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Delegations will find attached document D074446/02.

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EUROPEAN
COMMISSION

Brussels, XXX
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COMMISSION REGULATION (EU) …/…

of XXX

amending Annexes XIV and XV to Regulation (EU) No 142/2011 as regards imports into and transit through the Union of animal by-products and derived products

(Text with EEA relevance)

COMMISSION REGULATION (EU) …/…

of XXX

amending Annexes XIV and XV to Regulation (EU) No 142/2011 as regards imports into and transit through the Union of animal by-products and derived products

(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 Article 41(3), first and third subparagraphs, and Article 42(2), points (a), (b) and (d), thereof,

Whereas:

(1) Commission Regulation (EU) No 142/2011[2] lays down implementing measures for the public and animal health rules for animal by-products and derived products laid down in Regulation (EC) No 1069/2009, including models of health certificates and the list of third countries authorised for imports into and transit through the Union of consignments of animal by-products and derived products.

(2) In particular, Chapter II of Annex XIV to Regulation (EU) No 142/2011 sets out the specific requirements for the importation into and the transit through the Union of consignments of animal by-products and derived products for uses outside the feed chain for farmed animals other than fur animals. Such consignments are required to comply with, inter alia, the rules set out in Table 2 of Section 1 of that Chapter.

(3) More specifically, row 14 of Table 2 sets out, inter alia, the list of third countries authorised for imports into and transit though the Union of consignments of animal by-products and derived products for uses outside the feed chain, including consignments of fur for the manufacture of derived products, category 3 materials, referred to in Article 10, point (n), of Regulation (EC) No 1069/2009. Certain Member States have requested that row 14 of Table 2 be amended so as to include a list of third countries authorised for imports into the Union of fur for the manufacture of derived products. There is not a list of third countries authorised for imports into the Union of products of fur animals, but Commission Implementing Regulation (EU) 2021/404[3]

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1 OJ L 300, 14.11.2009, p. 1.

2 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 (OJ L 54, 26.2.2011, p. 1).

3 Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products

sets out a list of third countries, territories or zones thereof authorised for the entry into the Union of consignments of fresh meat of ungulates. Following an evaluation of the request by the Member States, it is appropriate to include a list of third countries from which fur for the manufacture of derived products may be imported into the Union in row 14 of Table 2. As the third countries from which the entry into the Union of fresh meat of ungulates is authorised offer a high level of official controls and protection of public and animal health, it is opportune to allow imports of fur for the manufacture of derived products from those third countries.

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

(5) In addition, Chapter 3(F) and Chapter 8 of Annex XV to Regulation (EU) No 142/2011 set out models of health certificates for imports into, or transit through, the Union, of animal by-products for the manufacture of petfood and for those used for purposes outside the feed chain or for trade samples, respectively. Those model health certificates contain among others, the requirement that the animals from which animal by-products are derived must have stayed in a single holding for 40-days before slaughter. From an animal health point of view, such a 40-day pre-slaughter residency period ensures the safety of unprocessed animal by-products when they are imported into the Union. Freedom from foot-and-mouth-disease without practicing vaccination is the most favourable animal health status in accordance with standards of the World Organisation for Animal Health (OIE), and third countries with that animal health status are authorised for imports into the Union and transit through the Union of consignments of fresh meat without such a 40-day residency period, provided that they comply with all other animal health requirements. Certain third countries that are free of foot-and-mouth disease without practicing vaccination have asked the Commission to be authorised for imports into the Union of unprocessed animal by-products without the 40-day pre-slaughter residency period. Animal health conditions for imports of animal by-products should be aligned with animal health requirements for entry into the Union of fresh meat laid down in and Commission Implementing Regulation (EU) 2021/404.

(6) The model health certificates for animal by-products for the manufacture of petfood, set out in Chapter 3(F) of Annex XV to Regulation (EU) No 142/2011, and for animal by-products to be used for purposes outside the feed chain or for trade samples, set out in Chapter 8 of Annex XV to that Regulation, should therefore be amended accordingly.

(7) Furthermore, Chapter V of Annex VIII to Regulation (EU) No 142/2011 provides that derived products of Category 1 or Category 2 material should be permanently marked with a chemical marker to prevent their entry into the feed chain and to ensure official controls of feed. Marking with a chemical marker is not required for Category 3 rendered fats. It is therefore necessary to correct the erroneous wording in the model health certificate set out in Chapter 10(B) of Annex XV to that Regulation for imports of rendered fats not intended for human consumption to be used for certain purposes outside the feed chain, intended for dispatch to or for transit through the Union.

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

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and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council (OJ L 114, 31.3.2021, p. 10).

(9) In order to avoid any disruption of trade, this Regulation should provide for a transitional period during which the commodities concerned by the amendments made to Regulation (EU) No 142/2011, by this Regulation, should continue to be accepted for importation into and transit through the Union, provided that those commodities comply with the requirements laid down in Regulation (EU) No 142/2011 before the amendments made by this Regulation.

(10) 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 XIV and XV to Regulation (EU) No 142/2011 are amended in accordance with the Annex to this Regulation.

Article 2

For a transitional period until 31 May 2022, consignments of animal by-products and of derived products accompanied by a health certificate duly completed and signed in accordance with the appropriate model health certificate set out in Chapter 3(F), Chapter 8 and Chapter 10(B) of Annex XV to Regulation (EU) No 142/2011, in the version applicable before the amendments provided for by Article 1 of this Regulation, shall continue to be accepted for importation into or transit through the Union, provided that such health certificates were duly completed and signed no later than 31 March 2022.

Article 3

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
Ursula VON DER LEYEN