

Health rules: animal by-products and derived products not intended for human consumption

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The Committee on the Environment, Public Health and Food Safety adopted the report drawn up by Horst SCHNELHARDT (EPP-ED, DE) amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council laying down health rules as regards animal by-products not intended for human consumption (Animal by-products Regulation).

The main amendments adopted by the committee are as follows:

Definitions: MEPs note that the proposal introduces new definitions different from those which figured in previous legislation, meaning the user must be prepared for new concepts. In keeping with the principle of good, consistent lawmaking, MEPs expanded the definitions of the proposed regulation and added references to provisions in force (Regulation (EC) No 853/2004 on the hygiene of foodstuffs, for example). With a view to making clear that the regulation covers only animal by-products, the definition of 'animal by-products' should include a reference to the fact that they have been excluded from human consumption.

Scope: according to MEPs, **the regulation shall not apply to:**

- raw pet food for use on site derived from animals slaughtered on the farm of origin for use only as foodstuffs by the farmer and his family;
- milk, milk-based products and colostrum which are obtained, kept, disposed of or used on the farm of origin;
- animal by-products for feeding to carnivorous or omnivorous animals of wild species which are being kept under human supervision and which are not intended for human consumption (provided that the animal by-products in question form part of or are based on the animals' natural diet and are not likely to pose an increased TSE risk);
- pet food manufactured in registered food production establishments from material suitable for use in foodstuffs and under the same hygiene conditions as foodstuffs;
- pet food manufactured solely from carcasses or slaughter animals suitable for human consumption originating from retail shops or premises adjacent to points of sale where the cutting, processing and storage are performed solely for the purpose of supplying the consumer directly on the spot;
- end products from the safe processing of biofuels derived from animal by-products.

Hygiene: the general hygiene requirements should not be dealt with in the implementing provisions, which are covered by the comitology procedure. Instead their importance is such that they should be set out in the body of the regulation. A **new 'Annex I'** therefore deals with general hygiene requirements for the handling and processing of animal by-products.

Pets: MEPs call for the ban on the use of raw materials in Categories 1 and 2 to manufacture pet food to be maintained.

General animal health restrictions: MEPs deleted Article 5 of the proposal because the provisions on combating animal diseases, which are essentially based on EU law, already lay down in detail which products can be removed from restricted areas.

Placing on the market of other derived products outside the feed chain: MEPs believe that animal by-products can be processed to such an extent that they pose no risk to human or animal health. The end point in the life cycle of an ABP is a concept central to the new, revised regulation and limits its scope as defined in Section 1 of Chapter 1. They therefore propose that the end point should already be described in Section I.

Plants and establishments requiring approval: MEPs consider that the text does not make it clear whether pet food factories must be registered or approved. They believe that across-the-board approval for all pet food manufacturing establishments is essential for uniformity in the sector, in order to forestall problems in connection with trade. Within the EU, for the purposes of issuing health certificates an establishment must be approved in the country in question, so that imports into the EU can be approved. MEPs also call for the compulsory registration of operators who transport animal by-products.

Exemptions from the requirement for approval: MEPs reject the exemption from the requirement for approval in respect of the processing, storage and handling of animal by-products in establishments registered pursuant to Regulations (EC) No 853/2004 and No 183/2005 or approved pursuant to Regulation (EC) No 183/2005 laying down requirements for feed hygiene. Moreover, they consider that a blanket exemption from the requirement for approval for biogas and composting plants in which animal by-products or derived products are transformed in accordance with the standard parameters laid down in the regulation is unacceptable. Operators whose plants or establishments are exempt from approval shall, before commencing operations, notify the relevant competent authority of the existence of the plants or establishments.

Approval of establishments and plants: according to MEPs, this provision (approval of plants following an on-site visit, conditional approval) should also apply to establishments. The wording should be brought into line with the parallel provision in Regulation (EC) No 882/2004. In addition, it should then be made clear that the granting of both conditional and final approval can be made subject to compliance with specific requirements.

In this context, the competent authority shall initiate procedures to withdraw the establishment's or plant's approval if, when carrying out official controls, it identifies serious deficiencies or has to stop production at an establishment or plant repeatedly and the operator is not able to provide adequate guarantees regarding future production. However, the competent authority may suspend an establishment's or plant's approval if the operator can guarantee that it will resolve deficiencies within a reasonable time.

Operators' obligations and responsibility: MEPs specify that the responsibility for ensuring that animal by-products and derived products are accompanied by a commercial document - so that this provision can be enforced and breaches of it punished - should lie with the **transporter**. With a view to facilitating trade, the commercial document may also be drawn up electronically. Any operator consigning, transporting or receiving animal by-products or derived products shall keep a record of consignments.

In line with previous legislation on food production, **operators should continue to be held responsible**. In particular, operators of such plants shall take the following measures: (i) identify any hazards that must be prevented, eliminated or reduced to acceptable levels; (ii) identify the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels; (iii) establish critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards; (iv) establish and implement effective monitoring procedures at critical control points; (v) establish corrective actions and procedures, which shall be carried out regularly, to verify that the measures are working effectively; (vi) establish a system ensuring the traceability of each batch dispatched.

Restrictions concerning the use of animal by-products: MEPs consider that the feeding of fur animals with processed animal protein and grazing on organically fertilised land are fundamental issues dealt with by the regulation. They should not be regulated in the implementing rules. However, technical details concerning compliance with prohibitions and thresholds in connection with the contamination of feed with animal protein should be regulated in such a way.

Disposal of by-products: a new article has been added covering all the possibilities for disposal for all categories of by-products in order to avoid repetition of their final uses.

Disposal and use of catering waste: MEPs recall that the Directive currently in force permits national regulation of the use of catering waste in biogas and composting plants. Until efficient Community provisions are adopted, the law currently in force should continue to apply. MEPs believe that, with regard to storage, collection and transport of catering waste, uniform provisions should also apply, in the interests of uniform economic conditions in the EU.

Derogations regarding the collection and use of animal by-products for the specific purpose of animal feed: a new article provides that implementing measures may be adopted by the Member States, with notification to the European Commission, in order to exclude the collection of material from Categories 1, 2 and 3 in certain areas of the Natura 2000 network or other areas in which, for reasons of conservation of endangered and protected species, or protected necrophagous birds, such measures are needed.

Official controls: the entire chain of animal by-products, from the place where the by-product arises to processing, use or disposal, shall be subject to official controls.

Traceability: the report stresses that cooperation between the competent authorities of Member States controlling the flow of material should be enhanced so as to ensure traceability and to avoid illegal relabeling of meat and meat products, which has led to rotten meat scandals in the past. Lastly, MEPs consider that every effort should be made to promote the use of animal by-products as sources of bioenergy.