Commission Decision of 20 December 2007 amending Decision 2004/407/EC 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 (notified under document number C(2007) 6487) (Only the English, French and Dutch texts are authentic) (2008/48/EC)

COMMISSION DECISION

of 20 December 2007

amending Decision 2004/407/EC 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

(notified under document number C(2007) 6487)

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

(2008/48/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 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, unless they are authorised in accordance with that Regulation.

(2) Commission Decision 2004/407/EC[(2)] provides, by way of derogation from that prohibition in Regulation (EC) No 1774/2002, that Belgium, France, Luxembourg, the Netherlands and the United Kingdom are to 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 that Decision.

(3) France has informed the Commission that the Kodak factory in Châlon-sur-Saône no longer imports photographic gelatine from Japan and the USA in accordance with Decision 2004/407/EC.

(4) In addition, the format of the model veterinary certificate set out in Decision 2004/407/EC should be made compatible with the integrated computerised veterinary system TRACES, introduced by Commission Decision 2004/292/EC[(3)].

(5) Decision 2004/407/EC should therefore be amended accordingly.

(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, 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 7 is replaced by the following:

Article 7

Compliance with this Decision by the concerned Member State

The Member States concerned shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.;

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

Article 2

This Decision shall apply from 1 January 2008.

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, 20 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Annexes I and III are amended as follows:

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 factoriesJapan
Nitta Gelatin Inc.
2-22 Futamata
Yao-City, Osaka
581 – 0024 Japan,
Jellie Co. Ltd
7-1, Wakabayashi 2-Chome,
Wakabayashi-ku,
Sendai-city, Miyagi,
982 Japan,
NIPPI Inc. Gelatin
Division
1 Yumizawa-Cho
Fujinomiya City Shizuoka
418 – 0073 Japan,
The NetherlandsRotterdamFuji Photo Film BV, Tilburg
Nitta Gelatin Inc.
2-22 Futamata
Yao-City, Osaka
581 – 0024, Japan
United KingdomLiverpoolFelixstowe
Kodak Ltd
Headstone Drive,
Harrow, MIDDX
HA4 4TY
USA
Eastman Gelatine
Corporation, 227
Washington Street,
Peabody,
MA,
01960 USA,
Gelita North America,
2445 Port Neal
Industrial Road
Sergeant Bluff,
Iowa,
51054 USA
LuxembourgAntwerpZaventemLuxembourg
DuPont Teijin
Luxembourg SA
PO Box 1681
L-1016 Luxembourg

United KingdomLiverpoolFelixstowe
Kodak Ltd
Headstone Drive,
Harrow, MIDDX
HA4 4TY

2. Annex III is replaced by the following:

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

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor
Name
Address
Tel.

I.2. Certificate reference number I.2.a

I.3. Central competent authority

I.4. Local competent authority

I.5. Consignee
Name
Address
Postal code
Tel.

I.6.

I.7. Country of origin ISO code

I.8. Region of origin Code

I.9. Country of destination ISO code

I.10. Region of destination Code

I.11. Place of origin
Name Approval number
Address

I.12.

I.13. Place of loading

I.14. Date of departure

I.15. Means of transport
Aeroplane ☐ Ship ☐ Railway wagon ☐
Road vehicle ☐ Other ☐

Identification
Documentary references

I.16. Entry BIP in EU

I.17. No(s) of CITES

I.18. Description of commodity

I.19. Commodity code (HS code)

I.20. Quantity

I.21. Temperature of product
Ambient ☐ Chilled ☐ Frozen ☐

I.22. Number of packages

I.23. Identification of container/Seal number

I.24. Type of packaging

I.25. Commodities certified for
Technical use ☐

I.26.

I.27. For import or admission into EU ☐

I.28. Identification of the commodities

Species (Scientific name)	Approval number of establishments manufacturing plant	Net weight	Batch number

COUNTRY

Technical gelatine not intended for human consumption to be used by the photographic industry

Part II: Certification

II.a. Certificate reference number	II.b.

Health attestation

I, the undersigned official, declare that I have read and understood Regulation (EC) No 1774/2002 ([1]) and certify that the photographic gelatine described above:

II.1. consists exclusively of photographic gelatine for photographic uses and is not intended for any other purpose;

II.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;

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

II.4. has been wrapped, packaged, stored and transported under satisfactory hygiene conditions;

II.5. has been produced by a process ensuring that the raw material is:

(a) treated by Method 1 ([2]) of Chapter III of Annex V to Regulation (EC) No 1774/2002; or

(b) subjected to:

(i) treatment with acid for at least two days, washing with water and treatment with an alkaline solution for at least 20 days; the pH must be adjusted and the material purified by means of filtration and sterilised at 138-140 °C for 4 seconds; or

(ii) treatment with alkali for at least two days, washing with water and treatment with an acid solution for 10-12 hours; the pH must be adjusted and the material purified by means of filtration and sterilised at 138-140 °C for 4 seconds;

II.6. has been wrapped and packaged in wrappings and packages carrying the words "PHOTOGRAPHIC GELATINE FOR THE PHOTOGRAPHIC INDUSTRY ONLY".

Notes

Part I:

— Box reference I.5: the intended destination of the photographic gelatine can only be Luxembourg, the Netherlands or the United Kingdom.

— Box reference I.9: country of destination: only applicable for Luxembourg, the Netherlands or the United Kingdom.

— Box reference I.15: registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship); information is to be provided in the event of unloading and reloading.

— Box reference I.23: identification of container/seal number: only where applicable.

Part II:

([1]) OJ L 273, 10.10.2002, p. 1.

([2]) 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."

— The signature and the stamp must be in a different colour to that of the printing.

— Note for the person responsible for the load in EU: this certificate is only for veterinary purposes and has to accompany the consignment until it reaches the factory of destination from the border inspection post.

Official veterinarian or official inspector

Name (in capital letters): Qualification and title:

Date: Signature:

Stamp:'

(**1**) OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 1432/2007 (OJ L 320, 6.12.2007, p. 13).

(**2**) OJ L 151, 30.4.2004, p. 11; corrected version (OJ L 208, 10.6.2004, p. 9). Decision as amended by Decision 2006/311/EC (OJ L 115, 28.4.2006, p. 40).

(**3**) OJ L 94, 31.3.2004, p. 63. Decision as last amended by Decision 2005/515/EC (OJ L 187, 19.7.2005, p. 29).

Changes to legislation:
There are currently no known outstanding effects for the Commission Decision of 20 December 2007 amending Decision 2004/407/EC 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 (notified under document number C(2007) 6487) (Only the English, French and Dutch texts are authentic) (2008/48/EC).