



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.5.2002
COM(2002) 268 final

2000/0259 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**laying down the health rules concerning animal by-products not intended for human
consumption**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion on the 8 amendments proposed by Parliament.

2. BACKGROUND

- Adoption of the proposal by the Commission: 19 October 2000¹
- Opinion of the Economic and Social Committee: 26 April 2001²
- Opinion of the European Parliament at first reading: 12 June 2001³
- Date of political agreement in Council: 19 June 2001
(unanimity without the Commission)
- Date of adoption of the amended proposal: 12 December 2001
- Date of adoption of the common position: 20 November 2001⁴
- Adoption by Parliament of the Recommendation for a second reading :
13 March 2002

¹ COM(2000) 574 final 2000/0259(COD) of 19.10.2000.

² OJ C 193, 10.07.2001 p. 32.

³ Opinion of the EP of 12 June 2001 (not yet published on the OJ).

⁴ OJ C 45E, 19.2.2001, p. 70.

3. PURPOSE OF THE PROPOSAL

The key issue of the proposal is the prohibition on the recycling of 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.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

- Amendment 12 on marking of petfood and amendment 15 on 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.
- Amendment 21 relating material collected when treating waste water is acceptable as it clarifies that this material is a Category 1 material only if contains Specified Risk Material.
- Amendments 22 and 23 on 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.
- Amendment 24 aiming to extend 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.

4.2. Amendments rejected by the Commission

- Amendment 9 cannot be accepted as detailed and sufficient 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.
- Amendment 25 on the use of catering waste in animal feed 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 by-products 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.

5. CONCLUSIONS

Pursuant to Article 250 (2) of the Treaty, the Commission amends its proposal as set out above.