Questions asked by the delegates – Food of animal origin and composite products

Question 1

I have a question regarding Transits

- In the case of Internal transits – does the consignment need to be sealed during transport? Is this part of the customs supervision?

ANSWER: According to Regulation (EU) 2019/2124, article. 37(1), no checks at the exit point are required but the consignment must be transported under custom supervision. Sealing is part of the custom supervision process.

Question 2

We have a question for the teachers;

1. When we (as entry BCP) authorize consignments to US military bases, we do not keep the official certificate because of Regulation 2019/2124 article 35 (3b), please also see screenshot below. Could you agree with this way of working?

> 3. The competent authorities responsible for controls at the NATO or US military base at the place of destination shall confirm to the competent authorities of the border control post of introduction into the Union or of the warehouse, within a period of 15 days from the date on which transit was authorised at the border control post of introduction into the Union or at the warehouse, the arrival and compliance of the consignment with this Regulation, either by:
>
> (a) entering the relevant information in the IMSOC; or
>
> (b) countersigning the official certificate issued in accordance with the model set out in the Annex to Implementing Regulation (EU) 2019/2128 and returning to the competent authorities of the warehouse the original certificate or transmitting a copy thereof.

Thank you for your answers!

ANSWER: Assuming we are referring to third country consignments destined to military bases where an accompanying certificate signed for transit purposes is required (e.g. meat), such original certificate should be kept by the entry BCP. Then, movement from the entry BCP to the military base is covered by a CHED. When the consignment is exiting from a warehouse and destined to a military base, such movement is covered instead by the model of Regulation (EU) 2019/2128 as required by Regulation (EU) 2019/2124, art.29(c). Then, arrival and compliance of the consignment should be done in accordance with rules of art. 35(3).

Question 3

Good afternoon,

After the BTSF I have noticed that there is one thing that I don't have clear at all. It's about a consigment that proceed from a 3 country, but it had to be unloaded in another 3 country because of a problem with the cooling system. After that procedure, the consigment is intended to enter into the UE, with the corresponding explanation of the competent authority of the third country. In this case, is this a justified reason to reject the entrance into the UE?

Thank you very much,

ANSWER: This is a scenario where a decision should be done on a case by case basis, risk assessment included. However, if the third country authority –where transfer of POA is done- provides full warranties (cargo is not damaged and transfer was done hygienically), consignment might be accepted provided that official controls at the BCP are satisfactory.

Question 4

2. Warehousing procedures: regarding the overview slide 15 – it is stated that only a CHED is needed for a consignment that goes from the entry BCP to a US military base in the EU. The consignment does not need to be accompanied by a health certificate (Regulation 2019/2124 article 35)? The article says CHED or certificate, I think right now we receive both from the operator. Also, in the same slide is stated that only a CHED is needed for consignment from entry BCP to an approved warehouse, however if I read for example in Regulation 2019/2124 article 26 (3), during an official control we have to check if CHED and certificate are present in the warehouse?

Article 26

Official controls in warehouses

1. The competent authorities shall perform regular official controls in approved warehouses to verify the compliance with the requirements for approval laid down in Article 23.

2. The competent authorities responsible for official controls in approved warehouses shall verify the effectiveness of the systems in place to ensure the traceability of consignments, including by comparing the quantities of goods entering and leaving warehouses.

3. The competent authorities shall verify that consignments moved to or stored in warehouses are accompanied by the relevant CHED and authenticated paper or electronic copy of the official certificate as referred to in Article 50(2) of Regulation (EU) 2017/625.

Article 35

Transit of goods to NATO or US military base located in the Union territory

1. Products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products destined for a NATO or US military base located in the Union territory, shall be presented by the operator responsible for the consignment for official controls at the NATO or US military base indicated in the CHED or in the accompanying official certificate in accordance with the model set out in Annex to Implementing Regulation (EU) 2019/2128.

ANSWER:
You are totally right. We always need that a certificate issued by the competent authority of the third country sending the products to the EU (or certificate of origin) accompanies the consignment when it arrives to the BCP and we have to check that an authenticated copy of that certificate is present in the warehouse when we carry out an official control there.

Sorry if I was not able to explain it clear enough, but in slide 15 are only shown the documents we have to issue. In any case, during the documentary control we have to check that a certificate issued by the competent authority of the third country (according to the model established by the applicable legislation) is accompanying the consignment. The original of that certificate is kept at the entry BCP and an authenticated copy of that certificate has to accompany the consignment with the CHED (as stated in slide 17 and in the second slide with the “key issues”).

BTSF The original certificate accompanying the consignment is kept at the entry BCP after the controls.

An authenticated copy must accompany the consignments while moved or stored in warehouses.

- Consignments of non-conforming products must be always accompanied by the relevant documents:
  - ✓ CHED / certificate Regulation (EU) 2019/2128
  - ✓ Authenticated copy of the certificate of origin.
- The original certificate of origin is kept at the entry BCP.

Question 5

I have a question regarding a possible composite product.

We have a fish product which goes through an extrusion process (using a high pressure compaction) and then is coated with a mix of Plant origin and milk. Then it is flash fried and frozen.

As extrusion is a process described in 853, I am to think that this would be considered a composite? However I know the fish is raw.

Thank you for clarifying regarding the extrusion process.

ANSWER:
Need clarifications regarding extrusion process

Question 6

I have another question regarding personal luggage.

We are having a lot of trailers at the moment which are coming from an EU Country, passing through England and then arriving in Belfast to go down Dublin. Therefore a sort of transit. It is quicker to take 2 ferries and cross GB than taking a direct ferry from France to Ireland. I believe this practice has been going on for years and never picked up as it was all within Europe.
These have not been pre-notified. During surveillance checks, we found quite a lot of boxes numbered with individual name and phone number some had an address. When we opened those, we found a lot of mix products going from fresh meat, cheese, homemade jars of picked veg and sauces. A lot of liqueurs/alcohol in reused plastic bottles, fresh vegetables etc….
We were advised that a travel company organises these type of transport like a Parcelforce/UPS type of company and the people come to a carpark in Dublin to pick up their parcels. These are for personal consumption.
My question is would this fall under personal import Regs?

ANSWER: I'm not sure if the goods should be considered UE goods through the Landbridge process, as I have no experience on this special procedure. It think it depends if the vehicles contain only Union goods or if there is a consolidation with other goods in the UK.

If they are considered Union Goods, I would say they are not be considered as import.

If they are not considered as Union Goods, provided that these consignments are intended for personal use and not to be placed on the market, I would say the rules of personal imports applies. In that case according to personal import regulation, meat and cheese would not be authorized.

Questions asked by the delegates – Animal by-products

Question 1

¿Is there Comunitary regulations concerning the ban of Animal By Products fertilizers exportations from EU countries to third countries? ¿Of some specific Category?

ANSWER + ANSWER DURING THE SESSION:

Sorry for not answering your question during the session this morning, but indeed it deviated a bit from the import topic discussed during the training.

There is indeed some legislation related to export of ABP or specifically ABP and fertilizers, also in relation to specific categories of ABP:

- First, a general principle: article 43 of Regulation 1069/2009 limits the export of ABP for biogas or composting plants to OECD member countries and furthermore it prohibits export of cat 1 and cat 2 material, unless there are explicit rules for their export in an implementing regulation. Category 3-material can be exported if it complies with EU-legislation (extrapolation of art 12 of Reg 178/2002, the general food law, to cat 3 ABP).
- Such export rules for cat 1 and cat 2 can be found in
    - Article 26 of Regulation 142/2011, which prohibits the export for the mentioned cat 1 materials in art 26 intended for the application to land from which farmed animals are fed (= specific fertiliser destination);
    - Annex XIV, chapter V of Regulation 142/2011. This chapter V allows export of processed manure (= cat 2) and organic fertilisers containing processed manure under specific conditions and export of organic fertilisers containing meat and bone meal of cat 2 under specific conditions.
- Apart from the ABP-regulations, there are also some rules for export of processed animal protein (PAP) and fertilisers containing PAP in Regulation 999/2001, annex IV, chapter V, section E. Here, you have to make the distinction between PAP of ruminants and from non-ruminants which have their own specific conditions (reasoning behind the rules is the feed ban on feeding of animal proteins to certain farmed animals):
    - PAP/OFSI with PAP from ruminants: direct transport from the manufacturing plant to the BCP of exit in sealed containers + a seal check in the exit BCP;
    - PAP/OFSI with PAP from non-ruminants: manufacturing based on raw materials and by dedicated establishments which guarantee complete separation of ruminant and non-ruminant material.

These rules are quite complex and take your time to read them. If you have further questions afterwards, please, do not hesitate to ask.

Question 2

I have a question: In our BCP we have received this consignment: it's feedstuff for horses that are not intended for human consumption.
This is the composition of the produtct:

Product Type	Animal Feed
Commodity Code	2309903188
Purpose	For use in horse feed Not for direct feeding

Ingredient	Content (%)	Commodity Code	Functional group
Dextrose	61.591	2309909695	Feed material
Methylsulphonyl Methane	16.667	2309909690	Flavour
De-dusting powder	5.000	2309909695	Feed Material
Glycine	3.004	2922498517	Amino acid
Whey Protein*	3.000	0404103600	Feed Material
Boswellia Powder	3.000	2308009000	Flavour
Fish Collagen**	2.400	2309909690	Feed material
Chelated Manganese	1.587	2309909630	Trace element
Apple powder	1.000	2309909695	Flavour
Hyaluronic Acid	1.000	2309909690	Amino acid
Glutamic Acid	0.763	2309909695	Amino acid
Chelated Copper	0.694	2309909630	Trace element
Precipitated Silica	0.223	2839190090	Flow Agent
Vitamin B6	0.050	2936250000	Vitamin
Natural antioxidant	0.020	2309909695	Antioxidant
Total (%)	**100**		

***This ingredient is derived from milk**
****This ingredient is derived from fish**
This product does not contain any other ingredients of animal origin
This product does not contain any GMO

They presented to us 2 CHED with a health certificate for any of them, one is for "milk, milk-based products and milk-derived products not intended for human consumption" and the other one is for "gelatine and collagen not intended for human consumption to be used as feed material or for purposes outside the feed chain".
We don't think there is a possibility to make a mixed product in NHC as in Human consumption so for us they need to make just one health certificate but the vets in charged of this dispatch asked to us which could be the right model of certificate.
This could be compatible with the health certificate For "Processed petfood other than canned petfood" but this product is for horses so they are not consider as a pet animals.
We have thought about 2 models: "Processed animal protein not intended for human consumption, including mixtures and products other than petfood containing such protein"(chapter 1) or "hydrolysed protein, dicalcium phosphate and tricalcium phosphate not intended for human consumption to be used as feed material or for uses outside the feed chain" (chapter 12) but the veterinary officer in charge told us that the whey protein is not compatible with those certificates cause it's not a category III product according to the article 10 of the RE 1069/2009...
So we are a little bit lost and our central authority doesn't answer our questions.
My questions are:

1. It is possible to use two HC for a single product in NHC as we use in HC with the mixed products?
2. Which model of health certificate would you use for this product and why?
3. And just for improving our knowledge, which are your criteria to use the model of chapter 1 and the model of chapter 12? We don't really see the differences....

Thank you so much for your answer in advance.

ANSWER DURING THE SESSION

Question 3

Hi,
I have a concern about import of festive decorations :)

Consignor has a consignment of festive decoration, egg shells. Mostly colored but some are natural (in color ;)). HC accompanies that guarantees minimum conditions of preparation from china (min. 120celcius for min 30 minutes).

Is it a subject to veterinary controls if customs and importer declare CN code 9505 90 (out of our scope)? Or should we impose checks upon 142/2011 as egg shells still?

See some pictures and HC attached.

I would be (and my BCP) very happy with some interpretation!

ANSWER DURING THE SESSION

Question 4

In France, we have received an "Instruction technique" (IT2021-600) from our central authority (DGAL- SIVEP Central) where it says that we have to monitoring every blood consignment if it is NHC (except horse blood). We don't agree with this cause for us, just the model of health certificate from the chapter 4C of the RE142/2011 has a mention for a monitoring process and just in case the note 4 is not crossed out.

What do you usually do in these cases? Which type of NHC Blood consignments do you monitor? Are we right if we don't want to monitor every NHC blood consignment?
Thank you in advance for your answers.

ANSWER DURING THE SESSION

Question 5

I have a question about monitoring of transport from BCP:

- Do we monitor transport in all cases where the imported ABP is destined for further processing, or only if the material needs the processing in order to comply with legislation?

And if that is so: does this also apply for fish oil that is fit for human consumption? – for instance fish oil fit for human consumption that is destined for further purification into omega-3 capsules.

ANSWER DURING THE SESSION

Question 6

In case of a consignment of fishmeal with high level of Salmonella and Enterobacteria, I got from Monday´s presentation that "redispatch to a third country is not possible since the risk is classified as a serious risk (depending on the Member State) in RASFF". Is there any document or legal basis where is stated when a risk should be classified as a serious risk?

Many thanks,

ANSWER DURING THE SESSION

Question 7

Did i understand correctly that we are not supposed to send signed Ched copies as PDF files per email – and that the options are either signed paper or e-signature in Traces?

ANSWER:

Legally required for the customs clearance of a consignment subject to BCP control is the submission of an original CHED. Currently two different types of original CHED exist:

- CHED created in TRACES NT, printed, signed and sealed as hard copy
- CHED created elektonically created as eCHED according to the rules laid down in Art. 39 Reg. (EU) 2019/1715:

Article 39

Issuance of electronic certificates for consignments of animals and goods entering the Union and use of electronic signatures

1. Electronic animal health certificates, official certificates and animal health/official certificates for consignments of animals and goods entering the Union shall meet all of the following requirements:

(a) they shall be issued in one of the following systems:

(i) TRACES;

(ii) a Member State's national system;

(iii) a third country's or an international organisation's electronic certification system that is capable of exchanging data with TRACES;

(iv) a third country's or an international organisation's electronic certification system that is capable of exchanging data with a Member State's national system;

(b) they shall be signed by an authorised officer with his/her electronic signature;

(c) they shall bear the advanced or qualified electronic seal of the issuing competent authority, or the advanced or qualified electronic signature of its legal representative.

2. Where electronic animal health certificates, official certificates and animal health/official certificates are issued in accordance with point (a)(iii) or (iv) of paragraph 1, the electronic signature of the authorised officer is not required.

3. The Commission shall be notified in advance of the issuance of electronic animal health certificates, official certificates and animal health/official certificates in accordance with point (a)(iv) of paragraph 1.

4. The competent authority shall accept electronic phytosanitary certificates, as required for the introduction of plants, plant products and other objects into the Union territory in accordance with Section 1 of Chapter VI of Regulation (EU) 2016/2031, only where they are issued in accordance with point (a)(i) or (iii) of paragraph 1 of this Article.

Question 8

May I have another question regarding the import of insects for feed purposes? We are being asked at our BCP about the import of dried, ground insects as a materials for the production of feed for poultry, pigs, fish and pets. We are not sure of the list of third countries. Regulation 142/2011 refers to the list in Part I of Annex II to Regulation 206/2010 (list for fresh meat of ungulates), now Annex XIII to Regulation 404/2021? However, this new list contains many fewer allowed countries. Next, does the company of origin need to be on the list approved for import into the EU? I did not find a list of approved insect processors for feed purposes in third countries. Could you please advise?

ANSWER:

Regarding to insects as feed materials for farmed animals, entry requirements are only set for PAPs. In such a case, detailed entry rules can be found at Reg. 142/2011, annex XIV, chapter I. Current reference to the country list is part I, annex II, Reg. 206/2010. However, a new reference to Regulation 2021/404 is expected by middle February. Remark that the current draft refers to part 1 of annex XIII, but also to part 1 of annex XV of Reg 2021/404, which enlarges the number of allowed third countries. Model of health certificate: Annex XV, chapter 1a. PAPs derived from insects intended to manufacture pet food are also covered by this model. The establishment of origin should be on the list with processing plants.

Regarding to insects as feed materials to be used as pet food or to manufacture pet food, the only limit under Reg.142/2011 is about the use of insects as raw pet food (currently not specifically authorized). Full details can be found at Reg. 142/2011, annex XIV, chapter II. Third country must be listed in part I, annex II, Reg.206/2010. However, this reference will be updated by middle February as explained above. The establishment of origin should be on the list with ‘pet food plants’ in case of import as pet food.

Question 9

A responsible for a Load in my BCP wants to know if a consignment of Buffalo horns to be used as a DOG CHEW", imported from India can be accepted?

I follow the legal support basis of the REG. (EU) 142/2011 and I have doubts about the Control decision to be taken.

Is it possible that you can give your opinion about this? And what is the legal support basis for the decision?

ANSWER 1

Dog chews are defined in Regulation (EU) 142/2011, annex I, point 17:

17. '**dogchews**' means products for pet animals to chew, produced from untanned hides and skins of ungulates or from other material of animal origin;

Although most dog chews are produced from hides and skins, this definition includes the possible use of buffalo horns as dog chew.

The import conditions could be found in annex XIV, chapter II, section 1, table 2, row 12. If the buffalo horns are category 3-material according to Regulation (EC) 1069/2009, art 10(b) or (h), they are allowed as raw material for the manufacture of imported dog chews. The required certificate is the one in annex XV, chapter 3(C).

The difficult point is the current third country list. Line 12 of the mentioned table 2 refers currently for dog chews to third countries listed in part 1 of annex II to Regulation (EU) no 206/2010. India is on that list, but this regulation is repealed and replaced by Regulation (EU) 2021/404 since the animal health law (Reg 2016/429 - AHL) came into application. It's however not clear in which annex of this Regulation 2021/404 one has to look for the third countries: most logic would be annex XIII since it concerns fresh meat of ungulates as did annex II, part 1 of Regulation 206/2010. However, India and China (typical pet food exporters) aren't listed in this annex XIII. And the transitional period provided for in article 6 of Regulation 2021/404 doesn't mention animal by-products and derived products: so legally this transition period is not applicable to dog chews. Due to the fact that this is an unintended consequence of the fact that the AHL came into application without the necessary amendments of the third country lists in Regulation 142/2011, I propose to continue to use the list of Regulation 206/2010 and to accept at this moment still dog chews from India up to the moment that there is an amendment of the third country lists in Regulation 142/2011. The first argument to do this, is that for human consumption products there was a transitional period according to article 6 and it would be strange that this is valid for human consumption products and not for animal by-products; this transitional period however finished on 15/01/2022, but the European Commission asked member states to be flexible up to the end of April 2022. The second argument is that the European Commission has informed us prior to the BTSF training that the amended is being prepared and would be published in February 2022. Furthermore, in the draft proposal of that amendment that was sent to the member states in September 2021, the new reference for the third countries for dog chews and pet food other than raw pet food is:

"Third countries listed in Part 1 of Annex XIII, Part 1 of Annex XIV and Section A of Part 1 of XV to Commission Implementing Regulation (EU) 2021/404, and the following countries:

(JP) Japan

(EC) Ecuador

(LK) Sri Lanka

(TW) Taiwan

(SA) Saudi Arabia (only processed petfood of poultry origin)

(GE) Georgia (only processed petfood other than canned petfood)

(Al) Albania

(DZ) Algeria

(SV) EL Salvador

In the case of processed petfood derived from fish materials, third countries listed in Annex IX to Commission Implementing Regulation (EU) 2021/405."

India is listed in the mentioned section A of part 1 of annex XV to Regulation 2021/404. So the intention is to continue to allow import of dog chews from India based on that proposed amendment.

ANSWER 2

For dog chews the requirement of being listed in part I (column 1) of Reg.206/2010 is enough (even if import of fresh meat is not allowed as actually happens for India). For pet food, the country should be listed and imports allowed.

Question 10

A responsible for a Load in my BCP wants to know if a consignment of Buffalo horns to be used as PETFOOD to dogs, like a "DOGCHEW", imported from Pakistan can be accepted?

I follow the legal support basis, Annex XIII of the REG. (EU) 142/2011 and I have doubts about the Control decision to be taken.

Is it possible that you can give your opinion about this ? and what is the legal support basis for the decision ?

ANSWER:

See answer regarding dogchews from India above. Pakistan is not listed in the repealed part 1 of annex II of Regulation 206/2010 and is not listed in the proposed amendment of Regulation 142/2011 (reference to Part 1 of Annex XIII, Part 1 of Annex XIV and Section A of Part 1 of Annex XV to Commission Implementing Regulation (EU) 2021/404). Dog chews from Pakistan can't be imported in the EU.

Question 11

So the question regards the importation of buffalo bones for animal feed.
The tariff code shown is 05079000, but we believe it is not correct and that it should be 0511 or 2309. I would like to ask your opinion about it.
Regarding the model certificate that should accompany the consignment, it should be the model contained in Chapter 18 of Annex XV of Regulation (EU) 2011/142?

Thank you for your help!

ANSWER

Importation of buffalo bons for animal feed should be on the tariff code 2309.
Two answers are possible: (which animals?)

1) If the feed is in form of flour (are the bones processed or not?) it is then processed animal protein as stated in Annex XIV, Chapter I, table 1, line1 :

„Processed animal protein, including mixtures and products other than petfood containing such protein, and compound feeds containing such proteins as defined in Article 3(2)(h) of Regulation (EC) No 767/2009“
The proces animal protein must have been produced in accordance whit Section 1 of Chaptre II of Anex X, and in the case of proces animal proteins excluding fishmeal must come from an approved country (for now Third countries listed in Part 1 of Annex II to Regulation (EU) No 206/2010 and check the list of approved countries in Regulation (EU) 2021/404)
In that case it is necessary to use model of certificat in Annex XV Chapter1 of Reg.(EU)2011/142.
The model certificat in Chapter 18 of Annex XV of Regulation (EU) 2011/142 is for.
For 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 intended for dispatch to or for transit through (2) the European Union
therefore it is not intended for animal feed.
At the same time special conditions should be checked (section 2, Chaptre I Annex XIV)

2) If intended for pet food there are several options found in Annex XIV, Chapter II, Table2 depending on whether it is processed, raw or intended as dog chews (petfood including dogchews, ABP for the manufacture of petfood other of derived products for uses outside the feed chain, ABP for use as row petfood and ABP for use in feed for fur animals

Question 12

I was distributing the information to the rest of my team today and was asked a good question which I couldn't answer and I was wondering if you could put it as a Borderline product. The question is Does Lanolin always need a health certificate when importing from a third country?
My opinion was that it used to be under national rules and when the lanolin was packaged for the final consumer then it did not need a health cert and could come in with a commercial document however lanolin as an intermediate product did need a health cert. I was told that the commission was looking at the lanolin situation recently.

ANSWER

"Wool grease and lanoline would be a good subject for the 'borderline products' exercise. If you read the qualification and explanation to CN-code 1505 00, which implies that wool grease and lanoline should be subject to official controls in a BCP, it would seem that wool grease is a rendered fat:

1505 00	Wool grease and fatty substances derived therefrom (including lanolin)	All, wool grease imported as rendered fat as set out in Annex XIV to Regulation (EU) No 142/2011, or lanolin imported as intermediate product.

I found it always difficult to consider wool grease and the purified derived product lanoline as rendered fats or fat derivatives, because chemically it are no fats (defined as esters of glycerol and fatty acids), but waxes: mixtures of sterol esters, long-chain esters, alcohols, acids,… Furthermore, the certificate 10(B) for rendered fats requires the 'rendered fats' to be processed according to one of the processing methods of chapter III of annex IV, which is normally not the case for wool grease or lanolin. Furthermore, health declaration II.2.3 excludes materials destined for purposes as cosmetics and pharmaceuticals: this is actually in many cases the final destination of imported wool grease or lanolin (I never understood why this exception is included in the import conditions). And wool of healthy live animals is exactly one of the cat 3 materials listed in that point II.2.3. This is based on annex XIV, chapter II, section 9, regarding the import conditions for rendered fats, that starts with 'rendered fats which are not destined to the production of feed for farmed animals, the manufacture of cosmetics, medicinal products or medical devices, may be imported, provided:…". This all made me come to the conclusion that the import conditions for rendered fats in annex XIV, chapter II, section1, table 2, line 17 aren't designed for wool grease or lanolin. And that in absence of harmonised EU import conditions, consequently, national import conditions based on art 41(3) of Reg 1069/2009 could be fixed.

The option of intermediate products might be valid, but we noticed that most of the wool grease or lanolin imported in Belgium is for further refining (we have a plant in Belgium which refines wool grease and lanolin with the purpose of supplying their customers in the cosmetic or pharmaceutical sector with specific products) or doesn't go directly to a cosmetic products manufacturer but passes via (several) traders. So, often the definition of intermediate product is not applicable (further refining required) or the logistic chain doesn't comply with the import conditions of intermediate products (direct transport to…). Anyway, if lanolin would comply with the definition of intermediate product and the related import conditions (regarding its direct use in a cosmetic product or pharmaceutical product by mixing and direct transport to the plant of destination), it could be imported as intermediate product with the importers declaration of chapter 20 of annex XV.

In Belgium, in most cases we fix import conditions for wool grease and lanolin in an import permit. We require in this permit that the establishment of origin is at least registered by the competent authority of the third country and a consignment should go accompanied by a commercial document (to have basic traceability). We are not stricter bearing in mind that the import conditions of untreated wool are also rather soft."

Question 13

I have another query from our feed division with regards one of the workshops.
It was workshop 7.2.5.
Case 5 Fish Oil in tanker for feed use.
Question 3:
This product is to be delivered to premises which are registered in accordance with Reg. (EC) 183/2005 where it will be used for animal feed. If the premises is registered under the feed regulations, does this delivery premises also have to be approved under the ABP Regs? (See Reg. (EC) 1069/2009 article 24 1 (j) (iii).
The answer was given as No. However our feed division think it would require an ABP registration in accordance with article 23 of 1069.
We would be very grateful if you could clarify this for us.

ANSWER

Here is my answer to the question about case 5, I do not know if there are national requirements for the registration of such a plant (under the ABP Reg.) in a Member State, but it should not be:
It is regarding case 5 Fish Oil in tanker for feed use.
Question 3:
This product is to be delivered to premises which are registered in accordance with Reg. (EC) 183/2005 where it will be used for animal feed. If the premise is registered under the feed regulations, does this delivery premise also have to be approved under the ABP Regs? (See Reg. (EC) 1069/2009 article 24 1 (j) (iii).
The answer was given as No. However our feed division think it would require an ABP registration in accordance with article 23 of 1069.

According to Regulation (EC) N° 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) N° 1774/2002 (Animal by-products Regulation), Section 2, Registration and approval, Article 23, point 4. –
„4. By way of derogation from paragraph 1, no notification with a view to registration shall be required for activities with respect to which establishments generating animal by-products have already been approved or registered in accordance with Regulation (EC) No 852/2004 or Regulation (EC) No 853/2004; and for activities with respect to which establishments or plants have already been approved in accordance with Article 24 of this Regulation.
The same derogation shall apply for the activities involving the generation of animal by-products on site only, which are carried out on farms or other premises where animals are kept, bred or taken care of.“
And Article 24. Approval of establishments or plants:
„1. Operators shall ensure that establishments or plants under their control are approved by the competent authority, where such estab lishments or plants carry out one or more of the following activities:
…
…
…
(j) storage of derived products intended to be:
(i) disposed of by landfill or incineration or intended to be recovered or disposed of by co-incineration;

(ii) used as fuel for combustion;
(iii) used as feed, excluding establishments or plants approved or registered in accordance with Regulation (EC) No 183/2005;
(iv) used as organic fertilisers and soil improvers, excluding storage at a place of direct application.

According to Articles 23 and 24 such a facility does not have to be approved under the ABP Regs.

Question 14

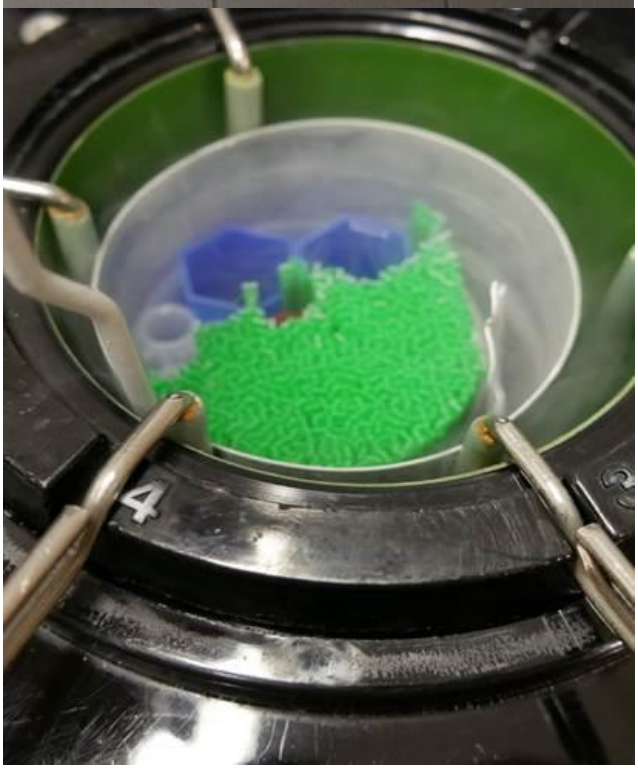
However, while processing the informations from the training, I came across other questions that I would like to ask on germinal products (explanations about the checks carried out on bovine semen consignments at the BCP). Physical checks are also needed, which I admit I am concerned about, given that consignments are transported in liquid nitrogen. Could you specify how to carry out the physical check and what special equipment is needed to ensure that the check is safe?

ANSWER:

In the workshop material you find this slide, where I explained what could be physically checked. Main thing is to check the quantity and identification (donor/batch/facility) related to the given information on the corresponding health certificate.

What is needed to carry out a safe check:
you need a styrofoam box, fill it with liquid nitrogen, put a loader with the semen out of the container of the consignment, take a tweezers and take a straw out of the loader (keep it in contact with the nitrogen) and check the information printed on the straw. That's it, see pictures below. You should wear safety glasses during the process.


MVE XC47/11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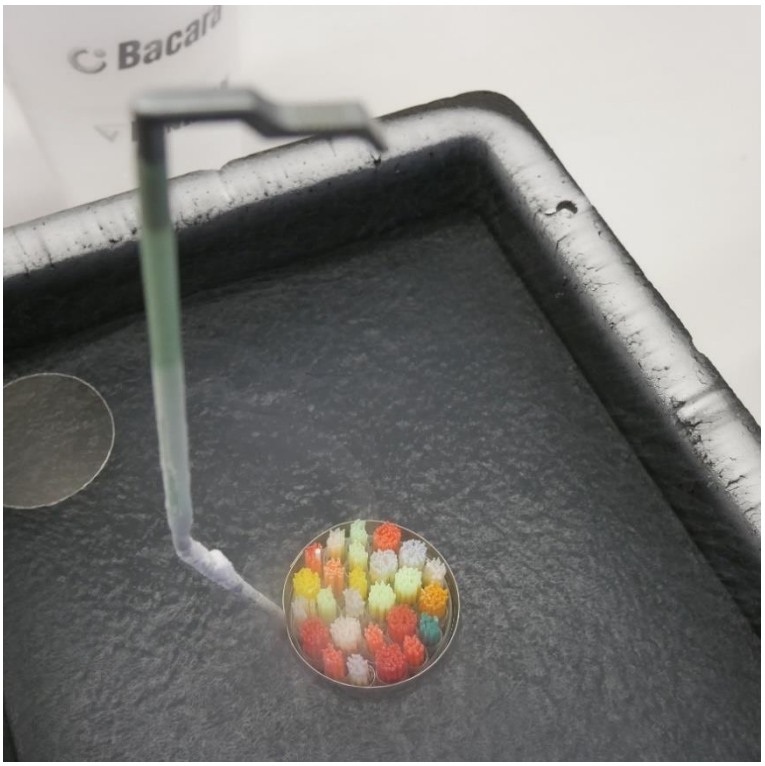

Bacard

Questions asked by the delegates – Live animals

Question 1

I have a question regarding the blood collection protocol for dogs, cats and ferrets.
Is the time of blood collection for the titration test appropriate if it is taken 15 days after re-vaccination against rabies?
Revaccination was performed within the prescribed time after primary vaccination.

Thanks for the reply.

ANSWER:

The legislation has been formulated a bit clearer on this subject recently. It states now that a blood sample needs to be collected at least 30 days after primo vaccination. It does not impose a waiting period in the case of re-vaccination on the condition that the re-vaccination is performed within the validity period of the previous vaccination and that the 30 days period is respected after primo vaccination.
In general animals are re-vaccinated towards the end of the validity period of the previous vaccine, in those cases there is no problem that the blood collection is performed 15 days after the re-vaccination (or even at the day of re-vaccination).
However, if the re-vaccination is performed sooner, e.g. an animal that has been vaccinated and re-vaccinated 5 days later, blood cannot be collected 15 days after the re-vaccination as the 30 days waiting period after the first vaccination.

Question 2

The case of handling a commercial movement of a dog from a third country. The dog has a veterinary-sanitary certificate (as set out in the Regulation (EU) 2021/403, Chapter 38, Annex II) but its rabies vaccination has not yet become valid. I would like to know which of the following two courses of action you would take. Would you have the dog quarantined until it fulfils the veterinary-sanitary conditions for entering the EU and issue a CHED-A allowing the dog to be transported to its place of destination in the EU where it would be quarantined and include this piece of information in the CHED-A?

Or do you not issue a CHED-A at all, as is the case with the non-commercial movements of pets, because you are sending the dog to fulfil the veterinary-sanitary conditions?

I would issue the CHED-A with option "Rejection" and I would include the "controlled" destination in Traces NT, like in a rejection of a product.

And one more question. The case of a dog with an EU passport and coming from a third country. The owner mentioned in the passport does not travel to or from that third country. The dog is accompanied on the way by persons who are not its owners. The conditions for rabies vaccination are appropriate, as stated in the passport. Does the dog have to be accompanied by a veterinary certificate for such entry into the EU? If so, which certificate would you require for non-commercial movements or commercial movements?

If there is a person (whoever) travelling with the animal and he/she has an authorization from the owner, we could accept the pet passport or a non-commercial certificate.

Question 3

I have a query with regards the live animal import controls that I was hoping to get an answer for. I asked other delegates who attended the course and they have confirmed that Pet animals can come in from any third country in the world with only rabies and echinococcus requirements. I have done a number of export paperwork to South Africa for example and other diseases such as babesia canis, leismania, ehrlichia and some salmonellas are tested for. I was wondering why there is no 3rd country list which are not allowed to enter for pet animals and why we don't work about importing these diseases into the EU. Is the logic that we don't have the vectors here to spread the disease and that the disease will just die when the pet dies?

Thank you,

ANSWER:

You´re 100% right. There are more diseases that can affect dogs, cats and ferrets and legislation foreseen establishing requirements for other diseases (like E. multilocularis), but in order to establish such requirements EU countries should be free from those diseases or, at least, to have an eradication programme against them, otherwise there is no point (and I believe no solid legal background) to ask for them. In any case, this is decided within the working groups where all Member States have representatives and either the Commission services or the Member States should make a proposal to include such requirements in legislation. And out of curiosity, we can have the vectors in warm countries like Spain ☹

Question 4

I have a question for import of Bombus. I would like to ask about the import of bumblebees if the certificate that accompanies the consignment is the same and in the case that the colony contain the Bombus queen.

ANSWER:

The definition of consignment is as follows:
Bumble bees (Bombus spp.)
Closed containers, each containing a colony of a maximum of 200 adult bumble bees, with or without a queen.
The presence/absence of the queen is not relevant since the definition given above already consider both conditions. The focus of the definition is on “the colony”
The model certificate is the same irrespective of her presence/absence. See attachment.

Question 5

I would like to know whether the veterinary-sanitary certificate in the Regulation (EU) 2020/2235, Annex III of Chapter 28 for importing a caught wild fish (Dentex gibossus) from Tunisia into Slovenian bay air must include the filled-out form II.2. The imported fish is fresh and cooled and its entrails have not been removed (not eviscerated).

According to Regulation (EU) 2020/692, art. 1(6) consignments of wild aquatic animals landed from fishing vessels for direct human consumption are exempted from Part II.2 of the certificate.

According to the Annex in the Regulation (EU) 2018/1882, Dentex gibossus is a vector species. With respect to the Annex XXX in the Regulation (EU) 2020/692, which sets forth the conditions for aquaculture animals and products, does this list also apply for species taken from the wild?

Annex XXX applies on aquatic animals (wild & aquaculture). According to Regulation (EU) 2020/692, art. 171, "*products of animal origin from aquatic animals other than live aquatic animals of the species listed in column 4 of the table in the Annex to Implementing Regulation (EU) 2018/1882, shall not be regarded as vectors of the diseases listed in that Annex when they enter the Union*".

Question 6

I wanted to ask a question concerning import of ornamental fish.
On slide 4 is mentioned, that the list of species allowed to enter the EU is in Reg. 2020/692 - at least if I understood that correctly. However, I cannot find it, so I think I might have misunderstood something during the talk…
Therefore, I wanted to ask where I might find the list of aquatic species allowed to enter the EU - Thank you for your consideration!

ANSWER:
In the context of the new AHL, the scope of the Delegated act on entry -Reg (EU) 2020/692, art. 1(6)- only covers certain species of aquatic animals:

(a) fish of listed species belonging to the superclass Agnatha and to the classes Chondrichthyes, Sarcopterygii and Actinopterygii;
(b) aquatic molluscs of listed species belonging to the phylum Mollusca;
(c) aquatic crustaceans of listed species belonging to the subphylum Crustacea;
(d) aquatic animals of species listed in Annex XXIX which are susceptible to the aquatic diseases for which certain Member States have national measures to limit the impact of diseases other than listed diseases, as provided for in Article 226 of Regulation (EU) 2016/429.

For letters a,b,c above, we should consider listed species at Annex to Reg.(EU) 2018/1882 (columns 3 and 4). For letter (d) we should take into account those species listed at Annex XXIX (column 2) to Reg.(EU) 2020/692.

Question 7

Essentially, I would like to know what is the correct interpretation on the rules of vector as follow:

Aquatic animals of species listed in column 4 of the table set out in the annex to Reg. 2018/1882 are only regarded as vectors when Annex XXX (Reg.2020/692) conditions are met. This is the situation that may happen with e.g. tilapia spp as a potential vector for a category C disease such as VHS.

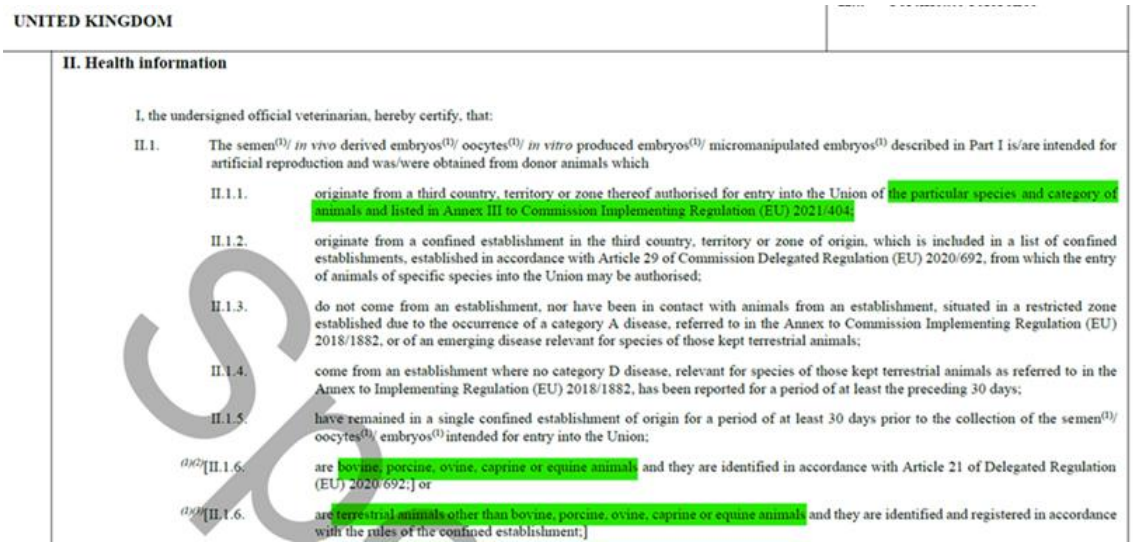
Assuming a consignment of Tilapia where annex XXX requirements are not met (not "true" vector), is the requirement of being listed in Reg.2021/404 still mandatory? Personally, I assume derogation is only about specific requirements on e.g. VHS but rest of requirements are still required (country of origin listed in Reg. 2021/404, Aqua-entry model, etc.).

I would like to know what is the correct interpretation.

Question 8

I have a question about germinal products and this was not covered during the lectures.
More specifically, it concerns germinal products of SPF mice. The sperm would be used for the production of SPF mice for scientific research.
As SPF mice are non-harmonized species, so are the germinal products of these mice.
For import of this semen, we provide an import permit and we ask a health certificate with details of the dispatched consignment and a simple statement concerning the health requirements: *"I, the undersigned official veterinarian certify that the above mentioned consignment of animals satisfied the following requirements: The semen comes from animals free of contagious diseases transmissible to humans and animals ."*
This certificate should be issued by the head of the experimental animal husbandry of dispatch and countersigned by an official veterinarian.

For import of such a consignment coming from the UK, there is some discussion about using the HC model GP-CONFINED-ENTRY for these consignments (see attachment).
The UK insists on using this model, but we do not believe this is possible, because in our opinion, this certificate is only suited for the GP of ungulates:



UNITED KINGDOM

II. Health information

I, the undersigned official veterinarian, hereby certify, that:

II.1. The semen[1]/ *in vivo* derived embryos[1]/ oocytes[1]/ *in vitro* produced embryos[1]/ micromanipulated embryos[1] described in Part I is/are intended for artificial reproduction and was/were obtained from donor animals which

II.1.1. originate from a third country, territory or zone thereof authorised for entry into the Union of the particular species and category of animals and listed in Annex III to Commission Implementing Regulation (EU) 2021/404;

II.1.2. originate from a confined establishment in the third country, territory or zone of origin, which is included in a list of confined establishments, established in accordance with Article 29 of Commission Delegated Regulation (EU) 2020/692, from which the entry of animals of specific species into the Union may be authorised;

II.1.3. do not come from an establishment, nor have been in contact with animals from an establishment, situated in a restricted zone established due to the occurrence of a category A disease, referred to in the Annex to Commission Implementing Regulation (EU) 2018/1882, or of an emerging disease relevant for species of those kept terrestrial animals;

II.1.4. come from an establishment where no category D disease, relevant for species of those kept terrestrial animals as referred to in the Annex to Implementing Regulation (EU) 2018/1882, has been reported for a period of at least the preceding 30 days;

II.1.5. have remained in a single confined establishment of origin for a period of at least 30 days prior to the collection of the semen[1]/ oocytes[1]/ embryos[1] intended for entry into the Union;

[1][2] [II.1.6. are bovine, porcine, ovine, caprine or equine animals and they are identified in accordance with Article 21 of Delegated Regulation (EU) 2020/692;] or

[1][3] [II.1.6. are terrestrial animals other than bovine, porcine, ovine, caprine or equine animals and they are identified and registered in accordance with the rules of the confined establishment;]

- According to provision II.1.1 of the certificate, the semen must come from a country approved for export to the EU of the specific species and category of animals as listed in Annex III of VO 2021/404.
- VO 2021/404 – ANNEX III "UNGULATES INTENDED FOR CONFINED ESTABLISHMENTS" - PART 1 List of third countries, territories or zones thereof authorized for the entry into the Union of consignments of ungulates intended for confined establishments as referred to in point (b) of Article 3(1) Consignments of ungulates, except equine animals, from all third countries and territories listed in the table set out in this Part are permitted for entry into the Union from confined establishments listed in accordance with Article 29 of Delegated Regulation (EU) 2020/692 to confined establishments in the Union
  → shall be permitted from all third countries and territories listed in the table in this Part.

For GB: CONFINED-RUM, -SUI, -TRE and -HIPPO.

Would it be possible to provide some clarity on this matter?

- Is it correct that GP of SPF mice intended for reproduction to be uses in scientific research are in fact non-harmonized and that national rules should be put in place?

- Is it correct that the health certificate GP-CONFINED-ENTRY cannot be used for these consignments?

Thank you very much in advance.

ANSWER:

related to the question on GP I would like to answer as follows.
The opinion of the participant is in my view correct , I see no space for other interpretation, so following the questions:

- Is it correct that GP of SPF mice intended for reproduction to be uses in scientific research are in fact non-harmonized and that national rules should be put in place? Yes, you are correct
- Is it correct that the health certificate GP-CONFINED-ENTRY cannot be used for these consignments? Yes, you are correct

I hope that helps.