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(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 808/2003

of 12 May 2003

amending Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal-by-products not intended for human consumption [1], and in particular Articles 12(5) and 32(1) thereof,

Whereas:

(1) 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.

(2) In order to take account of that opinion, it is appropriate to amend the provisions of Regulation (EC) No 1774/2002 as regards the operation of low-capacity incineration plants or co-incineration plants for the disposal of the carcasses of certain animals.

(3) In addition, the Annexes to Regulation (EC) No 1774/2002 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.

(4) 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 should be provided;

(5) The material error affecting the technical requirements applicable to the processing of by-products pursuant to the processing Method nº 2 should also be corrected;

(6) While the feed ban provided for in Council Decision 2000/766/EC [2] 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;

(7) Regulation (EC) No 1774/2002 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EC) No 1774/2002

Regulation (EC) No 1774/2002 is amended as follows:

1. In Article 12(3), point (a) is replaced by the following:
   '(a) be used only for the disposal of dead pet animals, animal by-products as referred to in Articles 4(1) (b), 5(1) and 6(1) to which Directive 2000/76/EC does not apply';
2. In Article 12(3), the following point (h) is added:
   '(h) fulfil the conditions in Annex IV, Chapter VII when used for the disposal of animal by-products referred to in Article 4(1)(b).'
3. Annexes I to IX are amended in accordance with the Annex to this Regulation.

Article 2

Entry into force

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

It shall apply from 1 May 2003.

[1] OJ L 273, 10.10.2002, p. 1.

[2] OJ L 306, 7.12.2002, p. 32.

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

Done at Brussels, 12 May 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX

Annexes I to IX of Regulation (EC) No 1774/2002 are amended as follows:

1. Annex I is amended as follows:

   (a) The specific definitions set out in points 15, 37, 42, and 55 to 58 are replaced by the following:

   '15. "catering waste" means all waste food including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens;'

   '37. "manure" means any excrement and/or urine of farmed animals, with or without litter, or guano, that may be either unprocessed or processed in accordance with Chapter III of Annex VIII or otherwise transformed in biogas or composting plants;'

   '42. "processed animal protein" means animal proteins derived entirely from Category 3 material, which have been treated in accordance with Chapter II of Annex V so as to render them suitable for direct use as feed material or other use in feedingstuffs, including petfood, or use in organic fertilisers or soil improvers; however, it does not include blood products, milk, milk-based products, colostrum, gelatine, hydrolysed proteins and dicalcium phosphate, eggs and egg-products, tricalcium phosphate and collagen;'

   '55. "unprocessed feathers and parts of feathers" means feathers and parts of feathers that have not been treated with a steam current or by some other method that ensures that no pathogens remain;

   56. "unprocessed wool" means sheep's wool that has not undergone factory washing, been obtained from tanning, or been treated by some other method that ensures that no pathogens remain;

   57. "unprocessed hair" means ruminant hair that has not undergone factory washing, been obtained from tanning, or been treated by some other method that ensures that no pathogens remain;

   58. "unprocessed pig bristles" means pig bristles that have not undergone factory washing, been obtained from tanning, or been treated by some other method that ensures that no pathogens remain;'

   (b) The following specific definitions are added as points 59 to 63:

   '59. "collagen" means protein-based products derived from hides, skins and tendons of animals, including bones in the case of pigs, poultry and fish.

   60. "screenings" means visible solid animal materials retained in the waste water screen where a pre-treatment process as referred to in Annex II, Chapter IX, is required.

   61. "grease and oil mixture" means floating animal materials collected at the surface of waste water grease remover systems where a pre-treatment process as referred to in Annex II, Chapter IX, is required.

   62. "sludge" means visible solid animal materials or sediments retained in the waste water drains where a pre-treatment process as referred to in Annex II, Chapter IX, is required.

   63. "material from desanding" means visible solid animal materials or sediments retained in desanding systems where these constitute a pre-treatment process referred to in Annex II, Chapter IX.'

2. Annex II is amended as follows:

   (a) In Chapter I, paragraph 2(b) is replaced by the following:

   '(b) (i) in the case of Category 3 material, the words "not for human consumption";

   (ii) in the case of Category 2 material (other than manure and digestive tract content) and processed products derived therefrom, the words "not for animal consumption"; however, when Category 2 material is intended for the feeding of animals referred to in point (c) of Article 23(2) under the conditions provided for in that Article, the label shall instead indicate" for feeding to …" completed with the name of the specific species of those animal(s) for the feeding of which the material is intended;

   (iii) in the case of Category 1 material and processed products derived therefrom, the words "for disposal only";

   (iv) in the case of manure and digestive tract content, the word "manure";'

   (b) In Chapter II, the following paragraph 4 is added:

   '4. Packaging material must be incinerated or disposed of by some other means in accordance with instructions from the competent authority.'

   (c) In Chapter III, paragraph 1 is replaced by the following:

   '1. During transportation, a commercial document or, when required by this Regulation, a health certificate must accompany animal by-products and processed products except in the case of processed products originating from Category 3 material which are supplied within the same Member State by retailers to final users other than business operators.'

(d) The following Chapter IX is added:

'CHAPTER IX

Collection of animal material when treating waste water

1. Category 1 processing plants and other premises where specified risk material is removed, slaughterhouses and Category 2 processing plants shall have a pre-treatment process for the retention and collection of animal material as an initial step in the treatment of waste water. The equipment used in the pre-treatment process shall consist of drain traps or screen with apertures or a mesh size of no more than 6 mm in the downstream end of the process or equivalent systems that ensures that the solid particles in the waste water passing through them are no more than 6 mm.

2. Waste water from the premises as referred to in paragraph 1 must enter a pre-treatment process which shall ensure that all waste water has been filtered through the process before being drained off the premises. No grinding or maceration shall take place which could facilitate the passage of animal material through the pre-treatment process.

3. All animal material retained in the pre-treatment process in premises as referred to in paragraph 1 shall be collected and transported as Category 1 or Category 2 material, as appropriate, and disposed of in accordance with this Regulation.

4. Waste water having passed the pre-treatment process in premises referred to in paragraph 1 and waste water from premises only receiving Category 3 material shall be treated in accordance with other relevant Community legislation.'

3. In Annex III, Chapter 2, paragraphs 5 and 10 are deleted.

4. Annex IV is amended as follows:

(a) In Chapter I, paragraph 1 is replaced by the following:

'1. Incineration or co-incineration plants must be designed, equipped and operated in such a manner as to fulfil the requirements of this Regulation. The following hygiene conditions must be met:

(a) Animal by-products must be disposed of as soon as possible after arrival. They must be stored properly until disposal.

(b) Containers, receptacles and vehicles used for transporting unprocessed material must be cleaned in a designated area, thereby ensuring that waste water is treated during the storage referred to in Chapter III.

(c) Preventive measures against birds, rodents, insects or other vermin must be taken systematically. A documented pest control programme must be used for that purpose.

(d) Cleaning procedures must be established and documented for all parts of the premises. Suitable equipment and cleaning agents must be provided for cleaning.

(e) Hygiene control must include regular inspections of the environment and equipment. Inspection schedules and results must be documented and maintained for at least two years.'

(b) The following Chapter VII is added:

'CHAPTER VII

Incineration of Category 1 material referred to in Article 4(1)(b)

1. The low-capacity incineration plant must be located on a well-drained hard standing.

2. Livestock must not have access to the low-capacity incineration plant, animal by-products that are awaiting incineration or ash resulting from the incineration of animal by-products. If the low-capacity incineration plant is located on a livestock holding:

(a) there must be total physical separation between the incinerator and the livestock and their feed and bedding, with fencing where necessary;

(b) equipment must be dedicated entirely to the operation of the incinerator and not used elsewhere on the farm;

(c) the operators must change their outer clothing and footwear before handling livestock or livestock feed.

3. The storage of animal by-products and of ashes must be covered, labelled and leak proof.

4. The operator must check that animal by-products are incinerated in such a way that they are completely reduced to ash. Ash must be disposed of to a landfill approved under Directive 1999/31/EC.