

English edition

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 808/2003****of 12 May 2003****amending Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The Scientific Steering Committee issued an opinion on 16 and 17 January 2003 on the safety vis-à-vis TSEs of the use of low-capacity incineration plants and co-incineration plants for incinerating potentially TSE infected animal materials.
- (2) In order to take account of that opinion, it is appropriate to amend the provisions of Regulation (EC) No 1774/2002 as regards the operation of low-capacity incineration plants or co-incineration plants for the disposal of the carcasses of certain animals.
- (3) In addition, the Annexes to Regulation (EC) No 1774/2002 should be amended in order to make a number of technical amendments to them to bring them more into conformity with the Articles of that Regulation and to clarify the rules applicable to a number of additional products.
- (4) Additional rules concerning the treatment of wastewater from premises where microbiological or other contamination risks may be present as a consequence of the handling of Category 1 or Category 2 materials should be provided;
- (5) The material error affecting the technical requirements applicable to the processing of by-products pursuant to the processing Method n° 2 should also be corrected;

- (6) While the feed ban provided for in Council Decision 2000/766/EC <sup>(2)</sup> remains in force, less stringent processing requirements should apply to mammalian processed animals proteins, given the exclusive destination as waste of such material which is a consequence of the ban;
- (7) Regulation (EC) No 1774/2002 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendment to Regulation (EC) No 1774/2002**

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

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

*Article 2***Entry into force**

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

It shall apply from 1 May 2003.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> OJ L 306, 7.12.2002, p. 32.

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

Done at Brussels, 12 May 2003.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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## ANNEX

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

1. Annex I is amended as follows:

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

- '15. "catering waste" means all waste food including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens;'
- '37. "manure" means any excrement and/or urine of farmed animals, with or without litter, or guano, that may be either unprocessed or processed in accordance with Chapter III of Annex VIII or otherwise transformed in biogas or composting plants;'
- '42. "processed animal protein" means animal proteins derived entirely from Category 3 material, which have been treated in accordance with Chapter II of Annex V so as to render them suitable for direct use as feed material or other use in feedingstuffs, including petfood, or use in organic fertilisers or soil improvers; however, it does not include blood products, milk, milk-based products, colostrum, gelatine, hydrolysed proteins and dicalcium phosphate, eggs and egg-products, tricalcium phosphate and collagen;'
- '55. "unprocessed feathers and parts of feathers" means feathers and parts of feathers that have not been treated with a steam current or by some other method that ensures that no pathogens remain;
- 56. "unprocessed wool" means sheep's wool that has not undergone factory washing, been obtained from tanning, or been treated by some other method that ensures that no pathogens remain;
- 57. "unprocessed hair" means ruminant hair that has not undergone factory washing, been obtained from tanning, or been treated by some other method that ensures that no pathogens remain;
- 58. "unprocessed pig bristles" means pig bristles that have not undergone factory washing, been obtained from tanning, or been treated by some other method that ensures that no pathogens remain;'

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

- '59. "collagen" means protein-based products derived from hides, skins and tendons of animals, including bones in the case of pigs, poultry and fish.
- 60. "screenings" means visible solid animal materials retained in the waste water screen where a pre-treatment process as referred to in Annex II, Chapter IX, is required.
- 61. "grease and oil mixture" means floating animal materials collected at the surface of waste water grease remover systems where a pre-treatment process as referred to in Annex II, Chapter IX, is required.
- 62. "sludge" means visible solid animal materials or sediments retained in the waste water drains where a pre-treatment process as referred to in Annex II, Chapter IX, is required.
- 63. "material from desanding" means visible solid animal materials or sediments retained in desanding systems where these constitute a pre-treatment process referred to in Annex II, Chapter IX.'

2. Annex II is amended as follows:

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

- '(b) (i) in the case of Category 3 material, the words "not for human consumption";
- (ii) in the case of Category 2 material (other than manure and digestive tract content) and processed products derived therefrom, the words "not for animal consumption"; however, when Category 2 material is intended for the feeding of animals referred to in point (c) of Article 23(2) under the conditions provided for in that Article, the label shall instead indicate "for feeding to ..." completed with the name of the specific species of those animal(s) for the feeding of which the material is intended;
- (iii) in the case of Category 1 material and processed products derived therefrom, the words "for disposal only";
- (iv) in the case of manure and digestive tract content, the word "manure";'

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

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

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

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

(d) The following Chapter IX is added:

‘CHAPTER IX

**Collection of animal material when treating waste water**

1. Category 1 processing plants and other premises where specified risk material is removed, slaughterhouses and Category 2 processing plants shall have a pre-treatment process for the retention and collection of animal material as an initial step in the treatment of waste water. The equipment used in the pre-treatment process shall consist of drain traps or screen with apertures or a mesh size of no more than 6 mm in the downstream end of the process or equivalent systems that ensures that the solid particles in the waste water passing through them are no more than 6 mm.
  2. Waste water from the premises as referred to in paragraph 1 must enter a pre-treatment process which shall ensure that all waste water has been filtered through the process before being drained off the premises. No grinding or maceration shall take place which could facilitate the passage of animal material through the pre-treatment process.
  3. All animal material retained in the pre-treatment process in premises as referred to in paragraph 1 shall be collected and transported as Category 1 or Category 2 material, as appropriate, and disposed of in accordance with this Regulation.
  4. Waste water having passed the pre-treatment process in premises referred to in paragraph 1 and waste water from premises only receiving Category 3 material shall be treated in accordance with other relevant Community legislation.’
3. In Annex III, Chapter 2, paragraphs 5 and 10 are deleted.
4. Annex IV is amended as follows:
- (a) In Chapter I, paragraph 1 is replaced by the following:
- ‘1. Incineration or co-incineration plants must be designed, equipped and operated in such a manner as to fulfil the requirements of this Regulation. The following hygiene conditions must be met:
    - (a) Animal by-products must be disposed of as soon as possible after arrival. They must be stored properly until disposal.
    - (b) Containers, receptacles and vehicles used for transporting unprocessed material must be cleaned in a designated area, thereby ensuring that waste water is treated during the storage referred to in Chapter III.
    - (c) Preventive measures against birds, rodents, insects or other vermin must be taken systematically. A documented pest control programme must be used for that purpose.
    - (d) Cleaning procedures must be established and documented for all parts of the premises. Suitable equipment and cleaning agents must be provided for cleaning.
    - (e) Hygiene control must include regular inspections of the environment and equipment. Inspection schedules and results must be documented and maintained for at least two years.’
- (b) The following Chapter VII is added:

‘CHAPTER VII

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

1. The low-capacity incineration plant must be located on a well-drained hard standing.
2. Livestock must not have access to the low-capacity incineration plant, animal by-products that are awaiting incineration or ash resulting from the incineration of animal by-products. If the low-capacity incineration plant is located on a livestock holding:
  - (a) there must be total physical separation between the incinerator and the livestock and their feed and bedding, with fencing where necessary;
  - (b) equipment must be dedicated entirely to the operation of the incinerator and not used elsewhere on the farm;
  - (c) the operators must change their outer clothing and footwear before handling livestock or livestock feed.
3. The storage of animal by-products and of ashes must be covered, labelled and leak proof.
4. The operator must check that animal by-products are incinerated in such a way that they are completely reduced to ash. Ash must be disposed of to a landfill approved under Directive 1999/31/EC.

5. Incompletely incinerated animal by-products must not be disposed of to a landfill, but must be re-incinerated or otherwise disposed of in accordance with this Regulation.
  6. The low-capacity incineration plant must be equipped with an afterburner.
  7. The operator must keep records of the quantities, category and species of animal by-products incinerated and the date of incineration.
  8. The competent authority must inspect the low-capacity incineration plant before approval, and at least once a year to monitor compliance with this Regulation.
5. Annex V is amended as follows:
- (a) In Chapter 1, paragraph (1)(a) is replaced by the following:

'(a) Premises for the processing of animal by-products must not be at the same site as slaughterhouses, unless located in a completely separate building. However, a conveyer system may link an individual processing plant to a slaughterhouse on the same site provided the following conditions are met:

    - (i) there are separate entrances, reception bays, equipment, exits and personnel for the processing plant and the slaughterhouse; and
    - (ii) the animal by-products to be processed originate on the same premises.

Unauthorised persons and animals must not have access to the processing plant.'
  - (b) In Chapter III, paragraph 4 of Method 2 is replaced by the following:

'4. The animal by-products may be cooked in such a manner that the time-temperature requirements are achieved at the same time.'
6. Annex VI is amended as follows:
- (a) Chapter I is amended as follows:
    - (i) Paragraph 7(a)(i) of Chapter I is replaced by the following:

'(i) Category 2 material (other than manure, digestive tract content separated from the digestive tract, milk and colostrum), destined for biogas or composting plants or intended to be used as organic fertilisers or soil improvers, and'
    - (ii) In paragraph 7(b), the second subparagraph is deleted.
  - (b) Chapter II is amended as follows:
    - (i) Paragraphs 1 and 2 are replaced by the following:

'1. If the biogas plant is located on premises where farmed animals are kept, the plant shall be located at an adequate distance to the area where animals are kept and there must be in any case total physical separation between that plant and the animals and their feed and bedding, with fencing where necessary. The biogas plant must be equipped with:

      - (a) a pasteurisation/hygenisation unit, which cannot be by-passed, with:
        - (i) installations for monitoring temperature against time;
        - (ii) recording devices to record continuously the results of those measurements; and
        - (iii) an adequate safety system to prevent insufficient heating; and
      - (b) adequate facilities for the cleaning and disinfecting vehicles and containers upon leaving the biogas plant.

However, a pasteurisation/hygenisation unit is not mandatory for biogas plants that transform only animal by-products that have undergone processing Method 1.

In addition, a pasteurisation/hygenisation unit is not mandatory for biogas plants that transform only Category 3 material that has undergone pasteurisation/hygenisation elsewhere.
    2. If the composting plant is located on premises where farmed animals are kept, the plant shall be located at an adequate distance to the area where animals are kept and there must be in any case total physical separation between that plant and the animals and their feed and bedding, with fencing where necessary. The composting plant must be equipped with:

- (b) adequate facilities for cleaning and disinfecting vehicles and containers transporting untreated animal by-products.

However, other types of composting systems may be allowed provided they:

- (i) ensure that there is no access by vermin;
- (ii) are managed in such a way that all the material in the system achieves the required time and temperature parameters, including, where appropriate, continuous monitoring of the parameters;
- (iii) comply with all other requirements of this Regulation.'

- (ii) Paragraph (4)(b) is replaced by the following:

'(b) manure and digestive tract content separated from the digestive tract, milk and colostrum, and'

- (iii) Paragraph 14 is replaced by the following:

'14. However, pending the adoption of rules in accordance with Article 6(2)(g), the competent authority may, when catering waste is the only animal by-product used as raw material in a biogas or composting plant, authorise the use of specific requirements other than those laid down in this Chapter provided that they guarantee an equivalent effect regarding the reduction of pathogens. Those specific requirements may also apply to catering waste when it is mixed with manure, digestive tract content separated from the digestive tract, milk and colostrum provided that the resulting material is considered as if it were from catering waste.

Where manure, digestive tract content separated from the digestive tract, milk and colostrum are the only material of animal origin being treated in a biogas or composting plant, the competent authority may authorise the use of specific requirements other than those specified in this Chapter provided that it:

- (a) does not consider that those material present a risk of spreading any serious transmissible disease;
- (b) considers that the residues or compost are untreated material.'

7. Annex VII is amended as follows:

- (a) Chapter I is amended as follows:

- (i) Paragraph 4 is replaced by the following:

'4. Only Category 3 material listed in points (a) to (j) of Article 6(1) that has been handled, stored and transported in accordance with Articles 7, 8 and 9 may be used for the production of processed animal proteins and other feed material.'

- (ii) The following paragraph 11 is added:

'11. Unused or surplus processed products may after they have been permanently marked:

- (a) be disposed of as waste by incineration or co-incineration in an incineration or co-incineration plant approved in accordance with Article 12;
- (b) be disposed of in a landfill approved under Directive 1999/31/EC; or
- (c) be transformed in a biogas plant or in a composting plant approved in accordance with Article 15.'

- (b) In Chapter II, paragraph 1 is replaced by the following:

'1. Mammalian processed animal protein must have been submitted to processing Method 1.

However, while the feed ban provided for in Council Decision 2000/766/EC remains in force, mammalian processed animal protein may have been submitted to any of the processing Methods 1 to 5 or Method 7, and shall be permanently marked with a stain or otherwise immediately after that processing, before its disposal as waste in accordance with applicable Community legislation.

In addition, while the feed ban provided for in Council Decision 2000/766/EC remains in force, processed animal protein of mammalian origin exclusively destined for use in petfood, which is transported in dedicated containers that are not used for the transport of animal by-products or feedingstuffs for farmed animals, and which is consigned directly from Category 3 processing plant to the petfood plants, may have been submitted to any of the processing Methods 1 to 5 or 7.'

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

'1. Unless the rendered fats have been produced in accordance with Chapter II of Annex C to Council Directive 77/99/EEC (\*), or Chapter 9 of Annex I to Council Directive 92/118/EEC (\*\*), rendered fats must be produced using Methods 1 to 5 or Method 7, and fish oils may be produced using Method 6, as referred to in Annex V, Chapter III.

Rendered fats derived from ruminant animals must be purified in such a way that the maximum levels of remaining total insoluble impurities does not exceed 0,15 % in weight.

(\*) OJ L 26, 31.1.1977, p. 85.

(\*\*) OJ L 62, 15.3.1993, p. 49.'



- (e) In Chapter VI, paragraph 3 is replaced by the following:
- ‘3. Hydrolysed protein must be produced using a production process involving appropriate measures to minimise contamination of raw Category 3 material. Hydrolysed protein shall have a molecular weight below 10 000 Dalton.
- In addition, hydrolysed proteins entirely or partly derived from ruminants hides and skins shall be produced in a processing plant dedicated only to hydrolysed protein production, using a process involving the preparation of raw Category 3 material by brining, liming and intensive washing followed by:
- (a) exposure of the material to a pH of more than 11 for more than three hours at a temperature of more than 80 °C and subsequently by heat treatment at more than 140 °C for 30 minutes at more than 3,6 bar;
- (b) exposure of the material to a pH of 1 to 2, followed by a pH of more than 11, followed by heat treatment at 140 °C for 30 minutes at 3 bar; or
- (c) an equivalent production process approved in accordance with the procedure referred to in Article 33(2).’
- (f) In Chapter VI, paragraph 4 is replaced by the following:
- ‘4. Member States must authorise the importation of gelatine and hydrolysed proteins if they:
- (a) come from third countries that appear on the list in Part XI of Annex XI;
- (b) come from a processing plant that appears on the list referred to in Article 29(4);
- (c) have been produced in accordance with this Regulation; and
- (d) are accompanied by a health certificate as provided for in Article 29(6).’
- (g) Chapter VII is replaced by the following:

‘CHAPTER VII

**Specific requirements for dicalcium phosphate**

The following conditions apply in addition to the general conditions laid down in Chapter I.

*A. Processing standards*

1. Dicalcium phosphate must be produced by a process that:
  - (a) ensures that all Category 3 bone-material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at a minimum concentration of 4 % and a pH of less than 1,5) over a period of at least two days;
  - (b) following the procedure at (a), applies a treatment of the obtained phosphoric liquor with lime, resulting in a precipitate of dicalcium phosphate at pH 4 to 7; and
  - (c) finally, air dries the precipitate of dicalcium phosphate with inlet temperature of 65 °C to 325 °C and end temperature between 30 °C and 65 °C, orby an equivalent process approved in accordance with the procedure referred to in Article 33(2).
2. Where dicalcium phosphate is derived from defatted bones it shall be derived from bones fit for human consumption following ante and post-mortem inspection.

*B. Importation*

3. Member States must authorise the importation of dicalcium phosphate if it:
  - (a) comes from third countries that appear on the list in Part XI of Annex XI;
  - (b) comes from a processing plant that appears on the list referred to in Article 29(4);
  - (c) has been produced in accordance with this Regulation; and
  - (d) is accompanied by a health certificate as provided for in Article 29(6).’

- (h) The following Chapter VIII is added:

‘CHAPTER VIII

**Specific requirements for tricalcium phosphate**

The following conditions apply in addition to the general conditions laid down in Chapter I.

*A. Processing standards*

1. Tricalcium phosphate must be produced by a process that ensures:
  - (a) that all Category 3 bone-material is finely crushed and degreased in counter-flow with hot water (bone chips less than 14 mm);

- (b) grinding of the chips below 1 mm before cooking and continuous cooking with steam at 145 °C during 30 minutes at 4 bars;
- (c) separation of the protein broth from the hydroxyapatite (tricalcium phosphate) by centrifugation; and
- (d) granulation of the tricalcium phosphate after drying in a fluid bed with air at 200 °C; or

by an equivalent production process approved in accordance with the procedure referred to in Article 33(2).

#### B. Importation

2. Member States must authorise the importation of tricalcium phosphate if it:

- (a) comes from third countries that appear on the list in Part XI of Annex XI;
- (b) comes from a processing plant that appears on the list referred to in Article 29(4);
- (c) has been produced in accordance with this Regulation; and
- (d) is accompanied by a health certificate as provided for in Article 29(6).'

8. Annex VIII is amended as follows:

(a) In Chapter II, paragraph 6 is replaced by the following:

'6. Random samples must be taken during production and/or during storage (before dispatch) to verify compliance with the following standards:

*Salmonella*: absence in 25 g, n = 5, c = 0, m = 0, M = 0.

*Enterobacteriaceae*: n = 5, c = 2, m = 10, M = 300 in 1 g

Where:

n = number of samples to be tested;

m = threshold value for the number of bacteria; the result is considered satisfactory if the number of bacteria in all samples does not exceed m;

M = maximum value for the number of bacteria; the result is considered unsatisfactory if the number of bacteria in one or more samples is M or more; and

c = number of samples the bacterial count of which may be between m and M, the sample still being considered acceptable if the bacterial count of the other samples is m or less.

However, for canned petfood that has undergone the heat treatment referred to in paragraph 2, sampling and testing for *Salmonella* and *Enterobacteriaceae* may not be necessary.'

(b) In Chapter IV, the second indent of paragraph (3)(e)(i) is replaced by the following:

'— in slaughterhouses approved and supervised by the competent authority of the third country. The Commission and Member States must be notified of the address and approval number of such slaughterhouse or the certificate must indicate them; or'

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

'1. (a) Unprocessed wool, unprocessed hair, unprocessed pig bristles and unprocessed feathers and parts of feathers must have been obtained from animals referred to in Article 6(1)(c) or (k). They must be securely enclosed in packaging and dry. However, in the case of unprocessed feather and part of feathers sent directly from the slaughterhouse to the processing plant, the competent authority may allow derogation from the dry requirement, provided that:

(i) all necessary measures are taken to avoid any possible spread of disease;

(ii) the transport takes place in leak-proof containers and/or vehicles which must be cleansed and disinfected immediately after each use; and

(iii) the Member State notifies the Commission when such derogation is given.

(b) Movements of pig bristles from regions in which African swine fever is endemic are prohibited except for pig bristles that have:

(i) been boiled, dyed or bleached; or

(ii) undergone some other form of treatment which is certain to kill pathogenic agents, provided that evidence to this effect is submitted in the form of a certificate from the veterinarian responsible for the place of origin. Factory washing may not be regarded as a form of treatment for the purposes of this provision.'

(d) In Chapter IX, paragraph 1 is replaced by the following:

‘1. Apiculture products intended exclusively for use in apiculture must:

- (a) not come from an area which is subject of a prohibition order associated with an occurrence of:
  - (i) American foulbrood, except where the competent authority has assessed the risk to be negligible, issued a specific authorisation for use only in that Member State, and taken all other necessary measures to ensure no spread of that disease; or
  - (ii) acariosis, except where the area of destination has obtained additional guarantees in accordance with Article 14(2) of Directive 92/65/EEC (\*); and
- (b) meet the requirements provided for in Article 8(a) of Directive 92/65/EEC.

(\*) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54). Directive as last amended by Commission Decision 2001/298/EC (OJ L 102, 12.4.2001, p. 63).’

9. In Annex IX, the following paragraph 2a is added:

‘2a. Entire bodies of dead animals shall be handled as Category 2 material during collection and transportation, without prejudice to the requirement to remove the specific risk material for subsequent disposal before the rest of the body may be used for feeding as provided for in Article 23.’

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**COMMISSION REGULATION (EC) No 809/2003**  
**of 12 May 2003**

**on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the processing standards for category 3 material and manure used in composting plants**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal-by-products not intended for human consumption <sup>(1)</sup>, as amended by Commission Regulation (EC) No 808/2003 <sup>(2)</sup>, and in particular Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for the Member States in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to the Member States to enable them to authorise operators to continue to apply national rules for the processing standards for Category 3 materials and manure used in composting plants.
- (4) In order to prevent a risk to animal and public health appropriate control systems should be maintained in for the Member States for the period of the transitional measures.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Derogation regarding the processing of Category 3 material and manure in composting plants**

1. Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from Chapter II(A), (C) and (D) of Annex VI to that Regulation, the Member States may

continue to grant individual approvals to operators of premises and facilities until 31 December 2004 at the latest in conformity with national rules, to apply such rules for the processing standards for Category 3 material or Category 3 material and manure used in composting plants, provided that the national rules:

- (a) guarantee the overall reduction of pathogens;
- (b) are only applied in premises and facilities that applied those rules on 1 November 2002; and
- (c) comply with the requirements of Chapter II(B) of Annex VI to Regulation (EC) No 1774/2002.

2. Composting plants must be equipped with:

- (a) installations for monitoring temperature against time;
- (b) recording devices to record the results of these measurements;
- (c) an adequate safety system to prevent insufficient heating; and
- (d) adequate facilities for the cleaning and disinfecting vehicles and containers upon leaving the composting plant.

3. Each composting plant must have its own laboratory or make use of an external laboratory. The laboratory must be equipped to carry out the necessary analyses and approved by the competent authority.

*Article 2*

**Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3*

**Withdrawal of approvals and disposal of material not complying with this Regulation**

1. Individual approvals by the competent authority for the processing standards for Category 3 materials or Category 3 material and manure used in composting plants shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Regulation are no longer fulfilled.

2. The competent authority shall withdraw any approvals granted under Article 1 by 31 December 2004 at the latest.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> See page 1 of this Official Journal.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Regulation shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Entry into force**

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

It shall apply from 1 May 2003 to 31 December 2004.

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

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 810/2003**  
**of 12 May 2003**

**on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards processing standards for category 3 material and manure used in biogas plants**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption <sup>(1)</sup>, as amended by Commission Regulation (EC) No 808/2003 <sup>(2)</sup>, and in particular Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for the Member States in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to enable the Member States to authorise operators to continue to apply national rules for the processing standards for Category 3 materials and manure used in biogas plants.
- (4) In order to prevent a risk to animal and public health appropriate control systems should be maintained in the Member States for the period of the transitional measures.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Derogation regarding the processing of Category 3 material and manure in biogas plants**

1. Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from Chapter II(A), (C) and (D) of Annex VI to that Regulation, the Member States may

continue to grant individual approvals until 31 December 2004 at the latest to operators of premises and facilities in conformity with national rules to apply such rules, for the processing of Category 3 material or Category 3 material and manure used in biogas plants, provided that the national rules:

- (a) guarantee the overall reduction of pathogens;
- (b) are only applied in premises and facilities that applied those rules on 1 November 2002; and
- (c) comply with the requirements set out in Chapter II(B) of Annex VI to Regulation (EC) No 1774/2002.

2. Biogas plants must be equipped with:

- (a) installations for monitoring temperature against time;
- (b) recording devices to record continuously the results of these measurements;
- (c) an adequate safety system to prevent insufficient heating; and
- (d) adequate facilities for the cleaning and disinfecting vehicles and containers upon leaving the biogas plant.

3. Each biogas plant must have its own laboratory or make use of an external laboratory. The laboratory must be equipped to carry out the necessary analyses and approved by the competent authority.

*Article 2*

**Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3*

**Withdrawal of approvals and disposal of material not complying with this Regulation**

1. Individual approvals by the competent authority for the processing standards for Category 3 materials or Category 3 material and manure used in biogas plants shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Regulation are no longer fulfilled.

2. The competent authority shall withdraw any approvals granted under Article 1 by 31 December 2004 at the latest.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> See page 1 of this Official Journal.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Regulation shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Entry into force**

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

It shall apply from 1 May 2003 to 31 December 2004.

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

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 811/2003  
of 12 May 2003**

**implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal-by-products not intended for human consumption <sup>(1)</sup>, as amended by Commission Regulation (EC) No 808/2003 <sup>(2)</sup>, and in particular Article 22(2), Article 24(6) and Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a prohibition on the feeding of animals with processed animal protein derived from animals of the same species. Derogations may be granted in relation to fish after consultation of the appropriate scientific committee.
- (2) The Scientific Steering Committee issued an opinion on 17 September 1999 on the risks arising from recycling animal by-products as feed with regard to propagating TSE in non-ruminant farmed animals. It also issued another opinion on 6 and 7 March 2003 on the feeding of wild fishmeal to farmed fish and recycling of fish with regard to the risk of TSE. The Scientific Committee on Animal Health and Animal Welfare adopted an opinion on 26 February 2003 on the use of fish by-products in aquaculture. According to those scientific opinions, the potential risk from recycling fish may be reduced by fulfilling a number of conditions.
- (3) Accordingly, a derogation should be granted from the intra-species recycling ban for fish under Regulation (EC) No 1774/2002. In order to avoid a risk to public and animal health, that derogation should be subject to certain conditions.
- (4) It is necessary to provide for transitional measures, to allow adequate time for the industry to adjust to the new requirements.
- (5) The Scientific Steering Committee issued an opinion on 16 and 17 January 2003 on the safety vis-à-vis TSEs as regards the burial and burning of potentially TSE infected animal materials.

(6) In order to take account of that opinion it is necessary to lay down implementing measures pursuant to Article 24(6) of Regulation (EC) No 1774/2002 on how burial and burning of animal by-products should be carried out.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

**Transitional measures regarding the intra-species recycling ban for fish**

Pursuant to Article 32(1) of Regulation (EC) No 1774/2002, the Member States may continue to apply until 31 December 2003 at the latest current standards and rules on the feeding of fish without implementing the ban provided for in point (1)(a) of Article 22 of that Regulation with regard to fish.

*Article 2*

**Derogation from the intra-species recycling ban for certain fish**

1. Pursuant to Article 22(2) of Regulation (EC) No 1774/2002, a derogation is granted to Member States with regard to the feeding of fish with processed animal protein derived from the bodies or parts of bodies of animals of the same species.

2. However, the derogation provided for in the paragraph 1 shall not apply to the feeding of farmed fish with processed animal protein derived from farmed fish of the same species.

*Article 3*

**By-products from wild fish**

Wild fish and by-products from wild fish caught in the open sea or in lakes may be used:

- (a) for the production of feed for fish; and
- (b) as feed for fish.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> See page 1 of this Official Journal.



*Article 4***Requirements for feed for farmed fish**

Fish and animal by-products and products derived therefrom intended as feed for farmed fish pursuant to Article 2 shall comply with the requirements set out in Annex I.

*Article 5***Control measures**

The competent authority shall take the necessary measures to control

- (a) the appropriate processing and use of feed containing processed animal protein derived from the bodies or parts of bodies of animals of the same species;
- (b) the animals that are fed with the feed referred to in point (a), including strict supervision of the health status of those animals.
- (c) compliance with the requirements of Annex I.

*Article 6***Disposal of animal by-products in the event of an outbreak of disease**

1. In the event that the competent authority rejects transport of animal by-products to the nearest incineration or processing plant in accordance with Article 24(1)(c) of Regulation (EC) No 1774/2002, the competent authority may approve the disposal of those by-products

- (a) as waste by burning or burial on the premises on which the animal by-products originate;
- (b) in a landfill approved under Directive 1999/31/EC; or
- (c) as waste by burning or burial at a site which minimises the risk to animal and public health and the environment, provided that the site is located within a range of distance sufficient to enable the competent authority to manage the prevention of the risk to animal and public health and the environment;

2. burning and burial at sites referred to in points (a) and (c) of paragraph 1 shall take account of Community and national environmental and public health legislation and guidance.

3. The competent authority shall supervise the burning and burial of animal by-products and take the measures necessary to ensure that the requirements set out in Annex II are complied with.

4. For the purposes of this Regulation, the definition set out in point A of Annex II on 'onsite burning or burial' shall apply.

*Article 7***Monitoring of the remote areas used for burning and burial of animal by-products**

In the case of the disposal of animal by-products originating in remote areas as provided for in Article 24(1)(b) of Regulation (EC) No 1774/2002, the competent authority shall monitor at regular intervals the areas categorised as remote areas to ensure that the requirements of Annex II to this Decision are complied with.

*Article 8***Burning and burial of bees and apiculture products**

In the case of bees and apiculture products falling under Article 5(1)(g) of Regulation (EC) No 1774/2002, the competent authority may, where necessary, decide that they may be disposed of as waste by burning or burial on site, provided that all necessary measures are taken to ensure that the burning or burial of bees and apiculture products does not endanger animal or human health and the environment, taking account of Community and national environmental and public health legislation and guidance.

*Article 9***Keeping of records**

In the case of burning or burial as provided for in Articles 6, 7 and 8 the person responsible for burning or burial shall keep records of

- (a) the quantities, categories and species of animal by-products buried or burned;
- (b) the date and place of burial and burning.

*Article 10***Entry into force**

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

It shall apply from 1 May 2003.

However, Articles 2 to 5 shall not apply until 1 January 2004.

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

Done at Brussels, 12 May 2003.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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ANNEX I

**Requirements for feed and records of processing plants and feed manufacturing establishments involved in the processing of fish by-products and products derived therefrom intended for feed for fish**

A. *Requirements for fish and animal by-products intended as feed for fish*

Fish and animal by-products and products derived therefrom intended as feed for fish shall comply with the following requirements:

- (a) be handled and processed separately from material not authorised for that purpose;
- (b) originate from wild fish or other non mammal sea animals caught in the open sea or in lakes for the purpose of fishmeal production, or from fresh by-products from wild fish processed in plants manufacturing fish products for human consumption;
- (c) have been processed in a processing plant approved under Article 17 of Regulation (EC) No 1774/2002 to a standard which ensures a microbiological safe product;
- (d) be packaged after treatment and before distribution in packaging that is clearly and legibly labelled with the name and address of the feed manufacturing establishments and bearing the words 'may be used for the feeding of fish'.

B. *Records to be kept by processing plants and by feed manufacturing establishments, involved in the processing of fish by-products and in the manufacture of products derived therefrom intended as feed for fish*

Processing plants and feed manufacturing establishments must keep the following records in relation to the animal by-products or products derived therefrom:

- (a) origin, quantity and date of any received consignment of animal by-products or of fishmeal;
  - (b) daily records of quantities of fishmeal or feed produced and dispatched.
-

## ANNEX II

**Implementing measures pursuant to Article 24(6) concerning derogation on the disposal of animal by-products***A. Definition*

For the purpose of this Regulation 'on site burning or burial' means burning or burial on the premises on which the animal by-products originate or, if suitable bio-security measures are taken to prevent the spread of disease from the transport of the animal by-products, in a landfill site approved under Directive 1999/31/EC, or at a site which minimises the risk to animal and public health and environment, situated within a range compatible with the continuing supervision capability of the competent authority, appropriate to the management of the spreading risk, and taking account of Community and national environmental and public health legislation and guidance.

*B. Disposal of animal by-products in the event of an outbreak of disease*

1. The competent authority must supervise the burning of animal by-products and take the measures necessary to ensure that they are burnt:
  - (a) on a properly constructed pyre and the animal by-products reduced to ash;
  - (b) without endangering human health;
  - (c) without using processes or methods which could harm the environment, taking account of Community and national environmental and public health legislation and guidance to minimise to the extent compatible with public order consideration:
    - (i) risk to water, air, soil and plants and animals;
    - (ii) causing a nuisance through noise or odours; and
    - (iii) adversely affecting the countryside or places of special interest.
2. The competent authority must supervise the burial of animal by-products and take the measures necessary to ensure that they are buried:
  - (a) in such a way that carnivorous animals cannot gain access to them; and
  - (b) in:
    - (i) a landfill site approved under Directive 1999/31/EC; or
    - (ii) another site without endangering human health.
3. In the case of burial at a site other than an approved landfill, the competent authority must take the necessary measures to ensure that the animal by-products are buried without using processes or methods which could harm the environment, taking account of Community and national environmental and public health legislation and guidance to minimise to the extent compatible with public order consideration:
  - (a) risk to water, air, soil and plants and animals;
  - (b) causing a nuisance through noise or odours; and
  - (c) adversely affecting the countryside or places of special interest.
4. If the animal by-products are to be moved from the premises of origin, the competent authority must ensure that:
  - (a) the animal by-products are transported in secure, leak-proof containers or vehicles;
  - (b) the loading and unloading of the animal by-products is supervised by the competent authority;
  - (c) the vehicle wheels are disinfected, using a disinfectant approved by the competent authority, upon leaving the site of origin;
  - (d) containers and vehicles used for transporting animal by-products are thoroughly cleansed and disinfected, using a disinfectant approved by the competent authority, after unloading of the animal by-products; and
  - (e) adequate escorts for the vehicles, leak testing and double covering are provided.

*C. Disposal of animal by-products in remote areas*

In the case of disposal of animal by-products in remote areas in accordance with Article 24(1)(b) of Regulation (EC) No 1774/2002:

- (a) the competent authority shall monitor regularly the areas categorised as remote areas to ensure that those areas and the disposal operations provided for in Article 24(1)(b) are properly controlled.

- (b) burning or burial shall take account of Community and national environmental and public health legislation and guidance to minimise to the extent compatible with public order consideration:
- (i) risk to water, air, soil and plants and animals;
  - (ii) causing a nuisance through noise or odours; and
  - (iii) adversely affecting the countryside or places of special interest.
-

**COMMISSION REGULATION (EC) No 812/2003****of 12 May 2003****on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the importation and transit of certain products from third countries****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of 3 October 2002 of the European Parliament and of the Council laying down health rules concerning animal-by-products not intended for human consumption <sup>(1)</sup>, as amended by Commission Regulation (EC) No 808/2003 <sup>(2)</sup>, and in particular Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) Regulation (EC) No 1774/2002 provides that certain processed products that may be used as feed material and petfood, dogchew and technical products may be imported or transited through the Community provided that they comply with the relevant requirements of that Regulation. In addition, Regulation (EC) No 1774/2002 provides for the establishment of lists of third countries or parts of third countries and plants from which those products may be imported. Regulation (EC) No 1774/2002 also provides for the establishment of model health certificates certifying that the products meet the relevant conditions set out in that Regulation. Those lists and model certificates have not yet been adopted.
- (3) Regulation (EC) No 1774/2002 provides that pending the adoption of those lists and model certificates, Member States may maintain for products which were not yet harmonised at Community level the controls provided for in Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(3)</sup>, and the certificates provided for under existing national rules.
- (4) It is necessary to provide for transitional measures for third countries, pending implementation of Article 29(6) and the update of the model of certificates in Annex X to that Regulation. Accordingly, Member States should

continue to authorise the importation and transit through the Community of the concerned products subject to compliance with the controls set out in Directive 97/78/EC and also subject to the rules and certification requirements provided for in existing Commission Decisions, or in the case of products not covered by a Commission Decision, under existing national rules.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Derogation regarding the importation from third countries**

1. By way of derogation from Article 29(3), (4), (5) and (6) of Regulation (EC) No 1774/2002, Member States shall continue to authorise until 31 December 2003 the importation and transit through the Community of the products referred to in Annexes VII and VIII to that Regulation, subject to compliance with the certification requirements, and to the presentation of a valid certificate in accordance with the models, provided for in:

- (a) the Commission Decisions set out in the Annex to this Regulation for those products covered by those Decisions;
- (b) existing national rules for those products not covered by the Commission Decisions set out in the Annex to this Regulation.

2. The Commission shall propose detailed transitional rules for products for which adequate justification has been provided.

*Article 2***Entry into force**

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

It shall apply from 1 May 2003 to 31 December 2003.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> See page 1 of this Official Journal.

<sup>(3)</sup> OJ L 24, 30.1.1998, p. 9.

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

Done at Brussels, 12 May 2003.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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## ANNEX

1. Commission Decision 89/18/EEC of 22 December 1988 concerning the conditions of importation from third countries of fresh meat for purposes other than human consumption <sup>(1)</sup>.
2. Commission Decision 92/187/EEC of 28 February 1992 laying down the conditions which have to be complied with for importation of certain raw materials for the pharmaceutical processing industry, coming from certain third countries, which do not appear on the list established by Council Decision 79/542/EEC <sup>(2)</sup>.
3. Commission Decision 92/183/EEC of 3 March 1992 laying down the general conditions which have to be complied with for the import of certain raw materials for the pharmaceutical processing industry, coming from third countries, which appear on the list established by Council Decision 79/542/EEC <sup>(3)</sup>.
4. Commission Decision 92/562/EEC of 17 November 1992 on the approval of alternative heat treatment systems for processing high-risk material <sup>(4)</sup>.
5. Commission Decision 94/143/EC of 1 March 1994 laying down the animal health requirements and the veterinary certification for the importation of serum from equidae from third countries <sup>(5)</sup>.
6. Commission Decision 94/309/EC of 27 April 1994 laying down the animal health requirements and the veterinary certification for the importation from third countries of certain petfoods and certain untanned edible products for pets, containing low-risk animal materials <sup>(6)</sup>.
7. Commission Decision 94/344/EC of 27 April 1994 laying down the animal health requirements and the veterinary certification for the importation from third countries of processed animal protein including products containing this protein intended for animal consumption <sup>(7)</sup>.
8. Commission Decision 94/435/EC of 10 June 1994 laying down the animal health requirements and the veterinary certification for the importation of pig bristles from third countries <sup>(8)</sup>.
9. Commission Decision 94/446/EC of 14 June 1994 laying down the requirements for the importation from third countries of bones and bone products, horns and horn products and hooves and hoof products, excluding meals thereof, for further processing not intended for human or animal consumption <sup>(9)</sup>.
10. Commission Decision 94/860/EC of 20 December 1994 laying down the requirements for the import from third countries of apiculture products for use in apiculture <sup>(10)</sup>.
11. Commission Decision 95/341/EC of 22 July 1995 concerning animal health conditions and veterinary certification for imports of milk and milk-based products not intended for human consumption from third countries <sup>(11)</sup>.
12. Commission Decision 96/500/EC of 22 July 1996 laying down the animal health requirements and the certification or official declaration for the import of game trophies of birds and ungulates not having undergone a complete taxidermy treatment from third countries <sup>(12)</sup>.
13. Commission Decision 97/168/EC of 29 November 1996 laying down the animal health requirements and the certification or official declaration for the import of hides and skins of ungulates from third countries <sup>(13)</sup>.
14. Commission Decision 97/735/EC of 21 October 1997 concerning certain protection measures with regards to trade in certain types of mammalian waste <sup>(14)</sup>.
15. Commission Decision 2001/25/EC of 27 December 2000 prohibiting the use of certain animal by-products in animal feed <sup>(15)</sup>.
16. Decision 94/278/EC of 18 March 1994 drawing up a list of third countries from which Member States authorize imports of certain products subject to Council Directive 92/118/EEC <sup>(16)</sup>.

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<sup>(1)</sup> OJ L 8, 11.1.1989, p. 17.

<sup>(2)</sup> OJ L 87, 2.4.1992, p. 20.

<sup>(3)</sup> OJ L 84, 31.3.1992, p. 33.

<sup>(4)</sup> OJ L 359, 9.12.1992, p. 23. Decision as last amended by the 1994 Act of Accession.

<sup>(5)</sup> OJ L 62, 5.3.1994, p. 41.

<sup>(6)</sup> OJ L 137, 1.6.1994, p. 62. Decision amended by Decision 97/199/EC (OJ L 84, 26.3.1997, p. 44).

<sup>(7)</sup> OJ L 154, 21.6.1994, p. 45. Decision amended by Decision 97/198/EC (OJ L 84, 26.3.1997, p. 36).

<sup>(8)</sup> OJ L 180, 14.7.1994, p. 40.

<sup>(9)</sup> OJ L 183, 19.7.1994, p. 46. Decision amended by Decision 97/197/EC (OJ L 84, 26.3.1997, p. 32).

<sup>(10)</sup> OJ L 352, 31.12.1994, p. 69.

<sup>(11)</sup> OJ L 200, 24.8.1995, p. 42.

<sup>(12)</sup> OJ L 203, 13.8.1996, p. 13.

<sup>(13)</sup> OJ L 67, 7.3.1997, p. 19.

<sup>(14)</sup> OJ L 294, 28.10.1997, p. 7. Decision amended by Council Decision 1999/534/EC (OJ L 204, 4.8.1999, p. 37).

<sup>(15)</sup> OJ L 6, 11.1.2001, p. 16.

<sup>(16)</sup> OJ L 120, 11.5.1994, p. 44. Decision last amended by Decision 98/597/EC (OJ L 286, 23.10.1998, p. 59).

**COMMISSION REGULATION (EC) No 813/2003  
of 12 May 2003**

**on transitional measures Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption <sup>(1)</sup>, as amended by Commission Regulation (EC) No 808/2003 <sup>(2)</sup>, and in particular Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for the Member States in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to the Member States to enable them to authorise operators to continue to apply national rules for the collection, transport and disposal of former foodstuffs of animal origin.
- (4) In order to prevent a risk to animal and public health appropriate control systems should be maintained in the Member States for the period of the transitional measures.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Derogation regarding the collection, transport and disposal of former foodstuffs**

1. Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from point (f) of Article 6(2) and Article 7 of that Regulation, the Member States may grant

individual authorisation to operators of premises and facilities to apply national rules until 31 December 2005 at the latest for the collection, transport and transformation of former foodstuffs referred to point (f) of Article 6(1) of that Regulation, provided that the national rules

- (a) without prejudice to paragraph 2 below, ensure that former foodstuffs are not mixed with Category 1 and 2 materials; and
- (b) comply with the rest of the requirements of Regulation (EC) No 1774/2002.

2. However, mixing of former foodstuffs with Category 1 or Category 2 materials may be allowed when the material is being sent for incineration or processing in a Category 1 or 2 plant prior to disposal as waste by incineration, co-incineration or landfill in accordance with Community legislation.

3. When former foodstuffs are sent for disposal as waste in an approved landfill site, all necessary measures shall be taken to ensure that the former foodstuffs are not mixed with unprocessed material of animal origin referred to in Articles 4 and 5 and points (a) to (e) and points (g) to (k) of Article 6(1).

*Article 2*

**Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3*

**Withdrawal of approvals and disposal of material not complying with this Regulation**

1. Individual authorisation by the competent authority for the collection, transport and disposal of former foodstuffs of animal origin shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Regulation are no longer fulfilled.

2. The competent authority shall withdraw any authorisation granted under Article 1 by 31 December 2005 at the latest.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> See page 1 of this Official Journal.



The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Regulation shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Entry into force**

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

It shall apply from 1 May 2003 to 31 December 2005.

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

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 12 May 2003

on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil

(notified under document number C(2003) 1489)

(Only the English text is authentic)

(Text with EEA relevance)

(2003/320/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption <sup>(1)</sup>, and in particular Article 32(2) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for non-renewable transitional measures for Ireland and the United Kingdom in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) The definition of catering waste includes used cooking oil.
- (4) Accordingly, as a temporary measure a derogation should be granted to Ireland and the United Kingdom to enable them to authorise operators to continue to apply

national rules to the use of used cooking oil in feed, taking into account the findings of Commission mission visit to the United Kingdom.

- (5) In order to prevent a risk to animal and public health appropriate control systems should be maintained in Ireland and the United Kingdom for the period of the transitional measures.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

**Derogation regarding the use in feed of used cooking oil**

Pursuant to Article 32(2) of Regulation (EC) No 1774/2002 and by way of derogation from Article 22(1)(b) of that Regulation, Ireland and the United Kingdom may continue to grant individual approvals until 31 October 2004 at the latest to operators of premises and facilities in conformity with national rules and the rules provided for in the present Decision for the use in feed of used cooking oil, provided that:

- (a) the used cooking oil originates exclusively in restaurants, catering facilities and kitchens, including central kitchens and household kitchens;

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

- (b) the used cooking oil is intended exclusively for the production of feed, and no trade in used cooking oil takes place except between the two Member States concerned;
- (c) the national rules shall include at least the conditions of use provided for in the Annex to this Decision;
- (d) the national rules are only applied in premises and facilities that applied those rules on 1 November 2002.

*Article 2*

**Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3*

**Withdrawal of approvals and disposal of material not complying with this Decision**

1. Individual approvals by the competent authority for the use in feed of used cooking oil shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.
2. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Compliance with this Decision by the concerned Member States**

Ireland and the United Kingdom shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5*

**Applicability**

This Decision shall apply from 1 May 2003 to 31 October 2004.

*Article 6*

**Addressees**

This Decision is addressed to the Republic of Ireland and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

**USE IN FEED OF USED COOKING OIL***A. General obligations*

1. Used cooking oil shall be collected, transported, stored, handled, treated and used in accordance with the conditions set out in this Annex.
2. Used cooking oil shall be:
  - (a) collected by an approved collector from the catering premises defined in Article 1(a);
  - (b) treated by approved operators on approved treatment premises; and
  - (c) mixed with other oils by approved operators on approved blending premises.
3. The competent authority must approve the collectors of used cooking oil and operators of premises on which used cooking oil is treated or mixed with other oils.
4. The competent authority shall ensure that the approval, commercial document, record-keeping, official inspection and list of premises comply with Section F.

*B. Collection, transportation, processing and blending of used cooking oil***Collection and transportation of used cooking oil**

1. Used cooking oil shall be collected and transported in lidded containers or leak-proof vehicles and identified in such a way that the contents, even after mixing, are traceable to all the premises of origin.
2. Collectors shall take all necessary measures to ensure that the used cooking oil collected is free from contamination by harmful substances.
3. Reusable containers, and all reusable items of equipment or appliances that come into contact with used cooking oil, must be cleaned, washed and disinfected after each use.
4. Vehicles or containers which carry any material which could contaminate the used cooking oil must be thoroughly cleansed and disinfected before they are used to carry used cooking oil.

**Approved premises and operations of approved treatment and approved blending premises**

5. The premises and operation of treatment or blending premises shall comply with the requirements in Section C.
6. Before mixing with other oil, operators of blending premises must in addition ensure that each batch of used cooking oil is tested to ensure compliance with the standards in Section E. A batch shall be no greater than 30 tonnes.
7. Collectors and operators shall ensure that used cooking oil that does not comply with the standards in Section E is not used for animal feed.

*C. Requirements for approved premises***General requirements**

The premises and facilities must meet at least the following requirements:

1. the premises must be constructed in such a way that it is easy to clean and disinfect;
2. unauthorised persons and animals must not have access to the premises;
3. the premises must have adequate facilities for cleaning and disinfecting the containers or receptacles in which used cooking oil is received and, where appropriate, the vehicles in which it is transported;
4. the premises must have adequate lavatories and washing facilities for staff;
5. the premises must have a covered space, clearly marked, to receive used cooking oil;

6. where appropriate, the premises must have a separate storage area for any used cooking oil that is not suitable for use in animal feed;
7. tanks shall be sealed with vents located and screened in a manner that prevents contaminant or pest ingress. Pipe-work shall be sealed when not in use.

#### **Premises' own-checks**

8. Operators of approved premises shall adopt all measures necessary to comply with the requirements of this Decision. They shall put in place, implement and maintain a procedure developed in accordance with the principles of the system of hazard analysis and critical control points (HACCP). They shall in particular:
  - (a) identify and control the critical control points on the premises;
  - (b) establish and implement methods for monitoring and checking such critical control points and keep records of such checks for at least two years; and
  - (c) ensure the traceability of each batch received and despatched.
9. The operator of approved blending premises shall carry out checks and take samples for the purposes of checking compliance with the standards in section E. Where the results of a check or a test show that the used cooking oil does not comply with the provisions of this Decision, the operator must:
  - (a) establish the causes of failures of compliance;
  - (b) ensure that no used cooking oil that does not comply with the requirements of section E is despatched for use in feedingstuffs;
  - (c) instigate appropriate decontamination and cleaning procedures; and
  - (d) where used cooking oil has already been despatched for use in feedingstuffs, or incorporated into feedingstuffs, take all necessary measures to ensure that feedingstuffs containing the oil are not fed to livestock.
10. A record of the results of the checks and tests shall be kept for at least two years. Operators of approved premises shall keep a sample of each consignment of used cooking oil despatched from the premises. Samples shall be kept for at least six months.

#### *D. General hygiene requirements*

1. Containers, receptacles and, where appropriate, vehicles used for transporting used cooking oil must be cleaned in a designated area.
2. Preventive measures against birds, rodents, insects or other vermin must be taken systematically.
3. Used cooking oil intended for use in animal feed shall not be stored in the same area as used cooking oil which is not suitable for use in animal feed or products which may pose a risk to animal or human health.
4. Cleaning procedures must be established and documented for all parts of the premises.
5. Hygiene control must include regular inspections of the environment and equipment.
6. Inspection schedules and results must be documented and maintained for at least two years.
7. Installations and equipment must be kept in a good state of repair and measuring equipment must be calibrated at least once a year.
8. Tanks and pipes shall be cleaned internally at least once a year or when there is build-up of water and physical contaminants.
9. Treated used cooking oil must be handled and stored in such a way as to preclude contamination.

#### *E. Specification for used cooking oil for use in animal feed*

Used cooking oil must meet the following minimum standard before use in animal feed:

1. Physical contamination:
  - (a) moisture and impurities: < 3 %
  - (b) impurities: < 0,15 %.

2. Presence of mineral oil: absence.
3. Presence of oxidised fatty acids: > 88 % elutable fatty acid content.
4. Presence of pesticide residues: complies with Council Directive 99/29/EC (before 1.8.2003) <sup>(1)</sup> or Directive 2002/32/EC (from 1.8.2003) <sup>(2)</sup>.
5. Presence of PCB's: < 100ppb for the 7 main congeners.
6. Presence of *Salmonella*: absence.
7. Presence of animal fat:
  - (a) C15 < 0,2 %
  - (b) C16:1 < 2 %
  - (c) C17 < 0,4 %
  - (d) C17:1 < 0,3 %
  - (e) C20+ < 5 %.

F. *Approval, commercial document, record keeping, inspection and list of approved premises*

**Approval of operators and premises**

1. The competent authority may approve:
  - (a) collectors of used cooking oil only if he is satisfied that the collector complies with the requirements of this Decision; and
  - (b) operators of treatment or blending premises only if he is satisfied that the premises and operation comply with the requirements of this Decision.
2. The approval shall specify:
  - (a) the operator and the address of the approved premises;
  - (b) the expiry date which shall be no later than 31 October 2004.
3. In addition, in the case of treatment premises, the approval shall specify the parts of the premises in which used cooking oil may be received and treated.

**Commercial documents**

4. Commercial documents may be in written or electronic form and must accompany the consignment of used cooking oil during transportation. The producer, receiver and carrier must each retain a copy of a written commercial document or, for electronic information, a printed record of that information.
5. Commercial documents shall contain the following information:
  - (a) the address of the premises from which the used cooking oil was taken;
  - (b) the date on which the used cooking oil was taken from the premises;
  - (c) the quality description of the used cooking oil;
  - (d) the quantity of the used cooking oil;
  - (e) the name and the address of the carrier;
  - (f) the destination of the used cooking oil;
  - (g) a unique reference number that links the collector and the container or vehicle to the premises from which the used cooking oil was taken.

**Records**

6. Any person consigning, transporting or receiving used cooking oil shall keep for at least two years a record containing the information specified in the commercial document.
7. For used cooking oil which is suitable for use in animal feed, the records shall in addition provide for full traceability of the oil from the premises of origin to its incorporation into animal feed.
8. For used cooking oil which is not suitable for use in animal feed, the person consigning the oil for disposal shall in addition keep a record showing the method and place of disposal and the date the oil was consigned for disposal.

<sup>(1)</sup> OJ L 115, 4.5.1999, p. 32.

<sup>(2)</sup> OJ L 140, 30.5.2002, p. 10.

**Official inspection**

9. The competent authority shall at least twice a year carry out inspections at each premises approved in accordance with this Decision, one of which shall be unannounced to verify compliance in particular with the hygiene, HACCP procedures and specifications in Sections B to E.
10. In addition, a technical expert shall carry out annually an inspection to check the processing apparatus and the gauges/recording devices, and shall forward a report to the competent authority and the premises operator.

**List of premises**

11. The competent authority shall draw up within its own territory a list of the names and addresses of approved:
    - (a) collectors of used cooking oil;
    - (b) operators of treatment premises; and
    - (c) operators of blending premises.
  12. Each collector and operator of approved premises shall be assigned an official identification number.
  13. The competent authority shall ensure that this list is made publicly available.
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**COMMISSION DECISION****of 12 May 2003****on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the processing standards for mammalian blood***(notified under document number C(2003) 1491)***(Only the English, German, Spanish and Italian texts are authentic)****(Text with EEA relevance)**

(2003/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

**Derogation regarding the processing of blood of mammalian origin**

Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from paragraph 1 of Chapter II of Annex VII to that Regulation, Germany, Spain, Italy and the United Kingdom may continue to grant individual approvals until 31 December 2004 at the latest to operators of premises and facilities to apply processing methods 2 to 5 or 7 of Annex V to that Regulation for the processing of blood of mammalian origin, provided that:

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for Germany, Spain, Italy and the United Kingdom in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to Germany, Spain, Italy and the United Kingdom to enable them to authorise operators to continue to apply national rules for the processing standards for mammalian blood.
- (4) In order to prevent a risk to animal and public health appropriate control systems should be maintained in Germany, Spain, Italy and the United Kingdom for the period of the transitional measures.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

- (a) the premises, raw material, processing standards, processed products and storage comply with the requirements set out in Chapter I and the other provisions of Chapter II of Annex VII to Regulation (EC) No 1774/2002; and
- (b) the processing methods are applied in premises and facilities that applied those methods on 1 November 2002.

*Article 2***Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3***Withdrawal of approvals and disposal of material not complying with this Decision**

1. Individual approvals by the competent authority for the use of methods 2 to 5 or 7 for the processing of mammalian blood shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.
2. The competent authority shall withdraw any approvals granted under Article 1 by 31 December 2004 at the latest.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.



The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on its basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Compliance with this Decision by the concerned Member States**

Germany, Spain, Italy and the United Kingdom shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5*

**Applicability**

This Decision shall apply from 1 May 2003 to 31 December 2004.

*Article 6*

**Addressees**

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the Italian Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## COMMISSION DECISION

of 12 May 2003

**implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the feeding of certain necrophagous birds with certain category 1 materials***(notified under document number C(2003) 1494)***(Only the Spanish, Greek, French, Italian and Portuguese texts are authentic)****(Text with EEA relevance)**

(2003/322/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption <sup>(1)</sup>, and in particular Article 23(2)(d) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides the possibility for Member States to authorise the feeding of endangered or protected species of necrophagous birds with certain category 1 material after consultation of the European Food Safety Authority, by derogation to the restrictions applicable to the use of animal by-products laid down in that Regulation.
- (2) The Scientific Steering Committee issued an opinion on 7 and 8 November 2002 on the safety of necrophagous birds being possible transmitters of TSEs.
- (3) According to that scientific opinion, practices of feeding on carcasses of animal species susceptible to TSE should not lead to an artificial increase of the number of potential TSE-transmitting sources, and their possible spread. Also, feeding programmes of wild species such as necrophagous birds should not become an alternative way of disposal of fallen ruminant stock posing a TSE risk nor of specified risk material.
- (4) Feeding of necrophagous birds with certain category 1 material may, therefore, be considered permissible on the basis of the opinion of the Scientific Steering Committee.
- (5) Greece, Spain, France, Italy and Portugal have submitted requests for the authorisation of feeding of certain species of necrophagous birds with certain category 1 material.
- (6) Those requests fulfil the conditions required in the scientific opinion of the Scientific Steering Committee. However, additional justification should be required to verify that there is no other way to conserve those

species of necrophagous birds other than by feeding them with certain category 1 material, thereby leading to an unnecessary increase of potentially TSE-transmitting sources.

- (7) In order to prevent a risk to animal or public health, it is necessary to lay down rules to be applied when authorising the feeding of those necrophagous birds with certain category 1 material.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1***Implementing rules on the feeding of necrophagous birds with category 1 material**

Pursuant to Article 23(2)(d) of Regulation (EC) No 1774/2002, Greece, Spain, France, Italy and Portugal may authorise the use of entire bodies of dead animals which may contain specified risk material as referred to in Article 4 (1)(b)(ii) of that Regulation for the feeding of the endangered or protected species of necrophagous birds as set out in part A of the Annex to this Decision.

*Article 2***Authorisation and control measures by the competent authority**

1. The competent authority may grant authorisation to the person responsible for the feeding of the necrophagous birds referred to in Article 1.
2. The competent authority shall only grant authorisation as provided for in paragraph 1 if the specific requirements laid down in part B of the Annex are complied with.
3. The competent authority shall take the necessary measures to supervise and control compliance with the specific requirements laid down in part B of the Annex.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

Those measures shall include strict supervision of the health status of the animals in the region where the feeding takes place, and an appropriate TSE surveillance involving regular sampling and laboratory examination for TSEs. The samples shall include samples taken from animals showing neurological symptoms and from older breeding animals.

*Article 3*

**Reports and review**

1. Greece, Spain, France, Italy and Portugal shall submit to the Commission before 31 October 2003 the information provided for in Article 23(3) of Regulation (EC) No 1774/2002 including a report:

- (a) on the control measures provided for in Article 2 of this Decision; and
- (b) a detailed justification for the inclusion of each species of necrophagous bird covered by Article 1 of this Decision and giving reasons why it is necessary to feed such birds the category 1 material referred to in that Article instead of exclusively category 2 and 3 materials.

2. This Decision shall be reviewed in the light of the reports submitted in accordance with paragraph 1, if considered necessary after appropriate scientific assessment.

*Article 4*

**Compliance by Member States**

Greece, Spain, France, Italy and Portugal shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5*

**Applicability**

This Decision shall apply from 1 May 2003.

*Article 6*

**Addressees**

This Decision is addressed to the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, and the Portuguese Republic.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

## IMPLEMENTING RULES ON THE FEEDING OF ENDANGERED OR PROTECTED SPECIES OF NECROPHAGOUS BIRDS WITH CERTAIN CATEGORY 1 MATERIAL PURSUANT TO ARTICLE 23(2)(d) OF REGULATION (EC) No 1774/2002

**A. The Member States and the endangered or protected species referred to in Article 1**

The implementing rules provided for in Article 1 shall apply to:

- (a) in the case of Greece: griffon vulture (*Gyps fulvus*), bearded vulture (*Gypaetus barbatus*) and Egyptian vulture (*Neophron percnopterus*);
- (b) in the case of Spain: griffon vulture (*Gyps fulvus*), black vulture (*Aegypius monachus*), Egyptian vulture (*Neophron percnopterus*), bearded vulture (*Gypaetus barbatus*), Spanish imperial eagle (*Aquila adalberti*), golden eagle (*Aquila chrysaetos*), red kite (*Milvus milvus*) and black kite (*Milvus migrans*);
- (c) in the case of France: griffon vulture (*Gyps fulvus*), black vulture (*Aegypius monachus*), Egyptian vulture (*Neophron percnopterus*), bearded vulture (*Gypaetus barbatus*), red kite (*Milvus milvus*) and black kite (*Milvus migrans*);
- (d) in the case of Italy: griffon vulture (*Gyps fulvus*), bearded vulture (*Gypaetus barbatus*), golden eagle (*Aquila chrysaetos*);
- (e) in the case of Portugal: griffon vulture (*Gyps fulvus*), black vulture (*Aegypius monachus*), Egyptian vulture (*Neophron percnopterus*) and golden eagle (*Aquila chrysaetos*).

**B. Specific requirements as referred to in Article 2**

1. The approval of the competent authority as provided for in Article 2 is subject to the following:
  - (a) the conservation of the bird species may not be achieved by other means;
  - (b) the feeding programme must be performed in the context of an approved conservation programme;
  - (c) the feeding must not be used as an alternative way of disposal of specified risk materials or fallen ruminant stock containing them posing a TSE risk;
  - (d) an appropriate surveillance system for TSEs as laid down in Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, as last amended by Regulation (EC) No 260/2003 <sup>(2)</sup>, must be in place involving regular laboratory testing of samples for TSE;
  - (e) coordination between the competent authorities supervising the requirements laid down in the approval must be ensured; and
  - (f) a prior assessment of the specific and the particular situation of the necrophagous bird species concerned and their habitat in the country concerned must have been carried out.
2. The approval granted by the competent authority must:
  - (a) refer to and name the species of necrophagous birds actually concerned;
  - (b) describe in detail the geographical area where feeding shall take place; and
  - (c) immediately be suspended in case of:
    - (i) a suspected or confirmed link to the spread of TSE until the risk can be excluded; or
    - (ii) non-compliance with any of the rules provided for in this Decision.
3. The person responsible for the feeding must:
  - (a) dedicate an enclosed and fenced area to ensure that no carnivorous animal other than birds have access to the feed;
  - (b) ensure that carcasses of bovine animals older than 24 months and carcasses of ovine and caprine animals older than 18 months intended to be used for feeding are tested for TSE using one of the tests specified in Regulation (EC) No 999/2001 with a negative result prior to using them as feedstuffs; and
  - (c) keep records at least of the number, nature, estimate weight and origin of the carcasses of the animals used for feeding, the results of the TSE tests, the date of the feeding and the location where feeding took place.
4. All other specific requirements laid down in Regulation (EC) No 1774/2002, and in particular Article 23(2) of and Annex IX to that Regulation shall be complied with.

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(2)</sup> OJ L 37, 13.2.2003, p. 7.

**COMMISSION DECISION****of 12 May 2003****on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the total separation of category 1 and 2 materials from category 3 material in intermediate plants***(notified under document number C(2003) 1495)***(Only the French and Italian texts are authentic)****(Text with EEA relevance)**

(2003/323/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

**Derogation regarding the separation of category 1 and 2 materials from category 3 material in intermediate plants**

Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from Article 10(2) of that Regulation, France and Italy may continue to grant individual approvals until 30 April 2004 at the latest to operators of premises and facilities to apply national rules for the separation of category 1 and 2 materials from category 3 material in intermediate plants not complying with the requirements set out in Chapter I(1)(a) and Chapter II(B)(6) of Annex III to that Regulation, provided that the national rules:

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for France and Italy in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.

- (a) ensure that collection, handling, temporary storage and dispatching of category 3 is done in ways that prevent cross-contamination with category 1 and 2 materials;
- (b) are only applied in premises and facilities that applied those rules on 1 November 2002; and
- (c) comply with the rest of the requirements of Annex III to Regulation (EC) No 1774/2002.

*Article 2***Control measures**

- (3) Accordingly, as a temporary measure a derogation should be granted to France and Italy to enable them to authorise operators to continue to apply national rules for the separation of category 1 and 2 materials from category 3 material in intermediate plants.

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3*

- (4) In order to prevent a risk to animal and public health appropriate control systems should be maintained in France and Italy for the period of the transitional measures.

**Withdrawal of approvals and disposal of material not complying with this Decision**

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

1. Individual approvals by the competent authority for the separation of category 1 and 2 materials from category 3 material in intermediate plants shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

2. The competent authority shall withdraw any approvals granted under Article 1 by 30 April 2004 at the latest.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on its basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Compliance with this Decision by the concerned Member States**

France and Italy shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5*

**Applicability**

This Decision shall apply from 1 May 2003 to 30 April 2004.

*Article 6*

**Addressees**

This Decision is addressed to the French Republic and the Italian Republic.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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## COMMISSION DECISION

of 12 May 2003

as regards a derogation from the intra-species recycling ban for fur animals under Regulation (EC) No 1774/2002 of the European Parliament and of the Council

(notified under document number C(2003) 1496)

(Only the Finnish and Swedish texts are authentic)

(Text with EEA relevance)

(2003/324/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption<sup>(1)</sup>, and in particular Article 22(2) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a prohibition on the feeding of animals with processed animal protein derived from animals of the same species. Derogations may be granted in relation to fur animals after consultation of the appropriate scientific committee.
- (2) The Scientific Steering Committee issued an opinion on 24 and 25 June 1999 on the risks of non-conventional transmissible agents, conventional infectious agents or other hazards such as toxic substances entering the human food or animal feed chains via raw material from fallen stock and dead animals or via condemned materials. That opinion was updated on 13 July 1999. The opinion refers to the risks related to the feeding of fur animals with processed animal protein derived from animals of the same species.
- (3) On 17 September 1999 the Scientific Steering Committee adopted an opinion with regard to intra-species recycling on the risk born by recycling animal by-products as feed with regard to propagating TSE in non-ruminant farmed animals.
- (4) According to those scientific opinions fur animals recycling may be considered in certain regions on the basis of well documented grounds which ensure that the presence of TSE agent in the population concerned is unlikely. Those opinions also set out the conditions that are necessary in order to minimise the TSE risk.
- (5) Finland has submitted a request for a derogation on intra-species recycling ban for fur animals. The request fulfils the conditions required in the opinions adopted by the Scientific Steering Committee to minimise the TSE risk.

(6) Accordingly, a derogation should be granted to Finland from the intra-species recycling ban for fur animals under Regulation (EC) No 1774/2002. In order to avoid a risk to public and animal health, that derogation should be subject to certain conditions.

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

HAS ADOPTED THIS DECISION:

*Article 1*

**Derogation to Finland for certain fur producing animals**

Pursuant to Article 22(2) of Regulation (EC) No 1774/2002, a derogation is granted to Finland with regard to the feeding of the following fur animals with processed animal protein derived from the bodies or parts of bodies of animals of the same species:

- (a) foxes (*Vulpes vulpes* and *Alopex lagopus*); and
- (b) raccoon dogs (*Nycteroites procynoides*).

*Article 2*

**Approvals for registered farms**

The competent authority may grant approval to registered farms for the feeding of the species referred to in Article 1 with processed animal protein derived from the bodies or parts of bodies of animals of the same species. Such approval shall only be granted to registered farms:

- (a) on the basis of an application that is accompanied by documentation proving that there is no reason to suspect the presence of the TSE agent in the population of the species covered by the application;
- (b) where an appropriate surveillance system for TSEs in fur animals is in place and includes regular laboratory testing of samples for TSE; and
- (c) providing appropriate guarantees that no animal by-product or processed animal protein derived from those animals or their offspring may enter the food or feed chain of other animals than fur animals;

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

- (d) where the farm has had no known contact with any farm with a suspected or confirmed outbreak of TSE;
- (e) where the responsible person of the registered farm complies with the requirements set out in Annex IX to Regulation (EC) No 1774/2002 and in the Annex to this Decision.

*Article 3*

**Control measures**

1. The competent authority shall take the necessary measures to control:
  - (a) the appropriate composition, processing and use of the feed containing processed animal protein derived from the bodies or parts of bodies of animals of the same species;
  - (b) the animals that are fed with the feed referred to in point (a), including:
    - (i) strict supervision of the health status of those animals;
    - (ii) appropriate TSE surveillance involving regular sampling and laboratory examination for TSEs;
  - (c) that the requirements of Article 2 are fulfilled.
2. The samples referred to in paragraph 1(b)(ii) shall include samples taken from animals showing neurological symptoms and from older breeding animals.

*Article 4*

**Suspension of an approval**

An approval as provided for in Article 2 shall be immediately suspended in the event of suspected or confirmed contact with any farm with a suspected or confirmed outbreak of TSE until the risk of contamination may be conclusively excluded.

*Article 5*

**Compliance with this Decision**

Finland shall immediately take the necessary measures to comply with this Decision and publish those measures. It shall immediately inform the Commission thereof.

*Article 6*

**Applicability**

This Decision shall apply from 1 May 2003.

*Article 7*

**Addressee**

This Decision is addressed to the Republic of Finland.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*



## ANNEX

**A. General obligations of the responsible person of the registered farm**

1. The responsible person must keep records at least of:
  - (a) the fur and carcasses of animals fed with processed animal protein of their own species; and
  - (b) each consignment in order to ensure the tractability of the material.
2. In the event of any known or suspected contact with any farm with a suspected or confirmed outbreak of TSE, the responsible person must immediately:
  - (a) inform the competent authority of such contact; and
  - (b) cease the dispatch of fur animals to any destination without a written authorisation of the competent authority.

**B. Operating obligations of the person responsible for the registered farm**

1. The responsible person shall ensure that:
    - (a) the carcasses of fur animals intended for feeding to animals of the same species are handled and processed separately from carcasses not authorised for that purpose;
    - (b) fur animals fed with processed animal protein derived from animals of the same species are kept separate from animals not being fed with processed animal protein derived from animals of the same species.
  2. The responsible person shall ensure that processed animal protein derived from one species and intended for the feeding of the same species must:
    - (a) have been processed in a processing plant approved under Article 13 of Regulation (EC) No 1774/2002 and using only methods 1 to 5 or 7 as set out in Annex V, Chapter III to that Regulation;
    - (b) have been produced from healthy animals killed for the production of fur;
    - (c) have been produced from animals, which were not fed with processed animal protein derived from the same species during the last 24 hours before killing.
-

**COMMISSION DECISION****of 12 May 2003****on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the separation of category 1, 2 and 3 processing plants***(notified under document number C(2003) 1498)***(Only the French, Finnish and Swedish texts are authentic)****(Text with EEA relevance)**

(2003/325/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

**Derogation regarding the complete separation of category 1, 2 and 3 processing plants**

Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from paragraph 1 of Chapter I of Annex VI or paragraph 1 of Chapter I of Annex VII to that Regulation, France and Finland may continue to grant individual approvals until 30 April 2004 in the case of France and until 31 October 2005 in the case of Finland at the latest to operators of premises and facilities in conformity with national rules, to apply such rules for the complete separation of category 1, 2 and 3 processing plants, provided that the national rules:

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for France and Finland in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to France and Finland to enable them to authorise operators to continue to apply national rules to the separation of category 1, 2 and 3 processing plants.
- (4) In order to prevent a risk to animal and public health, appropriate control systems should be maintained in France and Finland for the period of the transitional measures.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

- (a) ensure prevention of cross-contamination between the categories of materials;
- (b) are only applied in premises and facilities that applied those rules on 1 November 2002;
- (c) comply with the rest of the specific requirements set out in paragraphs 2 to 9 of Chapter I of Annex VI and in paragraphs 2 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002.

*Article 2***Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3***Withdrawal of approvals and disposal of material not complying with this Decision**

1. Individual approvals by the competent authority for the complete separation of category 1, 2 and 3 processing plants shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

2. The competent authority shall withdraw any approvals granted under Article 1 at the latest by 30 April 2004 in the case of France, and 31 October 2005 in the case of Finland.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Compliance with this Decision by the concerned Member States**

France and Finland shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5*

**Applicability**

1. This Decision shall apply from 1 May 2003 to 30 April 2004 in the case of France.

2. This Decision shall apply from 1 May 2003 to 31 October 2005 in the case of Finland.

*Article 6*

**Addressees**

This Decision is addressed to the French Republic and the Republic of Finland.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

**COMMISSION DECISION****of 12 May 2003****on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the separation of category 2 and category 3 oleochemical plants***(notified under document number C(2003) 1500)***(Only the Spanish, German, English, French, Italian, Dutch and Swedish texts are authentic)****(Text with EEA relevance)**

(2003/326/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for non-renewable transitional measures for Belgium, Germany, Spain, Italy, Netherlands, Sweden and the United Kingdom in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed, as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to Belgium, Germany, Spain, Italy, Netherlands, Sweden and the United Kingdom to enable them to authorise operators to continue to apply national rules to the separation of category 2 and 3 oleochemical plants.
- (4) In order to prevent a risk to animal and public health, appropriate control systems should be maintained in Belgium, Germany, Spain, Italy, Netherlands, Sweden and the United Kingdom for the period of the transitional measures.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

*Article 1***Derogation regarding the separation of category 2 and 3 oleochemical plants**

1. Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from Article 14(2) of that Regulation, Belgium, Germany, Spain, Italy, Netherlands, Sweden and the United Kingdom may continue to grant individual approvals in accordance with national rules until 31 October 2005 at the latest to operators of premises and facilities not complying with point (b) of Article 14(2) and with the separation requirements for category 2 and category 3 oleochemical plants, provided that the national rules:
  - (a) comply with all other applicable Community legislation;
  - (b) are only applied in premises and facilities that applied those rules on 1 November 2002; and
  - (c) comply with the requirements in points (c) and (d) of Article 14(2) of Regulation (EC) No 1774/2002.
2. Only rendered fats derived from category 2 and 3 materials shall be used. Rendered fats derived from category 2 material shall be processed in accordance with the standards provided for in Chapter III of Annex VI to Regulation (EC) No 1774/2002. Additional processes such as distillation, filtration and processing with absorbents shall be used to further improve the safety of the tallow derivatives.

*Article 2***Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

*Article 3***Withdrawal of approvals and disposal of material not complying with this Decision**

1. Individual approvals by the competent authority for the separation of category 2 and category 3 oleochemical plants shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.

2. The competent authority shall withdraw any approvals granted under Article 1 at the latest by 31 October 2005.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4***Compliance with this Decision by the concerned Member States**

Belgium, Germany, Spain, Italy, Netherlands, Sweden and the United Kingdom shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5***Applicability**

This Decision shall apply from 1 May 2003 to 31 October 2005.

*Article 6***Addressees**

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the Italian Republic, the Kingdom of the Netherlands, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

**COMMISSION DECISION****of 12 May 2003****on transitional measures under Regulation (EC) No 1774/2002 as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them***(notified under document number C(2003) 1501)***(Only the English, Finnish and Swedish texts are authentic)****(Text with EEA relevance)**

(2003/327/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

**Derogation regarding the low capacity incineration or co-incineration plants**

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for Finland and the United Kingdom in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to Finland and the United Kingdom to enable them to authorise operators to continue to apply national rules for the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them.
- (4) In order to prevent a risk to animal and public health, appropriate control systems should be maintained in Finland and the United Kingdom for the period of the transitional measures.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

1. Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from Article 12(3) of that Regulation, individual approvals may continue to be granted until 31 December 2004 at the latest to operators in conformity with national rules for low capacity incineration or co-incineration plants to which Directive 2000/76/EC of the European Parliament and of the Council <sup>(2)</sup> does not apply and which do not incinerate or co-incinerate specified risk materials or carcasses containing them, to apply such national rules by Finland in the case of low capacity incineration or co-incineration plants and by the United Kingdom in the case of low-capacity incineration plants provided that:

- (a) animal by-products are handled and stored safely and incinerated or co-incinerated without undue delay in such a way that they are reduced to dry ash;
- (b) the dry ash is disposed of properly and records are kept of the quantity and description of the animal by-products incinerated and the date of such incineration; and
- (c) the national rules are only applied in premises and facilities that applied those rules on 1 November 2002.

2. The dry ash shall not be removed from the combustion chamber unless combustion is complete. Transport and intermediate storage of the dry ash shall take place in a closed container to prevent dispersal in the environment and be disposed of safely.

3. In the case of a breakdown or abnormal operating conditions the operator must reduce or close down operations as soon as practicable until normal operations can be resumed.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> OJ L 332, 28.12.2000, p. 91.

*Article 2***Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

*Article 3***Withdrawal of approvals and disposal of material not complying with this Decision**

1. Individual approvals by the competent authority for low-capacity incineration or co-incineration plants to which Directive 2000/76/EC does not apply and which do not incinerate or co-incinerate specified risk materials or carcasses containing them shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.

2. The competent authority shall withdraw any approval granted under Article 1 by 31 December 2004 at the latest.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4***Compliance with this Decision by the concerned Member States**

Finland and the United Kingdom shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5***Applicability**

1. This Decision shall apply from 1 May 2003 to 31 December 2004.

2. It shall apply to the Republic of Finland in the case of low-capacity incineration and co-incineration plants.

It shall apply to the United Kingdom of Great Britain and Northern Ireland in the case of low-capacity incineration plants.

*Article 6***Addressees**

This Decision is addressed to the Republic of Finland and to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## COMMISSION DECISION

of 12 May 2003

**on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the use of category 3 catering waste in feed for pigs and the intra-species recycling ban on the feeding of swill to pigs***(notified under document number C(2003) 1502)***(Only the German text is authentic)****(Text with EEA relevance)**

(2003/328/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 30 October 2002 laying down health rules concerning animal by-products not intended for human consumption <sup>(1)</sup>, and in particular Article 32 thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for Germany and Austria in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) In particular the European Parliament has requested transitional measures on category 3 catering waste.
- (4) Accordingly, as a temporary measure a derogation should be granted to Germany and Austria to enable them to authorise operators to continue to apply national rules to category 3 catering waste in feed for pigs, taking into account the findings of Commission mission visits to Germany and Austria.
- (5) According to the definition of 'catering waste' in Regulation (EC) No 1774/2002, waste from retail outlets such as supermarkets or food factories that are producing

products for retail sale is not 'catering waste' and therefore should not be covered by the derogation provided for in this Decision.

- (6) In order to prevent a risk to animal and public health appropriate control systems should be maintained in Germany and Austria for the period of the transitional measures.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1***Derogations regarding category 3 catering waste in feed for pigs and the intra-species-recycling ban on feeding swill to pigs**

Pursuant to Article 32(2) of Regulation (EC) No 1774/2002 and by way of derogation from point (a) and (b) of Article 22(1) of that Regulation, Germany and Austria may continue to grant individual approvals until 31 October 2006 at the latest to operators of premises and facilities in conformity with national rules, to apply such rules and the rules provided for in the present Decision for the use of Category 3 catering waste in feed for pigs, provided that:

- (a) the category 3 catering waste originates exclusively in restaurants, catering facilities and kitchens, including central kitchens and household kitchens in the Member States concerned;
- (b) the category 3 catering waste is intended exclusively for the production of processed catering waste (swill) for feeding to pigs in the two Member States concerned, and no trade in category 3 catering waste or swill derived therefrom takes place;

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.



- (c) the national rules shall include at least the conditions of use provided for in the Annex to this Decision;
- (d) no unprocessed or processed category 3 catering waste shall be fed to feral pigs and to farmed wild boars; and
- (e) those operators were operating in conformity with national rules on 1 November 2002.

*Article 2*

**Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1 and in the Annex.

*Article 3*

**Withdrawal of approvals and disposal of material not complying with this Decision**

1. Individual approvals by the competent authority for the use of category 3 catering waste shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.
2. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Annual report and periodic review**

1. The competent authority shall by 31 March each year submit a report to the Commission based on the control measures provided for in Article 2.

2. The Commission shall periodically review the operation of this Decision in the light of the annual reports provided for in paragraph 1 and Commission inspections.

*Article 5*

**Compliance with this Decision by the concerned Member States**

Germany and Austria shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 6*

**Applicability**

This Decision shall apply from 1 May 2003 to 31 October 2006.

*Article 7*

**Addressees**

This Decision is addressed to the Federal Republic of Germany and the Republic of Austria.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

## USE OF CATEGORY 3 CATERING WASTE

A. *General obligations*

1. Category 3 catering waste ('catering waste') shall be collected, transported, stored, handled, treated, and used in accordance with the conditions set out in this Annex.
2. Unprocessed catering waste shall be:
  - (a) collected by an approved collector from the catering premises referred to in Article 1(a);
  - (b) collected from an area not subject to any restrictions implemented pursuant to Community legislation on control of classical swine fever or any other OIE list A disease transmissible to pigs via catering waste; and
  - (c) processed by approved operators on approved processing premises, which are not on the same site as a holding where animals are kept. However, in the case of Austria, the competent authority may derogate from this separation requirement until 30 April 2004, provided that the competent authority:
    - (i) has carried out an adequate risk assessment and is satisfied that there is no risk to animal and public health;
    - (ii) has submitted a copy of this risk assessment to the Commission;
    - (iii) carries out monthly inspections of the premises, and takes all other measures necessary to monitor compliance with this Decision.
3. Swill shall be:
  - (a) collected by an approved collector from approved processing premises; and
  - (b) used for feeding to fattening pigs on approved holdings, which send pigs only for direct slaughter.
4. The competent authority must approve the collectors and processors of catering waste and consignors and users of swill.
5. Any person holding an approval shall maintain and operate the premises and equipment, and shall process the catering waste in accordance with the requirements in section C.
6. The competent authority shall ensure that the approval, commercial document, record keeping, official inspection and list of premises comply with section D.

B. *Collection and transportation of catering waste for feeding to pigs*

1. Catering waste shall be collected and transported in adequately covered leakproof containers or vehicles, and shall be taken and delivered without undue delay to an approved processing premises.
2. Vehicles used for transporting catering waste, tarpaulins or other covers and reusable containers shall be cleansed, disinfected and maintained in a clean condition. A vehicle and containers that are used for transporting unprocessed catering waste shall not be used for transporting swill.
3. No person shall bring catering waste onto any premises where ruminants are kept, except under the authority of an approval issued by the competent authority.

C. *Requirements for premises processing catering waste to produce swill***General requirements**

1. The approved processing premises shall be dedicated to the processing of catering waste to produce swill for feeding to pigs, and shall be completely separated from buildings where animals are kept or other feedingstuffs are prepared.
2. Unauthorised persons and animals shall not be permitted to enter the premises. Animals shall not be permitted to have access to unprocessed catering waste or any liquid from it. Preventive measures against birds, rodents, insects and other vermin shall be taken systematically.
3. Floors shall be impervious, cleanable and laid so that liquids drain away and cannot seep from the unclean area into the clean area or into the swill.

**Clean and unclean areas**

4. There shall be designated clean and unclean areas, completely separated by at least a wall. The unclean (reception) and clean areas shall be easy to clean and disinfect. The unclean area shall have a covered (storage) space to store the unprocessed catering waste.
5. Unprocessed catering waste shall be unloaded in the reception area and either:
  - (a) be processed immediately; or
  - (b) be stored in suitable containers in the reception area and processed within 24 hours of arrival or without undue delay.
6. Processed catering waste shall be handled and stored in a dedicated clean area in such a way as to preclude contamination with any unprocessed catering waste.
7. Persons who have been in the unclean area shall not enter the clean area without first disinfecting or changing their footwear and changing their outer clothing.
8. Equipment and utensils that have been in the unclean area shall not be taken into the clean area unless they have been suitably cleansed and disinfected in accordance with points 11 to 14.
9. There shall be adequate lavatories, changing rooms, washbasin facilities on the premises for staff.

**Processing standards**

10. After removal of all extraneous matters (metals, plastics, and packaging materials) the catering waste shall be reduced in size to at least 50 mm and processed for at least 60 minutes maintained at a core temperature of at least 90 °C with continuous stirring or by an alternative method meeting equivalent health standards specified in the approval by the competent authority.

**Cleansing and disinfection facilities**

11. There shall be adequate facilities (including a water supply) provided to enable the premises, containers and vehicles (including wheels) to be cleansed and disinfected.
12. Vehicles (including wheels) used for transporting unprocessed catering waste or swill shall be cleansed and disinfected before entering the clean area or, if they do not enter the clean area, before they leave the premises.
13. Containers used for unprocessed catering waste or swill shall be cleansed and disinfected after each use, and the premises shall be cleansed at the end of each day on which processing has taken place.
14. The competent authority shall ensure that the disinfectants to be used and their concentrations are officially approved as capable to destroy classical swine fever virus.

**Equipment**

15. The premises shall have suitable cooking equipment with accurately calibrated gauges/device to monitor continuously the processing standards (temperature, time) and any other parameters that the competent authority considers necessary to ensure compliance.
16. Cooking equipment and related installations shall be calibrated at least once a year and kept in a good state of repair throughout the year.

**D. Approval, commercial document, record keeping, inspection and list of approved premises****Approval of operators and premises**

1. The competent authority may grant or maintain an approval for the collection/transportation or processing of catering waste or consignment or use of swill for feeding to pigs only if it is satisfied that the conditions of this Decision will be complied with.
2. The approval shall specify in particular:
  - (a) the operator and the address of the approved premises;
  - (b) the identity of the approved cooking equipment;
  - (c) the expiry date which shall be no later than 31 October 2006.

3. In addition, in the case of processing premises, the approval shall specify
  - (a) the parts of the premises in which catering waste may be received and processed;
  - (b) the applicable parameters (temperature, time, particle size).
4. If an existing approval does not contain the data provided for in points 2 and 3 the competent authority shall issue a new approval stating those data and any other conditions it considers necessary to ensure traceability and compliance with the law.

#### **Commercial document**

5. Commercial documents may be in written or electronic form and must accompany the consignment of catering waste or swill during transportation. The producer, collector/carrier and receiver must each retain a copy of a written commercial document or, for electronic information, a printed record of that information.
6. Commercial documents shall contain the following information:
  - (a) the address of the premises from which the catering waste or swill was collected;
  - (b) the dates of collection and delivery of the catering waste or swill;
  - (c) the quantity and description (quality) of the catering waste or swill;
  - (d) the name and address of the collector and haulier (if different from the collector) and the vehicle registration number;
  - (e) the address of the destination of the catering waste or swill.

#### **Records**

7. Any person collecting/transporting or processing catering waste or consigning/transporting or using swill for feeding to pigs shall keep for at least two years a record containing the appropriate information in the commercial document.
8. In addition, the operator of an approved processing premises shall keep for at least two years a record showing the date of processing and the parameters (temperature, time) applied.

#### **Official inspection**

9. The competent authority shall at least twice a year carry out inspections at each premises approved in accordance with this Decision, one of which shall be unannounced to verify compliance in particular with the hygiene and processing standards including at least the followings:
  - (a) separation between unclean and clean areas;
  - (b) raw material size;
  - (c) temperature achieved in the heat treatment process;
  - (d) the duration of the heat treatment.
10. In addition, in the case of an approved processing premises, a technical expert shall carry out annually an inspection to check the cooking apparatus and the gauges/recording devices; and shall forward a report to the competent authority and the premises operator.

#### **List of premises**

11. The competent authority shall draw up within its own territory a list of approved:
  - (a) premises collecting and transporting catering waste;
  - (b) premises processing catering waste;
  - (c) premises consigning and transporting swill;
  - (d) holdings where swill is fed to pigs.
12. Each premises or holding shall be assigned an official identification number.
13. The competent authority shall ensure that this list is made publicly available.

**COMMISSION DECISION****of 12 May 2003****on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the heat treatment process for manure***(notified under document number C(2003) 1505)***(Only the French, Dutch, German, Finnish and Swedish texts are authentic)****(Text with EEA relevance)**

(2003/329/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

**Derogation regarding the heat treatment process for manure**

Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from paragraph 5(b) of Chapter III of Annex VIII to that Regulation, Belgium, France, the Netherlands and Finland may continue to grant individual approvals, until 31 December 2004 at the latest, to operators of premises and facilities in conformity with national rules, to apply such rules, for the heat treatment process for manure, provided that the national rules:

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for Belgium, France, the Netherlands and Finland in order to allow industry sufficient time to adjust. In addition, alternative collection, transport, storage, handling, processing and uses for animal by-products need to be further developed as well as disposal methods for those by-products.
- (3) Accordingly, as a temporary measure a derogation should be granted to Belgium, France, the Netherlands and Finland to enable them to authorise operators to continue to apply national rules for the heat treatment process for manure.
- (4) In order to prevent a risk to animal and public health appropriate control systems should be maintained in Belgium, France, the Netherlands and Finland for the period of the transitional measures.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

- (a) guarantee the overall reduction of pathogens;
- (b) are only applied in premises and facilities that applied those rules on 1 November 2002; and
- (c) comply with the rest of the requirements of Chapter III of Annex VIII to Regulation (EC) No 1774/2002.

*Article 2***Control measures**

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1

*Article 3***Withdrawal of approvals and disposal of material not complying with this Decision**

1. Individual approvals by the competent authority for the heat treatment process for manure shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.
2. The competent authority shall withdraw any approvals granted under Article 1 by 31 December 2004 at the latest.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

*Article 4*

**Compliance with this Decision by the concerned Member States**

Belgium, France, the Netherlands and Finland shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

*Article 5*

**Applicability**

This Decision shall apply from 1 May 2003 to 31 December 2004.

*Article 6*

**Addressees**

This Decision is addressed to the Kingdom of Belgium, the French Republic, the Kingdom of the Netherlands and the Republic of Finland.

Done at Brussels, 12 May 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

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