g;

9.3. the end product:

(2) *either* [was packed in new or sterilised bags,]

(2) or [was transported in bulk in containers or other means of transport that were thoroughly cleaned and disinfected with a disinfectant approved by the competent authority before use,]

which bear labels indicating 'NOT FOR HUMAN CONSUMPTION'

9.4. the end product was stored in enclosed storage;