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Animal By-Products not for human consumption

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WHAT'S NEW?

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Commission Regulation (EU) No 294/2013

- Came into force on 15 March 2013
- Amends various sections of Regulation (EU) No 142/2011 (as amended)
- Current certificates can be used provided they are completed and signed before 26 October 2013

Commission Regulation (EU) No 630/2013

- Came into force on 28th June 2013
- Amends the Annexes to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies and the TSE attestations on various certificates
- Current certificates can be used provided they are completed and signed before 31 January 2014.

WHAT'S NEW?
CONT

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Commission Regulation (EU) No 717/2013

- Came onto force on 25th July 2013
- Amends Regulation (EU) No 142/2011 as regards the entries for animal welfare in certain model health certificates
- Current certificates can be used provided they are completed and signed until and including 30 November 2013

A CIN and OVS note were issued and are available for further information. Includes a table showing which model certificate is affected by which new Regulation

http://www.defra.gov.uk/animal-trade/2013/cin-1381-imports-of-animal-by-products-changes-to-certain-health-certificates/

http://www.defra.gov.uk/animal-trade/2013/ovs-note-201320-imports-of-animal-by-products-changes-to-certain-health-certificates/

Issues with the new model certificates: Freedom from residues – Article 8(d) of 1069/2009

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- Concern that some third countries are unable to delete the option for Category 1 material under Article 8(d) of Regulation (EC) No 1069/2009
- Could mean Category 3 material being re-classified as Category 1 material .
- Article 8(d) of 1069/2009 refers to residues listed in Group B(3) of Annex I to Directive 96/23/EC.
- Commission Decision 2011/163/EU lays down the approval of residue plans submitted by third countries in accordance with Art 29 of Directive 96/23/EC.
- Commission Decision 2011/163/EC only refers to certain animal species and animal products for human consumption.

UK view is that:

- provided the third country is listed in the Annex for Commission Decision 2011/163/EU for the species concerned then Article 8(d) CAN be deleted.
- Article 8(d) does not apply to those animals or products NOT listed in 2011/163/EC and should be deleted in those cases.

UK is seeking Commission confirmation on this and to ask for guidance to be issued to help third countries understand when it is acceptable to delete Article 8(d).

Issues with the new model certificates
Model health certificate 4(C) and 4(D)

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Some third countries plan to leave in both Category 1 and Category 3 attestations on the health certificate - unable to confirm whether the product contains only Category 3 material.

- If both Category 1 and Category 3 attestations are left in on a certificate then the import should be classed as Category 1 material.
- Product must have originated from Category 1 approved third country premises.
- Product must be labelled in accordance for Category 1 material.
- Product must be transported to a Category 1 registered/ approved premises within the UK.
- Product must ONLY be used as a Category 1 material.
- Product cannot be re-classified as Category 2 if the consignment fails a vet check.

Issues with the new model certificates
Model health certificate Chapter 8

- UK is aware that USDA plans to keep in both options of II.2.1 (b)(i) and (b)(ii) on the model certificate Chapter 8 in the case of meat from slaughtered animals as below.

- II.2.1. have been
  - ~~(2)*either* [(a) obtained from materials imported from third country, territory or part thereof:……(3) authorised to export fresh meat of the species to the EU;]~~
  -
  - (2)*and/or* [(b) obtained in the exporting country, territory or part thereof: ……(3) from animals
    - either
    - (i) That have remained in this territory or in a region eligible to export fresh meat of the species to the EU since birth or for at least the last three months before slaughter; and/or
    - (ii) Killed in the wild in this territory(4);]
  - ~~(2)*and/or* [(c) are derived from eggs, milk, rodents, lagomorphs, or aquatic animals or terrestrial or aquatic invertebrates;]~~

- USDA have been advised that if the 'killed in the wild of this territory' is not crossed out, we would expect the certifying veterinarian to keep the relevant statement in point II.2.2 (second (a) and (b)).
- Commission advice has been sought on this issue.

Wool grease and fatty substances derived thereform (including lanolin and lanolin alcohol)

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- Commission have confirmed that [at present] wool grease and products derived thereform (including lanolin etc) should come in under national rules.
- New IIN, CIN and OVS are available online.
- Commercial document will be required.
- Will not be required to come from premises on approved third country list.
- Must still come in via a BIP and undergo vet checks.
- Cannot be used for food, feed or organic fertilisers/ soil improvers.
- Only to be imported for UK use (importer should check if they wish to re-export)
- Commission is considering changes to the “Intermediate Products” definition under SANCO 7115/2012 to include manufacture of cosmetic products. If agreed any ABP (including lanolin etc) imported for the manufacture of cosmetic products will be classed as an intermediate product. Further guidance will be released if and when this comes into force.
- A General licence will be issued for theses products once the above changes to Regulation 142/2011 comes into force to confirm the requirements under National Rules.

Downgrading of Category 3 ABP material not for human consumption or human consumption products intended for human consumption when they have failed vet checks

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- Products intended for human consumption and Category 3 ABP material not for human consumption which fail inspection/controls at the Border Inspection Post of entry ***could*** be 'downgraded' to a Category 2 ABP material.
- Will be defined as Category 2 material referred to in Article 9(e) of Regulation (EC) No 1069/2009.
- Can only be used or disposed of in accordance with Article 13 of Regulation (EC) No 1069/2009.
- Must be considered by Imports Policy on a case by case basis. It cannot be used for regular imports of a particular commodity.
- Consideration has to be taken for products intended for human consumption as to the reason why the product imported is no longer fit for the purpose it was intended.
- There may be instances where the human consumption product will not be able to meet the requirements of ABP not for human consumption (i.e. milk/ apiculture products).
- An authorisation may need to be issued.

Imports of products which are imported using certification for human consumption but are actually ABP intended for non human consumption use and were never intended for human consumption

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- This is a different scenario to the previous example of downgrading a product intended for human consumption to Category 2 animal by-products due to vet check failure.
- These products should have complied with the requirements laid down in Regulations 1069/2009 and 142/2011 or National Rules and should have been imported under those requirements.
- Import Policy must consider requests on a case by case basis .
- We cannot guarantee that we will permit a consignment imported under these circumstances.
- There may be instances where human consumption certification will not be able to meet the requirements of ABP not for human consumption (i.e. milk/ apiculture products).
- Importers will be required to obtain additional certification under the ABP Regulations (where applicable) or produce additional documentation if the ABP is covered by National Rules.
- If a product cannot comply with our requirements the product will not be permitted entry.
- An authorisation will need to be issued.

HEALTH CERTIFICATE OR AUTHORISATION/ LICENCE?

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- Not all animal by-products are covered under Regulation (EC) No 1069/2009 or (EU) No 142/2011
- Some may require an authorisation or TAY licence issued by Policy/ AHVLA under National rules
- Check out the IINs for initial advice

http://www.defra.gov.uk/animal-trade/imports-non-eu/iins/animal-by-products/

- If in doubt contact AHVLA

TROUBLE WITH TRACES?

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- CN Code not available for the commodity?

- Not able to validate a document as the CN code is not linked?

- Having problems with regards TRACES system?

Contact the TRACES team via their public website

http://ec.europa.eu/food/animal/diseases/traces/contact_en.htm

USEFUL LINKS

Main Defra webpage for import and exports

http://www.defra.gov.uk/animal-trade/

IINS

http://www.defra.gov.uk/animal-trade/imports-non-eu/iins/animal-by-products/

Consolidated EU Documentation

http://eur-lex.europa.eu/en/consleg/latest/index.htm

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Thank you for listening

Any questions?