

Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (Text with EEA relevance)

## CHAPTER X

### FINAL PROVISIONS

#### *Article 34*

#### **Restrictions on the placing on the market of certain animal by-products and derived products for reasons of public and animal health**

The competent authority shall not prohibit or restrict the placing on the market of the following animal by-products and derived products for public health or animal health reasons other than the rules laid down in Union legislation, and in particular those laid down in Regulation (EC) No 1069/2009 and in this Regulation:

- (a) processed animal protein and other derived products referred to in Chapter II of Annex X hereto;
- (b) petfood and certain other derived products referred to in Annex XIII hereto;
- (c) animal by-products and the derived products imported into or in transit through the Union as referred to in Annex XIV hereto.

#### *Article 35*

#### **Repeal**

1 The following acts are repealed:

- a Regulation (EC) No 811/2003;
- b Decision 2003/322/EC;
- c Decision 2003/324/EC;
- d Regulation (EC) No 878/2004;
- e Decision 2004/407/EC;
- f Regulation (EC) No 79/2005;
- g Regulation (EC) No 92/2005;
- h Regulation (EC) No 181/2006;
- i Regulation (EC) No 197/2006;
- j Regulation (EC) No 1192/2006;
- k Regulation (EC) No 2007/2006.

2 References to the repealed acts shall be construed as references to this Regulation.

### Article 36

#### **Transitional measures**

1 For a transitional period until 31 December 2011, operators may place on the market organic fertilisers and soil improvers which were produced before 4 March 2011 in accordance with Regulations (EC) No 1774/2002 and (EC) No 181/2006:

- a provided that they have been produced from one of the following:
  - (i) meat-and-bone meal derived from Category 2 material;
  - (ii) processed animal protein;
- b even though they have not been mixed with a component to exclude the subsequent use of the mixture for feeding purposes.

2 For a transitional period until 31 January 2012, consignments of animal by-products and of derived products accompanied by a health certificate, declaration or commercial document, which has been completed and signed in accordance with the appropriate model set out in Annex X to Regulation (EC) No 1774/2002 shall continue to be accepted for importation into the Union, provided that such certificates, declarations or documents were completed and signed before 30 November 2011.

3 For a transitional period until 31 December 2012 and by way of derogation from Article 14 of Regulation (EC) No 1069/2009, Member States may authorise the collection, transport and disposal of Category 3 materials comprising products of animal origin, or of foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arise, as referred to in Article 10(f) of that Regulation, by means other than burning or burial on site, as referred to in Article 19(1)(d) of that Regulation, subject to compliance with the requirements for disposal by other means set out in Chapter IV of Annex VI hereto.

### Article 37

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 4 March 2011.