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Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the requirements for export of products containing processed animal protein derived from ruminants and non-ruminants

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Delegations will find attached document D060709/03.

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Encl.: D060709/03



Brussels, **XXX**  
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[...] (2019) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the requirements for export of products containing processed animal protein derived from ruminants and non-ruminants**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) .../...

of **XXX**

## **amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the requirements for export of products containing processed animal protein derived from ruminants and non-ruminants**

(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 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>1</sup>, and in particular the first paragraph of Article 23 and Article 23a (m) thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies ('TSEs') in animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.
- (2) The ban on exports to third countries of processed animal protein derived from ruminants and of products containing such processed animal protein, thus including organic fertilisers and soil improvers, was initially introduced by Commission Regulation (EC) No 1234/2003<sup>2</sup> to prevent the transmission of bovine spongiform encephalopathies (BSE) to third countries through potentially contaminated processed animal protein and to prevent the risk of it re-entering the Union.
- (3) The European Food Safety Authority (EFSA) updated the quantitative risk assessment of the BSE risk posed by processed animal proteins in June 2018<sup>3</sup>. EFSA concluded that total BSE infectivity posed by processed animal protein was in 2018 four times lower than that estimated in 2011.
- (4) Following the opinion delivered by EFSA related to processed animal protein, it is appropriate to include organic fertilisers or soil improvers containing processed animal proteins derived from ruminants in the derogation laid down in point 2 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001, should they not contain Category 1 material and products derived therefrom or Category 2 material and products derived therefrom other than processed manure.

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<sup>1</sup> OJ L 147, 31.5.2001, p. 1.

<sup>2</sup> Commission Regulation (EC) No. 1234/2003 amending Annexes I, IV and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council and Regulation (EC) No. 1326/2001 as regards transmissible spongiform encephalopathies and animal feeding. (OJ L 173, 11.7.2003, p. 6).

<sup>3</sup> EFSA Journal 2018;16(7):5314

- (5) Point 2 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 which prohibits the export of products containing processed animal protein derived from ruminants should therefore be amended accordingly.
- (6) Point 3 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 lays down the conditions applicable to exports of processed animal proteins derived only from non-ruminants or compound feed containing such protein. However, the conditions to export organic fertilisers or soil improvers containing processed animal proteins derived from non-ruminants have not been established. A new point 5 should therefore be added to Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 laying down such conditions.
- (7) 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*

Annex IV to Regulation (EC) No 999/2001 is amended in accordance with the Annex to this Regulation.

*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,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*