COMMISSION DECISION

of 6 August 1999

amending Decision 1999/449/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption

(notified under document number C(1999) 2692)

(Text with EEA relevance)

(1999/551/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market [1], as last amended by Directive 92/118/EEC [2], and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [3], as last amended by Directive 92/118/EEC, and in particular Article 10(4) thereof,

Whereas:

(1) the Belgian Authorities have recently, following investigations, placed further pig and poultry farms under restriction;

(2) the information now available indicates that poultry other than domestic fowl may have been exposed to contaminated feed;

(3) it appears necessary to establish a provisional maximum level for PCBs in fresh pigmeat, beef meat and derived products, pending the generation of data to allow a scientific evaluation;

(4) the testing provisions for certain products of animal origin for dioxins or polychlorinated bipheryls (PCBs) should also be applicable for live animals and hatching eggs;

(5) the Belgian authorities have decided not to issue certification for trade or export to third countries on the basis of traceability, or to verify the status of consignments already in Member States or third countries, of live animals, hatching eggs or products until 31 August 1999;

(6) in view of the difficulties which have arisen in connection with the tracing system used in Belgium, the application of the system should be suspended temporarily, as a precaution, for bovine animals, pigs and poultry and for products derived from them;

(7) Commission Decision 1999/449/EC of 9 July 1999 on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption [4] should be amended accordingly;

(8) the provisions of this Decision should be reviewed before 31 August 1999 to take account of developments;

(9) the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 1999/449/EC is amended as follows:

1. The introductory part of Article 1(1)A is replaced by the following:

   'Belgium shall prohibit the placing on the market, including distribution to the final consumer, the trade and the export to third countries, of the products listed below which are intended for human or animal consumption and are derived from poultry, pigs and bovine animals reared in Belgium from 15 January 1999.'

2. Article 1(3) is replaced by the following:

   'Belgium shall prohibit the placing on the market, the trade and the export to third countries of pigs and bovine animals, live poultry reared from 15 January 1999 or hatching eggs laid by those poultry, and of, unless the animals have not been reared and the eggs have not been produced in holdings placed under restrictions by the Belgian authorities, or unless the animals or the hatching eggs come from a homogenous group and the results of analysis on representative samples of these animals or hatching eggs have demonstrated that they are not contaminated with dioxin, or that it does not contain PCBs in excess of the maximum levels set out in Annex A.'

[1] OJ L 395, 30.12.1989, p. 13.
[2] OJ L 62, 15.3.1993, p. 49.
[3] OJ L 224, 18.8.1990, p. 20.
[4] OJ L 175, 10.7.1999, p. 70.

3. Article 2(2) is replaced by the following:

'For the purpose of intra-Community trade and export to third countries, the appropriate health certificate accompanying each consignment of live poultry and hatching eggs derived therefrom, of Belgian origin, must be accompanied by an official declaration signed by the Belgian competent authority as laid down in Annex C.'

4. Article 4 is replaced by the following:

'Upon request of a Member State or of a third country which has received products referred to in Article 1 (1)(A) or live animals or hatching eggs referred to in Article 1(3), Belgium, where it has such information, shall provide a declaration on the status of the holding of origin in accordance with the model set out in Annex E.'

5. Annexes A to E are replaced by the texts in the Annex to this Decision.

Article 2

This Decision shall be reviewed before 31 August 1999, notably on the basis of information to be submitted by the Belgian authorities.

Pending the outcome of this review Belgium shall only issue the certification provided for in Article 2 of Decision 1999/449/EC on the basis of analytical results, and shall not issue the certification provided for in Article 4 of Decision 1999/449/EC.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 August 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Annexes A to E of Decision 1999/449/EC are replaced by the following:

'ANNEX A

Maximum levels for PCBs for certain products listed in Article 1(1)

Products	Maximum level PCBs (1)
Eggs, egg products, fresh poultry meat and derived products	200 ng/g fat
Raw milk, heat-treated milk and milk-based products	100 ng/g fat
Fresh pig meat and derived products	200 ng/g fat (2)
Fresh beef meat and derived products	200 ng/g fat (2)

(1) Sum of the following PCBs (IUPAC): 28, 52, 101, 118, 138, 153, 180.
(2) Provisional level.'

'ANNEX B

HEALTH CERTIFICATE

for products intended for human or animal consumption of Belgian origin derived from poultry, bovine animals and pigs listed in Article 1(1)(A) of Decision 1999/449/EC

Country of destination: .....

Reference number of this health certificate: .....

Responsible ministry [1]:

— Ministère des affaires sociales, de la santè publique et de l'environnement/Ministerie van Sociale Zaken, Volksgezondheid en Leefmilieu,

— Ministère des classes moyennes et de l'agriculture/Ministerie van Middenstand en Landbouw.

Certifying department: .....

I. **Identification of the products** [1]:

— fresh meat, as defined by Council Directive 64/433/EEC,

— fresh poultry meat, as defined by Council Directive 71/118/EEC,

— mechanically recovered meat,

— minced meat and meat preparation, as defined by Council Directive 94/65/EC,

— meat products and other products of animal origin as defined by Council Directive 77/99/EEC,

— products intended for human consumption which contain other products of bovine, porcine or poultry origin as defined by Directive 77/99/EEC, which contain more that 2 % of animal fat, with the exclusion of milk fat,

— eggs,

— egg products, as defined by Council Directive 89/437/EEC, with the exclusion of egg white,

— products intended for human consumption which contain more than 2 % of eggs or more than 2 % of egg products containing more than 10 % of egg fat,

— rendered fats, as referred to by Council Directive 92/118/EEC,

— processed animal proteins, as referred to by Directive 92/118/EEC,

— raw material for the manufacture of animal feedingstuffs, as referred to by Directive 92/118/EEC,

— compound feedingstuffs and pre-mixtures.

The product was derived from: poultry/bovine animals/pigs [1]

Nature of packaging: .....

Number of cuts or packages: .....

Net weight: .....

II. **Origin of the products**

Address and veterinary approval or registration number of the approved or registered establishment:

.....

[1] Delete as appropriate.

III. **Destination of the products**

The product will be sent from: .....
(place of loading)

To: .....
(country and place of destination)

By the following means of transport: .....

Name and address of consignor: .....

Name and address of consignee: .....

IV. **Attestation**

I, the undersigned official competent authority, declare that I am aware of the provisions laid down in Decision 1999/449/EC, as amended by Decision 1999/551/EC, and certify that the product described above is in compliance with Decision 1999/449/EC and, in particular, that [1]:

— the product is not derived from animals reared in holdings under restriction by the Belgian authorities [2], or

— the results of analysis demonstrate that the product is not contaminated with dioxins or, that it does not exceed the levels for certain PCBs set out in Annex A to Decision 1999/449/EC.

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

Stamp [3]

.....
(signature of the official competent authority) [3]

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

[1] Delete as appropriate.
[2] This possibility is provisionally suspended.
[3] The signature and the stamp must be in a colour different to that of the printing.'

'ANNEX C

OFFICIAL DECLARATION

For poultry and hatching eggs referred to in Article 1(3) of Decision 1999/449/EC

Health certificate number: .....

DECLARATION

Number of the declaration: .....

I, the undersigned official veterinarian, declare that I am aware of the provisions laid down in Decision 1999/449/EC, as amended by Decision 1999/551/EC, and certify that [1]:

— the animals/hatching eggs [2] accompanied by the attached health certificate are in compliance with Decision 1999/449/EC and, in particular, that the animals have not been reared in holdings under restriction by the Belgian authorities/the hatching eggs have not been derived from animals reared in holdings under restriction by the Belgian authorities [2], or

— the animals/hatching eggs [1] come from a homogeneous group for which the results of analysis on representative samples on these animals/hatching eggs have demonstrated that they are not contaminated with dioxin, or that they do not exceed the levels of PCBs set out in Annex A.

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

Stamp [3]

.....
(signature of the official veterinarian of Ministère des classes moyennes et de l'agriculture) [3]

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

[1] Delete as appropriate.

[2] This possibility is provisionally suspended.

[3] The signature and the stamp must be in a colour different to that of the printing.'

'*ANNEX D*

OFFICIAL DECLARATION

For bovine animals and pigs listed in Article 1(3) of Decision 1999/449/EC

Health certificate number: .....

DECLARATION

Number of the declaration: .....

I, the undersigned official veterinarian, declare that I am aware of the provisions laid down in Decision 1999/449/EC, as amended by Decision 1999/551/EC, and certify that the bovine animals/pigs [1] accompanied by the attached health certificate are in compliance with Decision 1999/449/EC and, in particular, that [1]:

— the animals have not been reared in holdings under restriction by the Belgian authorities [2], or

— the animals come from a homogeneous group for which the results of analysis on representative samples of these animals has demonstrated that they are not contaminated with dioxin, or that they do not exceed the levels of PCBs set out in Annex A.

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

Stamp [3]

.....
(signature of the official veterinarian of Ministère des classes moyennes et de l'agriculture) [3]

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

[1] Delete as appropriate.

[2] This possibility is provisionally suspended.

[3] The signature and the stamp must be in a colour different to that of the printing.'

'ANNEX E

OFFICIAL DECLARATION (1)

For live animals, hatching eggs and products of Belgian origin covered by Article 1(1)(A) and Article 1(3) of Decision 1999/449/EC which were dispatched from Belgium from 15 January 1999

Responsible ministry (2):

— Ministère des affaires sociales, de la Santé publique et de l'Environnement/Ministerie van Sociale Zaken, Volksgezondheid en Leefmilieu,

— Ministère des Classes moyennes et de l'Agriculture/Ministerie van Middenstand en Landbouw.

Certifying department: .....

DECLARATION

Number of the declaration: .....

I, the undersigned official competent authority, declare that I am aware of the provisions laid down in Decision 1999/449/EC, as amended by Decision 1999/551/EC, and certify that (2):

— the poultry/bovine animals/pigs (2) which were sent from Belgium to ..... (3) on ..... (4) and which were accompanied by the attached health certificate are in compliance with Decision 1999/449/EC and, in particular, that the animals have not been reared in holdings under restriction by the Belgian authorities,

— hatching eggs which were sent from Belgium to ..... (3) on ..... (4) and which were accompanied by the attached health certificate are in compliance with Decision 1999/449/EC and, in particular, that the hatching eggs have not been derived from animals reared in holdings under restriction by the Belgian authorities,

— the following product ..... (5) which was sent from Belgium to ..... (3) on ..... (4) and which were accompanied by the attached commercial document/health certificate No ..... have not been derived from animals reared in holdings under restriction by the Belgian authorities.

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

Stamp (6)

.....
(signature of the official competent authority) (6)

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

(1) This certificate is provisionally suspended.
(2) Delete as appropriate.
(3) Place of destination.
(4) Date of dispatching.
(5) Description of products.
(6) The signature and the stamp must be in a colour different to that of the printing.'