

COMMISSION REGULATION (EC) No 93/2005**of 19 January 2005****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****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) Annex V, Chapter III of Regulation (EC) No 1774/2002 sets out the processing methods for animal by-products. For animal by-products of fish origin processing method 6 is provided for in that Chapter but the processing parameters are not specified.
- (2) The Scientific Steering Committee has issued a number of opinions addressing the safety of animal by-products including fish. According to those opinions the risk of transmissible spongiform encephalopathies (TSEs) arising from animal by-products of fish origin is negligible.
- (3) The Scientific Committee on Animal Health and Animal Welfare adopted a report on the use of fish by-products in aquaculture at its meeting of 26 February 2003.
- (4) It is appropriate to lay down the requirements for the processing of animal by-products of fish origin in line with those opinions and reports.
- (5) It is appropriate to lay down different processing methods for materials likely to contain high or low numbers of pathogens, excluding bacterial spores.
- (6) Annex II, Chapter III of Regulation (EC) No 1774/2002 provides for a commercial document to accompany animal by-products and processed products during transportation. It is appropriate to lay down a model for that commercial document.
- (7) Regulation (EC) No 1774/2002 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes V and II to Regulation (EC) No 1774/2002 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 January 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 668/2004 (OJ L 112, 19.4.2004, p. 1).

ANNEX

Annexes V and II to Regulation (EC) No 1774/2002 are amended as follows:

(1) In Annex V, Chapter III, Method 6 is replaced by the following:

Method 6

(For Category 3 animal by-products of fish origin only)

R e d u c t i o n

1. The animal by-products must be reduced to at least:
 - (a) 50 mm in case of heat treatment in accordance with paragraph 2(a); or
 - (b) 30 mm in case of heat treatment in accordance with paragraph 2(b).

They must then be mixed with formic acid to reduce and maintain the pH to 4,0 or lower. The mixture must be stored for at least 24 hours pending further treatment.

T i m e a n d t e m p e r a t u r e

2. Following reduction, the mixture must be heated to:
 - (a) a core temperature of at least 90 °C for at least 60 minutes; or
 - (b) a core temperature of at least 70 °C for at least 60 minutes.

When using a continuous flow system, the progression of the product through the heat converter must be controlled by means of mechanical commands limiting its displacement in such a way that at the end of the heat treatment operation the product has undergone a cycle which is sufficient in both time and temperature.

(2) In Annex II, the following Chapter is added as Chapter X:

CHAPTER X

Commercial document

1. The following commercial document shall accompany animal by-products and processed products during transportation. However, Member States may decide to use a different commercial document for animal by-products and processed products transported within the same Member State.
2. Where more than one transporter is involved, each transporter shall fill in a declaration as referred to in point 7 of the commercial document, which shall be part of the document.

MODEL COMMERCIAL DOCUMENT FOR THE TRANSPORTATION WITHIN THE EUROPEAN COMMUNITY OF ANIMAL BY-PRODUCTS AND PROCESSED PRODUCTS*Notes:*

- (a) Commercial documents shall be produced, according to the layout of the model appearing in this Annex. It shall contain, in the numbered order that appears in the model, the attestations that are required for the transportation of animal by-products and processed products derived therefrom.
- (b) It shall be drawn up in one of the official languages of the EU Member State of origin or the EU Member State of destination, as appropriate. However, it may also be drawn up in other EU languages, if accompanied by an official translation or if previously agreed by the competent authority of the Member State of destination.
- (c) The commercial document must be produced at least in triplicate (one original and two copies). The original must accompany the consignment to its final destination. The receiver must retain it. The producer must retain one of the copies and the carrier the other.
- (d) The original of each commercial document shall consist of a single page, both sides, or, where more text is required it shall be in such a form that all pages needed are part of an integrated whole and indivisible.
- (e) If, for reasons of identification of the items of the consignment, additional pages are attached to the document, these pages shall also be considered as forming part of the original of the document by the application of the signature of the responsible person, in each of the pages.
- (f) When the document, including additional pages referred to in (e), comprises more than one page, each page shall be numbered — (*page number*) of (*total number of pages*) — at the bottom and shall bear the code number of the document that has been designated by the responsible person at the top.
- (g) The original of the document must be completed and signed by the responsible person. In doing so, the responsible person shall ensure that the principles of documentation as laid down in Annex II, Chapter III of Regulation (EC) No 1774/2002 are followed. The commercial document must specify:
 - the date on which the material was taken from the premises,
 - the description of the material, including the identification of the material, the animal species for Category 3 material and processed products derived therefrom destined for use as feed material and, if applicable, the ear-tag number,
 - the quantity of the material,
 - the place of origin of the material,
 - the name and the address of the carrier,
 - the name and the address of the receiver and, if applicable, its approval number, and
 - if appropriate, the approval number of the plant of origin, and the nature and the methods of the treatment.
- (h) The colour of the signature of the responsible person shall be different to that of the printing.
- (i) The commercial document must be kept for a period of at least two years for presentation to the competent authority to verify the records referred to in Article 9 of Regulation (EC) No 1774/2002.

COMMERCIAL DOCUMENT

For the transportation within the European Community of animal by-products and processed products not intended for human consumption in accordance with Regulation (EC) No 1774/2002⁽¹⁾

Note for the transporters: This document must accompany the consignment⁽²⁾ from the place of loading for dispatch until it reaches the point of destination.

<p>1. Consignor (sender's name and address in full and, if appropriate, approval number of the plant of origin of the material)</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>Document reference number ⁽³⁾</p> <p>Total number of pages of this document:</p> <p>Date (on which the material was taken from the premises):</p> <p>.....</p> <p>.....</p>
<p>2. Consignee (receiver's name and address in full and, if appropriate, approval number of the plant of destination of the material)</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>3. Place of loading for dispatch (address in full if different from point 1 and if appropriate approval number of the plant of origin of the material)</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>4. Carrier, means of transport, quantity and identification of consignment</p> <p>4.1. Carrier (name and address in full):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>4.2. Lorry, rail-wagon, ship or aircraft⁽⁴⁾</p> <p>4.3. Registration number(s), ship name or flight number:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>4.4. Number of seal (if applicable):</p> <p>.....</p> <p>.....</p>	<p>4.5. Nature of packaging</p> <p>.....</p> <p>4.6. Number of packages per Category of animal by-products:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>4.7. Quantity⁽⁵⁾:</p> <p>4.8. Container number if applicable</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>4.9. Lot/batch production reference number:</p> <p>.....</p> <p>.....</p>
<p>5. Description of the animal by-products and processed products derived therefrom</p> <p>5.1. (a) Animal by-products (unprocessed) of Category⁽⁶⁾:</p> <p>(b) Processed products of Category⁽⁶⁾:</p> <p>(c) Animal species for Category 3 material and processed products derived therefrom destined for use as feed material</p> <p>(d) If applicable, the ear-tag number:</p> <p>5.2. In the case of Category 3 materials and processed products derived therefrom destined for use as feed:</p> <p>(a) In the case of animal by-products for use as raw petfood, describe the nature of the animal by-products⁽⁷⁾:</p> <p>.....</p> <p>(b) If appropriate, describe the nature and the methods of the treatment</p> <p>5.3. In the case of Category 2 or 3 materials and processed products derived therefrom destined for use under the derogation in Article 23, describe the nature of the animal by-products⁽⁶⁾</p> <p>5.4. Marker(s) used (if applicable):</p> <p>.....</p> <p>.....</p> <p>.....</p>	

6. Declaration by the consignor

I, the undersigned, declare that:

6.1. A label attached to the container/carton/other packaging material carries the following indication (4):

(a) the Category of the animal by-products (6):

(b) in the case of processed products, the Category of animal by-products from which the processed products were derived (6):

(c) (i) in the case of Category 3 material, the words 'not for human consumption';

(ii) in the case of Category 2 material, other than manure and digestive tract content and processed products derived therefrom, the words 'not for animal consumption';

(iii) in the case of Category 2 material intended for feeding of animals referred to in point (c) of Article 23(2) under the conditions provided for in that Article of Regulation (EC) No 1774/2002, the words 'for feeding to...' completed with the name of the specific species of those animal(s) for the feeding of which the material is intended;

(iv) in the case of manure and digestive tract content, the word 'manure'; or

(v) in the case of Category 1 material and processed products derived therefrom, the words 'for disposal only'

6.2. In the case where the packaging is done by the consignor the animal by-products and/or processed products are: either(4) [in sealed new packaging;]

or(4) [transported in bulk in covered leak-proof containers or vehicles or other means of transport that were thoroughly cleaned and disinfected before use]

6.3. The animal by-products and/or processed products were stored properly prior to loading and dispatch

6.4. All precautions have been taken to avoid contamination of the animal by-products or processed products with pathogenic agents and cross-contamination between various Categories

Signature

Done at on (place) (date)

..... (signature of the responsible person/consignor)(6)

..... (name, in capital letters)

7. Declaration by the transporter

I, the undersigned, declare that:

7.1. In the case where the packaging is done by the transporter, the animal by-products and/or processed products are:

either⁽⁴⁾ [in sealed new packaging;]

or⁽⁴⁾ [transported in bulk in covered leak-proof containers or vehicles or other means of transport that were thoroughly cleaned and disinfected before and after transportation of the given consignment]

7.2. All precautions have been taken:

- to avoid contamination of the animal by-products or processed products with pathogenic agents and cross-contamination between various Categories during transportation, and
- to ensure transportation under appropriate temperature to avoid risk to animal or public health

Signature

Done at on

(place) *(date)*

.....

(signature of the responsible person/transporter) ⁽⁸⁾

.....

(name, in capital letters)

Notes:

- (1) OJ L 273, 10.10.2002, p. 1.
- (2) 'Consignment' means 'a quantity of products of the same type, which may contain different Categories of animal by-products, coming from the same consignor and covered by the same commercial document conveyed by the same means of transport to the same recipient'.
- (3) Reference number issued by the responsible person for purpose of traceability.
- (4) Delete as appropriate.
- (5) Where the consignment is made of more than one Category, please indicate the quantity and if applicable the number of containers per Category of materials.
- (6) Describe the type of animal by-products and/or processed products (e.g. rendered fats, processed animal protein, etc) and enter 1, 2 or 3 to indicate whether they are Categories 1, 2 and/or 3 materials.
- (7) In the case of animal by-products for use in raw petfood or in feed for farmed fur animals please specify whether the animal by-products derive from:
- Article 6(1)(a): i.e. parts of slaughtered animals, which were fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons, or
- Article 6(1)(b): i.e. parts of slaughtered animals, which are rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that are fit for human consumption in accordance with Community legislation.
- (8) The signature must be in a different colour to that of the printing.'