Commission Regulation (EU) 2017/893 of 24 May 2017 amending Annexes I and IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council and Annexes X, XIV and XV to Commission Regulation (EU) No 142/2011 as regards the provisions on processed animal protein (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/893

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies[(1)], and in particular the first paragraph of Article 23 thereof,

Having regard to Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 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)[(2)], and in particular the second subparagraph of Article 31(2), the third subparagraph of Article 41(3) and the second subparagraph of Article 42(2) thereof,

Whereas:

(1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.

(2) Article 7(1) of Regulation (EC) No 999/2001 prohibits the feeding to ruminants of protein derived from animals. Article 7(2) of that Regulation extends that prohibition to animals other than ruminants and restricts that prohibition, as regards the feeding of those animals with products of animal origin, in accordance with Annex IV to that Regulation.

(3) Annex IV to Regulation (EC) No 999/2001 extends the prohibition provided for in Article 7(1) to the feeding to non-ruminant farmed animals, with the exception of the feeding to carnivorous fur producing animals, of, inter alia, processed animal protein. However, by way of derogation and under specific conditions, point (c) of Chapter II of Annex IV authorises the feeding of non-ruminant processed animal protein to aquaculture animals only, provided that the processed animal protein and compound

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feed containing such protein have been produced in compliance with Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001. This Section currently requires that the animal by-products used for the production of such processed animal protein be derived from slaughterhouses or cutting plants. Given the production process of processed animal protein derived from insects, this requirement cannot be met in the case of insects. As a result, the use of processed animal protein derived from insects in feed for aquaculture animals is currently not allowed.

(4) In several Member States, the rearing of insects for the production of processed animal protein derived from them and other insect derivatives destined for petfood has started. This production is carried out under the national control schemes of the competent authorities of the Member States. Studies have shown that farmed insects could represent an alternative and sustainable solution to conventional sources of animal proteins destined for feed for non-ruminant farmed animals.

(5) On 8 October 2015, the EFSA (European Food Safety Authority) published a scientific opinion on a risk profile related to the production and consumption of insects as food and feed[(3)]. As regards the risks related to the presence of prions, EFSA concludes that, compared to the occurrence of hazards in currently authorised protein sources of animal origin, the occurrence of hazards in non-processed insects is expected to be equal or lower, as long as the insects are fed on substrates that do not harbour material of ruminant or human (manure) origin. As the processing of insects may further reduce the occurrence of biological hazards, that statement is also valid when it comes to processed animal proteins derived from insects.

(6) As per the definition of 'farmed animals' laid down in Article 3(6) of Regulation (EC) No 1069/2009, insects bred for the production of processed animal protein derived from insects are to be considered as farmed animals, and are therefore subject to the feed ban rules laid down in Article 7 and Annex IV to Regulation (EC) No 999/2001 as well as to the rules of animal feeding laid down in Regulation (EC) No 1069/2009. Thus, the use of ruminant proteins, catering waste, meat-and-bone meal and manure as a feed for insects is prohibited. Furthermore, in accordance with Annex III to Regulation (EC) No 767/2009 of the European Parliament and of the Council[(4)], the use of faeces for animal nutritional purposes is prohibited.

(7) Processed animal protein derived from insects and compound feed containing such processed animal protein should therefore be authorised for feeding aquaculture animals. Point (c) of Chapter II of Annex IV to Regulation (EC) No 999/2001 should therefore be modified accordingly and a Section laying down TSE related conditions for the production of processed animal protein derived from farmed insects and compound feed containing such protein should be added in Chapter IV of Annex IV to that Regulation.

(8) By analogy with what is already applicable for processed animal protein derived from non-ruminant animals and compound feed containing such protein destined for feeding aquaculture animals, specific conditions for the production and use of processed animal protein derived from insects should be laid down in order to avoid any risk of cross-contamination with other proteins which could pose a TSE risk to ruminant animals.

In particular, by analogy with the conditions laid down in Section A of Chapter IV of Annex IV to Regulation (EC) No 999/2001, processed animal protein derived from insects should be produced in plants dedicated exclusively to the production of products derived from farmed insects.

(9) In addition, in the interest of legal certainty, it is appropriate to insert a definition of farmed insects in Annex I to Regulation (EC) No 999/2001.

(10) Annexes I and IV to Regulation (EC) No 999/2001 should therefore be amended accordingly.

(11) Annex X to Commission Regulation (EU) No 142/2011[(5)] lays down rules for implementing Regulation (EC) No 1069/2009, including parameters for the production of safe feed of animal origin intended for feeding farmed animals. Only animal by-products and derived products complying with the requirements of Annex X to Regulation (EU) No 142/2011 may be fed to farmed animals, other than fur animals. While the provisions set out in Annex X to that Regulation do not cover live insects and dried insects in feed for farmed animals, the use of dried insects in or as pet food is subject to the provisions set out in Annex XIII to the aforementioned Regulation.

(12) The amendment to Regulation (EC) No 999/2001 with a view to authorise processed animal protein derived from insects for feeding aquaculture animals is likely to open the opportunity for bigger production of processed animal protein derived from insects in the Union. Whereas the current small scale rearing of insects for petfood can adequately be addressed by existing national control schemes, Union provisions addressing animal health, public health, plant health or environmental risks are appropriate to ensure that insect rearing within the Union on a larger scale is safe. With respect to the insect species reared in the Union, these should not be pathogenic or have other adverse effects on plant, animal or human health; they should not be recognised as vectors of human, animal or plant pathogens and they should not be protected or defined as invasive alien species. Taking into account these national risk assessments, as well as the EFSA opinion of 8 October 2015, the following insect species can be identified as those insect species currently reared in the Union which fulfil the abovementioned safety conditions for insect production for feed use: Black Soldier Fly *(Hermetia illucens)*, Common Housefly (*Musca domestica*), Yellow Mealworm *(Tenebrio molitor)*, Lesser Mealworm (*Alphitobius diaperinus*), House cricket *(Acheta domesticus)*, Banded cricket *(Gryllodes sigillatus)* and Field Cricket *(Gryllus assimilis)*.

(13) Annex X to Regulation (EU) No 142/2011 should therefore be amended to add, in Section 1 of its Chapter II, a list of insect species which may be used for the production of processed animal protein obtained from farmed insects. This list should include the abovementioned insect species and may be amended in the future based on an assessment of the risks posed by the insect species concerned to animal health, public health, plant health or the environment.

(14) Annex XIV to Regulation (EU) No 142/2011 sets out requirements for the import of animal by-products and derived products from third countries. Safety requirements applicable for growing insects intended to be used in feed for aquaculture animals and for the placing on the market of processed animal proteins derived from those insects,

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in particular as regards the insect species which may be used and the feed which may be given to the insects, should apply also in the case of imports from third countries. Sections 1 and 2 of Chapter I of Annex XIV to Regulation (EU) No 142/2011 should therefore be amended to lay down those requirements for imports into the Union.

(15) Annex XV to Regulation (EU) No 142/2011 lays down model health certificates for the import into the Union of animal by-products. The model health certificate set out in Chapter 1 of Annex XV to that Regulation applies to imports into the Union of processed animal protein. For the purpose of imports of processed animal protein derived from farmed insects, a new model health certificate should be laid down and should include the specific requirements for breeding of farmed insects for the production of processed animal protein mentioned in Annex XIV to Regulation (EU) No 142/2011, as well as the other relevant requirements for imports of processed animal protein. Therefore new model of health certificate for the import of processed animal protein derived from farmed insects should be inserted into Chapter 1 of Annex XV.

(16) Furthermore, the new model health certificate inserted in Chapter 1 of Annex XV to Regulation (EU) No 142/2011 should also take into account the amendment by Commission Regulation (EU) 2016/1396[(6)] of the requirements related to TSE applicable to imports of animal by-products and derived products of bovine, ovine or caprine origin, as set out in Chapter D of Annex IX to Regulation (EC) No 999/2001.

(17) Annexes X, XIV and XV to Regulation (EU) No 142/2011 should therefore be amended accordingly.

(18) Section A of Chapter III of Annex IV to Regulation (EC) No 999/2001 lays down requirements to prevent cross-contamination during transport in bulk between, on the one hand, fishmeal, dicalcium and tricalcium phosphate of animal origin, blood products derived from non-ruminants as well as compound feed containing these products, which are intended for feeding non-ruminant farmed animals, and, on the other hand, feed intended for ruminants. Considering that a similar risk of cross-contamination exists when those materials are stored in bulk, the requirements of Section A of Chapter III of Annex IV to Regulation (EC) No 999/2001 should be extended to cover the storage in bulk of fishmeal, dicalcium and tricalcium phosphate of animal origin, blood products derived from non-ruminants and compound feed containing these materials.

(19) Section B of Chapter V of Annex IV to Regulation (EC) No 999/2001 lays down requirements to prevent cross-contamination during transport between, on the one hand, bulk feed materials and bulk compound feed containing products derived from ruminants other than milk and milk based products, dicalcium and tricalcium phosphate of animal origin and hydrolysed proteins derived from ruminant hides and skins, and, on the other hand, feed intended for farmed animals other than fur animals. Considering that a similar risk of cross contamination exists when those materials are stored in bulk, the requirements of Section B of Chapter V of Annex IV to Regulation (EC) No 999/2001, should be extended to cover the storage in bulk of feed materials and compound feed containing products derived from ruminants other than milk and milk

based products, dicalcium and tricalcium phosphate of animal origin and hydrolysed proteins derived from ruminant hides and skins.

(20) Point (a) of Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 requires that animal by-products used for the production of processed animal protein, other than fishmeal, derived from non-ruminants and intended to be used in feed for aquaculture animals, are sourced in slaughterhouses which do not slaughter ruminants and cutting plants which do not bone or cut up ruminant meat. Point (a) provides for a derogation from that requirement for slaughterhouses which carry out effective measures in order to prevent cross-contamination between ruminant and non-ruminants by-products and which are inspected and authorised on that basis by the competent authority.

(21) In order to allow for more possibilities in the types of raw materials used for the production of non-ruminant processed animal protein destined for use in feed for aquaculture animals or destined for export, it is appropriate to amend point (a) of Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 in order to allow the use of animal by-products originating from establishments other than slaughterhouses or cutting plants, provided that those other establishments are dedicated exclusively to the handling of non-ruminant materials, or are authorised by the competent authority, following an on-site inspection, based on the same channelling requirements as those provided for in the existing derogation for slaughterhouses, given that those channelling requirements provide the necessary guarantees that cross-contamination is prevented and controlled. It is also appropriate to extend to cutting plants the derogation existing for slaughterhouses, provided that the same channelling requirements are applied. Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 should therefore be amended accordingly.

(22) Point (b) of section A of Chapter IV of Annex IV to Regulation (EC) No 999/2001 requires that the accompanying commercial document or health certificate and any packaging of fishmeal and of compound feed containing fishmeal be marked with the words ‘contains fishmeal — shall not be fed to ruminants’. However, the commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009 is not required for compound feed. It is therefore appropriate to amend point (b) of Section A of Chapter IV of Annex IV to Regulation (EC) No 999/2001 to clarify that, for compound feed containing fishmeal, the words ‘contains fishmeal — shall not be fed to ruminants’ should only be added on the label of the compound feed. Section B, point (d) of Section C and point (e) of Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 should also be amended in this respect.

(23) Section C of Chapter V of Annex IV to Regulation (EC) No 999/2001 prohibits the production of feed for farmed animals other than fur animals in establishments producing petfood or feed for fur animals containing ruminant products which are prohibited for use in feed for farmed animals, other than fur animals. A similar prohibition should be laid down for establishments producing petfood or feed for fur animals containing non-ruminant processed animal protein, other than fishmeal, in order to ensure the absence of cross-contamination of feed for farmed animals other than