

## COMMISSION DECISION

of 14 December 2009

## amending Decision 2004/407/EC as regards authorising imports of photographic gelatine into the Czech Republic

(notified under document C(2009) 9899)

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

(2009/960/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 <sup>(1)</sup>, and in particular Articles 4(4) and Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 prohibits the importation and transit of animal by-products and processed products into the Union, unless they are authorised 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 <sup>(2)</sup> provides that Belgium, Luxembourg, the Netherlands and the United Kingdom are to authorise the importation of certain gelatine exclusively intended for the photographic industry (photographic gelatine), in compliance with that Decision.
- (3) Decision 2004/407/EC provides that the importation of photographic gelatine is only authorised from the third countries listed in the Annex to that Decision, namely Japan and the United States of America. In accordance with that Decision, imported consignments have to be transported to the plant of destination under strict channelling conditions, in order to prevent potential risks to public and animal health.
- (4) The Czech Republic has submitted a request for the authorisation of imports of photographic gelatine from those third countries to an establishment on its territory. The Czech Republic has confirmed that the strict channelling conditions under Decision 2004/407/EC will be applied in order to prevent potential health risks.

(5) Accordingly, and pending the review of the technical requirements for the import of animal by-products under the revised Animal by-products Regulation <sup>(3)</sup> the Czech Republic should be allowed to authorise the importation of photographic gelatine subject to compliance with the conditions set out in Decision 2004/407/EC. However, for geographical reasons, those imports may take place via Germany.

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

(7) 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, the Czech Republic, 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 Czech Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.'

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> OJ L 151, 30.4.2004, p. 11.

<sup>(3)</sup> Regulation No 1069/2009 of the European Parliament and of the Council (OJ L 300, 14.11.2009, p. 1).

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

Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

*Article 2*

This Decision shall apply from 1 January 2010.

Done at Brussels, 14 December 2009.

*Article 3*

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Grand Duchy of Luxembourg, the

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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## 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 INTO THE UNION AND APPROVED PHOTOGRAPHIC FACTORIES**

Third country of origin	Plants of origin	Member State of destination	Border inspection post of first entry into the Union	Approved photographic factories
Japan	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 Netherlands	Rotterdam	FUJIFILM Europe B.V., Oudenstaart 1 5047 TK Tilburg, The Netherlands
	Nitta Gelatin Inc. 2-22 Futamata Yao-City, Osaka 581 - 0024, Japan	United Kingdom	Liverpool Felixstowe	Kodak Ltd Headstone Drive, Harrow, MIDDX HA4 4TY, The United Kingdom
		Czech Republic	Hamburg	FOMA BOHEMIA spol. s r.o. Jana Krušinky 1604 501 04 Hradec Králove, The Czech Republic
United States of America	Eastman Gelatine Corporation, 227 Washington Street, Peabody, MA, 01960 USA  Gelita North America, 2445 Port Neal Industrial Road Sergeant Bluff, Iowa, 51054 USA	Luxembourg	Antwerp Zaventem Luxembourg	DuPont Teijin Luxembourg SA PO Box 1681 L-1016 Luxembourg
		United Kingdom	Liverpool Felixstowe	Kodak Ltd Headstone Drive, Harrow, MIDDX HA4 4TY, The United Kingdom
	Eastman Gelatine Corporation, 227 Washington Street, Peabody, MA, 01960 USA	Czech Republic	Hamburg	FOMA BOHEMIA spol. s r.o. Jana Krušinky 1604 501 04 Hradec Králove, The Czech Republic'

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

<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>(e) When the certificate, including additional schedules referred to in (d), comprises more than one page, each page shall be numbered — (<i>page number</i>) of (<i>total number of pages</i>) — on its bottom and shall bear the code number of the certificate that has been designated by the competent authority on its top.</p> <p>(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.</p> <p>(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.</p> <p>(h) The original of the certificate must accompany the consignment at the EU border inspection post until it reaches the photographic factory of destination.</p>
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## HEALTH CERTIFICATE

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

## COUNTRY

## Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name		I.2. Certificate reference number		I.2.a.			
	Address		I.3. Central Competent Authority					
	Tel. No		I.4. Local Competent Authority					
	I.5. Consignee Name		/					
	Address							
	Postal code							
	Tel. No							
	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.13. Place of loading		I.14. Date of departure						
I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/>		I.16. Entry BIP in EU						
Identification:		I.17. No.(s) of CITES						
Documentary references:								
I.18. Description of commodity				I.19. Commodity code (HS code) <b>3503</b>		I.20. Quantity		
I.21. Temperature of product Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>				I.22. Number of packages				
I.23. Identification of container/Seal number				I.24. Type of packaging				
I.25. Commodities certified for:				Technical use <input type="checkbox"/>				
I.26.				I.27. For import or admission into EU <input type="checkbox"/>				
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. HEALTH INFORMATION	II.a. Certificate reference number	II.b.
	<p><b>II.1. Health attestation</b></p> <p>I, the undersigned official, declare that I have read and understood Regulation (EC) No 1774/2002 <sup>(1)</sup> and certify that the photographic gelatine described above:</p> <p>II.1.1. consists exclusively of photographic gelatine for photographic uses and is not intended for any other purpose;</p> <p>II.1.2. 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 Union;</p> <p>II.1.3. has been prepared with Category 3 animal by-products and/or bovine vertebral column classified as Category 1 material;</p> <p>II.1.4. has been wrapped, packaged, stored and transported under satisfactory hygiene conditions;</p> <p>II.1.5. has been produced by a process ensuring that the raw material is:</p> <p>(a) treated by Method 1 <sup>(2)</sup> of Chapter III of Annex V to Regulation (EC) No 1774/2002 or</p> <p>(b) subjected to:</p> <p>(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</p> <p>(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.</p> <p>II.1.6. has been wrapped and packaged in wrappings and packages carrying the words "PHOTOGRAPHIC GELATINE FOR THE PHOTOGRAPHIC INDUSTRY ONLY".</p>		
<b>Notes</b>			
<b>Part I:</b>			
— Box reference I.5: The intended destination of the photographic gelatine can only be the Czech Republic, Luxembourg, the Netherlands or the United Kingdom.			
— Box reference I.9: Country of destination: only applicable for the Czech Republic, Luxembourg, the Netherlands or 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.			
<b>Part II:</b>			
<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.			
<sup>(2)</sup> 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 of official inspector			
Name (in capital letters):		Qualification and title:	
Date:		Signature:	
Stamp'			