Commission Regulation (EU) No 592/2014 of 3 June 2014 amending Regulation (EU) No 142/2011 as regards the use of animal by-products and derived products as a fuel in combustion plants (Text with EEA relevance)

COMMISSION REGULATION (EU) No 592/2014

of 3 June 2014

amending Regulation (EU) No 142/2011 as regards the use of animal by-products and derived products as a fuel in combustion plants

(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 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)[(1)], and in particular Article 15(1)(d), Article 15(1)(e), the second subparagraph of Article 15(1), point (h) of the first paragraph of Article 27, point (i) of the first paragraph of Article 27, the second subparagraph of Article 27 and the second subparagraph of Article 45(4) thereof,

Whereas:

(1) Regulation (EC) No 1069/2009 lays down public 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. It categorises those products into specific categories which reflect the level of such risks and provides for requirements on their safe use and disposal.

(2) Commission Regulation (EU) No 142/2011[(2)] lays down implementing rules for Regulation (EC) No 1069/2009, including rules on the use and disposal of manure.

(3) Poultry manure is produced as an integral part of on-farm breeding and rearing of poultry which can be used onsite without prior treatment as fuel for combustion, provided relevant environmental and health protection requirements are complied with and the specific use will not cause adverse environmental or human health impacts.

(4) Combustion plants using poultry manure as fuel are to take the necessary hygiene measures to prevent spread of possible pathogens. Those measures must also include the handling of waste water originated from storage place of poultry manure.

(5) Residues from the combustion of poultry manure, primarily ashes, are a rich source of minerals that may be harvested for the production of mineral fertilisers and the Commission is currently developing Union legislation for such residues. It is therefore appropriate to provide for the possibility to make use of the combustion residues rather than to dispose of them as waste.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 592/2014. (See end of Document for details)*

(6) At this stage, the Commission has only been provided with comprehensive evidence whereby technology has been developed to use poultry manure as fuel for combustion on farms without adverse effects on the environment and or human health. In the case that evidence becomes available to the Commission concluding that the use of manure of other species as fuel for combustion could be carried out by ensuring an equivalent level of health and environmental protection, the relevant provisions of the Regulation (EU) No 142/2011 may be reviewed accordingly.

(7) In order to ensure the lawfulness of the further use of poultry manure as a fuel in combustion plants, additional environmental and health protection requirements for this specific use should be laid down in order to prevent adverse environmental or human health impacts.

(8) Harmonised requirements addressing, in a holistic way, the control of risks for human and animal health and the environment arising from the use of manure as a fuel in on-farm combustion plants would also facilitate the development of technologies for combustion plants using poultry manure on-farm as a sustainable source of fuel.

(9) It is therefore opportune to amend Article 6 of Regulation (EU) No 142/2011 in order to provide additional requirements for the use of animal by-products and derived products as a fuel in combustion plants.

(10) Compliance by the operators with certain environmental standards referred to in this Regulation should be verified by or on behalf of the competent authority.

(11) The processing standards as described in point F of Section 2 of Chapter IV of Annex IV to Regulation (EU) No 142/2011 for thermal boilers have been approved as alternative method in accordance with Article 20 of Regulation (EC) No 1069/2009. It is possible to apply those standards, with the necessary adaptations, also to the combustion of animal fats as fuel in stationary internal combustion engines.

(12) Annex III to Regulation (EU) No 142/2011 should therefore be amended accordingly.

(13) For the application of this Regulation it is necessary to introduce requirements for official controls regarding the combustion of animal fats and poultry manure as a fuel. Annex XVI to Regulation (EU) No 142/2011 should therefore be amended accordingly.

(14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health, and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 142/2011 is amended as follows:

(1) Article 6 is amended as follows:

(a) the title of Article 6 is replaced by the following:
Article 6

Disposal by incineration, disposal or recovery by co-incineration and use as a fuel for combustion

(b) the following paragraphs are added:

6. Operators shall ensure that combustion plants other than those referred to in Section 2 of Chapter IV of Annex IV, under their control in which animal by-products or derived products are used as a fuel, comply with the general conditions and specific requirements set out in Chapters IV and V of Annex III respectively and are approved by the competent authority in accordance with Article 24(1)(d) of Regulation (EC) No 1069/2009.

7 The competent authority shall only approve combustion plants referred to in paragraph 6 for the use of animal by-products and derived products as fuel for combustion, provided that:

a the combustion plants fall within the scope of Chapter V of Annex III hereto;

b the combustion plants comply with all the relevant general conditions and specific requirements set out in Chapters IV and V of Annex III hereto;

c administrative procedures are in place to ensure that the requirements for the approval of the combustion plants are checked annually.

8 For the use of poultry manure as a fuel for combustion as set out in Chapter V of Annex III, the following rules shall apply in addition to those referred to in paragraph 7 of this Article:

a the application for approval that is submitted by the operator to the competent authority in accordance with Article 24(1)(d) of Regulation (EC) No 1069/2009 must contain evidence certified by the competent authority or by a professional organisation authorised by the competent authorities of the Member State, that the combustion plant in which the poultry manure is used as a fuel fully meets the emission limit values and monitoring requirements set out in point 4 of Section B of Chapter V of Annex III hereto;

b the procedure for approval provided for in Article 44 of Regulation (EC) No 1069/2009 shall not be completed until at least two consecutive checks, one of them unannounced, have been carried out by the competent authority or by a professional organisation authorised by that authority, during the first six months of the operating of the combustion plant, including the necessary temperature and emission measurements. After the results of those checks showed compliance with the parameters set out in point 4 of Section B of Chapter V of Annex III hereto, full approval can be granted.

(2) Annexes III and XVI are amended in accordance with the Annex to this Regulation.

Article 2

For a transitional period of two years after the date referred to in the first paragraph of Article 3, Member States may allow the operation of combustion plants using rendered fats or poultry manure as a fuel that have been approved under national legislation.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 592/2014. (See end of Document for details)*

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 15 July 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 June 2014.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 592/2014. (See end of Document for details)*

ANNEX

Annexes III and XVI to Regulation (EU) No 142/2011 are amended as follows:

(1) Annex III is amended as follows:

(a) the title of Annex III is replaced by the following:
ANNEX III**DISPOSAL, RECOVERY AND USE AS A FUEL**

(b) the following Chapters IV and V are added:

CHAPTER IV

GENERAL REQUIREMENTS FOR THE USE OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS AS A FUEL

Section 1

General requirements regarding the combustion of animal by-products and derived products as a fuel

1. Operators of combustion plants referred to in Article 6(6) shall ensure that the following conditions are met in the combustion plants under their control:

(a) Animal by-products and derived products intended to be used as a fuel must be utilised for that purpose as soon as possible or safely stored until used.

(b) The combustion plants must have in place appropriate measures to ensure that cleaning and disinfection of containers and vehicles are carried out in a designated area of their premises from which the wastewater can be collected and disposed of in accordance with Union legislation, to avoid risks of contamination of the environment.

By way of derogation from the requirements set out in the first subparagraph, containers and vehicles used for the transport of rendered fats may be cleaned and disinfected at the plant of loading or at any other plant approved or registered under Regulation (EC) No 1069/2009.

(c) The combustion plants must be located on a well-drained hard standing.

(d) The combustion plants must have appropriate measures in place for the protection against pests. A documented pest control programme must be used for that purpose.

(e) Staff must have access to adequate facilities for personal hygiene such as lavatories, changing rooms and washbasins, if necessary, to prevent risks of contamination of equipment for handling of farmed animals or their feedstuffs.