Commission Regulation (EU) 2020/757 of 8 June 2020 amending Regulation (EU) No 142/2011 as regards the traceability of certain animal by-products and derived products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2020/757

of 8 June 2020

amending Regulation (EU) No 142/2011 as regards the traceability of certain animal by-products and derived products

(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[(1)], and in particular Articles 21(6)(d) and 31(2) thereof,

Whereas:

(1) Commission Regulation (EU) No 142/2011[(2)] lays down implementing rules for Regulation (EC) No 1069/2009, including requirements concerning traceability of animal by-products and derived products.

(2) In accordance with Article 7(2) of Regulation (EC) No 1069/2009, derived products remain classified in the same category as the animal by-products from which they derive. However, under certain conditions, fish oils and fishmeal may contain certain residues at higher levels than the fish or fishery products fit for human consumption from which they were extracted, and thus require a detoxification process prior to the use in feed for animals.

(3) Commission Regulation (EU) 2015/786[(3)] defines acceptability criteria for detoxification processes applied to products intended for animal feed. The requirements and the acceptability criteria for detoxification processes of fish oils and fishmeal of Category 3 materials provided for in Regulation (EU) 2015/786 should ensure that the detoxified fish oil and fishmeal of Category 3 materials in feed do not endanger animal and public health and the environment and that the characteristics of the feed are not adversely altered by the detoxification process. Therefore, the competent authority may authorise detoxification within the territory of its Member State while there are no harmonised rules for dispatch of these materials for detoxification in another Member State.

(4) In order to authorise detoxification of certain fish oils and fishmeal intended for feeding of farmed animals, requirements should be set for the dispatch of fish oils and fishmeal with excessive levels of residues to another Member State for detoxification

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2020/757. (See end of Document for details)*

in plants approved in accordance with Regulation (EC) No 183/2005 of the European Parliament and of the Council[4]. Therefore, Member States should, where necessary, following a risk assessment, authorise the transport of fish oils and fishmeal intended for the production of feed materials and containing excessive level(s) of dioxins and/or polychlorinated biphenyls (PCBs) within the meaning of Directive 2002/32/EC of the European Parliament and of the Council[5] from other Member States to plants registered or approved for the detoxification on their territory.

(5) However, fish oils and fishmeal of Category 3 material already placed on the market and tested positive for excessive level(s) of dioxins and/or polychlorinated biphenyls (PCBs) during official controls, should not be subject to the detoxification provided for in this Regulation.

(6) Article 21 and Annex VIII to Regulation (EU) No 142/2011 should be amended accordingly with requirements for the dispatch of derived products intended for detoxification in another Member State.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) in Article 21, the following paragraph is added:

3. The transport of fish oils and fishmeal of Category 3 materials for the production of feed material, other than those imported from a third country, from an approved processing plant for the production of fishmeal and fish oil to a feed plant registered or approved in accordance with Regulation (EC) No 1069/2009 and approved in accordance with Article 10(3) of Regulation (EC) No 183/2005 in another Member State for detoxification in accordance with the processes referred to in Commission Regulation (EU) 2015/786[6] shall be carried out in accordance with the rules set out in Chapter VII of Annex VIII.;

(2) Annex VIII is amended in accordance with the Annex to this Regulation.

Article 2

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

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2020/757. (See end of Document for details)*

Done at Brussels, 8 June 2020.

For the Commission

The President

Ursula VON DER LEYEN