



# **Better Training for Safer Food** *Initiative*

## **Placing on the market, export and import**

**Neil Leach - Christophe Keppens – Cecil Alexander**

## Aims

- Complex set of controls on trade in ABPs/derived products in both ABP and TSE legislation
- This presentation focuses on those controls where TSE risk is a factor
- Starting point for controls is to restrict trade in category 1 material and Processed Animal Protein which may present biggest TSE risks



# Legal requirements for trade in ABPs-TSE focus

- Focus on TSE related trade controls set out in:
- Regulation 1069/2009 - articles 41-43, 48
- Regulation 142/2011- art 26-28, annex XIV
- Regulation 999/2001 – Art 7, annex IV, VIII, IX



European  
Commission

# ABP legislation – trade rules

BTSEF

# Import and transit under article 41, 42 of 1069/2009

- In principle all categories of ABP imported and transit EU under conditions equivalent to placing on market of ABPs of EU origin. However:
  - SRM imported only in accordance with 999/2001
  - Cat 1 and 2 only imported where implementing measures laid down in 142/2011
  - Imports from certain third countries only depending on their health status
- Reflects concern that import of higher risk material (principally TSE risks) can be traced and disposed of safely

# Export under article 43 of 1069/2009

- Category 1 and 2 materials can only be exported if implementing rules laid down (see later)
- SRM can only be exported in accordance with 999/2001 (see later)
- Reflects need to have certainty about final destination of such products and to ensure materials with TSE risk do not re-enter EU feed chain

# Controls on trade between MSs under Article 48 of 1069/2009

- Cat 1 and 2 and MBM/fat derived from cat 1 and 2 requires consent of MS of destination
- Importing MS can impose conditions e.g. pressure sterilisation
- MSs must notify dispatch/receipt using TRACES
- Must be transported direct to approved/registered plant of destination
- Again, potential increased TSE risks principally lie behind these controls (although arguably contrary to normal single market rules!)

# Implementing rules for imports - art 26, Annex XIV Ch IV 142/2011

- Authorises import of certain cat 1 including ruminant intestines, bone material comprising vertebral column/ skull, subject to:
  - must not come from TSE suspects
  - for certain technical uses only
  - labelled and sent direct to destination (rules set down in annex XIV ch IV section 1 )
  - national sanitary certification



# Implementing rules for imports - art 27,28, Annex IV Ch III of 142/2011

- Authorises import of:
- research and diagnostic samples
- trade samples
- display items
- Could include cat 1 and therefore present a TSE risk
- Slightly different rules apply for each according to risk.....

# Research and diagnostic samples

- Must be authorised in advance by MS of destination
- Sent directly from point of import to user
- Harmonised rules for disposal (if not kept or re-dispatched)
- Where enters EU in MS not MS of destination must go to BIP but no veterinary checks and BIP informs MS of destination via TRACES.
- User must keep register of consignments

# Trade samples

- Harmonised rules
- Do not have to be authorised in advance
- Approved third countries
- Must use health certificate (with TSE requirements).
- Subject to vet checks
- Channelled direct to destination under 97/78
- Disposal according to ABP rules if not re-dispatched or testing machinery
- Machinery must be dedicated or cleansed/disinfected



European  
Commission

## Display items (inc artistic activity)

- Harmonised
- Authorised in advance
- Commercial document
- Approved third country
- Vet checks
- Direct to user
- Leakproof packaging
- Proper disposal or redispach after exhibition





European  
Commission

# TSE legislation 999/2001

# BTSEF

# TSE regulation 999/2001: imports of ABPs

- Generally ABP regs controls import and address TSE risks
- TSE regs permit wide range of ABPs/derived products to be imported for various purposes (Annex IX Ch D)
- However must come from specified third countries and be accompanied by import health certificates with assurance that appropriate TSE requirements met . (see example next slide)
- Imports for research purposes out of scope of TSE regs
- SRM (when in scope) banned from import (Art 8)



European  
Commission

# Health certificate with BSE attestation

COUNTRY                      **Processed animal protein not intended for human consumption including mixtures and products other than petfood containing such protein**

II. Health information	II.a. Certificate reference No	II.b.
<p>II.6. <sup>(1)</sup>either [does not contain and is not derived from specified risk material or mechanically separated meat obtained from bones of bovine, ovine or caprine animals and, except for animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2) of Regulation (EC) No 999/2001 of the European Parliament and of the Council<sup>(6)</sup>, the animals from which this animal by-product or derived product is derived, have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration of central nervous tissue by means of an elongated rod- shaped instrument introduced into the cranial cavity.]</p> <p><sup>(2)</sup>or [does not contain and is not derived from bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2) of Regulation (EC) No 999/2001.]</p> <p>II.7. <sup>(1)</sup>either [does not contain milk or milk products of ovine or caprine animal origin.]</p> <p><sup>(2)</sup>or [contains milk or milk products of ovine or caprine animal origin which:</p> <p>(a) derive from ovine and caprine animals which have been kept continuously since birth in a country where the following conditions are fulfilled:</p> <ul style="list-style-type: none"> <li>(i) classical scrapie is compulsorily notifiable;</li> <li>(ii) an awareness, surveillance and monitoring system is in place;</li> <li>(iii) official restrictions apply to holdings of ovine or caprine animals in case of a suspicion of TSE or a confirmation of classical scrapie;</li> <li>(iv) ovine and caprine animals affected with classical scrapie are killed and completely destroyed;</li> <li>(v) the feeding to ovine and caprine animals of meat-and-bone meal or greaves of ruminant origin has been banned and effectively enforced in the whole country for a period at least seven years;</li> </ul> <p>(b) derive from holdings where no official restriction is imposed due to a suspicion of TSE;</p> <p>(c) derive from holdings where no case of classical scrapie has been diagnosed for the last seven years or, following the confirmation of a case of classical scrapie:</p> <p><sup>(1)</sup>either [all ovine and caprine animals on the holding have been killed and destroyed or slaughtered, except for breeding rams of the ARR/ARR genotype, breeding ewes carrying at least one ARR allele and no VRQ allele and other ovine animals carrying at least one ARR allele;]</p> <p><sup>(2)</sup>or [all animals in which classical scrapie was confirmed have been killed and destroyed, and the holding has been subjected for two years at least since the confirmation of the last classical scrapie case to intensified TSE monitoring, including testing with negative results for the presence of TSE in accordance with the laboratory methods set out in Annex X, Chapter C, point 3.2, of all of the following animals which are over the age of 18 months, except ovine animals of the ARR/ARR genotype:</p> <ul style="list-style-type: none"> <li>— animals which have been slaughtered for human consumption; and</li> <li>— animals which have died or been killed on the holding but which were not killed in the framework of a disease eradication</li> </ul>		

EN

11

EN

# BSE Country Classification

## *GBR Classification*

## *OIE Classification*

- **Negligible risk;**  
Some 3<sup>rd</sup> countries and 17 MS and will increase in numbers
- **Controlled risk**  
Remainder of MS
- **Undetermined risk**



# BSE Country Classification

*Negligible risk; no SRM list in 3<sup>rd</sup> countries*

- **Food**
- **Feed**
- **Category 3 ABP**

*Controlled risk; SRM List*

- **No import**

*Undetermined risk; SRM list*

- **No import**

*Bovine Intestines for casings*



## Clarification from the Commission

*Tissues, which in the EU are defined as SRM, are allowed to be imported into the EU from third countries with negligible BSE risk status.*

*In 2007, Annex V of the TSE Regulation was amended to be brought in line with OIE rules (in which, since 2005, the concept of SRM is applicable only to controlled and undetermined BSE risk countries)*

*A derogation was introduced for EU MS with negligible risk status only.*

*Commission Decision 2007/453 lists countries according to their BSE risk status, was amended in 2013 to reflect the fact that the USA had negligible risk status.*

*No legal basis to refuse imports into the Union of tissues comprised in the EU SRM list when they originate in the USA, since they are not legally defined as SRM in this case.*

# TSE regulation : import of live animals and germinal products

- Import rules generally covered by specific animal health legislation - additional TSE related requirements in 999/2001
- Live bovines require animal health certificate from third country attesting:
  - to its GBR status;
  - that it has cattle ID system to ensure traceability; and
  - animals were born after feed ban
- Live ovines/caprines and their semen/embryos must come from scrapie free flocks monitored by third country or resistant genotypes .
- Scrapie free MSs may ask for additional guarantees

# TSE regulation : export and I-C trade in live animals and germinal products

- Exports and I-C trade subject to same basic rules and require appropriate health certificate. NB third countries may impose additional conditions
- No specific TSE related rules for live bovines, semen/embryos except ban on TSE progeny and in UK not born before 1996!
- Live ovines/caprines and their semen/embryos must come from scrapie free flocks monitored by the CA or resistant genotypes .
- Scrapie free MSs may ask for additional guarantees for I-C trade

# TSE regulation 999/2001: exports of ABPs

- Scope of controls limited to where risks of ABPs/derived products being used as feed or fertiliser (Art 1)
- Much more active control regime covering exports of PAP - supports feed ban rules on feeding protein to ruminants and restrictions on non ruminants. (art 7 and annex IV)
- Concern is that PAP may enter the feed chain in third countries with risk of re-import into the EU
- Therefore strict controls on what can be exported and where
- Note : Annex VIII covers placing on market and exports of live animals, germinal products and products of animal origin

# TSE regulation 999/2001: exports – ruminant PAP

- Exports of ruminant PAP and products containing it banned (Annex IV Ch V section E)
- Exception for petfood where fully processed (inc canned) and labelled
- Have been some issues where PAP is described as petfood to get round ban. Addressed by amendments to ABP regs to exclude material which maybe in a form where could be fed to farmed animals or used as OFSI

# TSE regulation 999/2001: exports – non-ruminant PAP

- Exports of non-ruminant PAP permitted if destined for uses permitted under TSE reg
- But must have written agreement with importing country re: use (see next slide)
- No such restrictions for
  - (a) fishmeal and compound feed containing fishmeal;
  - (b) compound feed intended for aquaculture animals;
  - (c) petfood.

# TSE regulation 999/2001: exports – written agreements

- To ensure non-ruminant PAP exports are not misused reg requires written agreements between CA of exporting MS (or Commission) and CA of importing third country
- Importing third country must undertake to only use PAP for purposes permitted under the TSE reg and not re-export it the EU. Agreements must be presented to SCoFCAH
- MS experience is that it is difficult to reach agreements on this basis and limited number only agreed e.g Vietnam, Israel, South Africa and Thailand
- Can system be improved?



# TSE regulation 999/2001: exports – Possible solutions

- Third countries unwilling to sign up to EU restrictions and could be difficult to enforce anyway
- Draft regulation modifying RE 999/2001: bilateral agreement for non-ruminant replaced by:
  - Non-ruminant PAP and compound feed containing allowed if from establishments approved under 999/2001.
  - No requirements for compound OF/SI containing non-ruminant PAP



European  
Commission

**Any questions?**

**B T S F**



**JVL**  
CONSULTING



*JVL Consulting s.a.  
Rue Matagne 15  
B-5020 Vedrin  
Belgium*

Website: <http://btsf.euroconsultants.be/>

## **Better Training for Safer Food BTSF**

*European Commission  
Consumers, Health and Food Executive Agency  
DRB A3/042  
L-2920 Luxembourg*