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REPORT

on the proposal for a regulation of the European Parliament and of the Council laying down health rules as regards animal by-products not intended for human consumption (Animal by-products Regulation)
(COM(2008)0345 – C6-0220/2008 – 2008/0110(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Horst Schnellhardt

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council laying down health rules as regards animal by-products not intended for human consumption (Animal by-products Regulation) (COM(2008)0345 – C6-0220/2008 – 2008/0110(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0345),
 - having regard to Article 251(2) and Article 152(4)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0220/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A6-0000/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Animal by-products arise mainly during the slaughter of animals for human consumption, and in the course of the disposal of dead animals and of disease control measures. Regardless of their source, they pose a potential risk to animal and public health and the environment. This risk needs to be adequately controlled, either by channelling such products towards safe means of disposal or by using them for different purposes, provided that

Amendment

(2) Animal by-products arise mainly during the slaughter of animals for human consumption, **during the production of food of animal origin such as dairy products**, and in the course of the disposal of dead animals and of disease control measures. Regardless of their source, they pose a potential risk to animal and public health and the environment. This risk needs to be adequately controlled, either by channelling such products towards safe

strict conditions are applied which minimise the health risks involved.

means of disposal or by using them for different purposes, provided that strict conditions are applied which minimise the health risks involved.

Amendment 2

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In addition, in order to prevent risks arising from wild animals, carcasses or parts of carcasses of such animals suspected of being infected with a transmissible disease should be subject to the rules laid down in this Regulation. This inclusion should not imply an obligation to collect and dispose of bodies of wild animals that have died or that are hunted in their natural habitat. If **good** hunting **practices** are observed, intestines and other body parts of wild game may be disposed of safely on site. Animal by-products from hunted game should only be subject to the provisions of this Regulation insofar as food hygiene legislation applies to the placing on the market of such game and involves operations carried out by game-handling establishments.

Amendment

(13) In addition, in order to prevent risks arising from wild animals, carcasses or parts of carcasses of such animals suspected of being infected with a transmissible disease should be subject to the rules laid down in this Regulation. This inclusion should not imply an obligation to collect and dispose of bodies of wild animals that have died or that are hunted in their natural habitat. If hunting **law requirements** are observed, intestines and other body parts of wild game may be disposed of safely on site. Animal by-products from hunted game should only be subject to the provisions of this Regulation insofar as food hygiene legislation applies to the placing on the market of such game and involves operations carried out by game-handling establishments.

Justification

‘Good hunting practice’ is a vague term which does not exist as such in hunting law and could therefore give rise to legal uncertainty and differing interpretations. Since hunting must be carried out in accordance with the hunting law requirements of the Member State concerned, it would be appropriate to choose this clear definition.

Amendment 3

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Operations with animal by-products which give rise to a considerable degree of risk to public and animal health should only be carried out in establishments which have been approved in advance **for such operations** by the competent authority. This condition should apply in particular to **rendering** plants and other plants handling and processing untreated animal by-products. It should be permitted that animal by-products of more than one category are handled in the same establishment provided cross-contamination is prevented. It should further be permitted to amend these conditions if the amount of material for disposal and processing arises due to a major outbreak of disease, provided it is ensured that the temporary use under such amended conditions does not lead to the propagation of disease risks.

Amendment

(21) Operations with animal by-products which give rise to a considerable degree of risk to public and animal health should only be carried out in establishments which have been approved in advance by the competent authority. This condition should apply in particular to **processing** plants **for animal by-products** and other plants handling and processing untreated animal by-products. It should be permitted that animal by-products of more than one category are handled in the same establishment provided cross-contamination is prevented. It should further be permitted to amend these conditions if the amount of material for disposal and processing arises due to a major outbreak of disease, provided it is ensured that the temporary use under such amended conditions does not lead to the propagation of disease risks.

Justification

The term 'rendering plant' is no longer used and has been replaced by the term 'processing plant for animal by-products', which has now been clearly defined.

Amendment 4

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Animal by-products should be classified into three categories which reflect the degree of risk that they pose to public and animal health, on the basis of risk assessments. While material posing a high risk should only be used for purposes

Amendment

(25) Animal by-products should be classified into three categories which reflect the degree of risk that they pose to public and animal health, on the basis of risk assessments. While material posing a high risk should only be used for purposes

outside the feed chain, the use of material posing a lower risk should be permitted under safe conditions.

outside the feed chain, the use of material posing a lower risk should be permitted under safe conditions. ***In particular, every effort should be made to promote the use of animal by-products as sources of bioenergy.***

Amendment 5

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Manure and digestive tract content do not need to be disposed of, provided that proper treatment ensures that diseases are not transmitted during application to land. By-products from animals that die on farm and animals killed for the eradication of diseases ***except TSEs***, should not be used in the feed chain. This restriction should also apply to imported animal by-products which are allowed into the Community, even though they do not comply with Community legislation upon inspection at the Community border post, and to products which do not comply with the applicable requirements during checks carried out within the Community.

Amendment

(29) Manure and digestive tract content do not need to be disposed of, provided that proper treatment ensures that diseases are not transmitted during application to land. By-products from animals that die on farm and animals killed for the eradication of diseases should not be used in the feed chain. This restriction should also apply to imported animal by-products which are allowed into the Community, even though they do not comply with Community legislation upon inspection at the Community border post, and to products which do not comply with the applicable requirements during checks carried out within the Community.

Justification

The reference to TSEs here is confusing. By-products of animals affected by TSEs are covered by Regulation (EC) No. 999/2001.

Amendment 6

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) Disposal of animal by-products and derived products should take place in accordance with environmental legislation

Amendment

(Does not affect English version.)

regarding landfilling and waste incineration. In order to ensure consistency, incineration should take place in accordance with Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste¹. Co-incineration of waste – either as a recovery or disposal operation – is subject to similar conditions regarding approval and operating as waste incineration, in particular as to air emission limit values, wastewater and residue discharge, control and monitoring and measurement requirements. Consequently, direct co-incineration, without prior processing, of all three categories of materials should be permitted.

Justification

(Reinstating NL term for ‘recovery’ used in Directive 2008/98/EC)

Amendment 7

Recital 35

Text proposed by the Commission

(35) The use of animal by-products or derived products as a fuel in the combustion process should be authorised and it is not a waste disposal operation. However, such use should take place under conditions which ensure the protection of public and animal health, as well as the appropriate environmental standards.

Amendment

(35) The use of animal by-products or derived products as a fuel in the combustion process ***or as a source of bio-energy*** should be authorised and it is not a waste disposal operation. However, such use should take place under conditions which ensure the protection of public and animal health, as well as the appropriate environmental standards.

Amendment 8

Recital 41

Text proposed by the Commission

(41) It is appropriate to clarify the requirements applicable to the placing on the market of animal by-products and derived products intended for feeding purposes and of organic fertilizers and soil improvers, so as to ensure the protection of the food and feed chain. Only Category 3 material should be used for feeding purposes. Fertilisers produced on the basis of animal by-products may affect the safety of the feed and food chain. ***Where they have been manufactured from proteineaceous material, a component, such as an inorganic or an indigestible substance, should be added in order to prevent their direct use for feeding purposes.***

Amendment

(41) It is appropriate to clarify the requirements applicable to the placing on the market of animal by-products and derived products intended for feeding purposes and of organic fertilizers and soil improvers, so as to ensure the protection of the food and feed chain. Only Category 3 material should be used for feeding purposes. Fertilisers produced on the basis of animal by-products may affect the safety of the feed and food chain.

Amendment 9

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) Regulation (EC) No 1774/2002 allows for the feeding of Category 1 material to endangered species of necrophagous birds living in their natural habitat. In order to provide an adequate tool for the preservation of those species, that feeding practice should continue to be permitted under this Regulation, in accordance with conditions laid down to prevent the spread of diseases.

Amendment

(d) Regulation (EC) No 1774/2002 allows for the feeding of Category 1 material to endangered species of necrophagous birds living in their natural habitat. In order to provide an adequate tool for the preservation of those ***or other endangered or protected*** species, that feeding practice should continue to be permitted under this Regulation, in accordance with conditions laid down to prevent the spread of diseases.

Justification

The setting-up of special feeding stations should not be subject to conditions restricting them to carrion-eating birds. Other birds that sometimes eat carrion and are endangered or protected such as the bearded vulture and imperial eagle could also benefit.

Amendment 10

Proposal for a regulation Recital 51

Text proposed by the Commission

(51) Pressure sterilisation and auxiliary transport conditions may be imposed so as to ensure the control of possible risks. In order to ensure traceability and cooperation between the competent authorities of Member States controlling the flow of material, the TRACES system introduced by Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system¹ should be used to provide information on the dispatch of all Category 1 and Category 2 material and derived products from rendering operations, and Category 3 processed animal protein.

Amendment

(51) Pressure sterilisation and auxiliary transport conditions may be imposed so as to ensure the control of possible risks. In order to ensure traceability and ***to avoid illegal relabeling of meat and meat products, which has led to rotten meat scandals in the past***, cooperation between the competent authorities of Member States controlling the flow of material ***should be enhanced. Therefore***, the TRACES system introduced by Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system² should be used to provide information on the dispatch of all Category 1 and Category 2 material and derived products from rendering operations, and Category 3 processed animal protein.

Amendment 11

Proposal for a regulation Recital 63

Text proposed by the Commission

(63) Under Regulation (EC) No 1774/2002, certain products, notably guano, certain hides to which particular forms of treatment such as tanning have been applied, and certain game trophies, have been exempted from the requirements of that Regulation. Similar exemptions should be provided for by implementing

Amendment

(63) Under Regulation (EC) No 1774/2002, certain products, notably guano, certain hides to which particular forms of treatment such as tanning have been applied, and certain game trophies, have been exempted from the requirements of that Regulation. Similar exemptions should be provided for by implementing

¹ OJ L 94, 31.3.2004, p. 63. Decision as last amended by Decision 2005/515/EC (OJ L 187, 19.7.2005, p. 29).

² OJ L 94, 31.3.2004, p. 63. Decision as last amended by Decision 2005/515/EC (OJ L 187, 19.7.2005, p. 29).

measures, such as in the case of oleochemical products. ***However, in order to maintain an adequate level of protection of the feed chain, operators handling Category 1 and Category 2 material for the manufacture of petfood should continue to be required to obtain approval.***

measures, such as in the case of oleochemical products.

Justification

It should not be possible to use raw materials in Categories 1 and 2 to manufacture pet food. Corresponding changes have been made in Article 22(e)(ii) and in the third subparagraph of Article 45.

Amendment 12

Proposal for a regulation Article 2– paragraph 1

Text proposed by the Commission

1. This Regulation shall apply to ***animal by-products and products derived thereof***
 - (a) which are excluded from human consumption under Community legislation; or
 - (b) that may be destined for human consumption under Community legislation, but pursuant to a decision by an operator are destined for purposes other than human consumption.

Amendment

1. This Regulation shall apply to:
 - (a) ***animal by-products and products derived thereof*** which are excluded from human consumption under Community legislation; or
 - (b) ***products of animal origin*** that may be destined for human consumption under Community legislation, but pursuant to a decision by an operator are destined for purposes other than human consumption. ***This decision shall be irreversible***

Justification

Definitions are being mixed up here: animal by-products have already been defined in Article 3 as 'excluded from human consumption', and only products of animal origin are defined as being fit for human consumption (Article 3(17)). Operators should not be able to re-place on the market products which have already been excluded from human consumption once.

Amendment 13

Proposal for a regulation

Article 2 – paragraph 2 - point a - subpoint i

Text proposed by the Commission

(i) which are not suspected of being **infected with** a disease communicable to humans or animals, except for aquatic animals landed for commercial purposes;

Amendment

(i) which are not suspected of being **affected by** a disease communicable to humans or animals, except for aquatic animals landed for commercial purposes;

Justification

The term 'affected' is proposed in order to cover infestations with parasites.

Amendment 14

Proposal for a regulation

Article 2 – paragraph 2 - point a - subpoint ii

Text proposed by the Commission

(ii) in the case of wild terrestrial animals, which are not collected after killing, in accordance with **good hunting practice**;

Amendment

(ii) in the case of wild terrestrial animals, which are not collected after killing, in accordance with **the requirements of hunting law**;

Justification

'Good hunting practice' is a vague term which does not exist as such in hunting law.

Amendment 15

Proposal for a regulation

Article 2 – paragraph 2 - point b

Text proposed by the Commission

(b) animal by-products from wild game and from wild game meat referred to in Article 1(3)(e) of Regulation (EC) No 853/2004;

Amendment

(Does not affect English version.)

Justification

(Aligning DE terms for 'wild game' and 'wild game meat' with terminology in Regulation No 853/2004.)

Amendment 16

Proposal for a regulation

Article 2 – paragraph 2 - point ba (new)

Text proposed by the Commission

Amendment

(ba) raw pet food for use on site derived from animals slaughtered on the farm of origin for use only as foodstuffs by the farmer and his family, in accordance with national legislation;

Justification

The exclusion from the scope for these products, which is part of the current legislation, should be maintained.

Amendment 17

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) ***liquid*** milk, colostrum ***and products derived thereof*** which are obtained, kept, disposed of or used on the farm of origin;

(d) milk, ***milk-based products and*** colostrum which are obtained, kept, disposed of or used on the farm of origin;

Justification

This amendment seeks to clarify the regulation and make it more readable. The chosen wording is consistent with Article 20(f). It is still not clear what is meant by the term 'liquid milk'.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) oleochemical products manufactured from animal fats, in accordance with the conditions laid down in the implementing rules, by means of hydrolysis, saponification or hydrogenation.

Justification

Following hydrolysis, saponification or hydrogenation, oleochemical products manufactured from animal fats no longer pose a risk to human and animal health.

Amendment 19

Proposal for a regulation

Article 2 – paragraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) animal by-products for feeding to carnivorous or omnivorous animals of wild species which are being kept under human supervision and which are not intended for human consumption, provided that the animal by-products in question form part of or are based on the animals' natural diet and are not likely to pose an increased TSE risk.

Justification

The scope of Regulation (EC) No 1774/2002 must be more tightly defined: for example, the feeding of whole cattle or antelopes to lions or bears or the feeding of mice to reptiles is consistent with these animals' natural diet and should not be subject to restrictions.

The derogations provided for in Article 27(2) of the proposal under consideration here are inadequate, since they only cover the feeding of dead animals or parts of animals which contain SRMs to zoo animals, but not to circus animals.

Amendment 20

Proposal for a regulation

Article 2 – paragraph 2 – point g d (new)

Text proposed by the Commission

Amendment

(gc) pet food manufactured in registered food production establishments from material suitable for use in foodstuffs and under the same hygiene conditions as foodstuffs;

Justification

Pet food manufactured in registered food production establishments from material suitable for use in foodstuffs and under the same hygiene conditions as foodstuffs should be excluded from the scope of the regulation. No additional provisions need to be incorporated into animal by-product law to cover such establishments. However, approved food production establishments which have a greater turnover and a wider radius of action should be required to register, as provided for in Article 7(1)(a) in conjunction with Article 32.

Amendment 21

Proposal for a regulation

Article 2 – paragraph 2 – point g d (new)

Text proposed by the Commission

Amendment

(gd) pet food manufactured solely from carcasses or slaughter animals suitable for human consumption originating from retail shops or premises adjacent to points of sale where the cutting, processing and storage are performed solely for the purpose of supplying the consumer directly on the spot;

Justification

The derogation pursuant to Article 1(2)(a) of Regulation (EC) No 1774/2002 is missing from the proposal. It should be re-incorporated and extended to cover non-raw pet food.

Amendment 22

Proposal for a regulation

Article 2 – paragraph 3 – point g e (new)

Text proposed by the Commission

Amendment

(ge) end products from the safe processing of biofuels derived from animal by-products.

Justification

When using tallow as a raw material for biofuel production, by-products as glycerol and potassium sulphate can be considered safe following the 'oleochemical' processing in the refinery. Their use should be allowed without further restrictions.

Amendment 23

Proposal for a regulation

Article 3 – point 1

Text proposed by the Commission

Amendment

(1) 'animal by-products' means entire bodies or parts *of animals* of dead animals or products of animal origin referred to in Articles 11, 12 and 13, including oocytes, embryos and semen;

(1) 'animal by-products' means entire bodies or parts of dead animals or products of animal origin referred to in Articles 11, 12 and 13 ***which are not intended for human consumption***, including oocytes, embryos and semen;

Justification

With a view to making clear that the regulation covers only animal by-products within the meaning of Article 2(1), the definition of 'animal by-products' should include a reference to the fact that they have been excluded from human consumption. This will also make for consistency with the definition employed in the previous regulation and prevent misunderstandings.

Amendment 24

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

Amendment

(5) 'pet animal' means any animal

(5) 'pet animal' means any animal

belonging to species normally nourished and kept by humans for purposes other than farming **and listed in Annex I to Regulation (EC) No 998/2003**;

belonging to species normally nourished and kept, **but not consumed**, by humans for purposes other than farming;

Justification

For the sake of consistency of Community legislation, existing definitions should be employed. The definition chosen here comes from Article 2(1)(h) of the previous regulation, Regulation (EC) No 1774/2002. The Commission proposal refers to Regulation (EC) No 998/2003, which contains a list which is not comprehensive. Repeated references to other legal provisions are not conducive to the readability and comprehensibility of the regulation and are thus not consistent with the principle of good lawmaking.

Amendment 25

Proposal for a regulation Article 3 – point 11

Text proposed by the Commission

Amendment

(11) 'producer' means any person who produces animal by-products or derived products;

deleted

Justification

The definition of 'producer' should be deleted, firstly because the term is not used in this regulation, and secondly because it is covered by the definition of 'operator'.

Amendment 26

Proposal for a regulation Article 3 – point 16

Text proposed by the Commission

Amendment

(16) 'pressure sterilisation' means the processing of animal by-products, *after reduction in particle size to not more than 50 mm, to a core temperature of more than 133°C for at least 20 minutes without interruption at an absolute pressure of at least 3 bar*;

(16) 'pressure sterilisation' means the processing of animal by-products *under conditions, including pressure levels, consistent with parameters laid down in the implementing provisions. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure*

with scrutiny referred to in Article 48(4);

Justification

No technical details have been incorporated into the other definitions. Technical details should be dealt with in the implementing provisions, so that any adjustments needed can be made under the comitology procedure.

Amendment 27

Proposal for a regulation

Article 3 – point 17

Text proposed by the Commission

(17) 'products of animal origin' means ***products obtained from animals and products obtained from such products, including live animals where they are prepared for such use;***

Amendment

(17) 'products of animal origin' means:

- food of animal origin, including honey and blood;

- live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption; and

- other animals destined to be prepared with a view to being supplied live to the final consumer;

Justification

In keeping with the principle of good, consistent lawmaking, the definition of 'products of animal origin' given in point 8.1 of Annex I to Regulation (EC) No 853/2004 should be employed here as well, all the more so because facilities approved under that regulation are exempt from approval under the replacement regulation.

Amendment 28

Proposal for a regulation

Article 3 – point 23

Text proposed by the Commission

(23) 'remote area' means an area where the animal population is so small, and where

Amendment

(23) 'remote area' means an area where the animal population is so small, and where

disposal **facilities** are so far away that the arrangements necessary for the collection and transport of animal by-products would be unacceptably onerous compared to local disposal;

disposal **plants or establishments** are so far away that the arrangements necessary for the collection and transport of animal by-products would be unacceptably onerous compared to local disposal;

Justification

Clarity and consistency of the text.

Amendment 29

**Proposal for a regulation
Article 3 – point 25 a (new)**

Text proposed by the Commission

Amendment

(25a) 'carcase' means the body of an animal after slaughter and dressing;

Justification

The word 'carcase' is used several times in the regulation, but it is not defined. This definition is taken from Regulation (EC) No 853/2004.

Amendment 30

**Proposal for a regulation
Article 3 – point 25 b (new)**

Text proposed by the Commission

Amendment

(25b) 'centrifuge or separator sludge' means material collected as a by-product of purification and/or separation of raw milk into skimmed milk and cream.

Justification

This new point provides the explicit definition required in connection with the new letter (ma) inserted in Article 13 (see below).

Amendment 31

Proposal for a regulation
Article 3 – point 25 c (new)

Text proposed by the Commission

Amendment

(25c) 'Combustion as fuel' means the controlled and rapid exothermic oxidation of animal by-products or derived products to generate useful energy in an authorised combustion process.

Justification

This condition is not satisfied where a supplementary fossil fuel is needed to achieve the necessary exothermic conditions under normal operation; the use of a support fuel to achieve safe conditions during start-up and shutdown is allowed. This definition is in accordance with the definitions of 'Combustion plant' and 'Fuel' within the IPPC recast

In addition, the definitions within the IPPC recast of 'Waste incineration plant' and 'Waste Co-incineration plant', clearly differentiate between 'Fuel for combustion' and 'Waste (Co) Incineration'. It is desired to seek the same level of differentiation within the new ABPR.

Amendment 32

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall **have** an adequate infrastructure in place on their territory that ensures that animal by-products are

1. Member States shall **ensure the existence of** an adequate infrastructure in place on their territory that ensures that animal by-products are

Justification

Member States must ensure compliance with the rules in force, but are not obliged to provide operators with the resources needed to comply with the basic 'polluter pays' principle.

Amendment 33

Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) provide a system for the collection and

(a) ensure that the implementation of the

disposal of animal by-products, which operates efficiently and which is monitored continuously by the competent authority;

measures pursuant to paragraph 1 is monitored continuously by the competent authority;

Justification

The section of text which has been deleted merely repeats paragraph 1 and should therefore be removed, in keeping with the principle of good lawmaking. The provision of an efficient system is also covered by paragraph 1.

Amendment 34

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) *commit* adequate resources for the operation of *such a system*.

(b) *ensure that, as regards the animal by-products listed in Article 11 and in Article 12(b) to (h), adequate resources are made available* for the operation of *the infrastructure referred to in paragraph 1*.

Justification

A requirement that Member States should provide funding for a system covering all animal by-products is disproportionate. Instead, that requirement should cover only material which is hazardous in animal health terms.

Amendment 35

Proposal for a regulation

Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

General animal health restrictions

1. Without prejudice to Article 2(4), animal by-products and derived products shall not be dispatched from holdings, plants or zones which are subject to restrictions

(a) pursuant to Community veterinary

legislation; or

(b) due to the presence of a serious transmissible disease

(i) listed in Annex I to Directive 92/119/EEC; or

(ii) set out in a list laid down by the Commission.

The measures referred to in point (b)(ii) designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 48(4).

2. Paragraph 1 shall not apply where animal by-products and derived products are dispatched under conditions to be adopted by the Commission to prevent the spread of diseases transmissible to humans or animals.

Those measures designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 48(5).

Justification

This article is superfluous because the provisions on combating animal diseases, which are essentially based on EU law, lay down in detail which products can be removed from restricted areas. The provisions laid down in Article 2(4) are thus sufficient.

Amendment 36

Proposal for a regulation Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Placing on the market of other derived products outside the feed chain

1. Operators may place on the market derived products, other than the products

referred to in Article 2(3), provided:

(a) those products are:

(i) not intended for use as feed material for the feeding of farmed animals or for application to land from which such animals are to be fed; or

(ii) intended for feeding to fur animals; and

(b) they ensure the control of risks to public and animal health by:

(i) safe sourcing in accordance with Article 42;

(ii) safe treatment in accordance with Article 43, where safe sourcing does not ensure sufficient control; or

(iii) verifying that the products are only used for safe end uses in accordance with Article 44 where safe treatment does not ensure sufficient control.

2. Operators may also place the derived products referred to in paragraph 1 on the market without restrictions, subject to determination by the Commission of an end point in the manufacturing chain in accordance with paragraph 3, when such products no longer pose any significant risk to public or animal health.

3. When the placing on the market is no longer governed by animal health or hygiene provisions, the Commission may adopt measures laying down the conditions on the basis of which an end point in the manufacturing chain is determined.

Justification

Animal by-products can be processed to such an extent that they pose no risk to human or animal health. The end point is a concept central to the new, revised regulation and limits its scope as defined in Section 1 of Chapter 1. For this reason, the end point should already be described in this section, and not only in Article 41.

Amendment 37

Proposal for a regulation

Article 6 – paragraph 1 – point (f)

Text proposed by the Commission

Amendment

(f) the handling or manufacture of petfood
as referred to in the third subparagraph of Article 45.

(f) the handling or manufacture of petfood.

Justification

It is not clear whether pet food factories must be registered or approved. See Articles 6(1)(f), 7(1)(f) and 45 in conjunction with the law on feed safety. Across-the-board approval for all pet food manufacturing establishments is essential for uniformity in the sector, in order to forestall problems in connection with trade. Within the EU, for the purposes of issuing health certificates an establishment must be approved in the country in question, so that imports into the EU can be approved. The manufacture of pet food using materials in Categories 1 and 2 should continue to be banned. See also Article 22(e).

Amendment 38

Proposal for a regulation

Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the transport of animal by-products and products derived thereof.

Justification

Compulsory registration of operators who transport animal by-products would provide the authorities with information about such operators, clearing the way for monitoring and more effective efforts to prevent animal by-products being improperly reclassified as foodstuffs in declarations made during transport. See also Article 7(2).

Amendment 39

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) operations covered by the approval ***or registration of plants and*** establishments

(a) operations covered by the approval of establishments approved in accordance

approved **or registered** in accordance with: with Regulation (EC) No 853/2004;
(i) Regulation (EC) No 853/2004; **or**
(ii) **Regulation (EC) No 183/2005**;

Justification

The reference to 'plants' in this provision is not consistent with other relevant provisions of Community law (pursuant to Regulations (EC) Nos 853/2004 and 183/2005, only establishments, but not plants, are approved). An exemption from the requirement for approval in respect of the processing, storage and handling of animal by-products in establishments registered pursuant to Regulations (EC) Nos 853/2004 and 183/2005 or approved pursuant to Regulation (EC) No 183/2005 is unacceptable because such establishments do not undergo comprehensive inspections before commencing operations, leading to monitoring loopholes.

Amendment 40

Proposal for a regulation

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) biogas and composting plants in which animal by-products or derived products are transformed in accordance with the standard parameters laid down pursuant to Article 9(c); **deleted**

Justification

A blanket exemption from the requirement for approval for biogas and composting plants in which animal by-products or derived products are transformed in accordance with the standard parameters laid down pursuant to Article 9(c) is unacceptable. In cases where materials which pose a risk to animal health, such as slaughter waste, former foodstuffs or catering waste, are processed, a requirement for approval is essential in order to eradicate possible sources of danger before the plant commences operations.

Amendment 41

Proposal for a regulation

Article 7 – paragraph 1 – point (f)

Text proposed by the Commission

Amendment

(f) plants and establishments subject to Section 2 of Chapter VI, except **plants**

(f) plants and establishments subject to Section 2 of Chapter VI, except **pet food**

referred to in Article 6(1)(f).

establishments.

Justification

As in Article 6(1)(f): it is not clear whether pet food factories must be registered or approved. See Articles 6(1)(f), 7(1)(f) and 45 in conjunction with the law on feed safety. Across-the-board approval for all pet food manufacturing establishments is essential for uniformity in the sector, in order to forestall problems in connection with trade. Within the EU, for the purposes of issuing health certificates an establishment must be approved in the country in question, so that imports into the EU can be approved. The manufacture of pet food using materials in Categories 1 and 2 should continue to be banned. See also Article 22(e).

Amendment 42

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. Plants **and** establishments exempt from approval in accordance with paragraph 1(a), (b) and (c) shall **be registered by** the competent authority **upon application by the operator.**

The application must **contain** the following information:

- (a) the category of animal by-products used;
- (b) the nature of the operations performed using animal by-products or derived products as starting material for which the application is made.

Amendment

2. **Operators whose plants or establishments are** exempt from approval in accordance with paragraph 1(a), (b) and (c) shall, **before commencing operations, and with a view to registration, notify** the **relevant** competent authority **of the existence of the plants or establishments in the manner required by that authority.**

Operators must **at least provide** the following information:

- (a) the category of animal by-products used;
- (b) the nature of the operations performed using animal by-products or derived products as starting material for which the application is made.

Justification

Some establishments which are not required to obtain approval pursuant to the animal by-products regulation must, pursuant to Article 32, register with the competent authority before commencing operations. The conclusion to be drawn from Recital 23 is that establishments should or must obtain such registration. On that basis, the wording of the provision laying down the registration requirement should avoid any reference to an application and lay down an obligation to notify the authorities. Otherwise, Article 31 (in particular paragraph 2) would also be rendered meaningless.

Amendment 43

Proposal for a regulation Article 8 – title

Text proposed by the Commission

Approval of plants

Amendment

Approval of **establishments and** plants

Justification

This provision (approval of plants following an on-site visit, conditional approval) should also apply to establishments. The wording should be brought into line with the parallel provision in Article 31(2) of Regulation (EC) No 882/2004. In addition, it should then be made clear that the granting of both conditional and final approval can be made subject to compliance with specific requirements.

Amendment 44

Proposal for a regulation Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authority shall approve **a** plant provided that the operator submits together with his application, evidence that:

Amendment

1. The competent authority shall approve **an establishment or** plant provided that the operator submits together with his application, evidence that:

Justification

This provision (approval of plants following an on-site visit, conditional approval) should also apply to establishments. The wording should be brought into line with the parallel provision in Article 31(2) of Regulation (EC) No 882/2004. In addition, it should then be made clear that the granting of both conditional and final approval can be made subject to compliance with specific requirements.

Amendment 45

Proposal for a regulation Article 8 – paragraph 1 – point (b)

Text proposed by the Commission

(b) it handles animal by-products and, if required by this Regulation or by rules adopted in accordance with this

Amendment

(b) it handles animal by-products and, if required by this Regulation or by rules adopted in accordance with this

Regulation, derived products in accordance with hygiene requirements laid down in accordance with Article 9;

Regulation, derived products in accordance with hygiene requirements laid down in accordance with Article 9 **and Annex I to this Regulation**;

Justification

The general hygiene requirements should not be dealt with in the implementing provisions, which are covered by the comitology procedure. Instead their importance is such that they should be set out in the body of the regulation.

Amendment 46

Proposal for a regulation

Article 8 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) if animal by-products as referred to in Article 2(1)(a) are stored or processed, the processing of those products is kept permanently separate, by means of organisational and physical measures, from the processing of certain products intended for human consumption and that all products are labelled as foodstuffs or animal by-products, as appropriate; end products are stored in a separate room or a separate facility, which is named accordingly and the operator has ensured that end products cannot enter the human food chain;

Justification

If animal by-products as referred to in Article 2(1)(a) and foodstuffs are processed in the same establishment, specific approval should be obtained for the processing of by-products and the operator should show that the two forms of processing are kept separate. Spatial separation is not essential if processing takes place in completely enclosed facilities or installations used exclusively to process by-products.

Amendment 47

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The plant shall only be approved following an on-site visit by the competent authority.

The competent authority may grant conditional approval if it appears that the plant meets all the requirements referred to in paragraph 1(a) and (b).

It shall grant full approval only if it appears from a new official control of the plant, carried out within three months of granting conditional approval, that the plant meets the other applicable requirements.

If clear progress has been made but the plant still does not meet all the applicable requirements, the competent authority may prolong conditional approval. However, conditional approval shall not exceed a total of six months.

Amendment

2. Upon receipt of an application for approval pursuant to this Regulation from an operator, the competent authority shall make an on-site visit.

It shall approve an establishment or a plant for the activities concerned only if the operator has demonstrated that it complies with the requirements of this Regulation.

The competent authority may grant conditional approval if it appears that the establishment or the plant meets all the infrastructure and equipment requirements of this Regulation. It shall grant full approval only if it appears from a new official control of the establishment or plant, carried out within three months of granting conditional approval, that the establishment or plant meets the other relevant requirements of this Regulation. If clear progress has been made but the establishment or plant still does not meet all the relevant requirements, the competent authority may prolong conditional approval. However, conditional approval shall not exceed a total of six months.

The competent authority shall keep the approval of establishments and plants under review when carrying out official controls. If the competent authority identifies serious deficiencies or has to stop production at an establishment or plant repeatedly and the operator is not able to provide adequate guarantees regarding future production, the competent authority shall initiate procedures to withdraw the establishment's or plant's approval. However, the competent authority may suspend an establishment's or plant's approval if the operator can guarantee

that it will resolve deficiencies within a reasonable time.

Justification

This provision (approval of plants following an on-site visit, conditional approval) should also apply to establishments. The wording should be brought into line with the parallel provision in Article 31(2) of Regulation (EC) No 882/2004. In addition, it should then be made clear that the granting of both conditional and final approval can be made subject to compliance with specific requirements.

Amendment 48

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Plants and establishments which have already been approved or registered pursuant to Regulation (EC) No 1774/2002 shall be exempt from any further approval or registration requirement.

Justification

This provision is intended to reduce red tape whilst not increasing risk levels. This reference was previously included in Article 51 (transitional measures), but makes more sense here in the section dealing with approval.

Amendment 49

Proposal for a regulation

Article 9 – point d – point i

Text proposed by the Commission

Amendment

(i) general hygiene requirements applicable within approved plants and establishments;

deleted

Justification

The general hygiene requirements should not be dealt with in the implementing provisions, which are covered by the comitology procedure. Instead their importance is such that they

should be set out in the body of the regulation. Corresponding changes have been made to Article 8(1)(b).

Amendment 50

Proposal for a regulation

Article 11 – point (c)

Text proposed by the Commission

(c) products of animal origin derived from animals which have been submitted to **illegal** treatment as defined in Article 1(2)(d) of Directive 96/22/EC **and** Article 2(b) of Directive 96/23/EC;

Amendment

(c) products of animal origin derived from animals which have been submitted to treatment **contrary to the rules** as defined in Article 1(2)(d) of Directive 96/22/EC **or** Article 2(b) of Directive 96/23/EC;

Justification

The word 'illegal' seems inappropriate in this context. Logically speaking the word 'or' is needed between the two references to directives, since otherwise the provision would apply only if animals had been submitted to treatment under both sets of rules.

Amendment 51

Proposal for a regulation

Article 11 – point (e)

Text proposed by the Commission

(e) catering waste from means of transport operating internationally;

(Does not affect English version.)

Justification

(Reinstating DE wording in Regulation No 1774/2002.)

Amendment 52

Proposal for a regulation

Article 12 – point d

Text proposed by the Commission

(d) products of animal origin which have

Amendment

(d) products of animal origin which have

been declared unfit for human consumption due to the potential presence of **physical residues** in those products;

been declared unfit for human consumption due to the potential presence of **foreign bodies** in those products;

Justification

Clarification.

Amendment 53

Proposal for a regulation
Article 12 – point f

Text proposed by the Commission

(f) animals and parts of animals, other than those referred to in Article 11 or 13, that died other than by being slaughtered for human consumption or, in the case of game, that died other than by being killed for human consumption, including animals killed for disease control purposes, **and foeti and embryos of ruminants and pigs and dead-in-shell chicken;**

Amendment

(f) animals and parts of animals, other than those referred to in Article 11 or 13, that died other than by being slaughtered for human consumption or, in the case of game, that died other than by being killed for human consumption, including animals killed for disease control purposes;

Justification

The final phrase should form a separate point.

Amendment 54

Proposal for a regulation
Article 12 – point f a (new)

Text proposed by the Commission

Amendment

(fa) foeti and embryos of ruminants and pigs and dead-in-shell chicken;

Justification

In line with the amendment to Article 12(f), the final phrase of which should form a separate point.

Amendment 55

Proposal for a regulation
Article 13 – point b – introductory part

Text proposed by the Commission

(b) the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection or from game killed for human consumption in accordance with Community legislation:

Amendment

(b) the following **carcasses or** parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection, **from poultry and lagomorphs slaughtered on the farm pursuant to Article 1(3)(d) of Regulation (EC) No 853/2004** or from game killed for human consumption in accordance with Community legislation:

Justification

Animals of this kind are also suitable for slaughter and for human consumption, so that the corresponding animal by-products should be classified in Category 3. Also, a reference to carcasses should be added for the sake of consistency with paragraph (b)(i).

Amendment 56

Proposal for a regulation
Article 13 – point (b) – point (ii)

Text proposed by the Commission

(ii) heads of poultry;

Amendment

(ii) heads of poultry **which are not intended for human consumption;**

Justification

The addition makes clear that only certain heads of poultry are meant. It should also be borne in mind that in the EU some chickens are sold with heads.

Amendment 57

Proposal for a regulation
Article 13 – point (b) – point (iii)

Text proposed by the Commission

(iii) hides and skins, including trimmings

Amendment

(iii) hides and skins, including trimmings

and splittings thereof;

and splittings thereof ***which are not to be used to manufacture gelatine or other foodstuffs intended for human consumption;***

Justification

Rules governing food hygiene are laid down in Regulation (EC) No 853/2004. It should be made clear that gelatine (for human consumption) is not manufactured from material in Category 3. In the past this misunderstanding has given rise to serious problems.

Amendment 58

Proposal for a regulation

Article 13 – point (c) – introductory part

Text proposed by the Commission

Amendment

(c) blood of animals which did not show any signs of disease communicable through ***that*** blood to humans or animals obtained from:

(c) blood of animals which did not show any signs of disease communicable through blood to humans or animals obtained from:

Justification

The formulation laying down that there must be no signs of disease communicable 'through that blood' to humans or animals suggests that the blood will be analysed. However, what is presumably being referred to here is the ante-mortem inspection of animals for slaughter.

Amendment 59

Proposal for a regulation

Article 13 – point d

Text proposed by the Commission

Amendment

(d) animal by-products derived from the production of products intended for human consumption, including degreased bones and greaves;

(d) animal by-products, ***including animal by-products from the retail and wholesale trade***, derived from the production of products intended for human consumption, including degreased bones and greaves;

Justification

Waste from the retail and wholesale trade poses similar risks to catering waste and should

therefore be explicitly defined as Category 3 material.

Amendment 60

Proposal for a regulation

Article 13 – point e

Text proposed by the Commission

(e) products of animal origin, other than catering waste, which, after having been placed on the market for human consumption or for feeding to animals, are no longer intended for such consumption or such feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects **from which no risk to public or animal health arise**;

Amendment

(e) products of animal origin, other than catering waste, **from which no risk to public or animal health arises and** which, after having been placed on the market for human consumption or for feeding to animals, are no longer intended for such consumption or such feeding for commercial reasons or due to problems of manufacturing or packaging defects;

Justification

The phrase 'from which no risk to public or animal health arise(s)' is moved to make it clear that it refers to catering waste.

Amendment 61

Proposal for a regulation

Article 13 – point h

Text proposed by the Commission

(h) **fresh** animal by-products from aquatic animals originating from plants or establishments manufacturing products for human consumption;

Amendment

(h) animal by-products from aquatic animals originating from plants or establishments manufacturing products for human consumption;

Justification

The word 'fresh' must be deleted. It is not apparent why by-products from aquatic animals which are far from fresh should be excluded. Moreover, the concept of freshness is very open to different interpretations and cannot be defined by means of objective criteria.

Amendment 62

Proposal for a regulation
Article 13 – point j

Text proposed by the Commission

(j) terrestrial invertebrates other than species pathogenic to humans or animals;

Amendment

(j) ***aquatic and*** terrestrial invertebrates other than species pathogenic to humans or animals;

Justification

The term 'aquatic animals and their by-products' covers aquatic animals other than just those referred to here, in particular invertebrates at various stages of life, such as insect larvae and worms, which are used, for example, in the manufacture of pet food.

Amendment 63

Proposal for a regulation
Article 13 – point l

Text proposed by the Commission

(l) hides and skins, hooves, feathers, wool, horns, hair and fur originating from dead animals that did not show any signs of disease communicable through that product to humans or animals other than those referred to in ***point (c)***;

Amendment

(l) hides and skins, hooves, feathers, wool, horns, hair and fur originating from dead animals that did not show any signs of disease communicable through that product to humans or animals other than those referred to in ***point (b)***;

Justification

This is evidently intended to refer to point (b) rather than (c).

Amendment 64

Proposal for a regulation
Article 13 – point m a (new)

Text proposed by the Commission

Amendment

(ma) centrifuge or separator sludge from milk processing following thermal treatment pursuant to Annex VIII, Chapter I, point H (method 8).

Justification

In accordance with Recital 36 of the Commission proposal, it must be stipulated that materials submitted to a detoxification process defined in accordance with Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed may also be used for feeding purposes. Following the procedure (described below) pursuant to Annex VIII, Chapter I, point H (method 8), the centrifuge or separator sludge must be regarded as detoxified within the meaning of Recital 36.

Amendment 65

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. **Operators** shall ensure that animal by-products and derived products are accompanied **during transportation** by a commercial document and, when required by this Regulation or by a measure adopted in accordance with paragraph 5, by a health certificate.

Amendment

2. **Anyone transporting** animal by-products and derived products **shall ensure that they** are accompanied by a commercial document and, when required by this Regulation or by a measure adopted in accordance with paragraph 5, by a health certificate.

Justification

It must be made clear who is responsible for ensuring that animal by-products and derived products are accompanied by a commercial document, so that this provision can be enforced and breaches of it punished. Responsibility should lie with the transporter.

Amendment 66

Proposal for a regulation

Article 15 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The commercial document referred to in the first subparagraph may also be drawn up electronically. In such a case the manufacturer, the transporter and the recipient of the animal by-products or derived products must each keep a full electronic record of the requisite information. This information must be made available to the competent

authorities on demand at any time.

Justification

As in the current Regulation (EC) No 1774/2002, the Commission proposal contains no provisions governing electronic commercial documents. Such provisions should be incorporated with a view to facilitating trade.

Amendment 67

Proposal for a regulation

Article 16 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Any **person** consigning, transporting or receiving animal by-products or derived products shall keep a record of consignments **and related commercial documents or health certificates**.

Amendment

1. Any **operator** consigning, transporting or receiving animal by-products or derived products shall keep a record of consignments **Provided that all the relevant details are contained in the commercial documents or health certificates, no further record need be kept.**

Justification

The term 'operator' should be used here, as 'person' is not defined in Article 2, but 'operator' is defined in Article 2(12). There should be no requirement to keep a record of commercial documents. Provided that the commercial documents contain the requisite information, no further requirement to keep a record should be imposed.

Amendment 68

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. Plants processing animal by-products, plants for the transformation of animal by-products into biogas and compost and plants handling more than one category of animal by-products shall develop **the procedure referred to in paragraph 1** in accordance with the principles of the system of hazard analysis and critical

Amendment

3. Plants processing animal by-products, plants for the transformation of animal by-products into biogas and compost and plants handling more than one category of animal by-products shall develop **one or more procedures** in accordance with the principles of the system of hazard analysis and critical control points (HACCP) **as**

control points (HACCP).

Operators of such plants shall in particular:

(a) identify **and control the critical control points in the plants;**

(b) **establish and implement methods for monitoring and checking critical control points;**

(c) **where the product derived from the processing is not directly disposed of on the same site by incineration, co-incineration, combustion or by an alternative method of disposal authorised pursuant to Article 22(a), take representative samples to check compliance:**

(i) **of each processed batch with the standards, in particular as regards processing methods and microbiological safety of the end product, which have been laid down in measures which have been adopted in accordance with paragraph 6 of this Article,**

(ii) **with the maximum permitted levels of physical and chemical residues laid down in Community legislation;**

(d) **record the results of the checks and tests referred to in points (b) and (c), as applicable, and keep them for a period of at least two years for presentation to the competent authorities;**

referred to in paragraph 1.

Operators of such plants shall in particular:

(a) identify **any hazards that must be prevented, eliminated or reduced to acceptable levels;**

(b) **identify the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;**

(c) **establish critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;**

(d) **establish and implement effective monitoring procedures at critical control points;**

(da) **establish corrective actions when monitoring indicates that a critical control point is not under control;**

(db) **establish procedures, which shall be carried out regularly, to verify that the measures outlined in points (a) to (e) are working effectively; and**

(dc) **establish documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures**

outlined in points (a) to (e). When any modification is made in the product, process, or any step, food business operators shall review the procedure and make the necessary changes to it.

(e) ***put in place*** a system ensuring the traceability of each batch dispatched.

(e) ***establish*** a system ensuring the traceability of each batch dispatched.

Justification

The formulation given in the hygiene regulation, Regulation (EC) No 852/2004, is incorporated in order to make the Regulation easier to understand and implement.

Amendment 69

Proposal for a regulation

Article 18 – paragraph 1 – point a

Text proposed by the Commission

(a) the feeding of terrestrial animals of a species with processed animal protein derived from the bodies or parts of bodies of animals of the same species;

Amendment

(a) the feeding of terrestrial animals of a species ***other than fur animals*** with processed animal protein derived from the bodies or parts of bodies of animals of the same species;

Justification

The feeding of fur animals with processed animal protein as referred to in Article 18(2)(a) and grazing on organically fertilised land or feeding of animals with herbage cut from it are fundamental issues dealt with by the Regulation. They should not, as proposed in Article 18(2), be regulated by implementing rules. Article 18(1) and Article 18(2) should therefore be amended accordingly.

Amendment 70

Proposal for a regulation

Article 18 – paragraph 1 – point c

Text proposed by the Commission

(c) the feeding of farmed animals with herbage, either directly by grazing or by feeding with cut herbage, from land to which organic fertilisers or soil improvers,

Amendment

(c) the feeding of farmed animals with herbage, either directly by grazing or by feeding with cut herbage, from land to which organic fertilisers or soil improvers, other than manure, have been applied

other than manure, have been applied;

unless the cutting or grazing takes place after the lapse of a waiting period which ensures adequate control of risks to public and animal health and the duration of which is at least 21 days;

Justification

The use of high-quality compost and organic fertiliser on farmland should be made possible, in order for resources to be used sustainably. The current directive therefore mentions the period of 21 days. As, however, the effect of a waiting period may depend on the weather, a waiting period of no less than 21 days, appropriate to the risk, should be laid down. See also the justification concerning Article 18(2).

Amendment 71

Proposal for a regulation Article 18 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the feeding of farmed fish with processed animal protein derived from the bodies or parts of bodies of farmed fish of the same species.

deleted

Justification

It is not clear what is meant by ‘farmed fish’, as the term is not defined. There is also no technical basis for a ban on feeding fishmeal derived from fish waste to fish of the same species. In practice this rule would mean that fishmeal plants were required to sort the fish and make separate fishmeals for each species. That is unrealistic. Finally, this rule would place restrictions on an important source of protein which contributes, at least to a small extent, to reducing the problem of extracting fishmeal from the oceans.

Amendment 72

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. Implementing rules to ensure the uniform application of the prohibitions laid down in paragraph 1 may be laid down by the Commission, ***and measures***

2. Implementing rules to ensure the uniform application of the prohibitions laid down in paragraph 1 may be laid down by the Commission ***along with thresholds for***

permitting:

(a) the feeding with processed animal protein derived from bodies or parts of bodies of animals of the same species to fur animals, by way of derogation from paragraph 1(a); and

(b) the feeding of farmed animals with herbage from land to which organic fertilisers or soil improvers have been applied, provided that the grazing or cutting takes place after the lapse of a waiting period which ensures adequate control of risks to public and animal health, by derogation from paragraph 1(c).

Those measures designed to amend non essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 48(4).

feed below which accidental contamination with processed animal protein as referred to in paragraph 1(a) and (b) which cannot be avoided using reasonable technological means shall be regarded as insignificant.

Those measures designed to amend non essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 48(4).

Justification

The feeding of fur animals with processed animal protein as referred to in Article 18(2)(a) and grazing on organically fertilised land are fundamental issues dealt with by the regulation. They should not, as proposed in Article 18(2), be regulated in the implementing rules. Technical details concerning compliance with prohibitions and thresholds in connection with the contamination of feed with animal protein should be so regulated, however.

Amendment 73

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Disposal of by-products

Category 1, 2 and 3 material shall be:

(a) disposed of as a waste in an approved or registered incineration plant:

(i) directly without prior processing; or

(ii) following processing in an approved plant, if the competent authority so requires by pressure sterilisation, and permanent marking of the resulting material;

(b) in case the material is a waste, disposed of or recovered in an approved or registered co-incineration plant:

(i) directly without prior processing; or

(ii) following processing in an approved plant, if the competent authority so requires by pressure sterilisation, and permanent marking of the resulting material;

(c) disposed of in an authorised landfill, following processing by pressure sterilisation in an approved plant and permanent marking of the resulting material;

Justification

A new article has been added covering all the possibilities for disposal for all categories of by-products in order to avoid repetition of their final uses.

Amendment 74

Proposal for a regulation

Article 19 – point d

Text proposed by the Commission

Amendment

(d) in the case of Category 1 material referred to in Article 11(c), submitted to a detoxification process defined in accordance with Article 8(2) of Directive 2002/32/EC, and used in accordance with Article 21(c), (d) and (e);

deleted

Justification

This article has the consequence that Category 1 material can be used as a raw material for animal feed. It should remain the case that, under this Regulation, only certain Category 3 material can be processed into animal feed.

Amendment 75

Proposal for a regulation Article 20 – point e - point ii

Text proposed by the Commission

(ii) in the case of manure, digestive tract content ***separated from the digestive tract***, milk, milk-based products and colostrum, which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;

Amendment

(ii) in the case of manure, digestive tract content, milk, milk-based products and colostrum, ***and eggs and egg products***, which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;

Justification

The fact of using digestive tract content for biogas and composting plants should not oblige operators to carry out a costly and unnecessary prior separation. Separated and cleaned, the digestive tract should be classified as category 3 material. It is further proposed to treat eggs and egg products on the same basis as milk and unprocessed products for purposes of permitted uses.

Amendment 76

Proposal for a regulation Article 21 – point c – point i

Text proposed by the Commission

(i) as feed material for farmed animals ***or for the feeding to farmed animals other than fur animals***, and placed on the market in accordance with Article 24, except in the case of material referred to in Article 13(l) and (m);

Amendment

(i) as feed material for farmed animals and placed on the market in accordance with Article 24, except in the case of material referred to in Article 13(l) and (m);

Justification

It is not clear what animals 'or for the feeding to farmed animals other than fur animals'

refers to; this is clearly a repetition. If this part is deleted, it will become clear that Category 3 material may be used both as a raw material for feed and directly as feed for fur animals. Cf. Articles 23(1)(f), 24(1) and 41(1)(a).

Amendment 77

Proposal for a regulation

Article 21 – point c – point ii

Text proposed by the Commission

Amendment

(ii) for the feeding to fur animals; **or**

(ii) for the feeding to fur animals;

Justification

Brings the point into line with the amendment to Article 21(c)(iii)a.

Amendment 78

Proposal for a regulation

Article 21 – point c – subpoint iii a (new)

Text proposed by the Commission

Amendment

(iiia) to feed pet animals.

Justification

See justification to the amendment to Article 22(e).

Amendment 79

Proposal for a regulation

Article 21 – point h a (new)

Text proposed by the Commission

Amendment

(ha) applied to land without processing, in the case of milk, milk-based products and colostrum;

Justification

This is intended to make it clear that it is permitted to apply the materials in question to land even if they comprise Category 3 material. Article 20(f) already permits application for

Category 2.

Amendment 80

Proposal for a regulation Article 21 – point h b (new)

Text proposed by the Commission

Amendment

(hb) in the case of catering waste as referred to in Article 13(m), transformed in a biogas or composting plant under rules to be laid down in accordance with the regulatory procedure referred to in Article 48(3) or, until the adoption of such rules, in accordance with domestic law;

Justification

The Directive currently in force permits national regulation of the use of catering waste in biogas and composting plants. Until efficient Community provisions are adopted, the law currently in force should continue to apply.

Amendment 81

Proposal for a regulation Article 22 – point e – subpoint ii

Text proposed by the Commission

Amendment

(ii) used for the feeding to pet animals; ***deleted***

Justification

The provision permitting Member States to allow unprocessed material of Category 2 or 3 to be used to feed pets violates the principles of harmonisation of rules on animal by-products and could have the result that feeding of the products to pets is not properly supervised. Unprocessed materials of Category 2 should not be fed to pets; this is why point (c)(ii) has become Article 21(c)(iv) (new).

Amendment 82

Proposal for a regulation
Article 22 – point e a (new)

Text proposed by the Commission

Amendment

(ea) used for petfood, in the case of category 3 material and subject to approval by the competent authority;

Justification

The aim is to remove reference to the use of category 1 and 2 materials as petfood.

Amendment 83

Proposal for a regulation
Article 22 – point f

Text proposed by the Commission

Amendment

(f) in the case of Category 3 material referred to in Article 13(f) and other animal by-products which are removed in the course of surgical intervention on live animals, if authorised by ***the competent authority***, disposed of on farm.

(f) in the case of Category 3 material referred to in Article 13(f) and other animal by-products which are removed in the course of surgical intervention on live animals, if authorised by ***national law***, disposed of on farm.

Justification

It does not make sense for vets to be required to ask the competent authority what to do with the material left over after each individual surgical procedure.

Amendment 84

Proposal for a regulation
Article 23 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the application to land of certain animal by-products, organic fertilisers and soil improvers;

deleted

Justification

See also the justifications concerning Article 18(1)(c) and Article 18(2).

Amendment 85

Proposal for a regulation Article 23 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) storage, collection and transport of catering waste;

Justification

With regard to storage, collection and transport of catering waste too, uniform provisions should apply; this is in the interests of uniform economic conditions in the EU.

Amendment 86

Proposal for a regulation Article 24 – paragraph 2 – point (b)

Text proposed by the Commission

Amendment

(b) conditions aimed at ensuring traceability and preventing cross-contamination which apply to the destination of material ***fit for human consumption*** to feeding purposes or to use as feed material.

(b) conditions aimed at ensuring traceability and preventing cross-contamination which apply to the destination of ***authorised*** material to feeding purposes or to use as feed material.

Justification

The term 'fit for human consumption' is too restrictive in this context to cover all materials which it is permissible to process into raw materials for animal feed.

Amendment 87

Proposal for a regulation Article 25 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) they have been produced in accordance with the conditions ***for pressure sterilisation or with other conditions*** to prevent risks arising to public and animal

(b) they have been produced in accordance with the conditions (***pressure sterilisation or other conditions***) to prevent risks arising to public and animal health, in

health, in accordance with the requirements of Section 2 and any measures which have been laid down in accordance with paragraph 2;

accordance with the requirements of Section 2 *of this Chapter* and any measures which have been laid down in accordance with paragraph 2;

Justification

Clarification. In addition to pressure sterilisation, other measures may also be taken, for example pasteurisation, which is mentioned in the Directive currently in force.

Amendment 88

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) in the case of organic fertilisers and soil improvers derived from proteineaceous material, they have been mixed with a component excluding the subsequent use of the mixture for feeding purposes; and

deleted

Justification

The purpose of Article 25 is to prevent fertilisers derived from animal protein from being misused for feeding purposes and also to implement Regulation (EC) No 999/2001. It introduces an additional requirement over and above those arising from Directive 181/2006/EC. Article 18(1)(c) likewise already applies here. A general marking requirement is not realistic. Examples are: fertilisers made from horn or blood products. In the case of compost and digestate, there is no danger of ingestion by livestock.

Amendment 89

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) components to be mixed with organic fertilisers or soil improvers;

deleted

Justification

Thanks to the setting of time limits in the amendment to Article (18)(1)(c), there is no need to mix other materials with soil improvers of animal origin. See also the justification to the

amendment to Article 25(1)(c).

Amendment 90

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) supplementary conditions, such as the substances or methods to be used for marking and the minimum proportions to be observed when preparing the mixture, in order to exclude the use of such fertilisers or soil improvers for feeding purposes. ***deleted***

Justification

Thanks to the setting of time limits in the amendment to Article (18)(1)(c), there is no need to mix other materials with soil improvers of animal origin. See also the justification to the amendment to Article 25(1)(c).

Amendment 91

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. The competent authority may, by way of derogation from Sections 1 and 2, authorise the use of animal by-products and derived products for exhibitions, and for diagnostic, educational or research purposes under conditions which ensure the control of risks to public and animal health.

1. The competent authority may, by way of derogation from Sections 1 and 2 ***of this Chapter***, authorise the use of animal by-products and derived products for exhibitions, and for diagnostic, educational or research purposes under conditions which ensure the control of risks to public and animal health.

Justification

Clarification. Otherwise the reference would be unclear.

Amendment 92

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authority may, by way of derogation from Sections 1 and 2, authorise, under conditions which ensure the control of risks to public and animal health, the collection and use of:

Amendment

1. The competent authority may, by way of derogation from Sections 1 and 2 **of this Chapter**, authorise, under conditions which ensure the control of risks to public and animal health, the collection and/or use of:

Justification

Clarification. Otherwise the reference would be unclear. This change allows Member States the possibility to use Category 2 and Category 3 materials for wild animals (Art 27.1.b.v) without necessarily having to collect them. For reasons described below (see amendment no. 4) it is particularly important to allow this type of derogation in Member States where the effective conservation of endangered or protected necrophagous wild mammal and bird species requires that these species are able to find dispersed carrion in the open countryside. Dead animals from extensive livestock farming form an important source of such carrion.

Amendment 93

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

2. The competent authority may authorise, by way of derogation from Sections 1 and 2, and in accordance with conditions laid down pursuant to paragraph 3 of this Article, the feeding of the Category 1 material referred to in Article 11(b)(ii) **to zoo animals** and to endangered or protected species **of necrophagous birds** living in their natural habitat.

Amendment

2. The competent authority may authorise, by way of derogation from Sections 1 and 2 **of this Chapter**, and in accordance with conditions laid down pursuant to paragraph 3 of this Article, the feeding of the Category 1 material referred to in Article 11(b)(ii) and to endangered or protected species living in their natural habitat.

Justification

Clarification. Otherwise the reference would be unclear. The scope of Regulation (EC) No 1774/2002 must be more tightly defined: for example, the feeding of whole cattle or antelopes to lions or bears or the feeding of mice to reptiles is consistent with these animals' natural diet and should not be subject to restrictions. The derogations provided for in Article 27(2) of the proposal under consideration here are inadequate, since they only cover the feeding of

dead animals or parts of animals which contain SRMs to zoo animals, but not to circus animals.

The regulation should extend the possibility of using by-products to feed species of necrophagous birds in a more flexible way than is presently the case, since it has been found that the exemptions provided are insufficient to halt the decline in bird populations.

Moreover, a similar exemption should be provided for the feeding of other protected species characterised by food shortages and falling populations, and which will on no account enter the human or animal food chain.

Amendment 94

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 1 – point b – subpoint i

Text proposed by the Commission

Amendment

(i) the species *of necrophagous birds* in certain Member States to which such material may be fed;

(i) the species in certain Member States to which such material may be fed;

Amendment 95

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 1 – point b – subpoint ii

Text proposed by the Commission

Amendment

(ii) the measures which are necessary to ensure that access of other species to the material fed is being prevented.

deleted

Justification

The setting-up of special feeding stations should not be subject to conditions restricting them to a particular species, since other birds that sometimes eat carrion such as the bearded vulture and imperial eagle could also benefit.

Amendment 96

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 1 – point b – subpoint ii a (new)

Text proposed by the Commission

Amendment

(iia) the conditions required to avoid risks

to human and animal health.

Justification

In line with the amendment seeking to delete paragraph 3(b)(ii), the Member States should guarantee that there is no risk to human or animal health.

Amendment 97

**Proposal for a regulation
Article 27 a (new)**

Text proposed by the Commission

Amendment

Article 27a

Implementation measures

Measures for the implementation of this Article may be adopted by the Member States, with notification to the European Commission, in order to exclude the collection of material from Categories 1, 2 and 3 in certain areas of the Natura 2000 network or other areas in which, for reasons of conservation of endangered and protected species, or protected necrophagous birds, such measures are needed in order to comply with Directives 79/409/EEC and 92/43/EEC. Such exclusion shall be allowed under specified conditions for the prevention of risks to public health and animal health.

These derogations shall not affect Decision 2005/830/CE and derogations provided for in Article 27(2).

Justification

This amendment deals with the fact that it is known that only using feeding stations, or 'muladares', is not enough to maintain the current populations of carrion-feeding birds (e.g. 100,000 Griffon Vultures in Spain). In Spain, particularly in the north, extensive goat and sheep farming is widespread, and dead livestock help to maintain carrion-feeding bird populations.

Furthermore, some of these feeding stations already attract thousands of vultures to feed, and there are inherent risks in relying on them too heavily as a food source for necrophagous birds. This carries grave risks if there were to be a poisoning incident at one of these

locations. Evidence of mass death of millions of vultures in India has highlighted the extreme vulnerability of these populations where carrion is contaminated, causing increases in rabid dogs and therefore rabies in humans.

Amendment 98

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authority may, by way of derogation from Sections 1 and 2, authorise the disposal:

Amendment

1. The competent authority may, by way of derogation from Sections 1 and 2 **of this Chapter**, authorise the disposal:

Justification

Clarification. Otherwise the reference would be unclear.

Amendment 99

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) by burial of dead pet animals;

Amendment

(a) by burial of dead pet animals **and equidae**;

Amendment 100

Proposal for a regulation

Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to Article 15(1) competent authorities may authorise measures for the temporary containment of animals and parts of animals meeting the definition set out in Article 12(f) under conditions which prevent risks arising to public and animal health prior to their disposal in accordance with Article 20 of this Regulation.

Justification

The introduction of containment increases the flexibility for collection of animal by-products without compromising public and animal health. This flexibility will improve the sustainability and environmental profile of ABP collection due to reduced frequency of collection and possibly reduced volumes to be collected.

Amendment 101

Proposal for a regulation

Article 28 – paragraph 4 – point a

Text proposed by the Commission

(a) conditions aimed at ensuring control of risks to public and animal health for the burning and burial on site;

Amendment

(a) conditions aimed at ensuring control of risks to public and animal health for burning and burial **of material** on site **and the temporary containment of animals and parts of animals pending disposal**;

Justification

The introduction of containment increases the flexibility for collection of animal by-products without compromising public and animal health. This flexibility will improve the sustainability and environmental profile of ABP collection due to reduced frequency of collection and possibly reduced volumes to be collected.

Amendment 102

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

2. Interested parties shall send their application to the competent authority of the Member State where they intend to use the alternative method.

Amendment

2. Interested parties shall send their application to the competent authority of the Member State where they intend to use the alternative method. **Applications shall be treated as confidential until a final decision has been taken.**

Justification

It will be in the economic interest of interested parties to submit applications, and it should not therefore be possible for other applicants to inspect the applications.

Amendment 103

Proposal for a regulation

Article 29 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. The competent authority shall evaluate within a period of **two months** following receipt of a complete application, whether the application complies with the standard format for applications referred to in paragraph 10.

Amendment

3. The competent authority shall evaluate within a period of **one month** following receipt of a complete application, whether the application complies with the standard format for applications referred to in paragraph 10.

Justification

A period of one month should be sufficient to examine whether an application complies with the standard format. Any other period would delay business operations longer than necessary.

Amendment 104

Proposal for a regulation

Article 29 – paragraph 6 – subparagraph 1

Text proposed by the Commission

6. In duly justified cases where the Authority requests additional information from applicants, the period provided for in paragraph 5 may be suspended.

Amendment

(Does not affect English version.)

Justification

(Does not affect English version.)

Amendment 105

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The competent authority shall at regular intervals carry out official controls and supervision at approved or registered plants and establishments and at premises for

Amendment

1. The competent authority shall at regular intervals carry out official controls and supervision at approved or registered plants and establishments **and on consignments**

which information has been provided in accordance with Article 40(3).

sent to other Member States and for import, transit and export and at premises for which information has been provided in accordance with Article 40(3).

Justification

It is necessary to insert 'consignments sent to other Member States and for import, transit and export' because in order to monitor risks comprehensively inspections should not be confined to plants and establishments but should also be performed on goods being transported (cf. for example Article 50 of Regulation (EC) No 1013/2006).

Amendment 106

Proposal for a regulation Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The entire chain of animal by-products, from the place where the by-product arises to processing, use or disposal, shall be subject to official controls.

Amendment 107

Proposal for a regulation Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. If ***the official controls and supervision carried out by the competent authority reveal that one or more of*** requirements of this Regulation are not met, ***it shall*** take appropriate action.

1. If the requirements of this Regulation are not met, ***the competent authority shall*** take appropriate action.

Justification

It is possible to streamline the wording of this provision. It is not clear why action may be taken only in response to official controls and supervision: such action must be possible in other cases too, if the facts of the case are sufficiently clear. However, this paragraph should be given the form of a discretionary provision, since minor infringements on which no action needs to be taken are also conceivable. The fact that only the appropriate action may be taken is clear from the proportionality principle and does not need to be expressly restated.

Amendment 108

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 2 – point b – subpoint ii – indent 1

Text proposed by the Commission

Amendment

– for reasons relating to the **infrastructure** of the plant

– for reasons relating to the **structure** of the plant **or establishment**

Justification

The term 'infrastructure' is too wide-ranging: an operator cannot be held responsible for the infrastructure for his plant or establishment.

Amendment 109

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) impose specific conditions on plants and establishments in order to overcome existing shortcomings.

Justification

It must be clear to operators what specific conditions they have to fulfil. This will give them more reliable information on which to base their planning.

Amendment 110

Proposal for a regulation

Article 33 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where an operator intends to **dispatch** Category 1 material, Category 2 material or meat and bone meal or animal fat derived from Category 1 material **to** another Member State, the competent authority **of the** Member State **of destination** shall

1. Where an operator intends to **receive** Category 1 material, Category 2 material or meat and bone meal or animal fat derived from Category 1 material **from** another Member State, **he shall notify** the competent authority **in his** Member State

decide *upon application by the operator*:

which shall decide:

Justification

The proposed system poses language problems and difficulties linked to identifying the competent authority, and it would therefore be simpler if the operator of destination were responsible for notifying his competent authority.

Amendment 111

Proposal for a regulation

Article 33 – paragraph 5

Text proposed by the Commission

5. By way of derogation from paragraphs 1 to 4, animal by-products or derived products referred to therein which have been mixed or contaminated with ***any of the waste listed as hazardous in Decision 2000/532/EC*** shall be sent to other Member States only subject to the requirements of Regulation (EC) No 1013/2006.

Amendment

5. By way of derogation from paragraphs 1 to 4, animal by-products or derived products referred to therein which have been mixed or contaminated with waste shall be sent to other Member States only subject to the requirements of Regulation (EC) No 1013/2006.

Justification

The deletion of 'listed as hazardous in Decision 2000/532/EC' is necessary in order to ensure that animal by-products whose export is banned pursuant to Article 36 of Regulation (EC) No 1013/2006 (e.g. domestic refuse) cannot be mixed and exported. Cf. also Articles 35(2)(b) and 37(5)(b).

Amendment 112

Proposal for a regulation

Article 33 – paragraph 7 – subparagraph 1

Text proposed by the Commission

7. Derogations from paragraphs 1 to 4 may be granted by the Commission with respect to the dispatch of manure transported between two points located on the same farm or between farms located in the border regions of Member States sharing a common border.

Amendment

7. Derogations from paragraphs 1 to 4 may be granted by the Commission with respect to the dispatch of manure ***or material for bioenergy*** transported between two points located on the same farm or between farms located in the border regions of Member States sharing a common border.

Justification

Derogations should be possible not only for the transport of manure, but also for the transport of materials used as renewable energy.

Amendment 113

Proposal for a regulation

Article 35 – paragraph 2 – point b

Text proposed by the Commission

(b) animal by-products or derived products mixed or contaminated with **any of the waste listed as hazardous in Decision 2000/532/EC** shall take place only subject to the requirements of Regulation (EC) No 1013/2006;

Amendment

(b) animal by-products or derived products mixed or contaminated with waste shall take place only subject to the requirements of Regulation (EC) No 1013/2006;

Justification

The deletion of 'listed as hazardous in Decision 2000/532/EC' is necessary in order to ensure that animal by-products whose export is banned pursuant to Article 36 of Regulation (EC) No 1013/2006 (e.g. domestic refuse) cannot be mixed and exported. Cf. also Articles 33(5) and 37(5)(b).

Amendment 114

Proposal for a regulation

Article 37 – paragraph 5 – point b

Text proposed by the Commission

(b) animal by-products or derived products mixed or contaminated with **any of the waste listed as hazardous in Decision 2000/532/EC** shall take place only subject to the requirements of Regulation (EC) No 1013/2006.

Amendment

(b) animal by-products or derived products mixed or contaminated with waste shall take place only subject to the requirements of Regulation (EC) No 1013/2006.

Justification

The deletion of 'listed as hazardous in Decision 2000/532/EC' is necessary in order to ensure that animal by-products whose export is banned pursuant to Article 36 of Regulation (EC) No 1013/2006 (e.g. domestic refuse) cannot be mixed and exported. Cf. also Articles 33(5) and 35(2)(b).

Amendment 115

Proposal for a regulation Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Placing on the market of other derived products outside the feed chain

1. Operators may place on the market derived products, other than the products referred to in Article 2(3), provided:

(a) those products are

(i) not intended for use as feed material for the feeding to farmed animals or for application to land from which such animals are to be fed, or

(ii) intended for feeding to fur animals; and

(b) they ensure the control of risks to public and animal health by:

(i) safe sourcing in accordance with Article 42;

(ii) safe treatment in accordance with Article 43, where safe sourcing does not ensure sufficient control; or

(iii) verifying that the products are only used for safe end uses in accordance with Article 44 where safe treatment does not ensure sufficient control.

2. Operators may also place the derived products referred to in paragraph 1 on the market without restrictions, subject to determination by the Commission of an end point in the manufacturing chain in accordance with Article 46(2)(a), when such products no longer pose any significant risk to public or animal health.

Justification

It is possible to process animal by-products sufficiently to eliminate any risk to human and animal health. The end point is a central concept in the revised new Regulation and limits the scope of the Regulation as defined in Section 1 of Chapter 1. For this reason the end point should already be described in this section rather than not until Article 41. Cf. also the amendment to Article 5 (new).

Amendment 116

Proposal for a regulation Article 51

Text proposed by the Commission

Amendment

Article 51

deleted

Transitional measure

Plants, establishments and users approved or registered in accordance with Regulation (EC) No 1774/2002 before [the date of application of this Regulation] shall be deemed to be approved or registered, as required, in accordance with this Regulation.

Justification

Moved to Article 8(4) for the sake of better comprehensibility. Approval of users in accordance with Regulation (EC) No 1774/2002 is not possible, as the concept does not exist there.

Amendment 117

Proposal for a regulation Annex I (new)

Text proposed by the Commission

Amendment

ANNEX I

General hygiene requirements for the handling and processing of animal by-products

Chapter I

Hygiene requirements for the handling of

*material of Categories 1, 2 and 3 in
intermediate plants*

Section I

*Hygiene requirements for Category 3
material in intermediate plants*

- 1. The plant must not be used for any operations other than feeding in, collecting, sorting, cutting or breaking up, refrigerating, freezing into blocks, temporarily storing and despatching Category 3 material.*
- 2. Category 3 material must be sorted in such a way as to avoid any risk of the spread of animal diseases.*
- 3. During the whole collection and storage period, Category 3 material must be handled and stored separately from material of other categories in order to prevent the spread of pathogens.*
- 4. Category 3 material must be stored properly and, if appropriate, refrigerated or frozen until onward despatch.*

Section II

*Hygiene requirements for material of
Categories 1 and 2 in intermediate plants*

- 1. The plant must not be used for any operations other than feeding in, collecting, handling, temporarily storing and despatching material of Categories 1 and 2.*
- 2. Material of Categories 1 and 2 must be sorted in such a way as to avoid any risk of the spread of animal diseases.*
- 3. During the whole collection and storage period, material of Categories 1 and 2 must be handled and stored separately from Category 3 material in order to prevent the spread of pathogens.*
- 4. Until onward despatch, material of Categories 1 and 2 must be stored properly, under appropriate temperature conditions.*

5. In so far as possible in practice at reasonable cost, waste water shall be treated in such a manner as to ensure that no pathogens remain.

Chapter II

Hygiene requirements for processing of animal by-products at processing plants

Section I

General hygiene requirements

- 1. Animal by-products shall be processed as soon as possible after arrival. Until processing, they shall be stored properly.***
- 2. Containers and vehicles for the transport of unprocessed material shall be cleaned in a designated area. The area must be so located and structured as to avoid any risk of contamination of processed products with pathogens.***
- 3. Persons who work in the unclean sector may not enter the clean sector without first changing their work clothes and shoes or without having disinfected them. Equipment and machinery must not be moved from the unclean to the clean sector without first being cleaned and disinfected. A procedure shall be laid down relating to the movements of persons in order to monitor their movements and describe the correct use of footbaths and wheel baths.***
- 4. In so far as possible in practice at reasonable cost, waste water from unclean sectors shall be treated in such a manner as to ensure that no pathogens remain.***
- 5. Systematic preventive measures shall be taken against birds, rodents, insects and other pests. A documented pest control programme shall be adopted for the purpose.***
- 6. Cleaning procedures shall be established and documented for all parts of the plant. Appropriate equipment and***

cleaning materials shall be made available.

7. Hygiene tests must comprise regular inspections of the environment and the equipment. Inspection schedules and results must be documented and kept for at least two years.

8. Installations and equipment shall be kept in good condition and measuring equipment shall be calibrated regularly.

9. Derived products must be handled and stored at the processing plant in such a way as to prevent any spread of pathogens.

*10. Samples of derived products intended for biogas or composting plants or for landfilling, taken directly after heat treatment, must be free of heat-resistant pathogenic bacterial spores (no *Clostridium perfringens* present in 1g of the product).*

Section II

Special requirements for the processing of Category 3 material

1. The critical points on the basis of which the extent of the heat treatment to be applied in processing is determined shall be laid down in the implementing provisions for this Regulation for each processing method. The following critical points must be included:

(a) the particle size of the raw material;

(b) the temperature attained in the heat treatment process;

(c) the pressure applied to the raw material; and

(d) the duration of the heat treatment process or the adoption of a continuous system.

Minimum processing standards must be laid down for each critical point identified.

2. Records must be kept for at least two years and show that the minimum processing standards were adhered to for each critical point.

3. Precisely calibrated measuring/ recording instruments shall be used to observe processing continuously. Records of the calibration data shall be kept.

4. Before processing, animal by-products shall be inspected to check whether any foreign bodies are present. If any are present, they shall be removed immediately.

5. Material which has not been completely subjected to the specified heat treatment must undergo heat treatment again or be collected and reprocessed or disposed of in accordance with this Regulation.

Section III

Processing standards for material of Categories 1 and 2

Except where the competent authority requires the use of the processing method referred to in Article 19(a)(ii) or 20(a)(ii) of this Regulation, material of Categories 1 and 2 which is intended for incineration or co-incineration shall be processed in accordance with Section III of this annex. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 48 (4).

Justification

The general hygiene requirements should not be laid down as part of the implementing provisions adopted under the committee procedure: they are of such fundamental importance that it is necessary to state them in the basic text. Cf. also Article 9(d)(i).

EXPLANATORY STATEMENT

The numerous crises between 1997 and 2002 (BSE, sewage sludge, dioxin, spoiled meat) necessitated European legislation in many fields of food production. Products whose use for human consumption is not permitted came in for particular public criticism. It was especially necessary for the concept 'from farm to fork' to be taken into account in all areas of food production. When a crisis arises, it must be possible to guarantee the traceability of products in order to ascertain the cause of epizootics or other events harmful to health with a minimum of delay. For this purpose the European Parliament adopted Regulation (EC) No 1774/2002, which has been in force since 1 May 2003. This Regulation concerned hygiene rules for animal products not intended for human consumption. During the period after the Regulation had entered into force, various inspections and the information supplied by Member States indicated the following. The requisite traceability is not guaranteed in every case. The interaction of the existing Regulations with other European Union legislation, for example the hygiene regulations, needed to be clarified. It remained difficult to achieve a clear demarcation between by-products of slaughter and derived products. In order to clarify these problems, as well as others which had been identified, the Commission has submitted a proposal to amend Regulation (EC) No 1774/2002.

In particular it was necessary to clarify when the life-cycle of animal by-products ends. It was also necessary to eliminate the legal uncertainty regarding the scope of the provisions on animal by-products from wild game.

The new Regulation is also intended to improve interaction with other regulations. Essentially, it must be assumed that the new Regulation will eliminate many problems which had arisen with its predecessor. However, the assessment cannot be avoided that the new Regulation will introduce new definitions different from those which figured in previous legislation. This does not accord with the desired coherent approach. The user must therefore be prepared for new concepts here, and this situation should not be allowed to persist. The solutions to the problem can be codified in very different ways. Either the definitions should be documented in these regulations, or reference should be made to existing rules, for example the hygiene regulations.

The European Parliament agrees with the Commission that the Regulation should in principle be a horizontal instrument. However, this must not result in the articles merely containing general statements while the provisions which are essential for users are laid down in implementing regulations. Parliament therefore proposes that various implementing provisions be incorporated into annexes to the Regulation. It is not necessary for these to include technical details, which should continue to be dealt with in implementing regulations.

The European Parliament has for years favoured eliminating red tape and adopting user-friendly provisions, but the Commission proposal does not always respect these principles. The proposal should therefore be laid out differently, rendering the provisions clearer and more comprehensible.

In line with previous legislation on food production, operators should continue to be held responsible.

Provisions should also be adopted to establish the extent to which the important protein reserve constituted by catering waste can be used as animal feed or whether such use is impossible on grounds of hygiene.

22.1.2009

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council laying down health rules as regards animal by-products not intended for human consumption (Animal by-products Regulation)

(COM(2008)0345 – C6-0220/2008 – 2008/0110(COD))

Rapporteur: Alyn Smith

SHORT JUSTIFICATION

Background

The Animal By-Products (ABP) Regulation forms part of the comprehensive legislative framework to maintain a high level of safety along the whole production and distribution chain, from 'farm to fork'. This proposal for a Regulation deals with all forms of animal and farm materials not designed to enter the human food chain. It divides the different by-products into three different categories based on the level of risk; assigns acceptable uses for the by-products in each category; sets rules for the effective and safe transfer, processing and disposal of the by-products in approved or registered plants; and sets up a system of monitoring and regulation (by Member State competent authorities and the Commission) of the whole process.

This Regulation builds on Regulation EC 1774/2002. The Commission reported on the effectiveness of the legislation in 2005. It noted that the basic framework of safeguards, and Member State compliance, was satisfactory. However, outstanding issues remained on guaranteeing traceability of materials; clarification of ABP rules with other Community legislation; and the need for a more risk-based approach for the categorisation of ABP and controls.

Commission Proposals

The Commission proposals deal with clarification of the scope, and a more risk-based approach. The Commission are introducing an end point in the life cycle of ABP, 'so as to

clarify the point from which ABP cease to be covered by the requirements of the Regulation along the manufacturing chain'. Unnecessary duplication with regard to the approval of plants is also being avoided through coherence with other Community legislation.

To create a more risk-based approach, the Commission are reinforcing the primary obligation of operators to ensure that the requirements of the Regulation are met (with oversight from the competent authority); with regard to the manufacture of products without direct relevance to the safety of the food or feed chain, 'operators are entrusted with increased responsibility for the placing on the market of safe products. Provided they use safe raw materials for the production, develop safe manufacturing processes or use ABP for end purposes which are on balance safe, ABP of all categories may be used'; and new products with only limited risks can be introduced into the classification of ABP.

Draftsman Proposals

Your draftsman is, on the whole, pleased with the Commission proposals, especially with the increased flexibility for end uses of ABP, and with the greater adaptability of the categories to new scientific research. However, he has a number of proposals to improve the legislation.

a) Fallen Stock

All fallen stock, even where there is no suspicion of disease or other risks to humans or the environment, is covered by the legislation. This means that farmers must have their ABP transferred to a registered processing or disposal plant. For farmers located at great distances from their nearest registered establishment, this involved unnecessarily high financial and administrative costs in comparison to the real risks involved. The proposed Regulation allows for a derogation for 'remote areas' (farmers would be allowed to dispose of their fallen stock in Categories 2 and 3 by burning or burial on farm). However, the definition of 'remote areas' is too weak to be of help for most farmers. Your draftsman believes that this derogation must be extended, and that Member States must exercise discretion in defining these areas, in order to create a regulatory regime which is suitable for their situation. Your draftsman also approves of the derogation for small operators, but believes that the threshold should again be decided by the competent authority of the Member State.

b) Fish

Your draftsman believes that materials caught during fishing operations should not be included in this Regulation. Scientific research shows that fish diseases and parasites are natural to the environment and are of no risk to human health whether by contact or by contamination; furthermore, returning infected fish to the sea is not likely to increase the incidence of infection in the fish population. In addition, preventing fishing crews from throwing infected fish back into the sea, and forcing them to return all materials for port (to be then transferred on for processing and disposal in an approved establishment, possibly as a Category 2 product), is both a huge burden to the fishing industry and extremely difficult to enforce without huge expense.

c) Subsidiarity

This Regulation must be implemented with the full participation of levels of government below the Member State, with devolved sub-national governments with competent powers taking a prime role. Your draftsman has submitted a number of amendments to this effect. In addition, he wishes to see the competent authority of the Member State have a greater say with regard to moving individual ABP between the categories based on the latest scientific research by the appropriate bodies; however he accepts that the Commission must have the final say on categorisation to prevent abuse of this provision.

Your draftsman has other proposals on biofuels, low-capacity incinerators, catering waste and pet food.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Animal by-products not intended for human consumption are a potential source of risks to public and animal health. Past crises related to outbreaks of foot-and-mouth disease, the spread of transmissible spongiform encephalopathies such as bovine spongiform encephalopathy (BSE) **and the occurrence of dioxins in feedingstuffs** have shown the consequences of **the** improper use of certain animal by-products for public and animal health, the safety of the food and feed chain and consumer confidence. In addition, such crises may also have a wider adverse impact on society as a whole, by their impact on the socio-economic situation of the farmers and of the industrial sectors concerned and on consumer confidence in the safety of products of animal origin. Disease outbreaks can also have negative consequences for the environment, not

Amendment

(1) Animal by-products not intended for human consumption are a potential source of risks to public and animal health. Past crises related to outbreaks of foot-and-mouth disease **and** the spread of transmissible spongiform encephalopathies such as bovine spongiform encephalopathy (BSE) have shown the consequences of **illegal or** improper use of certain animal by-products for public and animal health, the safety of the food and feed chain and consumer confidence. In addition, such crises may also have a wider adverse impact on society as a whole, by their impact on the socio-economic situation of the farmers and of the industrial sectors concerned and on consumer confidence in the safety of products of animal origin. Disease outbreaks can also have negative consequences for the environment, not only due to the disposal problems posed,

only due to the disposal problems posed,
but also as regards biodiversity.

but also as regards biodiversity.

Justification

Clarification. Dioxin contamination of feed was not linked to improper use of animal by-products.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Animal by-products arise mainly during the slaughter of animals for human consumption, and in the course of the disposal of dead animals and of disease control measures. Regardless of their source, they pose a potential risk to animal and public health and the environment. This risk needs to be adequately controlled, either by channelling such products towards safe means of disposal or by using them for different purposes, provided that strict conditions are applied which minimise the health risks involved.

Amendment

(2) Animal by-products arise mainly during the slaughter of animals for human consumption, and in the course of the disposal of dead animals and of disease control measures. Regardless of their source, they pose a potential risk to animal and public health and the environment. This risk needs to be adequately controlled, either by channelling such products towards safe means of disposal or by using them for different purposes, ***such as in bioenergy processes***, provided that strict conditions are applied which minimise the health risks involved.

Amendment 3

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Regulation (EC) No 1923/2006 of the European Parliament and of the Council of 18 December 2006 amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies makes it legally possible, subject to certain conditions, to again permit the use of

meat and bone meal in feed intended for non-ruminants. It is expressly stated that the relaxation of the existing ban on meat and bone-meal is conditional on the availability of tests which can distinguish animal proteins from different animal species. The European Commission is therefore doing everything possible to make validated species-specific tests available as quickly as possible so that meat and bone meal can be used as a valuable source of protein in animal feed for non-ruminants, while excluding cannibalism.

Amendment 4

Proposal for a regulation Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) In the past the use of catering waste in animal feed has on a number of occasions caused outbreaks of infectious animal diseases. In addition, if animal feed is permitted to contain catering waste, it cannot be guaranteed that material derived from animals of a particular species will not be fed to animals of the same species.

Amendment 5

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(19) The primary responsibility for carrying out operations in accordance with this Regulation should rest with operators. At the same time, the public interest in preventing risks to public and animal health requires that a collection and disposal system is in place to ensure the

(19) The primary responsibility for carrying out operations in accordance with this Regulation should rest with operators. At the same time, the public interest in preventing risks to public and animal health requires that a collection and disposal system is in place to ensure the

safe disposal of animal by-products which may not be used, or which are not used for economic reasons. Member States should commit adequate resources for the necessary infrastructure for that purpose and they should ensure its smooth operation. The scope of the collection and disposal system should take into account the actual amount of animal by-products which accrue in the particular Member State. It should also reflect, on a precautionary basis, the need for extended disposal capacities in the event of major outbreaks of transmissible diseases or of temporary technical failures in an existing disposal facility. Member States should be permitted to cooperate with each other and third countries provided that the objectives of this Regulation are met.

safe disposal of animal by-products which may not be used, or which are not used for economic reasons. Member States, **and devolved sub-national governments with competent powers**, should commit adequate resources for the necessary infrastructure for that purpose and they should ensure its smooth operation. The scope of the collection and disposal system should take into account the actual amount of animal by-products which accrue in the particular Member State. It should also reflect, on a precautionary basis, the need for extended disposal capacities in the event of major outbreaks of transmissible diseases or of temporary technical failures in an existing disposal facility. Member States, **and devolved sub-national governments with competent powers**, should be permitted to cooperate with each other and third countries provided that the objectives of this Regulation are met.

Justification

Sub-national levels of governance shall be involved in the correct implementation of the regulation.

Amendment 6

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Animal by-products should be classified into three categories which reflect the degree of risk that they pose to public and animal health, on the basis of risk assessments. While material posing a high risk should only be used for purposes outside the feed chain, the use of material posing a lower risk should be permitted under safe conditions.

Amendment

(25) Animal by-products should be classified into three categories which reflect the degree of risk that they pose to public and animal health, on the basis of risk assessments. While material posing a high risk should only be used for purposes outside the feed chain, the use of material posing a lower risk should be permitted under safe conditions. ***In particular, every effort should be made to promote the use of animal by-products as sources of bioenergy.***

Amendment 7

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) Disposal of animal by-products and derived products should take place in accordance with environmental legislation regarding land filling and waste incineration. In order to ensure consistency, incineration should take place in accordance with Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste. Co-incineration of waste – either as a recovery or disposal operation – is subject to similar conditions regarding approval and operating as waste incineration, in particular as to air emission limit values, wastewater and residue discharge, control and monitoring and measurement requirements. Consequently, direct co-incineration, without prior processing, of all three categories of materials should be permitted.

Amendment

(34) Disposal of animal by-products and derived products should take place in accordance with environmental legislation regarding land filling and waste incineration. In order to ensure consistency, incineration should take place in accordance with Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste. Co-incineration of waste – either as a recovery or disposal operation – is subject to similar conditions regarding approval and operating as waste incineration, in particular as to air emission limit values, wastewater and residue discharge, control and monitoring and measurement requirements. Consequently, direct co-incineration, without prior processing, of all three categories of materials should be permitted. ***In addition, specific provisions should be enacted for the approval of low-capacity incineration plants.***

Justification

Article 12 and Annex IV of the current Regulation 1774/2002/EC foresee specific conditions for the approval of low-capacity incinerators. These provisions shall be maintained in the implementation measures laid down by the Commission.

Amendment 8

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) The use of animal by-products or derived products as a fuel in the

Amendment

(35) The use of animal by-products or derived products as a fuel in the

combustion process should be authorised and it is not a waste disposal operation. However, such use should take place under conditions which ensure the protection of public and animal health, as well as the appropriate environmental standards.

combustion process *or as a source of bioenergy* should be authorised and it is not a waste disposal operation. However, such use should take place under conditions which ensure the protection of public and animal health, as well as the appropriate environmental standards.

Amendment 9

Proposal for a regulation

Recital 40 a (new)

Text proposed by the Commission

Amendment

(40a) Directive 2002/98/EC determines that animal by-products are covered by waste legislation where they are disposed of via incineration or landfill or sent to a biogas or composting plant. That Directive also authorises the Commission to specify under which circumstances certain materials are not waste. Before the date of application of this Regulation, the Commission should put forward appropriate measures under that Directive which further clarify that animal by-products used as fuel do not fall within the scope of waste legislation.

Justification

It should be clarified by the Commission that animal by-products used as a fuel do not fall within the scope of European waste legislation.

Amendment 10

Proposal for a regulation

Recital 41

Text proposed by the Commission

Amendment

(41) It is appropriate to clarify the requirements applicable to the placing on the market of animal by-products and

(41) It is appropriate to clarify the requirements applicable to the placing on the market of animal by-products and

derived products intended for feeding purposes and of organic fertilizers and soil improvers, so as to ensure the protection of the food and feed chain. Only Category 3 material should be used for feeding purposes. Fertilisers produced on the basis of animal by-products may affect the safety of the feed and food chain. ***Where they have been manufactured from proteinaceous material, a component, such as an inorganic or an indigestible substance, should be added in order to prevent their direct use for feeding purposes.***

Amendment 11

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) Regulation (EC) No 1774/2002 allows for the feeding of Category 1 material to endangered species of necrophagous birds living in their natural habitat. In order to provide an adequate tool for the preservation of those species, that feeding practice should continue to be permitted under this Regulation, in accordance with conditions laid down to prevent the spread of diseases.

Amendment 12

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) The current derogation concerning burial and burning of unprocessed animal by-products should be extended to areas where access is not practically possible or ***presents*** a risk to the health and safety of

derived products intended for feeding purposes and of organic fertilizers and soil improvers, so as to ensure the protection of the food and feed chain. Only Category 3 material should be used for feeding purposes. Fertilisers produced on the basis of animal by-products may affect the safety of the feed and food chain.

Amendment

(45) Regulation (EC) No 1774/2002 allows for the feeding of Category 1 material to endangered species of necrophagous birds living in their natural habitat. In order to provide an adequate tool for the preservation of those ***or other endangered or protected*** species, that feeding practice should continue to be permitted under this Regulation, in accordance with conditions laid down to prevent the spread of diseases.

Amendment

(47) The current derogation concerning burial and burning of unprocessed animal by-products should be extended to areas where access is not practically possible, ***where collection of animal by-products***

the collection personnel. Experience gained with the application of Regulation (EC) No 1774/2002 has shown that under such exceptional circumstances, disposal by burial or burning on site can be justified so as to ensure the swift disposal of animals and to avoid the propagation of disease risks. The overall size of remote areas in a Member State should be **limited, so as to ensure that the general obligation to have in place a proper disposal system which complies with the rules laid down in this Regulation is fulfilled.**

would be financially and administratively burdensome or where it would present a risk to the health and safety of the collection personnel. Experience gained with the application of Regulation (EC) No 1774/2002 has shown that under such exceptional circumstances, disposal by burial or burning on site can be justified so as to ensure the swift disposal of animals and to avoid the propagation of disease risks. The overall size of remote areas in a Member State should be **determined by the competent authority of that Member State.**

Justification

The definition of remote areas should be done under the responsibility of the competent authorities in the Member States.

Amendment 13

Proposal for a regulation

Article 2 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) raw pet food originating from retail shops or in premises adjacent to sale points, where the cutting and storage are performed solely for the purpose of supplying the consumer directly on the spot;

Justification

The exclusion from the scope for these products, which is part of the current legislation, should be maintained.

Amendment 14

Proposal for a regulation

Article 2 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) raw pet food for use on site derived from animals slaughtered on the farm of

origin for use only as foodstuffs by the farmer and his family, in accordance with national legislation;

Justification

The exclusion from the scope for these products, which is part of the current legislation, should be maintained.

Amendment 15

Proposal for a regulation

Article 2 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) manure obtained, kept or used as fertiliser on the farm of origin;

Justification

The rules for safe disposal and use of animal by-products are not designed to cover the on-farm use of manure.

Amendment 16

Proposal for a regulation

Article 2 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) egg by-products that are generated, preserved, eliminated or used on the farm of origin;

Justification

The uses permitted for certain products such as milk and its derivatives should be the same as those for by-products subject to similar risks and handled on the farm of origin, such as eggs and eggshells.

Amendment 17

Proposal for a regulation

Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

3. ***This Regulation shall not apply to*** the following derived products, subject to the special regime set out in Chapter VI:

Amendment

3. ***For*** the following derived products, ***only*** the special regime set out in Chapter VI ***shall apply***:

Justification

Clarification of the scope of the regulation.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) end products from the safe processing of biofuels derived from animal by-products.

Justification

When using tallow as a raw material for biofuel production, by-products as glycerol and potassium sulphate can be considered safe following the 'oleochemical' processing in the refinery. Their use should be allowed without further restrictions.

Amendment 19

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

(5) 'pet animal' means any animal belonging to species ***normally*** nourished ***and*** kept by humans for purposes other than farming ***and listed in Annex I to Regulation (EC) No 998/2003***;

Amendment

(5) '***pet or*** pet animal' means any animal belonging to species nourished, ***bred or*** kept by humans for purposes other than farming, ***but which is not normally consumed by humans, nor used as feed for farmed animals in the Community***;

Justification

The reference to Regulation 998/2003/EC on the non-commercial movement of pets should not be used as an exclusive list as it would therefore inadvertently limit the scope of this regulation.

Amendment 20

Proposal for a regulation Article 3 – point 8

Text proposed by the Commission

(8) 'placing on the market' means any operation the purpose of which is to sell animal by-products *or* derived products to a third party in the Community or any other form of supply against payment or free of charge to such a third party or storage with a view to supply to such a third party;

Amendment

(8) 'placing on the market' means any operation the purpose of which is to sell animal by-products, derived products *or finished products* to a third party in the Community or any other form of supply against payment or free of charge to such a third party or storage with a view to supply to such a third party;

Justification

For clarification and better distinction between 'derived products' and 'finished products', the notion of 'finished product' should be introduced.

Amendment 21

Proposal for a regulation Article 3 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) 'finished product' means any product processed in accordance with this Regulation, and which is packed in consumer packaging;

Justification

Under the current Regulation 1774/2002/EC, the definition of 'processed product' is equally wide as the proposed definition of 'derived products'. Both old and new definitions include products of first, second, third... transformation and intermediate products and are liable to be interpreted as covering also finished products. The ambiguities resulting from such a wide definition should be avoided by adding the definition of 'finished product'. This will also

permit to better define the 'end of application point' of the regulation.

Amendment 22

Proposal for a regulation

Article 3 – point 23

Text proposed by the Commission

(23) 'remote area' means an area **where the animal population is so small, and** where disposal facilities are so far away that the arrangements necessary for the collection and transport of animal by-products would be unacceptably onerous compared to local disposal;

Amendment

(23) 'remote area' means an area where disposal facilities are so far away that the arrangements necessary for the collection and transport of animal by-products would be unacceptably onerous, **either financially or administratively**, compared to local disposal. **It shall be the responsibility of the competent authority of each Member State to define remote areas within its territory;**

Justification

The definition of remote areas should be done under the responsibility of the competent authorities in the Member States.

Amendment 23

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall have an adequate infrastructure in place *on their territory* that ensures that animal by-products are

Amendment

1. **Each Member State, and devolved sub-national governments with competent powers**, shall **ensure that there exists on its territory** an adequate infrastructure in place that ensures that animal by-products are

Justification

Sub-national levels of governance shall be involved in the correct implementation of the regulation.

Amendment 24

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States shall

2. Member States, **and devolved sub-national governments with competent powers**, shall

Justification

Sub-national levels of governance shall be involved in the correct implementation of the regulation.

Amendment 25

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) **provide** a system for the collection and disposal of animal by-products, which operates efficiently and which is monitored continuously by the competent authority;

(a) **ensure the existence of** a system for the collection and disposal of animal by-products, which operates efficiently and which is monitored continuously by the competent authority;

Justification

Member States must ensure compliance with the rules in force, but are not obliged to provide operators with the resources needed to comply with the above principle.

Amendment 26

Proposal for a regulation

Article 7 – paragraph 1 – point f

Text proposed by the Commission

Amendment

f) plants and establishments subject to Section 2 of Chapter VI, except plants referred to in Article 6(1)(f).

deleted

Justification

This amendment follows from that incorporating a new point fa into Article 6(1).

Amendment 27

Proposal for a regulation

Article 9 – point a

Text proposed by the Commission

Amendment

(a) the requirements applicable to the incineration, co-incineration *and combustion* of animal by-products and derived products as referred to in Article 6(1)(c), (d) and (e);

(a) the requirements applicable to the *combustion and the incineration and co-incineration* ***in plants of low and high capacity*** of animal by-products and derived products as referred to in Article 6(1)(c), (d) and (e);

Justification

Article 12 and Annex IV of the current Regulation 1774/2002/EC foresee specific conditions for the approval of low-capacity incinerators. These provisions shall be maintained in the implementation measures laid down by the Commission.

Amendment 28

Proposal for a regulation

Article 13 – point j

Text proposed by the Commission

Amendment

(j) terrestrial invertebrates other than species pathogenic to humans or animals;

deleted

Justification

Category 3 material should in principle be fit for use as feed and should therefore not include material of doubtful origin.

Amendment 29

Proposal for a regulation Article 13 – point k

Text proposed by the Commission

Amendment

(k) dead animals and parts thereof of the zoological orders of Rodentia and Lagomorpha, except Category 1 material or Category 2 material as referred to in Article 12(a) to (g); **deleted**

Justification

Category 3 material should in principle be fit for use as feed and should therefore not include material of doubtful origin.

Amendment 30

Proposal for a regulation Article 14 – subparagraph 1

Text proposed by the Commission

Amendment

Articles 11, 12 and 13 **may be amended by the Commission** in order to take into account progress in science as regards the assessment of the level of risk, provided such progress can be identified on the basis of a risk assessment carried out by the appropriate scientific institution. However, no animal by-products listed in those Articles may be removed from those lists and only changes of categorisation of such products may be made or additional animal by-products may be added to those lists.

At the request of a competent authority of a Member State, or on its own initiative, the Commission may amend Articles 11, 12 and 13 in order to take into account progress in science as regards the assessment of the level of risk, provided such progress can be identified on the basis of a risk assessment carried out by the appropriate scientific institution. However, no animal by-products listed in those Articles may be removed from those lists and only changes of categorisation of such products may be made or additional animal by-products may be added to those lists.

Justification

Member States and their competent authorities shall have the possibility to initiate a discussion in the Standing Committee about an eventual adaptation of the definition of Categories to scientific progress.

Amendment 31

Proposal for a regulation Article 16 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the **format** of records to be kept;

(a) the **minimum content** of records to be kept;

Justification

It makes sense for the minimum content to be established by comitology, but the format should in all circumstances be regulated by the Member States.

Amendment 32

Proposal for a regulation Article 18 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the feeding of farmed animals other than fur animals with catering waste or feed material containing or derived from catering waste;

(b) the feeding of farmed animals other than fur animals with **unsterilised** catering waste or feed material containing or derived from **such** catering waste;

Justification

The Parliament has repeatedly insisted that a safe recovery, sterilisation and disposal of catering waste is needed in order to enforce the general feed ban (See EP position in the legislative procedure establishing Regulation No 1774/2002/EC and its position in the first reading of the waste framework directive, adopted on 13 February 2007).

Amendment 33

Proposal for a regulation Article 18 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

For the purposes of point (a), Member States may establish threshold levels for

the adventitious presence of small quantities of animal protein in feed, which can only be avoided by disproportionate means.

Justification

The prohibition of 'inner-species recycling' has led to a separation of processing chains for animal by-products from different species. Member States should be provided with a certain degree of flexibility with regard of traces of animal protein from the same species.

Amendment 34

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

For the purposes of point (b), Member States shall ensure that catering waste is verifiably eliminated by licensed undertakings, sterilised and safely disposed of by means of appropriate operations. The use of catering waste in feed for pigs may be authorised by Member States only on condition that safe recovery, sterilisation and compliance with the other provisions of this Regulation are monitored in every respect.

Justification

Parliament has repeatedly insisted that a safe recovery, sterilisation and disposal of catering waste is needed in order to enforce the general feed ban (See EP position in the legislative procedure establishing Regulation No 1774/2002 and its position in the first reading of the waste framework directive, adopted on 13 February 2007).

Amendment 35

Proposal for a regulation
Article 20 – point e – subpoint ii

Text proposed by the Commission

(ii) in the case of manure, digestive tract content ***separated from the digestive tract***, milk, milk-based products and colostrum, which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;

Amendment

(ii) in the case of manure, digestive tract content, milk, milk-based products and colostrum, ***and eggs and egg products***, which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;

Justification

The fact of using digestive tract content for biogas and composting plants should not oblige operators to carry out a costly and unnecessary prior separation. Separated and cleaned, the digestive tract should be classified as category 3 material. It is further proposed to treat eggs and egg products on the same basis as milk and unprocessed products for purposes of permitted uses.

Amendment 36

Proposal for a regulation
Article 22 – point e

Text proposed by the Commission

(e) in the case of Category 2 and Category 3 material and if authorised by the competent authority:

(i) used for the preparation and application to land of bio-dynamic preparations as referred to in point 2.3 of Part A of Annex I to Regulation (EC) No 2092/91;

(ii) used for the feeding to pet animals;

Amendment

(e) in the case of Category 2 and Category 3 material and if authorised by the competent authority:

(i) used for the preparation and application to land of bio-dynamic preparations as referred to in point 2.3 of Part A of Annex I to Regulation (EC) No 2092/91;

Justification

The current Regulation 1774/2002/EC allows only category 3 material for processed pet food. The permission to feed pet animals with unprocessed category 2 & 3 material is against the general principles of the animal by-products rules. It is also liable to lead to fraud, i.e. uncontrolled channelling of such unprocessed material into unintended uses.

Amendment 37

Proposal for a regulation Article 22 – point e a (new)

Text proposed by the Commission

Amendment

(ea) used for petfood, in the case of category 3 material and subject to approval by the competent authority;

Justification

The aim is to remove reference to the use of category 1 and 2 materials as petfood.

Amendment 38

Proposal for a regulation Article 23 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) the transport, processing, use or disposal of catering waste; until such provisions are adopted, Member States may adopt or retain national rules on the transport, processing, use or disposal of catering waste.

Amendment 39

Proposal for a regulation Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The competent authority may authorise, by way of derogation from Sections 1 and 2, and in accordance with conditions laid down pursuant to paragraph 3 of this Article, the feeding of the Category 1 material referred to in Article 11(b)(ii) to zoo animals and to endangered or protected species ***of necrophagous birds*** living in their natural habitat.

2. The competent authority may authorise, by way of derogation from Sections 1 and 2, and in accordance with conditions laid down pursuant to paragraph 3 of this Article, the feeding of the Category 1 material referred to in Article 11(b)(ii) to zoo animals and to endangered or protected species living in their natural habitat.

Justification

This exemption should concern the diet of protected or endangered species characterised by food shortages and falling populations. The implementing rules and the species concerned shall be determined pursuant to Article 48(4) (Committee).

Amendment 40

Proposal for a regulation

Article 27 – paragraph 3 – point b – subpoint i

Text proposed by the Commission

i) the species ***of necrophagous birds*** in certain Member States to which such material may be fed;

Amendment

(i) the species in certain Member States to which such material may be fed;

Justification

This exemption should concern the diet of protected or endangered species characterised by food shortages and falling populations. The implementing rules and the species concerned shall be determined pursuant to Article 48(4) (Committee).

Amendment 41

Proposal for a regulation

Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) by burning or burial on site or by other means under official supervision preventing the transmission of risks to public and animal health of Category 1 material referred to in Article 11(b)(ii), Category 2 material, and Category 3 material in areas where access is practically impossible or where access would only be possible under circumstances, related to geographical or climatic reasons or due to a natural disaster, which present risks to the health and safety of the personnel carrying out the collection or where access would necessitate the use of disproportionate

Amendment

(c) by burning or burial on site or by other means under official supervision preventing the transmission of risks to public and animal health of Category 1 material referred to in Article 11(b)(ii), Category 2 material, and Category 3 material in areas where access is practically impossible, ***where access would impose a disproportionate financial or administrative burden*** or where access would only be possible under circumstances, related to geographical or climatic reasons or due to a natural disaster, which present risks to the health and safety of the personnel carrying out the

means of recovery;

collection or where access would necessitate the use of disproportionate means of recovery;

Amendment 42

Proposal for a regulation

Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) by means ***other than*** burning or burial on site, under official supervision, of Category 2 and Category 3 materials which do not pose a risk to public and animal health and which arise at the premises of operators handling no more than a volume of such animal by-products arising per week, which is ***set in accordance with point (c) of the first subparagraph of paragraph 4***, in relation to the nature of the activities carried out and the species of origin of the animal by-products concerned;

Amendment

(d) by means ***which include*** burning or burial on site, under official supervision, of Category 2 and Category 3 materials which do not pose a risk to public and animal health and which arise at the premises of operators handling no more than a volume of such animal by-products arising per week, which is ***determined by the competent authorities of the Member States***, in relation to the nature of the activities carried out and the species of origin of the animal by-products concerned;

Justification

The definition of maximum volumes subject to simplified disposal should be done under the responsibility of the competent authorities in the Member States.

Amendment 43

Proposal for a regulation

Article 28 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) without prejudice to article 15(1) competent authorities may authorise measures for the temporary containment of animals and parts of animals meeting the definition of Article 12(f) under conditions which prevent risks arising to public and animal health prior to their

disposal in accordance with Article 20 of this Regulation;

Justification

The introduction of containment increases the flexibility for collection of animal by-products without compromising public and animal health. This flexibility will improve the sustainability and environmental profile of ABP collection due to reduced frequency of collection and possibly reduced volumes to be collected.

Amendment 44

**Proposal for a regulation
Article 28 – paragraph 2**

Text proposed by the Commission

2. The size of the remote areas in a particular Member State referred to in paragraph 1(b) may not exceed a percentage ***of the size of the surface of its land territory.***

Amendment

2. The size of the remote areas in a particular Member State referred to in paragraph 1(b) may not exceed a percentage, ***to be determined on the basis of geographical criteria and the area's livestock headcount.***

Justification

An area-based criterion is not sufficient for extending the definition of remote areas. Other aspects, such as livestock density and island status, should also be taken into account.

Amendment 45

**Proposal for a regulation
Article 28 – paragraph 4 – point a**

Text proposed by the Commission

(a) conditions aimed at ensuring control of risks to public and animal health for the burning and burial on site;

Amendment

(a) conditions aimed at ensuring control of risks to public and animal health for burning and burial ***of material on site and the temporary containment of animals and parts of animals pending disposal;***

Justification

The introduction of containment increases the flexibility for collection of animal by-products

without compromising public and animal health. This flexibility will improve the sustainability and environmental profile of ABP collection due to reduced frequency of collection and possibly reduced volumes to be collected.

Amendment 46

Proposal for a regulation

Article 28 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) the maximum percentage of the territory as referred to in paragraph 2;

deleted

Justification

The definition of remote areas should be done under the responsibility of the competent authorities in the Member States.

Amendment 47

Proposal for a regulation

Article 28 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) the volume of animal by-products, in relation to the nature of activities and the species of origin, as referred to in paragraph 1(d);

(c) **criteria for setting** the volume of animal by-products, in relation to the nature of activities and the species of origin, as referred to in paragraph 1(d);

Justification

The definition of maximum volumes subject to simplified disposal should be done under the responsibility of the competent authorities in the Member States. However, the Commission should be entitled to develop harmonised criteria for setting these volumes.

Amendment 48

Proposal for a regulation Article 30 – title

Text proposed by the Commission

Official controls

Amendment

Official controls ***and guides to good practice***

Amendment 49

Proposal for a regulation Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The whole chain of animal by-products from the place of generation to treatment, use or disposal shall be subject to official controls.

Amendment 50

Proposal for a regulation Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2. The Commission shall ensure that guides to good practice, developed, validated and reviewed in accordance with Chapter III of Regulation (EC) 183/2005 laying down requirements for feed hygiene, include practical guidance on the requirements of this Regulation for the sector concerned.

Justification

Guides validated under Regulation 183/2005/EC provide guidance for the sector concerned and the control authorities regarding compilation and explanation of safety and HACCP requirements stemming from several EU legislations. These Guides are an essential tool, in particular for small and medium sized enterprises, to correctly apply EU legislation and are

an efficient tool for auto-control in plants. The obligation to include the requirements of the animal by-products regulation into these Guides would complete the latter with an essential safety aspect of EU legislation.

Amendment 51

Proposal for a regulation

Article 31 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) impose specific conditions on plants and establishments in order to rectify existing deficiencies.

Justification

In addition to the suspension or withdrawal of approvals, the competent authorities should also be given the power to rectify deficiencies and to impose conditions.

Amendment 52

Proposal for a regulation

Article 32 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall draw up a list of plants, establishments and users which have been approved or registered in accordance with this Regulation and of establishments on which information has been provided in accordance with Article 40(3) within its territory.

1. Each Member State, ***and devolved sub-national government with competent powers***, shall draw up a list of plants, establishments and users which have been approved or registered in accordance with this Regulation and of establishments on which information has been provided in accordance with Article 40(3) within its territory.

Justification

Sub-national levels of governance shall be involved in the correct implementation of the regulation.

Amendment 53

Proposal for a regulation

Article 33 – paragraph 7 – subparagraph 1

Text proposed by the Commission

7. Derogations from paragraphs 1 to 4 may be granted by the Commission with respect to the dispatch of manure transported between two points located on the same farm or between farms located in the border regions of Member States sharing a common border.

Amendment

7. Derogations from paragraphs 1 to 4 may be granted by the Commission with respect to the dispatch of manure **or material for bioenergy** transported between two points located on the same farm or between farms located in the border regions of Member States sharing a common border.

Justification

Derogations should be possible not only for the transport of manure, but also for the transport of materials used as renewable energy.

Amendment 54

Proposal for a regulation

Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Finished products may be placed on the market without restrictions.

Justification

Whilst the proposal foresees a so-called 'end of application' for derived products intended for further processing, treatment or transformation in specialized plants (e.g. cosmetic products, medicinal products...), it would only be logic to foresee such end of application for finished products which will not be further treated, transformed or processed, but which are put on the market in ready-to-sale packaging, such as pet food produced according to the safety requirements of the regulation.

PROCEDURE

Title	Health rules as regards animal by-products not intended for human consumption
References	COM(2008)0345 – C6-0220/2008 – 2008/0110(COD)
Date submitted to Parliament	10.6.2008
Committee responsible Date announced in plenary	ENVI 19.6.2008
Committee(s) asked for opinion(s) Date announced in plenary	AGRI 19.6.2008
Rapporteur(s) Date appointed	Horst Schnellhardt 14.7.2008
Discussed in committee	22.1.2009
Date adopted	17.2.2009
Result of final vote	+ : 38 - : 0 0 : 2
Members present for the final vote	Adamos Adamou, Margrete Auken, Johannes Blokland, John Bowis, Hiltrud Breyer, Martin Callanan, Avril Doyle, Edite Estrela, Jill Evans, Elisabetta Gardini, Satu Hassi, Jens Holm, Christa Kläß, Urszula Krupa, Peter Liese, Linda McAvan, Roberto Musacchio, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vittorio Prodi, Guido Sacconi, Daciana Octavia Sârbu, Amalia Sartori, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Kathy Sinnott, María Sornosa Martínez, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman
Substitute(s) present for the final vote	Milan Gaľa, Johannes Lebech, Caroline Lucas
Substitute(s) under Rule 178(2) present for the final vote	Albert Deß, Fiona Hall, Elisabeth Jeggle, Doris Pack
Date tabled	2.3.2009