# Import Controls on Animal By-Products

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# LEGISLATIVE FRAMEWORK

| | |
|---|---|
| HOW | **HOW ARE IMPORT CONTROLS ORGANISED?**<br><br>**"Official Border Controls"**<br>**(previously known as "veterinary checks")** |
| WHAT | **WHAT ARE THE IMPORT CONDITIONS?**<br><br>      |

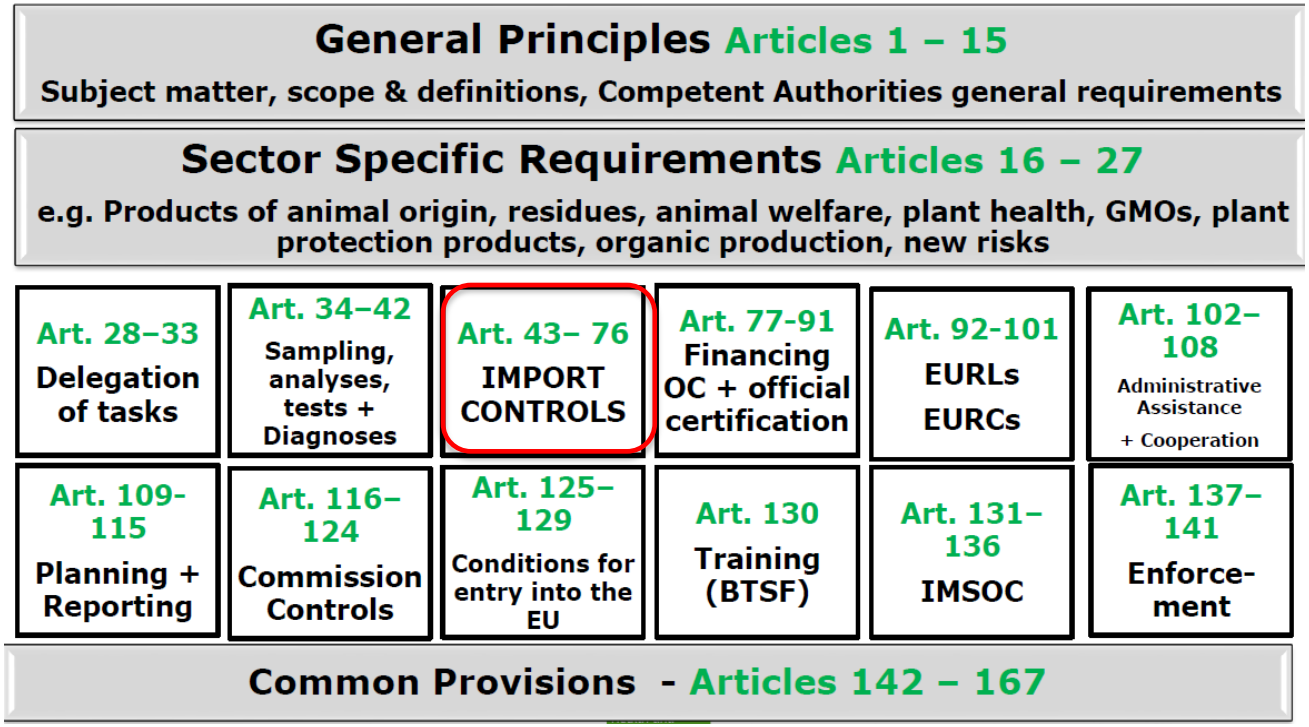
# LEGISLATIVE FRAMEWORK

## HOW ARE IMPORT CONTROLS ORGANISED?
## Offical Control Regulation (OCR) Reg.(EU) 2017/625

Much of the regulation is enabling – allows Commission to lay down detailed rules in implementing and delegated acts

HOW

### Structure of Regulation 2017/625 (OCR)



# Legislative Framework

## Reg.(EU) 2017/625

**Article 1 (2)** Covers official controls of:

- Food & food safety
- Feed and feed safety
- ABPs / DPs
- Animal health requirements
- Welfare
- Plant health
- Plant protection products
- GMOs
- Organic production
- Protected Geographical Indications & Protected Designations of Origin

H O W

# LEGISLATIVE FRAMEWORK

## Reg.(EU) 2017/625

**Some relevant points from OCR:**

- **Article 47:** States the animals and goods which must be subject to official controls at BCPs:

  Includes animals, POAOs, Germinal products, Hay & Straw, composite products, ABP/DPs, plants and plant products, high-risk FNAO

HOW

- **Article 48:** States the animals and goods which are exempt from official controls:

  Includes research & diagnostic samples, display items, food for crew & passengers on international vessels, personal imports in luggage or sent by post/courier, pet animals (some)

# LEGISLATIVE FRAMEWORK

## Reg.(EU) 2017/625

HOW

- **Article 49:** Documentary, Identity and Physical checks must be performed. Physical checks to be undertaken by OVs. May be assisted by specially-trained staff
- **Article 50:** Original health certificates to be submitted and retained at BCP (some exceptions). BCP to issue authenticated copies
- **Article 54:** 100% document checks. Ability for Commission to set reduced ID checks (currently still 100%) and reduced physical checks. Details of the criteria to be taken into account
- **Article 55:** Decision on consignments to be taken by an OV (derogation for fish for HC)

# LEGISLATIVE FRAMEWORK

## Reg.(EU) 2017/625

**Article 56:**

- Operator to submit a Common Health Entry Document (CHED) (prior notification)
- BCP to record outcome of the official controls on the CHED and complete IMSOC (TRACES NT)

**Article 57:**

HOW

- Completed CHED is required before goods are placed under a Customs procedure.
- Customs shall not allow a Customs procedure which is different to that stated on the CHED.
- Customs shall allow release for free circulation only if CHED confirms consignment meets import requirements
- If no CHED, Customs to take action and notify BCP

# LEGISLATIVE FRAMEWORK

## Reg.(EU) 2017/625

**Article 59:** Member States shall designate BCPs

- New BCPs: Commission to approve (or refuse) within 3 months or advise that approval is not required
- New BCPs cannot be designated until the Commission agree

H

**Article 60:** BCPs to be listed on internet by MS

O

- Contact details, opening hours, location, category approval

W

**Article 62:** If BCP non-compliant, MS shall withdraw its designation and remove it from the list.

- Whole or just part of BCP

**Article 63:** MS can suspend the BCP in whole or in part until defects rectified

# LEGISLATIVE FRAMEWORK

## Reg.(EU) 2017/625

**Article 64: Minimum requirements for BCPs**

HOW

- In vicinity of point of entry in place under Customs control
- Sufficient number of suitably-qualified staff
- Suitable premises for nature & volume of categories to be handled
- Suitable equipment.
- Contingency arrangements for unexpected events
- Technology and equipment including IMSOC access
- Access to official labs
- Appropriate arrangements for proper handling of different categories and to comply with biosecurity standards

# Legislative Framework

## Reg.(EU) 2017/625

**Article 65: Intensified Official Controls**

- Intensified official controls to be implemented where suspicion of non-compliance *('IOC' new term for 'REC' - re-enforced check)*

**HOW**

- To confirm or eliminate suspicion
- Consignments of animals and goods not declared by operators also to be subject to official controls where there is reason to believe that animals or goods subject to official controls may be present
- MS competent authority to notify Commission when they start intensified official controls

# Legislative Framework

## Reg.(EU) 2017/625

**Article 66. Non-compliant consignments**

- Destruction, re-dispatch, special treatment (detailed in article 71), other measure to ensure compliance or use for another purpose. To hear from operator first
- May exceptionally split consignment if this ensures compliance & there is no AH or PH risk & does not disrupt official control operations

**HOW**

- Must notify Commission, other MS, Customs, CA of third country, operator (via IMSOC)
- If consignment not presented for controls – detain / recall, then destroy / re-dispatch / special treatment at operators expense

**Article 67**: **Animals & goods presenting a risk** – detain, order destruction or special treatment

**Article 68: Rejection follow up** – cancel certificate, ensure cannot be reintroduced, disposed of without adverse effects on AH, PH, welfare, environment

# Legislative Framework

## Reg.(EU) 2017/625

HOW

**Article 69: Failure by operator to comply**

- Can order destruction or any other appropriate measure

**Article 71: Details of special treatment**

- Processing or treatment in any manner suitable for safe animal or human consumption or for other purposes.
- Ensuring no risk to AH, PH, welfare, environment
- Includes decontamination but excludes dilution

**Article 72: Re-dispatch**.

- Destination to be agreed.
- If return to origin, competent authority in 3rd country to be advised by operator and confirm to BCP this has been done.
- If a different 3rd country they have to agree to accept

# Legislative Framework

## Reg.(EU) 2017/625

### List of Delegated and Implementing Regulations:

HOW

- **What is subject to checks**: Reg.(EU) 2021/632
- **Common Health Entry Document:** Reg.(EU) 2019/1715
- **Doc. ID, Physical checks detailed rules**: Reg.(EU) 2019/2130
- **Physical check frequencies:** Reg.(EU) 2019/2129
- **Requirements for CHED after release**: Reg.(EU) 2019/1602

# Legislative Framework

## Reg.(EU) 2017/625

### Delegated and Implementing Regs:

HOW

- **Channelled consignments**: Reg.(EU) 2019/1666
- **Intensified Official Controls – details**: Reg. (EU) 2019/1873
- **Re-imports:**
  - General rules: Reg.(EU) 2019/2074
  - Animal health rules: Reg.(EU) 2020/692 art. 180 - 182
  - Additional rules for ABPs: Reg.(EU) 2020/797
- **Transits. Transhipments** (3 days airport, 30/90days seaport) Reg.(EU) 2019/2124
- **Personal imports** (inc allowances): Reg. (EU) 2019/2122

# Legislative Framework

Which products should be subject to official border controls?

See **Reg.(EU) 2021/632 Annex**

| CN code | Description | Qualification and explanation |
|---|---|---|
| (1) | (2) | (3) |
| Ex23 09 | Preparations of a kind used in animal feeding | All, if containing animal products, except subheadings 2309 90 20 and 2309 90 91.<br><br>Covers, among other things, dog or cat food, put up for retail sale (subheading 2309 10), containing animal products and fish or marine mammal solubles (CN code 2309 90 10). Animal products for animal feeding purposes, including mixtures of meals (such as hoof and horn).<br><br>This heading covers liquid milk, colostrum and products containing milk products, colostrum, or carbohydrates, all not fit for human consumption but for animal feeding.<br><br>Covers pet food, dog chews and mixtures of meals, mixtures can include dead insects.<br><br>Specific requirements for pet food including dog chews are set out in Row 12 of Table 2 in Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011.<br><br>Covers egg products not for human consumption and other processed animal products not for human consumption.<br><br>Specific requirements for egg products are set out in Row 9 of Table 1 in Section 1 of Chapter I of Annex XIV to Regulation (EU) No 142/2011. |

# Legislative Framework

| | |
|---|---|
| HOW | **How are import controls organised?**<br><br>**Official Border Controls**<br>(previously "veterinary checks") |
| WHAT | **What are the import conditions?**<br>• ABP-regulations (EC) 1069/2009 & (EU) 142/2011<br>• TSE regulation (EC) 999/2001<br>      |

# Import Conditions

## Reg. (EC)1069/2009

### Article 41

- Gives **legal basis** for import conditions in Reg. (EU) 142/2011
- Cat 3: if no harmonised requirements adopted, national requirements apply

## Reg. (EU)142/2011

**Article 25** details:

- Import **prohibitions**: unprocessed manure, untreated feathers, beeswax in honeycomb
- Possibility to import **wool, hair, fur** without any animal health conditions
- **Import conditions** are in **annex XIV**

# Import Conditions

## Regulation (EU)142/2011: Annex XIV

Import conditions for most common ABP/DP imports/transits are presented in a uniformly-structured lay-out in two chapters:

- **Chapter I:** Category 3 material and derived products for **use in the feed chain**, other than for petfood or feed to fur animals
- **Chapter II:** Animal by-products and derived products for **use outside the feed chain for farmed animals**

# Import Conditions

## Regulation (EU)142/2011, Annex XIV

**Note in particular:**

- Where import conditions for feed-grade Cat. 3 commodities are fixed in Chapter I (feed), *and*
- No conditions are laid down for these commodities in Chapter II (Technical use), *then*
- The Chapter 1 feed requirements apply to the same products even though they are intended only for technical use

# Import Conditions

## Regulation (EU)142/2011, Annex XIV

**General requirement** in section 1 of chapter I & II:

- Consignments must **come from an establishment or plant** which is **registered or approved** by the competent authority of the third country, as applicable, and which is on the **list of establishments** and plants referred to in Article 30.
- Links to 3rd country and EU lists can be found at: https://ec.europa.eu/food/food/biological-safety/food-hygiene/non-eu-countries-authorised-establishments_en
- Determine correct section based on health certificates linked to each section in TRACES technical specifications https://ec.europa.eu/food/system/files_en?file=2016-10/fs-animal-products-app-est-technical_spec_04032012_en.pdf

# Import Conditions

## Regulation (EU)142/2011, Annex XIV

Tables 1 & 2 detail **specific conditions** that apply:

Product | Raw Material | Specific conditions | Third Countries | Certificate

| No | Product | Raw materials (reference to provisions of Regulation (EC) No 1069/2009) | Import and transit conditions | Third countries' lists | Certificates/model documents |
|---|---|---|---|---|---|
| 3 | Rendered fats and fish oil | (a) In the case of rendered fats excluding fish oil: Category 3 materials referred to in Article 10(a), (b), (d), (e), (f), (g), (h), (i), (j) and (k).<br>(b) In the case of fish oil: Category 3 materials referred to in Article 10(e), (f), (i) and (j). | (a) The rendered fat and the fish oil must have been produced in accordance with Section 3 of Chapter II of Annex X; and<br>(b) The rendered fat shall comply with the additional requirements set out in Section 3 of this Chapter. | (a) In the case of rendered fats excluding fish oil:<br>Third countries listed in Part 1 of Annex II to Regulation (EU) No 206/2010.<br>(b) In the case of fish oil:<br>Third countries listed in Annex II to Decision 2006/766/EC. | (a) In the case of rendered fats excluding fish oil:<br>Annex XV, Chapter 10 (A).<br>(b) In the case of fish oil:<br>Annex XV, Chapter 9. |

# Import Conditions

## Regulation (EU)142/2011, Annex XIV

Tables 1 & 2 detail **specific conditions** that apply:

Product | Raw Material | Specific conditions | Third Countries | Certificate

| No | Product | Raw materials (reference to provisions of Regulation (EC) No 1069/2009) | Import and transit conditions | Third countries' lists | Certificates/model documents |
|---|---|---|---|---|---|
| 19 |  | Category 1 materials referred to in Article 8(b) and Category 3 materials referred to in Article 10. | The imported photogelatine shall comply with the requirements set out in Section 11. | Photogelatine may only be imported from establishments of origin in the United States and in Japan that are authorised in accordance with Section 11. | Annex XV, Chapter 19. |
| 20 | Horns and horn products, excluding horn meal, and hooves and hoof products, excluding hoof meal, for the production of organic fertilisers or soil improvers | Category 3 materials referred to in Article 10(a), (b), (h) and (n). | The products shall comply with the requirements set out in Section 12. | Any third country. | Annex XV, Chapter 18. |

# Import Conditions

## Regulation (EU)142/2011, Annex XIV

*Section 12*

**Imports of horns and horn products, excluding horn meal, and hooves and hoof products, excluding hoof meal, intended for the production of organic fertilisers or soil improvers**

Horns and horn products, excluding horn meal, and hooves and hoof products, excluding hoof meal, intended for the production of organic fertilizers or soil improvers, may be imported, provided that:

1. they have been produced in accordance with Chapter XII of Annex XIII; and

2. they are conveyed following the veterinary checks provided for in Directive 97/78/EC, and in accordance with the conditions laid down in Article 8(4) of that Directive, directly to an approved or registered establishment or plant.

# Import Conditions

## Regulation (EU) 142/2011, Annex XIV

Table 1 & 2 detail **third countries**:

Product | Raw Material | Specific conditions | Third Countries | Certificate

| No | Product | Raw materials (reference to provisions of Regulation (EC) No 1069/2009) | Import and transit conditions | Third countries' lists | Certificates/model documents |
|---|---|---|---|---|---|
| 3 | Rendered fats and fish oil | (a) In the case of rendered fats excluding fish oil: Category 3 materials referred to in Article 10(a), (b), (d), (e), (f), (g), (h), (i), (j) and (k).<br>(b) In the case of fish oil: Category 3 materials referred to in Article 10(e), (f), (i) and | (a) The rendered fat and the fish oil must have been produced in accordance with Section 3 of Chapter II of Annex X; and<br>(b) The rendered fat shall comply with the additional requirements set out in Section 3 of this Chapter | (a) In the case of rendered fats excluding fish oil:<br>Third countries listed in Part 1 of Annex II to Regulation (EU) No 206/2010.<br>(b) In the case of fish oil: | (a) In the case of rendered fats excluding fish oil:<br>Annex XV, Chapter 10 (A).<br>(b) In the case of fish oil:<br>Annex XV, Chapter 9. |

Any third country listed in legislation shown (Reg.(EU) 605/2010 now replaced by Reg.(EU) 2021/404 Annex XIII)

# Import Conditions

## Regulation (EU) 142/2011, Annex XIV

Table 1 & 2 detail **third countries**:

Product | Raw Material | Specific conditions | Third Countries | Certificate

| No | Product | Raw materials (reference to provisions of Regulation (EC) No 1069/2009) | Import and transit conditions | Third countries' lists | Certificates/model documents |
|---|---|---|---|---|---|
| 15 | Animal by-products for use as raw petfood | Category 3 materials referred to in A[illegible] a[illegible] | The products shall comply with the [illegible] 8. | Third countries listed in Part 1 of Annex II to Regulation (EU) No 206/2010 or in Annex I to Regulation (EC) No 798/2008, from which Member States authorise imports of fresh meat from the same species and where only bone in meat is authorised.<br><br>In the case of fish materials, third countries listed in Annex II to Decision 2006/766/EC. | Annex XV, Chapter 3(D). |

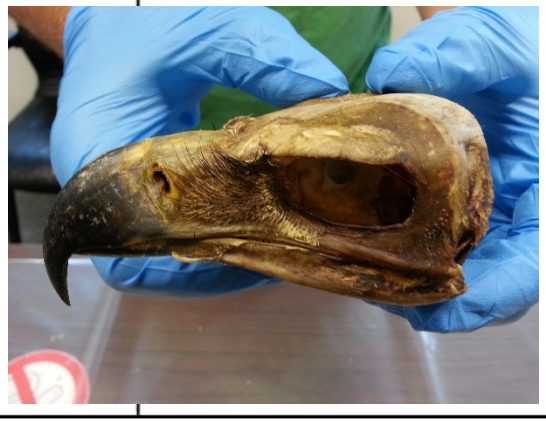
third country listed + import fresh meat of the species authorised (see Reg.(EU) 2021/404 Annex XIII)

# Import Conditions

## Regulation (EU)142/2011, Annex XIV

third country listed + import fresh poultrymeat authorised / including restrictions for fresh meat of ungulates (now in Reg.(EU) 2021/404 Annex XIV and XIII)

| | | | Third Countries | Certificate |
|---|---|---|---|---|
| 6 | Game prepa anima | reparations nts set out | (a) In the case of game trophies and other preparations referred to in Section 5, point 2:<br>Any third country.<br>(b) In the case of game trophies and other preparations referred to in Section 5, point 3:<br>(i) Game trophies from birds:<br>Third countries listed in Part 1 of Annex I to Regulation (EC) No 798/2008, from which the Member States authorise imports of fresh poultrymeat, and the following countries:<br>(GL) Greenland<br>(TN) Tunisia.<br>(ii) Game trophies from ungulates:<br>Third countries listed in the appropriate columns for fresh meat of ungulates in Part 1 of Annex II to Regulation (EU) No 206/2010, including any restrictions laid down in the column for special remarks for fresh meat. | (a) In the case of game trophies referred to in Section 5, point 2:<br>Annex XV, Chapter 6(A).<br>(b) In the case of game trophies referred to in Section 5, point 3:<br>Annex XV, Chapter 6(B).<br>(c) In the case of game trophies referred to in Section 5, point 1:<br>No certificate is required. |



# Import Conditions

## TSE requirements – Reg.(EC) 999/2001

- **Specific health attestations** for certain ABP *(in Reg.(EC) 999/2001 annex IX, chapter D)* *are* **integrated in the health certificates** of **Annex XV** of Reg.(EU)142/2011
- **PAP & blood products of non-ruminants,** including compound feed containing those PAP / BPs, intended for feeding farmed animals is **permitted but only for feeding to non-ruminants**:
  - Requires analytical report for unauthorised constituents of animal origin and must be sampled and tested according to annex VI of *Reg. (EC)152/2009*
  - Report to be presented at documentary check on import *(annex IV, chapter III, section C)*
- Same applies to **milk replacers containing fish meal** *(annex IV, chapter IV, section E)*

# Import Conditions

## Labelling and Identification

*Regulation (EU)142/2011, Annex VIII chapter II:*

- Must be labelled with the **ABP category** and any **specific wording** required according to annex VIII, chapter II or in the health certificate
- **Colour coding** in case of **transport to another member state** when leaving BCP is not mandatory if the BCP of import and the destination are in the same MS

**Category 1** **Category 2** **Category 3**

# Import Conditions

## Other permitted products (Cat. 1):

*Reg.(EU)142/2011 article 26 and annex XIV, chapter IV, section 1:*

- Cat 1 imports not permitted in principle but some exceptions:
- **Category 1 hides & skins** (from animals subject to "illegal treatment"), **ruminant intestines, bones & bone products** may be authorised if:
  - ✓ Not from TSE-related animals
  - ✓ Not intended for feed, fertiliser or article 33-products
  - ✓ Labelled 'Prohibited in food, feed, fertilisers, cosmetics, medicinal products and medical devices'
  - ✓ Have a health certificate according to national legislation
  - ✓ Transported directly to approved/registered plant

# Import Conditions

## Other permitted products (Cat. 3):
## - aquatic animals, invertebrates, lagomorphs & rodents (cat 3)

*Regulation (EU)142/2011, annex XIV, chapter IV, section 2:*

- Competent authority may authorise import for purposes **other than feeding to farmed land animals** (except fur animals) of:
  - ✓ Aquatic animals
  - ✓ Aquatic & terrestrial invertebrates
  - ✓ Products generated by those animals
  - ✓ Category 3 material from Rodentia & Lagomorpha

  Health certificates are then according to national rules

# Import Conditions

## Intermediate products

**Definition** (*Regulation (EU)142/2011, annex I, point 35)*: derived product

(a) which is intended for **uses within the manufacturing of medicinal products, veterinary medicinal products, medical devices for medical and veterinary purposes, active implantable medical devices, *in vitro* diagnostic medical devices for medical and veterinary purposes, laboratory reagents or cosmetic products** as follows:

(i) as material in a manufacturing process or in the final production of a finished product;

(ii) in validation or verification during a manufacturing process; or

(iii) in quality control of a finished product;

(b) **whose design, transformation & manufacturing stages have been sufficiently completed in order to be regarded as a derived product** & to qualify the material directly or as a component of a product for the purposes referred to in (a);

(c) **which however requires some further manufacturing or transformation**, such as mixing, coating, assembling or packaging to make it suitable for placing on the market or putting into service, as applicable, a medicinal product, veterinary medicinal product, medical device for medical and veterinary purposes, active implantable medical device, *in vitro* diagnostic medical devices for medical and veterinary purposes, laboratory reagent or cosmetic products;

# Import Conditions

## Intermediate products *(continued)*

*Regulation (EU)142/2011, annex XII:*

- **Raw materials for intermediates**: most cat 3, certain cat 1 & 2 materials allowed;
- **3rd country-list:** OIE member countries
- **Registered/approved plant of origin** (listed in section VII)
- **Declaration by importer** *(annex XV, chapter 20)*
- **Official border controls at BCP**
- **Direct transport** to registered production plant or approved storage plant

# Import Conditions

## Samples

### Research & diagnostic samples

*Article 27 & Annex XIV, chapter III:*

### Trade samples

*Article 28 & Annex XIV, chapter III:*

### Display items

*Article 28 & Annex XIV, chapter III:*

# Import Conditions

## Research & diagnostic samples

*Article 27 & Annex XIV, chapter III:*

- ✓ Definition: annex I, point 38
- ✓ Authorised in advance by MS of destination
- ✓ No third countries list
- ✓ No establishments of origin list
- ✓ **No official controls at BCP**. (If going to another MS after import, present to BCP & notify MS of destination using Traces)
- ✓ Direct transport to authorised user
- ✓ Labelling requirements *(annex VIII, chapter II)*
- ✓ Commercial document *(annex VI),* or health certificate if required by MS of destination
- ✓ Disposal rules

# Import Conditions

## Trade samples

*Article 28 & Annex XIV, chapter III:*

- ✓ Definition: annex I, point 39
- ✓ Third country list
- ✓ No establishments of origin list
- ✓ Official controls at BCP
- ✓ Health certificate in annex XV, chapter 8
- ✓ Channelling to authorised destination
- ✓ Labelling *(annex VIII, chapter II)*
- ✓ Disposal, usage, packaging rules

# Import Conditions

## Display items

*Article 28 & Annex XIV, chapter III:*

- ✓ Definition: annex I, point 34
- ✓ Prior authorisation of MS of destination
- ✓ Third country list
- ✓ No establishments of origin list
- ✓ Official controls at BCP
- ✓ Commercial document
- ✓ Direct transport to authorised user
- ✓ Labelling according to annex VIII, chapter II
- ✓ Disposal rules

**Thank you for listening**

**Questions?**