

**CALL FOR EARLY COMMENTS ON A COMMISSION REPORT ON ANIMAL
BY-PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION**

Communication from the European Communities

The following communication, dated 2 August 2006, is being circulated at the request of the Delegation of the European Communities.

1. Article 35 of *Regulation (EC) No. 1774/20021 of the European Parliament and of the Council of 3 October 2001 laying down health rules concerning animal by-products (ABPs) not intended for human consumption*¹ (see background) requires the EC member States to inform the Commission of the measures taken to ensure compliance with the Regulation. All 25 member States have now submitted the required information, and the Commission, on the basis of the information received, is submitting a report to the European Parliament and the Council. The full text (in the official languages of the EU) can be downloaded from the internet address indicated below or be requested to the EC SPS Enquiry Point:

http://ec.europa.eu/food/food/biosafety/animalbyproducts/index_en.htm.

All EC trade partners are invited to submit comments to this report before 31 August 2006. Comments should preferably be sent to the following address:

"Comments to the Commission Report on Animal By-products"
European Commission
Health and Consumer Protection General Directorate
Rue Bélliard 232, Room 3/85
B-1049 Bruxelles
Belgique.

Comments may be also sent to the EC SPS Enquiry Point indicating clearly in the mail "Comments to the Commission Report on Animal By-products" with a clear identification of the institution and person sending the comments.

2. The European Commission will take into account all comments in presenting a draft "*Regulation of the European Parliament and of the Council amending the Regulation (EC) No. 1774/2002 laying down health rules concerning animal by-products not intended for human consumption*" that will be notified to the WTO Secretariat once a majority view is adopted in consultation with EC member States.

¹ Official Journal of the EC No. L273, 10 October 2002, pages 1-95.

Background

3. In document G/SPS/N/EEC/103 (24 November 2000) the European Communities notified a regulatory proposal that later became *Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption*. This Regulation established conditions to ensure that the products imported are of a hygiene standard equal, or equivalent to, the standards applied in the European Communities and to this end, it introduced a system of approval for the third countries and their establishments, an EC inspection (or audit) procedure, and model health certificates, which must accompany the imported products. It entered into force on 1 November 2002 and applied on 1 May 2003.

4. The Commission tries in all circumstances to comply with Article 5(6) of the SPS Agreement, i.e. *the measures should not be more trade-restrictive than required to achieve the appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility*. This can be verified in Table I (annexed) in which a comprehensive view of the modifications is presented. A consolidated text, with date of reference for the consolidation of 11 March 2005 is available at the following internet addresses:

English <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2002/R/02002R1774-20050315-en.pdf>

French <http://eur-lex.europa.eu/LexUriServ/site/fr/consleg/2002/R/02002R1774-20050315-fr.pdf>

Spanish <http://eur-lex.europa.eu/LexUriServ/site/es/consleg/2002/R/02002R1774-20050315-es.pdf>.

Aim of the notified proposal	Document	Notification
To comply with obligations of Article 7 of the WTO Agreement.	<i>COM(2000)574 final Proposal for a Regulation of the European Parliament and of the Council laying down the health rules concerning animal by-products not intended for human consumption (155 pages)</i>	G/SPS/N/EEC/103 (24 November 2000)
To extend the comment period.	-	G/SPS/N/EEC/103/Add.1 (7 February 2001)
To inform of the adoption of the final act.	<i>Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption, O. J. No. L273 of 10 October 2002, pages 1 to 95</i>	G/SPS/N/EEC/103/Add.2 (23 October 2002)
To set down a general "transitional period" for third countries lasting until 31 December 2003.	<i>Regulation (EC) No. 812/2003 of 12 May 2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the importation and transit of certain products from third countries (Official Journal L117, 13 May 2003, pages 19-21)</i>	G/SPS/N/EEC/103/Add.3 (28 May 2003)
To introduce technical amendments and update import rules, health certificates and list of third countries authorized to export, requirements for tricalcium phosphate and collagen, digest.	<i>Draft Commission regulation amending certain Annexes to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council, as regards the importation from third countries of animal by-products</i>	G/SPS/N/EEC/103/Add.4 (16 September 2003)
To facilitate trade of photographic gelatine.	<i>Draft Commission Decision on transitional sanitary and certification rules under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council, as regards import from certain third countries of photographic gelatine</i>	G/SPS/N/EEC/103/Add.5 (17 September 2003)
To introduce further transitional arrangement for Australia, Canada, China and USA.	<i>Draft proposal on transitional measures under 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</i>	G/SPS/N/EEC/103/Add.6 (11 November 2003)
To extend the period of validity of the transitional measures notified in Add.3.	<i>Draft Commission Regulation of extending the validity of Regulation (EC) No. 812/2003 on transitional measures under Regulation (EC) No. 1774/2002 as regards the importation and transit of certain products from third countries</i>	G/SPS/N/EEC/103/Add.7 (23 December 2003)

Aim of the notified proposal	Document	Notification
To implement risk analysis measures for safe treatment and disposal of animal by-products.	<i>Draft Commission Regulation implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats</i>	G/SPS/N/EEC/103/Add.8 (4 May 2004)
To implement risk analysis measures for animal by-products of fish origin.	<i>Draft Commission Regulation amending Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards processing of animal by-products of fish origin and commercial documents for the transportation of animal by-products</i>	G/SPS/N/EEC/103/Add.9 (4 May 2004)
To avoid disruption of trade, by extending the period of acceptance of imported animal by-products for technical purposes.	<i>Commission Regulation (EC) No. 878/2004 of 29 April 2004 laying down transitional measures in accordance with Regulation (EC) No. 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes</i> (OJ L162, 30 April 2004, pages 62-64)	G/SPS/N/EEC/103/Add.10 (18 June 2004)
To implement risk management measures following an analysis of the risk of jeopardizing the EC status of free from FMD by imports of milk for feeding animals.	<i>Draft amending Annexes VII, X and XI to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the requirements for the processing of milk and milk products defined as Category 3 animal by-products</i>	G/SPS/N/EEC/103/Add.11 (17 March 2006)
Extending comment period.	-	G/SPS/N/EEC/103/Add.12 (11 April 2006)
To introduce proportionate health requirements for intermediate products used in the medical devices and laboratory reagents industry.	<i>Draft Commission Regulation implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the importation and transit of certain intermediate products derived from Category 3 material intended for technical uses in medical devices and laboratory reagents and amending that Regulation</i>	G/SPS/N/EEC/103/Add.13 (13 April 2006)
To extend the scope of products concerned to permit the use of certain low risk material for the manufacture of technical products and for certain feeding purposes	<i>Draft Commission Regulation amending Regulation (EC) No. 878/2004 laying down transitional measures in accordance with Regulation (EC) No. 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purpose</i>	G/SPS/N/EEC/103/Add.14 (6 July 2006)

Aim of the notified proposal	Document	Notification
To amend the model health certificates, setting <u>less stringent conditions</u> and/or <u>widening the number of animal by-products</u> concerned.	<i>Draft Commission regulation amending Annexes I, II, VII, VIII, X and XI to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the placing on the market of certain animal by-products</i> (document SANCO/3890/2005 Rev.7)	G/SPS/N/EEC/103/Add.15 (6 July 2006)