Commission Decision of 21 April 2006 amending Commission Decision 2004/407/EC as regards imports of photographic gelatine (notified under document number C(2006) 1627) (Only the Dutch, English, French and German texts are authentic) (2006/311/EC)

COMMISSION DECISION

of 21 April 2006

amending Commission Decision 2004/407/ EC as regards imports of photographic gelatine

(notified under document number C(2006) 1627)

(Only the Dutch, English, French and German texts are authentic)

(2006/311/EC)

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 Articles 4(4) and 32(1) thereof,

Whereas:

(1) Regulation (EC) No 1774/2002 prohibits the importation and transit of animal by-products and processed products into the Community, except in accordance with that Regulation.

(2) Commission Decision 2004/407/EC of 26 April 2004 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[(2)] provides, by way of derogation from that prohibition in Regulation (EC) No 1774/2002, that France, the Netherlands and the United Kingdom are to authorise the import of certain gelatine exclusively intended for the photographic industry (photographic gelatine).

(3) Decision 2004/407/EC provides that photographic gelatine is only allowed from the third countries listed in that Decision, namely Japan and the United States of America.

(4) Luxembourg has confirmed the need to source photographic gelatine from the United States of America for the purposes of the photographic industry in Luxembourg. Accordingly Luxembourg should be allowed to authorise the import of photographic gelatine subject to compliance with the conditions set out in Decision 2004/407/EC. However, those imports may take place in Belgium.

(5) In order to facilitate the transfer from Belgium to Luxembourg of the imported photographic gelatine, the conditions in Annexes I and III to Decision 2004/407/EC should be amended slightly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2004/407/EC is amended as follows:

1. Article 1 is replaced by the following:

Article 1

Derogation regarding the import of photographic gelatine

By way of derogation from Article 29(1) of Regulation (EC) No 1774/2002, Belgium, France, Luxembourg, the Netherlands and the United Kingdom shall authorise the import of gelatine produced from materials containing bovine vertebral column classified as Category 1 material under that Regulation, exclusively intended for the photographic industry (photographic gelatine), in compliance with this Decision.

2. Article 9 is replaced by the following:

Article 9

Addresses

This Decision is addressed to the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

3. Annexes I and III are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply on the third day following that of its publication in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 21 April 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

1. Annex I is replaced by the following:

ANNEX I Third countries and plants of origin, Member States of destination, border inspection posts of first entry and approved photographic factoriesThird Country of originPlants of originMember State of destinationBorder Inspection Post of first entryApproved Photographic FactoriesJapanNitta Gelatin Inc.2-22 FutamataYao-City, Osaka581 — 0024 JapanJellie Co. Ltd.7-1, Wakabayashi 2-Chome,Wakabayashi-ku,Sendai-city, Miyagi,982 JapanNIPPI Inc. Gelatin Division1 Yumizawa-Cho,Fujinomiya CityShizuoka418 — 0073 JapanThe NetherlandsRotterdamFuji Photo Film BV, TilburgJapan
Nitta Gelatin Inc
2-22 Futamata
Yao-City Osaka
581 — 0024, Japan
FranceLe Havre
Kodak
Zone Industrielle Nord,
71100 Châlon sur Saône
The United KingdomLiverpoolFelixstowe
Kodak Ltd
Headstone Drive,
Harrow,
MIDDX HA4 4TY
USAEastman Gelatine Corporation,227 Washington Street,Peabody, MA,01960 USAGelita North America,2445 Port Neal Industrial Road Sergeant Bluff, Iowa,51054 USALuxembourgAntwerpZaventemLuxembourg
DuPont Teijin Luxembourg SA
PO Box 1681
L-1016 Luxembourg
FranceLe Havre
Kodak
Zone Industrielle Nord,
71100 Châlon sur Saône
The United KingdomLiverpoolFelixstowe
Kodak Ltd
Headstone Drive,
Harrow,
MIDDX HA4 4TY

2. Annex III is replaced by:

ANNEX III

Model health certificates for the importation from third countries of technical gelatine to be used by the photographic industry

Notes

(a) Veterinary certificates for the importation of technical gelatine to be used by the photographic industry shall be produced by the exporting country, based on the model appearing in this Annex III. They shall contain the attestations that are required for

any third country and, as the case may be, those supplementary guarantees that are required for the exporting third country or part thereof.

(b) The original of each certificate 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.

(c) It shall be drawn up in at least one of the official languages of the EU Member State in which the inspection at the EU border inspection post shall be carried out and of the EU Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.

(d) If for reasons of identification of the items of the consignment, additional pages are attached to the certificate, these pages shall also be considered as forming part of the original of the certificate by the application of the signature and stamp of the certifying official veterinarian, in each of the pages.

(e) When the certificate, including additional schedules referred to in (d), comprises more than one page, each page shall be numbered — (*page number*) of (*total number of pages*) — on its bottom and shall bear the code number of the certificate that has been designated by the competent authority on its top.

(f) The original of the certificate must be completed and signed by an official veterinarian. In doing so, the competent authorities of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed.

(g) The colour of the signature shall be different to that of the printing. The same rule applies to stamps other than those embossed or watermark.

(h) The original of the certificate must accompany the consignment at the EU border inspection post until it reaches the photographic factory of destination.

Health certificate

For technical gelatine not intended for human consumption to be used by the photographic industry, intended for dispatch to the European Community

Note for the importer: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the photographic factory of destination from the border inspection post.

1. **Consignor** (name and address in full)	**VETERINARY CERTIFICATE** **For technical gelatine not intended for human consumption to be used by the photographic industry, intended for dispatch to the European Community** Reference number (1) ORIGINAL
2. **Consignee** (name and address in full)	3. **Origin of the photographic gelatine** 3.1. Country: Japan or USA (2) 3.2. Code of territory: ..... 4. **Competent Authority** 4.1. Responsible Ministry: ..... 4.2. Certifying department: ....
5. **Intended destination of the photographic gelatine** 5.1. EU Member State: France or Luxembourg or the Netherlands or the United Kingdom (2) 5.2. Name and address of the photographic factory of destination:	6. **Place of loading for exportation** ....
7. **Means of transport and consignment identification** 7.1. (Lorry, Rail-wagon, Ship, or Aircraft) (2) 7.2. Number of seal (if applicable): ..... 7.3. Registration number(s), ship name or flight number:	7.4. Nature of packaging: .... 7.5. Number of packages: ..... 7.6. Net weight: ..... 7.7. Lot/batch production reference number: .....
8. **Identification of the photographic gelatine** 8.1. Nature of the photographic gelatine: ..... 8.2. Photographic gelatine of: ..... *(animal species)* 8.3. Address and approval number of the approved establishment of origin:	

9. **Health attestation**

I, the undersigned official, declare hat I have read and understood Regulation (EC) No 1774/2002 ([3]) and certify that the photographic gelatine described above:

9.1. consists exclusively of photographic gelatine for photographic uses and is not intended for any other purpose;

9.2. has been prepared and stored in a plant approved, validated and supervised by the competent authority in accordance with Article 18 of Regulation (EC) No 1774/2002, which do not produce gelatine for food, feed or other technical uses intended for dispatch to the European Community;

9.3. has been prepared with Category 3 animal by-products and/or bovine vertebral column classified as Category 1 material;

9.4. (a) has been wrapped, packaged, stored and transported under satisfactory hygiene conditions.

(b) has been produced by a process ensuring that the raw material is treated by Method 1 ([4]) of Annex V to Regulation (EC) No 1774/2002 or subjected to a treatment with acid or alkali for at least two days, washing with water and —

(i) following an acid treatment, treating with an alkaline solution for at least 20 days; or

(ii) following an acid treatment, treating with an acid solution for 10-12 hours.

The pH was adjusted and the material purified by means of filtration and sterilised at 138-140 °C for 4 seconds.

9.5. has been wrapped and packaged in wrappings and packages carrying the words 'PHOTOGRAPHIC GELATINE FOR THE PHOTOGRAPHIC INDUSTRY ONLY'.

Official stamp and signature

Done at, ... on .....
(place) (date)

(stamp) ([5])

.....
(Signature of the official veterinarian/official of the competent authority) ([5])

.....
(name, qualifications and title, in capital letters)

Notes

([1]) Issued by the competent authority.
([2]) Delete as appropriate.
([3]) OJ L 273, 10.10.2002, p. 1.
([4]) Method 1 is as follows —
'Reduction
1. If the particle size of the animal by-products to be processed is more than 50 millimetres, the animal by-products must be reduced in size using appropriate equipment, set so that the particle size after reduction is no greater than 50 millimetres. The effectiveness of the equipment must be checked daily and its condition recorded. If checks disclose the existence of particles larger than 50 millimetres, the process must be stopped and repairs made before the process is resumed.

Time, temperature and pressure
2. After reduction the animal by-products must be heated to a core temperature of more than 133°C for at least 20 minutes without interruption at a pressure (absolute) of at least 3 bars produced by saturated steam; the heat treatment may be applied as the sole process or as a pre- or post-process sterilisation phase.
3. The processing may be carried out in batch or continuous systems.'
([5]) The signature and the stamp must be in a different colour to that of the printing.'

(**1**) OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 208/2006 (OJ L 36, 8.2.2006, p. 25).

(**2**) OJ L 208, 10.6.2004, p. 9.

Status:
Point in time view as at 21/04/2006.

Changes to legislation:
There are currently no known outstanding effects for the Commission Decision of 21 April 2006 amending Commission Decision 2004/407/EC as regards imports of photographic gelatine (notified under document number C(2006) 1627) (Only the Dutch, English, French and German texts are authentic) (2006/311/EC).