

Basic information	
2000/0259(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Health policy: animal by-products not intended for human consumption, animal proteins in animal feed Repealed by 2008/0110(COD) Subject 4.20.05 Health legislation and policy 4.60.04.02 Consumer security	

Key players			
European Parliament	Committee responsible		Rapporteur
	DELE EP Delegation to Conciliation Committee		PAULSEN Marit (ELDR) 20/03/2002
	Former committee responsible		Former rapporteur
	ENVI Environment, Public Health, Consumer Policy		PAULSEN Marit (ELDR) 21/11/2000
	ENVI Environment, Public Health, Consumer Policy		PAULSEN Marit (ELDR) 21/11/2000
	Former committee for opinion		Former rapporteur for opinion
	AGRI Agriculture and Rural Development		GRAEFE ZU BARINGDORF Friedrich-Wilhelm (V/ALE) 27/02/2001
Council of the European Union	Council configuration	Meetings	Date
	Agriculture and Fisheries	2343	2001-04-24
	Agriculture and Fisheries	2360	2001-06-19
	Agriculture and Fisheries	2448	2002-09-23
	Agriculture and Fisheries	2387	2001-11-20
European Commission	Commission DG		Commissioner
	Health and Food Safety		

Key events			
Date	Event	Reference	Summary
19/10/2000	Legislative proposal published	COM(2000)0574 	Summary
17/11/2000	Committee referral announced in Parliament, 1st reading		
24/04/2001	Debate in Council		
29/05/2001	Vote in committee, 1st reading		Summary
29/05/2001	Committee report tabled for plenary, 1st reading	A5-0200/2001	
12/06/2001	Decision by Parliament, 1st reading	T5-0312/2001	Summary
12/06/2001	Debate in Parliament		
20/11/2001	Council position published	10408/2001	Summary
28/11/2001	Committee referral announced in Parliament, 2nd reading		
12/12/2001	Modified legislative proposal published	COM(2001)0748 	Summary
20/02/2002	Vote in committee, 2nd reading		Summary
20/02/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0043/2002	
12/03/2002	Debate in Parliament		
13/03/2002	Decision by Parliament, 2nd reading	T5-0105/2002	Summary
03/07/2002	Report tabled for plenary, 3rd reading	A5-0306/2002	
02/08/2002	Parliament's amendments rejected by Council		
12/09/2002	Formal meeting of Conciliation Committee		
12/09/2002	Final decision by Conciliation Committee		Summary
12/09/2002	Joint text approved by Conciliation Committee co-chairs	3641/2002	
23/09/2002	Debate in Parliament		
23/09/2002	Decision by Council, 3rd reading		
24/09/2002	Decision by Parliament, 3rd reading	T5-0431/2002	Summary
03/10/2002	Final act signed		
03/10/2002	End of procedure in Parliament		
10/10/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0259(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2008/0110(COD)

Legal basis	EC Treaty (after Amsterdam) EC 152-p4
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/16049

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0200/2001	29/05/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0312/2001 OJ C 053 28.02.2002, p. 0022-0084 E	12/06/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0043/2002	20/02/2002	
Text adopted by Parliament, 2nd reading		T5-0105/2002 OJ C 047 27.02.2003, p. 0088-0248 E	13/03/2002	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0306/2002	03/07/2002	
Text adopted by Parliament, 3rd reading		T5-0431/2002 OJ C 273 14.11.2003, p. 0024-0103 E	24/09/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	10408/2001 OJ C 045 19.02.2002, p. 0070 E	20/11/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0574  OJ C 096 27.03.2001, p. 0040 E	19/10/2000	Summary
Document attached to the procedure	SEC(2001)0631 	10/04/2001	Summary
Commission communication on Council's position	SEC(2001)1912 	27/11/2001	Summary
Modified legislative proposal	COM(2001)0748  OJ C 103 30.04.2002, p. 0058 E	12/12/2001	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0268 	28/05/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0522/2001 OJ C 193 10.07.2001, p. 0032	26/04/2001	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3641/2002	12/09/2002	
EU	Implementing legislative act	32003R0808 OJ L 117 13.05.2003, p. 0001-0009	12/05/2003	Summary
EU	Implementing legislative act	32004R0668 OJ L 112 19.04.2004, p. 0001-0087	10/03/2004	Summary
EU	Implementing legislative act	32005R0079 OJ L 016 20.01.2005, p. 0046-0051	19/01/2005	Summary
EU	Implementing legislative act	32005R0092 OJ L 019 21.01.2005, p. 0027-0033	19/01/2005	Summary
EU	Implementing legislative act	32006R0181 OJ L 029 02.02.2006, p. 0031-0034	01/02/2006	Summary
EU	Implementing legislative act	32006R0197 OJ L 032 04.02.2006, p. 0013-0014	03/02/2006	Summary
EU	Implementing legislative act	32006R1192 OJ L 215 05.08.2006, p. 0010-0011	04/08/2006	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Regulation 2002/1774 OJ L 273 10.10.2002, p. 0001 Summary

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 27/11/2001 - Commission communication on Council's position

The Commission supports the Council's common position. It makes the following comments: -animal feed : the Commission considers that the potential risk in fish farming comes from recycling of fish waste derived from commercial farming of the same species. accordingly, the Commission clarifies that the ban provided for in the common position will be applied on a species basis, and will not therefore apply to the feeding of fishmeal to farmed fish as long as the fish meal is derived from different species. -catering waste: the practice of swill feeding is not compatible with the prohibition on intra-species recycling and with the demand for full traceability of feed ingredients, both of which are requested by the Parliament. The recent dioxin crisis and the outbreak of foot-and-mouth disease, both illustrate why the continuation of this feeding practice is not appropriate. The common position does not exclude for use in animal feed waste food which comes from industrial food business, where traceability of the products can be ensured. The date

of entry into force of this ban should be the same as the one set in the forthcoming legislation on Classical Swine Fever (31/10/02). -traceability: the marking of certain unprocessed category 1 material, such as Specified risk Material (SRM), is already established by the TSE Regulation, and an additional marking of ruminant cadavers would not be in line with TSE Regulation, which derogates from this requirement. Additional rules on marking may be laid down under Comitology procedure.

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2000/0259(COD) - 12/12/2001 - Modified legislative proposal

The Commission has presented an amended proposal, following developments in Council and the Parliament. On the main issues, it comments as follows: -prohibition of intraspecies recycling: please refer to the previous documents. This prohibition was recently recommended by the Scientific Steering Committee as a precautionary measure. -traceability: the Parliament's amendments which introduce additional requirements to improve traceability of products have been taken into account. Please refer to previous documents on the issue of SRM and markers on cadavers. The marking of unprocessed category 2 material, including manure has not been taken into account for the same reasons. Cross contamination: please refer to the common position. Parliament's amendments have been taken into account. Derogation for burial and burning: please refer to the common position, which takes into account Parliament's amendments. Incinerators/review of methods of disposal: the Parliament's amendments have been taken into account. Catering waste: please refer to the previous documents. Catering waste from international means of transport belongs to the highest risk category 1 and shall be destroyed as already required by existing Community legislation. Manure and prohibition of spreading organic fertilisers on pasture land: Parliament's amendments clarifying that a harmonised health certificate for the trade of manure shall be laid down by Comitology have been taken into account. Processing standards before incineration: the amendment requiring the use of pressure cooking standards for animal by-products even if the resulting by-product is burned has been taken into account by amending Articles 4 and 5, but this process should be used before incineration if required by the national competent authority. Rendered fats: please refer to the common position. Entry into force: Parliament's amendments have been taken into account. Exportation: please refer to the common position. Refrigeration: Parliament's amendments on refrigeration of raw category 3 material during storage and transportation have been taken into account, but it is proposed to limit the requirement of refrigeration only to raw material which is not processed within 24 hours from the slaughter.

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2000/0259(COD) - 19/01/2005 - Implementing legislative act

ACT: Commission Regulation 92/2005/EC implementing Regulation 1774/2002/EC of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats.

CONTENT: Regulation 1774/2002/EC provides for rules concerning the means of disposal and uses of animal by-products. It also provides for the possibility for additional means of disposal and uses of animal by-products to be approved following consultation of the appropriate scientific committee.

The Scientific Steering Committee (SSC) issued an opinion on in April 2003 on six alternative processing methods for safe treatment and disposal of animal by-products according to which five processes are considered as safe for the disposal of and/or uses of Categories 2 and 3 material under certain conditions.

The SSC issued a final opinion and report in April 2003 on a treatment of animal waste by means of high temperature and high-pressure alkaline hydrolysis, providing guidance on the possibilities to use alkaline hydrolysis and on its risks for the disposal of Categories 1, 2 and 3 material.

Five processes may, therefore, be approved as alternative means for the disposal and/or uses of animal by-products in line with the SSC opinions, in addition to those processing methods already provided for by the Regulation. It is also appropriate to lay down the conditions for the use of those processes. The Commission has asked some of the applicants for approval of the processes to submit further information regarding the safety of their processes for the treatment and disposal of Category 1 material. That information is to be forwarded to the European Food Safety Authority for evaluation in due course. Pending that evaluation, and considering current SSC opinions that tallow is safe as regards TSE, especially if it is pressure-cooked and filtered to remove insoluble impurities, it is appropriate to approve one of the processes, which processes animal fat into biodiesel, also for treatment and disposal, under strict conditions, of most Category 1 material, except for the most risky. In that case, it should be made clear that the treatment and disposal may include the recovery of bioenergy.

The approval and the operation of such alternative means should be without prejudice to other applicable EU legislation, in particular environmental legislation, and therefore the operating conditions established in this Regulation should, where applicable, be implemented according to the provisions of Art 6 of Directive 2000/76/EC on the incineration of waste.

For processes approved for the treatment of Category 1 animal by-products, and as a surveillance measure complementary to the regular monitoring of processing parameters, the efficacy of the process, together with its safety with regard to animal and public health, should be demonstrated to the competent authorities by testing in a pilot plant during the first two years following the implementation of the process within each Member State concerned.

It is appropriate to amend Annex VI, Chapters II and III of Regulation 1774/2002/EC as a consequence of approving the transformation of Category 1 animal by-products.

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2000/0259(COD) - 12/05/2003 - Implementing legislative act

ACT : Commission Regulation 808/2003/EC amending Regulation 1774/2002/EC of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption. CONTENT : the Scientific Steering Committee issued an opinion on 16 and 17 January 2003 on the safety vis-à-vis TSEs of the use of low-capacity incineration plants and co-incineration plants for incinerating potentially TSE infected animal materials. In order to take account of that opinion, this Regulation amends the provisions of Regulation 1774/2002/EC as regards the operation of low-capacity incineration plants or co-incineration plants for the disposal of the carcasses of certain animals. In addition, the Annexes to Regulation 1774/2002/EC should be amended in order to make a number of technical amendments to them to bring them more into conformity with the Articles of that Regulation and to clarify the rules applicable to a number of additional products. Additional rules concerning the treatment of wastewater from premises where microbiological or other contamination risks may be present as a consequence of the handling of Category 1 or Category 2 materials are provided. While the feed ban provided for in Council Decision 2000/766/EC remains in force, less stringent processing requirements should apply to mammalian processed animals proteins, given the exclusive destination as waste of such material which is a consequence of the ban. ENTRY INTO FORCE : 13/05/2003. The Regulation shall apply from 01/05/2003.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 04/08/2006 - Implementing legislative act

ACT: Commission Regulation 1192/2006/EC implementing Regulation 1774/2002 of the European Parliament and of the Council as regards lists of approved plants in the Member States.

CONTENT: Regulation 1774/2002 lays down specific requirement for rules on animal by-products which are not intended for human consumption. It also states that any animal by-products must be processed stored and kept separate in an approved and supervised plant. These plants need to be designated by the Member States.

This implementing Regulation lists, in Annex, all of the plants approved by the Member States. The Commission will provide a website listing all of the national plants. The Commission website will feature links to all national websites provided by each Member State.

ENTRY INTO FORCE: 8 August 2006.

DATE OF APPLICATION: 1 July 2007.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 12/06/2001 - Text adopted by Parliament, 1st reading/single reading

In adopting the report of Marit PAULSEN (ELDR, S) (see previous document), the European Parliament voted for its resolution by 495 to 10 with 17 abstentions. With regard to waste incineration, the European Parliament believes that new rules must be included and that the reference to the 1976 directive, proposed by the Commission is erroneous. An amendment was adopted demanding that by June 2002, the Commission should present a legislative proposal in order to ban the use of swill, unless the competent authorities in the Member States can guarantee its appropriate treatment with proper sterilisation standards, sufficient to kill the swine fever and the FMD virus. In order to reduce the risk of spreading animal diseases, a conditional ban on swill, foreseeing a registered and controlled disposal of catering waste was considered to be more effective than a general ban which could not be controlled in an efficient way.

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2000/0259(COD) - 24/09/2002 - Text adopted by Parliament, 3rd reading

The European Parliament approved the joint text agreed by the Conciliation Committee.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 13/03/2002 - Text adopted by Parliament, 2nd reading

In adopting the resolution by Mrs Marit PAULSEN (ELDR, S) approving the common position, the Parliament has adopted a compromise amendment tabled by PSE, ELDR, Greens/ALE and GUE/NGL, Parliament pointed out that the illegal use of waste from kitchens, restaurants catering facilities in pig feeding has been critically mentioned in connection with swine fever and foot-and-mouth disease. In order to reduce the risk of spreading animal diseases, a conditional ban on the use of catering waste for feeding, providing for a registered and controlled disposal and treatment of catering waste, was considered to be more effective than a general ban which could not be sufficiently controlled. With regard to that ban, the Commission should submit a legislative proposal before the entry into force of this Regulation to ensure the safe use and disposal of certain types of catering waste. Member States shall take the necessary steps to ensure that Category 3 catering waste is collected, transported and disposed of without harming the environment. Member States currently permitting the use of certain types of catering waste under strictly controlled circumstances may continue to do so for a transitional period of not more than four years. The Commission shall lay down rules for the use of catering waste in order to ensure that there is no undue risk to animal or public health during this transition period. Member States shall also be required to provide the Commission with details of the control systems in place and information regarding the safe disposal of catering waste during the transitional period.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 03/02/2006 - Implementing legislative act

ACT : Commission Regulation 197/2006/EC on transitional measures under Regulation 1774/2002/EC as regards the collection, transport, treatment, use and disposal of former foodstuffs

CONTENT : The main provisions of the Regulation are as follows:

- Regulation 1774/2002/EC provides for a complete revision of Community rules concerning animal byproducts not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted. Due to the strict nature of those requirements, Commission Regulation 13/2003/EC granted a derogation to Member States in order to enable them to authorise operators to continue to apply national rules for the collection, transport and disposal of former foodstuffs of animal origin until 31 December 2005. Member States have asked to extend the derogation for a further period of time in order to avoid disruption of trade. This Regulation extends the derogation.

- Council Directive 1999/31/EC sets out conditions for the granting of permits for landfills and the waste to be accepted in the different landfills. This Regulation applies the measures provided for in that Directive, where the competent authority considers that the former foodstuffs do not pose a risk to public or animal health, if they are disposed of in a landfill.

-Certain former foodstuffs, such as bread, pasta, pastry and similar products, pose little risk to public or animal health providing they have not been in contact with raw material of animal origin such as raw meat, raw fishery products, raw eggs and raw milk. In such cases, the competent authority will be permitted to allow the former foodstuffs to be used as feed material if the authority is satisfied that such practice does not pose a risk to public or animal health. The competent authority will also be permitted to allow it to be used for other purposes, such as fertiliser, or treated or disposed of in another way, such as in a biogas or a composting plant which is not approved in accordance with Article 15 of Regulation 1774/2002/EC.

-In order to prevent a risk to animal and public health, appropriate control systems will be maintained in the Member States for the period of the transitional measures.

ENTRY INTO FORCE: 7 February 2006

DATE OF APPLICATION : from 1 January 2006 to 31 July 2007.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 19/01/2005 - Implementing legislative act

The European Commission has adopted Regulation 79/2005/EC implementing Regulation 1774/2002/EC of the European Parliament and of the Council as regards the use of milk, milk-based products and milk-derived products, defined as Category 3 material in that Regulation.

The Commission shall review the provisions of this Regulation and adapt them as appropriate in the light of the opinion of the European Food Safety Authority.

ENTRY INTO FORCE : 09/02/2005.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 03/10/2002 - Final act

PURPOSE : to lay down health rules concerning animal by-products not intended for human consumption. COMMUNITY MEASURE : Regulation 1774/2002/EC of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption. CONTENT : after 2 years of examination, the Council adopted the Regulation laying down health rules concerning animal by-products not intended for human consumption with the Dutch and Swedish delegations voting against. The Regulation prohibits the entry into the food chain of the bodies of animals and of downgraded animal by-products: the only raw materials authorised for the production of animal feedingstuffs are those from animals which have been declared fit for human consumption following a health inspection. Furthermore, it provides for alternative methods for the use or disposal of animal products, contains strengthened provisions on control and traceability, and sets out the conditions under which animal by-products and derived products may be imported from third countries. The compromise obtained in conciliation concerns in particular the feeding of animals for breeding with catering waste. It retains the substance of the text proposed by the Parliament, while fully observing the Commission's right of initiative. Thus: - the compromise allows for a limited derogation from the ban on the use of catering waste in animal feedingstuffs, for a maximum of four years starting from 1 November 2002, provided that the Member States concerned put in place appropriate control systems and that this does not give rise to an undue risk to human or animal health; - the transitional measures to be introduced with regard to catering waste will be adopted by the committee procedure, which will not oblige the Commission to submit to the Parliament and to the Council a new legislative proposal. On the other hand, the Commission has undertaken to submit by the end of 2004 a proposal for a Directive on biological waste, in particular catering waste, laying down rules on the use, recovery, recycling and disposal of this waste in order to control potential contamination. ENTRY INTO FORCE : 11/10/2002.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 01/02/2006 - Implementing legislative act

ACT : Commission Regulation 181/2006/EC implementing Regulation 1774/2002/EC as regards organic fertilisers and soil improvers other than manure and amending that Regulation.

CONTENT : Regulation 1774/2002/EC prohibits the application to pasture land of organic fertilisers and soil improvers other than manure. This prohibition is in line with the current EU feed ban, and is intended to prevent possible contamination risks from pasture land where Category 2 material and Category 3 material could be present. Such risks may be due to direct grazing or use of grass as silage or hay by farmed animals. That Regulation provides that measures for implementing the prohibition, including control measures, are to be adopted after consultation of the appropriate scientific committee. Various scientific committees have issued a number of scientific opinions that are relevant to the application to land of organic fertilisers and soil improvers.

Those scientific opinions recommend that animal tissues that are likely to contain TSE agents should not be incorporated in organic fertilisers and soil improvers for use on land to which cattle may have access. Other materials may be used in the manufacture of organic fertilisers and soil improvers under certain health conditions involving heating and safe sourcing that further reduce any potential risks.

In the light of those scientific opinions, this Regulation lays down implementing rules, including control measures, for the application to land of organic fertilisers and soil improvers, as well as digestion residues and compost. Organic fertilisers and soil improvers shall be produced solely from Category 2 and Category 3 material, and must comply with the requirements regarding pathogen control and packaging and labelling set out in parts I and II of the Annex. They must be transported in accordance with the requirements of the Regulation. The special grazing restrictions set out will apply where organic fertilisers and soil improvers are applied to land.. Processed products derived from the processing of animal by-products in a processing plant in accordance with Regulation 1774/2002/EC must not be applied as such directly to land where farmed animals might have access. The person responsible for land to which organic fertilisers and soil improvers are applied and to which farmed animals have access shall keep records for at least two years of the quantities of organic fertilisers and soil improvers applied, the date on which and the places where the latter were applied to land, and the dates on which livestock is allowed to graze the land or on which the land is cropped for feedingstuffs.

Finally, the Regulation provides that organic fertilisers and soil improvers may be placed on the market and exported provided the conditions set out in this Regulation are complied with.

ENTRY INTO FORCE: 5 February 2006

DATE OF APPLICATION : from 1 April 2006.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 10/03/2004 - Implementing legislative act

ACT : Commission Regulation 668/2004/EC amending certain Annexes to Regulation 1774/2002/EC of the European Parliament and of the Council, as regards the importation from third countries of animal by-products. CONTENT : Regulation 1774/2002/EC provides that certain processed products that may be used as feed material and petfood, dogchews and technical products may be imported into the Community provided that they comply with the relevant requirements of that Regulation. Following the Scientific Steering Committee's opinion of 10 and 11 May 2001 on the safety of collagen, this Regulation aims to lay down the specific hygiene conditions to be applied for the processing and marketing of collagen that may be used as feed material. Consequently, Regulation 668/2004/EC aims to amend the following: - Annex VII to Regulation 1774/2002/EC which sets out specific hygiene requirements for the processing and placing on the market of processed animal protein and other processed products that could be used as feed material should therefore be amended accordingly; - Annex VIII to Regulation 1774/2002/EC sets out requirements for the placing on the market of petfood, dogchews and technical products. It is necessary to amend that Annex, in order to introduce some technical amendments, to include the

marking requirements of Article 28 of that Regulation for by-products intended for petfood derived from animals which have been treated with certain substances, and to clarify the import requirements applicable to fat derivatives and to certain processed products associated with the production of petfood, known as "flavouring innards"; - Annex X to Regulation 1774/2002/EC sets out a model health certificate for the importation from third countries of certain animal by-products and products derived therefrom. It is necessary to amend that Annex, in order to create additional models of importation certificates and to review the existing models to introduce some technical amendments including animal health considerations; - Annex XI to Regulation 1774/2002/EC sets out lists of third countries from which Member States may authorise imports of animal by-products not intended for human consumption. ENTRY INTO FORCE : 19/04/2004. The Regulation shall apply from 01/05/2004.

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2000/0259(COD) - 28/05/2002 - Commission opinion on Parliament's position at 2nd reading

The amendments accepted by the Commission concern: - the marking of petfood and the amendment on the separation of plants are both acceptable as they are in line with the overall objectives of the original Commission proposal to increase traceability and to prevent of cross contamination; - material collected when treating waste water is acceptable as it clarifies that this material is a Category 1 material only if it contains Specified Risk Material; - catering waste excluding this waste from the control rules of Article 7 and making reference to environmental legislation are acceptable, as they would ensure that the goals of the Regulations are achieved without undermining separate collection schemes. Furthermore these amendments assure that high risk catering waste originating from international means of transport should remain subjected to the strict control rules of Article 7, by limiting the proposed amendments to Article 7 to Category 3 catering waste; - the extension of the derogation of feeding certain animals with Category 1 material to endangered and protected species of necrophagous birds is acceptable as it establishes that rules governing such derogation shall be proposed by the Commission only following scientific advice. The following amendments have been rejected by the Commission: - requirements of accompanying documents and records keeping are already established in the Annex of the Regulation and they may be supplemented if needed by Comitology; - on the use of catering waste in animal feed. This cannot be accepted first of all on institutional grounds, as it would undermine the Commission's right of initiative, as it imposes on the Commission the proposal of a legislative act with a deadline and with the content set by the European Parliament. Furthermore, the amendment cannot be supported for the following more specific issues: - 13 Member States are against any relaxation of the ban of swill feeding, which has already been introduced in EU legislation. The feeding of catering waste is potentially a major threat of transmission of serious animal diseases such as foot-and-mouth disease and classical swine fever. Given the huge damage which has arisen from recent outbreaks of these diseases, the insistence of the Member States on very high levels of protection is understandable and shared by the Commission. The continued feeding of catering waste to pigs is also difficult to reconcile with the objectives of full traceability of ingredients in animal feedingstuffs and a ban on intra-species re-cycling demanded by the European Parliament and fully accepted by Council and Commission. Given the above, the Commission has supported the decision of the Council to ban the practice of swill feeding under the swine fever directive and the common position of the Council on the animal byproducts regulation which takes a similar position; The disposal and recycling of catering waste is governed by existing and future environmental legislation. The request of the European Parliament for a separate Regulation governing would overlap with that legislation. Furthermore, this amendment has objectives which are directly opposed to those of amendments 22 and 23 above. In fact, while this amendment asks for a new set of strict controls on collection and destruction of catering waste, amendments 22 and 23 aim, on the contrary, to exclude catering waste from any additional control rules. Finally, the Commission has already officially declared to be ready to propose transitional measures to be adopted in comitology whenever this is justified and appropriate in order to allow the affected industries time to adapt to the new requirements introduced by this Regulation. However, reasonable transitional measures should be intensively discussed with technical experts and, possibly, with scientific experts to establish minimal interim health requirements to apply during the transitional period.

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2000/0259(COD) - 10/04/2001 - Document attached to the procedure

The Commission presented a working document on the use of processed animal proteins in animal feed. Decision 2000/766/CE suspends until 30/06/2000 the use of animal proteins in breeding animal feed. According to the Commission, the solution consists in prolonging this suspension measure until the adoption and the implementation of the proposed regulation of the European Parliament and the Council concerning animal by-products not destined for human consumption. This proposal will establish rules for the production of animal ingredients entering the composition of animal feed which are exclusively taken from animals for human consumption as well as strict control measures for the elimination of animal material not destined for human consumption. According to the Commission, a total ban on animal proteins in breeding animal feed would imply an admission of failure by Member States, agricultural and industry interests, regarding the putting of Community legislation in place. Such a ban would also raise questions of equivalent measures regarding imports of animal products from third countries.

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2000/0259(COD) - 20/11/2001 - Council position

The Council adopted the common position by qualified majority. Two Member States voted against, because the Regulation does not expressly prohibit the use of processed animal protein and fats in feed and because the Regulation prohibits the use of catering waste in swill feed. The other main issues: -animal feed: the Council agrees with the Parliament on the prohibition of intra-species recycling. There is the possibility to derogate from this in

order to allow the feeding of fish with fishmeal and the feeding of fur animals with products derived from fur animal carcasses. This derogation may be granted only following scientific advice. -catering waste: this is introduced in the scope of the Regulation, but only when it is destined for specific purposes in order to avoid duplication with environmental legislation or to avoid hindering the development of new environmental rules on biodegradable waste. A definition of catering waste is introduced, which includes waste from household kitchen. The Council does not accept Parliament's amendment allowing the continuation of swill feeding using catering waste. -Cross-contamination: the Council agrees with Parliament. - traceability: the Council agrees with Parliament on the need to introduce additional requirements to improve the traceability of products or to strengthen the requirements on traceability established by the Commission proposal. Marking of unprocessed Category 1 and 2 animal by-products is not accepted, as applying markers to cadavers or to manure is not practical and brings no additional benefits. -Incineration/review of methods of disposal: the Council agrees with Parliament. -Derogation for burial and burning: the Council agrees on the need for introducing a derogation for burning or burial of cadavers and Specified Risk Material in remote areas and in case of serious transmissible diseases because of the danger of propagating health risks or lack of disposal capacity. -rendered fats, fats derivatives and fertilisers: The Council agrees with Parliament on the need to prohibit the use of rendered fats from category 2 material for the production of fat derivatives for the cosmetics and pharmaceutical industry. The Council does not accept the amendment aimed at restricting the import of ruminant fats due to a TSE risk - this is regulated by the TSE regulation. -Exports and transits: the Council agrees with Parliament on prohibiting the export of Category 1 and Category 2 material, with clarification on products such as game trophies which are exported to third countries. -Most of Parliament's amendments are agreed, except some related to recitals, as they were not matched by the text.

Health policy: animal by-products not intended for human consumption, animal proteins in animal feed

2000/0259(COD) - 19/10/2000 - Legislative proposal

PURPOSE: to propose a laying down the health rules concerning animal by-products not intended for human consumption. CONTENT: The key issue of this proposal is the prohibition of recycling certain animal by-products into the feed chain, namely dead animals and condemned animal material. The only raw material allowed to be used for the production of animal feed would then be material derived from animals declared fit for human consumption. Furthermore, this proposal: - introduces a number of alternative methods for the use or disposal of animal by-products; - strengthens rules on controls and traceability of animal by-products; - establishes a link with Environmental Community Legislation; - creates a new legal framework for the animal by-products sector; - simplifies existing Community legislation creating a consolidated legislative act dealing with all animal by-products not intended for human consumption. With regard to the use or disposal of these animal products, alternative methods include incineration, co-incineration (i.e. burning a fuel), landfill, composting and fish ensilage, biogas, fertilisers and oleo-chemical industry. Moreover, some of these alternative methods of use or disposal allow a recovery cost. With regard to financing rules, there is a wide variety of approaches to the financial report for the processing and disposal of animal by-products. In order to avoid that this situation could affect the conditions of competition between agricultural products, the proposal establishes that a report shall be prepared by the Commission on this issue, accompanied by appropriate proposals. Finally, the proposal presents an opportunity to clarify the relationship between the Animal Waste Directive and the Framework Directive on Waste and to create a link between the two. In conclusion, this proposal for a Regulation is an Action of the White Paper for Food Safety (Action 30).