Opinion of the European Economic and Social Committee 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) 345 final — 2008/0110 (COD)
(2009/C 100/22)

On 7 July 2008, the Council decided to consult the European Economic and Social Committee, under Article 152(4b) of the Treaty establishing the European Community, on the


The Section for Agriculture, Rural Development, and the Environment which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 8 October 2008. The rapporteur was Mr NIELSEN.

At its 448th plenary session, held on 21, 22 and 23 October 2008 (meeting of 22 October 2008), the European Economic and Social Committee adopted the following opinion by 82 votes to one with two abstentions.

1. **Conclusion**

1.1. It is important to maintain a high level of public and animal health protection regarding the use of animal by-products. The EESC endorses the Commission’s proposal which is based on thorough preparatory work and past experience. Changes in categorisation should, as is suggested in the proposal, only be carried out following concrete risk assessments by the relevant scientific bodies. It should also be made clear how the proposal relates to other legislation, including waste and environmental legislation.

1.2. The definitions used in the regulation, as well as the provisions concerning the authorisation and use of animal by-products in biogas installations need to be rendered clearer. Also, a number of other specific conditions need to be set out more precisely, and careful consideration given to the possibility that under certain circumstances protein from pork and poultry by-products can be used in fish feed without risk to human and animal health.

2. **Background**

2.1. The Commission seeks a more risk-based approach to the classification and controls set out in the regulation on animal by-products (1), and also wishes to see a clearer distinction drawn vis-à-vis provisions on foodstuffs, feed, waste, cosmetic products, medicines and medical equipment. According to the Commission, the proposal will also reduce administrative burden for certain establishments and boost operators’ responsibility, especially regarding the use of by-products outside the food and feed chains.

2.2. Products will continue to be classified into three categories. The ban on the use of materials giving rise to a risk of transmissible spongiform encephalopathy (TSE) as feed will continue to apply, although it will be possible to use materials which pose no or low risk, depending on their nature and following a risk assessment by EFSA, the European Medicines Agency or the Scientific Committee for Consumer Products. A number of products in Category 2 have been reclassified under the proposal into Category 3 products, and can now be used for certain types of feed. Henceforth, it will be possible to use animal by-products of all categories for practical uses, provided that the raw materials, production process and intended purpose are safe. Burial and incineration in the case of an outbreak of disease will now also be permitted in situations where it would be practically difficult to gather up dead animals.

2.3. The incineration of animal by-products is subject to the rules set out in Directive 2000/76/EC (4). Meanwhile, under the proposal the use of animal by-products for fuel purposes is to be authorised, as long as public and animal health requirements and the relevant environmental standards are met. The proposal also ensures consistency with the ban on waste exports (2), including their use in biogas and composting plants in third countries which are not members of the OECD.

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3. **General comments**

3.1. The rules on the use of animal by-products are both extensive and complicated. However, it is crucial that the legislation is applied and administered optimally, and that, in this area as well, the EU continues to maintain a high level of public and animal health protection. The spreading of TSE and infectious livestock diseases can have serious economic and social consequences. The EESC in principle endorses the risk-based approach, whereby changes in categorisation are made on the basis of concrete risk assessments by the relevant scientific bodies. HACCP (1) should be used, provided that they are implemented and applied uniformly in the Member States.

3.2. In view of the growing demand for protein in fish feed, careful consideration should be given in any review of the TSE-regulation (2), to the possibility that under certain circumstances protein from pork and poultry by-products can be used in fish feed without risk to human and animal health.

4. **Specific comments**

4.1. Under the proposal, animal by-products and their derivatives can be disposed of through incineration, or can be used as fuel. The use of animal by-products as fuel is not considered as disposal of waste under the proposal, and should therefore be carried out in conditions that guarantee adequate protection for public and animal health and comply with the relevant ecological standards. In this context, a clearer distinction between the regulation on animal by-products on the one hand, and waste and environmental legislation on the other is needed, and the terms used in Article 3 of the regulation, as well as in the waste directive, need to be set out and defined more precisely to avoid potential problems with the way they are interpreted.

4.2. Biogas plants, where animal by-products and their derivatives are converted into biogas in accordance with standard parameters, are subject to registration and traceability rules. However, under Article 7(1c) they are exempted from the approval requirements set out in Article 6(1b). When the implementing provisions are being drawn up, the requirements on self-regulatory controls, separation into 'pure' and 'impure' zones, documentation of receipt, treatment and movement of raw materials, should only be applied to biogas plants to the extent that is really necessary.

4.3. Regarding the sanitisation of Category 3 material, the authorisation of other temperatures/processing times, as alternatives to the present 70 degrees/one hour requirement, should be made possible, and greater flexibility allowed in the way compliance is documented.

4.4. The EESC fully supports the possibility of using the glycerol fraction generated in the making of biodiesel for the production of biogas, irrespective of the category. It is scientifically proven that both the production of biodiesel itself and the associated by-products are risk free no matter which category is used, provided that production takes place in accordance with the applicable rules (3).

4.5. Under Article 7(1a), approval is not required for certain activities when they are carried out by plants or establishments which have been approved for such activities under other legislation. However, in view of veterinary controls, it is still useful, for example for exporting establishments, to obtain approval under the regulation on by-products.

4.6. From the point of view of resource preservation, by-products from animals approved prior to slaughter should be placed in Category 3 (for example, products that have fallen to the ground, chronic changes and similar), provided that these products have not been contaminated by Category 2 material.

4.7. A solution should be found to exclude blood products from the application of Article 25(1c) in order to facilitate the use of these products as fertilisers.

4.8. Under Article 28(1d), smaller quantities of animal by-products can be exempted from the rules on disposal. The EESC believes that this approach needs to be applied with great caution considering the lack of traceability.

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(1) Hazard Analysis and Critical Control Points.
(2) Regulation 999/2001 of 22.5.2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.
4.9. Livestock manure is defined, under Article 12, as a Category 2 material, and is therefore to be disposed of and used in accordance with the rules set out under Article 20. It should, however, be made clear that livestock manure which is used for energy purposes other than in biogas installations should not be treated as waste, but instead be incinerated in approved or registered incineration plants.


The President
of the European Economic and Social Committee
Mario SEPI

Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council on substances that deplete the ozone layer (Recast)

On 30 September 2008 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the Proposal for a Regulation of the European Parliament and of the Council on substances that deplete the ozone layer (Recast)

Since the Committee unreservedly endorses the contents of the proposal and has already set out its views on the subject in its earlier opinion, adopted on 2 December 1998 (*), it decided, at its 448th plenary session, held on 21, 22 and 23 October 2008 (meeting of 22 October), by 119 votes with 1 abstention, to issue an opinion endorsing the proposal and to refer to the position it had taken in the above-mentioned documents.


The President
of the European Economic and Social Committee
Mario SEPI