

**CALL FOR COMMENTS ON A COMMISSION CONSULTATION ON THE REVIEW OF
REGULATION (EC) NO 1774/2002 LAYING DOWN HEALTH RULES CONCERNING
ANIMAL BY-PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION¹**

Communication from the European Communities

The following communication, received on 25 April 2007, is being circulated at the request of the Delegation of the European Communities.

1. In 2006, in document G/SPS/GEN/719 (8 August 2006) "Call for early comments on a Commission Report on animal by products not intended for human consumption", the European Communities called for comments on a report to the European Parliament and the Council. In supplement to the above, the Commission has considered the issue and is now launching an **online public consultation**, in the form of a questionnaire, in order to gather data concerning the potential impacts of the review of the animal by-products Regulation (see background).

2. The online consultation can be accessed via the internet address indicated below:

<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=animalbyproducts>

3. All EC trading partners are invited to comment online before 18 June 2007. Written comments may also be sent to the following address:

“Comments to the Commission consultation on the review of the Animal By-Products Regulation”
European Commission
Health and Consumer Protection Directorate-General
Rue Bélliard 232, Room 3/85
B-1049 Brussels

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

4. The European Commission will take into account all comments in finalizing an impact assessment report and 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 communicated to the WTO Secretariat in due course.

¹ Official Journal of the EC L 273, 10/10/2002, pages 1-95.

BACKGROUND

5. 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. To this end, it introduced a system for approval of 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 as of 1 May 2003.

6. 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 the annexed table 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 SPS Agreement	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)	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	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, Official Journal No L 273, 10.10.2002, pages 1-95	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	Commission 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 No 117, 13.05.2003, pages 19-21)	G/SPS/N/EEC/103/Add.3 (28 May 2003).
To introduce technical amendments and to update the import rules, the health certificates and the list of third countries authorized to export, and to update the requirements for tricalcium phosphate and collagen, digest	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	G/SPS/N/EEC/103/Add.4 (16 September 2003).
To facilitate trade of photographic gelatine	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	G/SPS/N/EEC/103/Add.5 17 September 2003
To introduce further transitional arrangements for Australia, Canada, China and the United States	Draft Commission Regulation on transitional measures pursuant to the 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	G/SPS/N/EEC/103/Add.6 11 November 2003

Aim of the notified proposal	Document	Notification
To extend the period of validity of the transitional measures notified in Add.3	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	G/SPS/N/EEC/103/Add.7 (23 December 2003)
To implement risk analysis measures for safe treatment and disposal of animal by-products	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	G/SPS/N/EEC/103/Add.8 (4 May 2004)
To implement risk analysis measures for animal by-products of fish origin	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	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	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 (Official Journal No L 162, 30.04.2004, 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	Draft Commission Regulation 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	G/SPS/N/EEC/103/Add.11 (17 March 2006)
Extending comment period	-	G/SPS/N/EEC/103/Add.12 (11 April 2006)

Aim of the notified proposal	Document	Notification
To introduce proportionate health requirements for intermediate products used in the medical devices and laboratory reagents industry	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.	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	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.	G/SPS/N/EEC/103/Add.14 (6 July 2006)
To amend the model health certificates, setting less stringent conditions and/or widening the number of animal by-products concerned	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.	G/SPS/N/EEC/103/Add.15 (6 July 2006)
To require that milk must be subjected to one of the specified treatments	Draft Commission Regulation 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.	G/SPS/N/EEC/103/Add.16 (29 November 2006)
To permit the use of certain low risk material for the manufacture of technical products and for certain feeding purposes	Commission Regulation (EC) No 1877/2006 of 18 December 2006 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 purposes.	G/SPS/N/EEC/103/Add.17 (3 January 2007)
To call for early comments on a Commission report on animal by-products not intended for human consumption	Commission report to the European Parliament and the Council (COM(2005)521 final) on animal by-products	G/SPS/GEN/719 (8 August 2006)