

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

2008/0110(COD) - 21/10/2009 - Final act

PURPOSE: to lay down health rules as regards animal by-products not intended for human consumption

LEGISLATIVE ACT: Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

CONTENT: the Council adopted this Regulation modernising the EU rules for animal by products, following a first reading agreement with the European Parliament. The new Regulation is aimed at introducing more risk-proportionate rules and at clarifying the rules on animal by-products, as well as their interaction with other EU legislation.

The Regulation lays down public health and animal health rules for animal by-products and derived products, in order to prevent and minimise risks to public and animal health arising from those products, and in particular to protect the safety of the food and feed chain. Animal by-products are products of animal origin which are not intended for human consumption. They arise mainly during the slaughter of animals for human consumption, during the production of products of animal origin such as dairy products, and in the course of the disposal of dead animals. Past crisis related to outbreaks of foot-and-mouth disease or the spread of bovine spongiform encephalopathy (BSE) have shown that the improper use of certain animal by-products pose a risk to public and animal health, the safety of the food and feed chain and consumer confidence. More than 15 million tonnes of animal by-products are produced in the EU every year.

The main points of the Regulation are as follows:

- the concept of an "**end point**" in the manufacturing of animal by-products is introduced, after which the processed products are no longer subject to the animal by-products Regulation, as some potential risks have been eliminated for example by heat or chemical substances. Instead, the general rules on product safety apply. Under the current rules, almost all material from animals which does not enter the food chain, is subject to the rules on animal by-products;
- the distinction between foodstuffs and animal by-products is clarified by confirming that operators need to make an irreversible decision, if products are destined for purposes other than human consumption. This means that once a product has become an animal by-product, it must not re-enter the food chain;
- modification of the current classification 1 of animal by-products by Comitology procedure is permitted. In addition, certain animal by-products, which so far have been classified by default as category 2 material but which have been proven to pose no major risks, are reclassified as belonging to category 3, so as to allow their use for certain feeding purposes. For any other animal by-products which are not listed under one of the three categories, the classification by default as category 2 material is maintained for precautionary reasons;
- a registration obligation is introduced for operators who transport animal by-products, in order to strengthen traceability;

- the coherence between the Regulation on animal by-products and other EU legislation (for instance the legislation on food hygiene and waste) is improved by clarifying when the appropriate legislation applies. This removes unnecessary burdens for operators (for example, approvals of slaughterhouses and dairy plants under food and feed legislation are recognised).

The current classification scheme is maintained. This means that animal by-products of category 1 (injurious to health) and category 2 (unfit for human consumption) must not be placed on the market as food, whereas material of category 3 (which comply with certain rules regarding their possible use for human consumption) may be used for certain feeding purposes.

The basic principles of Regulation (EC) No 1774/2002 on animal by-products, however, remain unchanged. These include:

- the classification of animal by-products into three categories according to the degree of risk involved;
- the exclusion of animal by-products which are unfit for human consumption from the feed chain of farmed animals;
- the intra-species recycling ban (material derived from animals is not to be fed to animals of the species from which it is derived);
- the rule that only material from animals which have undergone veterinary inspection is to enter the feed chain for farmed animals;
- the ban on feeding of catering waste to farmed animals, in particular to pigs.

The technical details for the Regulation will be laid down in a separate legal act, to be adopted by comitology procedure. This implementing regulation will be prepared in the next year, so that it can enter into application simultaneously with the new basic regulation.

ENTRY INTO FORCE: 04/12/2009.

APPLICATION: from 04/03/2011.