

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Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption (repealed)

CHAPTER II

CATEGORISATION, COLLECTION, TRANSPORTATION, DISPOSAL, PROCESSING, USE AND INTERMEDIATE STORAGE OF ANIMAL BY-PRODUCTS

Article 4

Category 1 material

1 Category 1 material shall comprise animal by-products of the following description, or any material containing such by-products:

- a all body parts, including hides and skins, of the following animals:
 - (i) animals suspected of being infected by a TSE in accordance with Regulation (EC) No 999/2001 or in which the presence of a TSE has been officially confirmed,
 - (ii) animals killed in the context of TSE eradication measures,
 - (iii) animals other than farmed animals and wild animals, including in particular pet animals, zoo animals and circus animals,
 - (iv) experimental animals as defined by Article 2 of Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes⁽¹⁾, and
 - (v) wild animals, when suspected of being infected with diseases communicable to humans or animals;
- b
 - (i) specified risk material, and
 - (ii) where, at the time of disposal, specified risk material has not been removed, entire bodies of dead animals containing specified risk material;
- c products derived from animals to which substances prohibited under Directive 96/22/EC have been administered and products of animal origin containing residues of environmental contaminants and other substances listed in Group B(3) of Annex I to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC⁽²⁾, if such residues exceed the permitted level laid down by Community legislation or, in the absence thereof, by national legislation;
- d all animal material collected when treating waste water from Category 1 processing plants and other premises in which specified risk material is removed, including screenings, materials from desanding, grease and oil mixtures, sludge and materials removed from drains from those premises, unless such material contains no specified risk material or parts of such material;

Status: Point in time view as at 01/01/2005.

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- e catering waste from means of transport operating internationally; and
 - f mixtures of Category 1 material with either Category 2 material or Category 3 material or both, including any material destined for processing in a Category 1 processing plant.
- 2 Category 1 material shall be collected, transported and identified without undue delay in accordance with Article 7 and, except as otherwise provided in Articles 23 and 24, shall be:
- a directly disposed of as waste by incineration in an incineration plant approved in accordance with Article 12;
 - b processed in a processing plant approved under Article 13 using any of processing methods 1 to 5 or, where the competent authority so requires, processing method 1, in which case the resulting material shall be permanently marked, where technically possible with smell, in accordance with Annex VI, Chapter I, and finally disposed of as waste by incineration or by co-incineration in an incineration or co-incineration plant approved in accordance with Article 12;
 - c with the exclusion of material referred to in paragraph 1(a)(i) and (ii), processed in a processing plant approved in accordance with Article 13 using processing method 1, in which case the resulting material shall be permanently marked, where technically possible with smell, in accordance with Annex VI, Chapter I, and finally disposed of as waste by burial in a landfill approved under Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste⁽⁹⁾;
 - d in the case of catering waste referred to in paragraph 1(e), disposed of as waste by burial in a landfill approved under Directive 1999/31/EC; or
 - e in the light of developments in scientific knowledge, disposed of by other means that are approved in accordance with the procedure referred to in Article 33(2), after consultation of the appropriate scientific committee. These means may either supplement or replace those provided for in subparagraphs (a) to (d).
- 3 Intermediate handling or storage of Category 1 material shall take place only in Category 1 intermediate plants approved in accordance with Article 10.
- 4 Category 1 material shall not be imported or exported except in accordance with this Regulation or with rules laid down under the procedure referred to in Article 33(2). However, the import or export of specified risk material shall take place only in accordance with Article 8(1) of Regulation (EC) No 999/2001.

Article 5

Category 2 material

- 1 Category 2 material shall comprise animal by-products of the following description, or any material containing such by-products:
- a manure and digestive tract content;
 - b all animal materials collected when treating waste water from slaughterhouses other than slaughterhouses covered by Article 4(1)(d) or from Category 2 processing plants, including screenings, materials from desanding, grease and oil mixtures, sludge and materials removed from drains from those premises;
 - c products of animal origin containing residues of veterinary drugs and contaminants listed in Group B(1) and (2) of Annex I to Directive 96/23/EC, if such residues exceed the permitted level laid down by Community legislation;
 - d products of animal origin, other than Category 1 material, that are imported from non-member countries and, in the course of the inspections provided for in Community legislation, fail to comply with the veterinary requirements for their importation into the

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- Community, unless they are returned or their importation is accepted under restrictions laid down under Community legislation;
- e animals and parts of animals, other than those referred to in Article 4, that die other than by being slaughtered for human consumption, including animals killed to eradicate an epizootic disease;
 - f mixtures of Category 2 material with Category 3 material, including any material destined for processing in a Category 2 processing plant; and
 - g animal by-products other than Category 1 material or Category 3 material.
- 2 Category 2 material shall be collected, transported and identified without undue delay in accordance with Article 7 and, except as otherwise provided in Articles 23 and 24, shall be:
- a directly disposed of as waste by incineration in an incineration plant approved in accordance with Article 12;
 - b processed in a processing plant approved in accordance with Article 13 using any of processing methods 1 to 5 or, where the competent authority so requires, processing method 1, in which case the resulting material shall be permanently marked, where technically possible with smell, in accordance with Annex VI, Chapter I, and:
 - (i) disposed of as waste either by incineration or by coincineration in an incineration or co-incineration plant approved in accordance with Article 12, or
 - (ii) in the case of rendered fats, further processed into fat derivatives for use in organic fertilizers or soil improvers or for other technical uses, other than in cosmetics, pharmaceuticals and medical devices, in a Category 2 oleochemical plant approved in accordance with Article 14;
 - c processed in a processing plant approved in accordance with Article 13 using processing method 1, in which case the resulting material shall be permanently marked, where technically possible with smell, in accordance with Annex VI, Chapter I, and:
 - (i) in the case of resulting proteinaceous material, used as an organic fertilizer or soil improver in compliance with requirements, if any, laid down in accordance with the procedure referred to in Article 33(2), after consultation of the appropriate scientific committee,
 - (ii) transformed in a biogas plant or in a composting plant approved in accordance with Article 15, or
 - (iii) disposed of as waste by burial in a landfill approved under Directive 1999/31/EC;
 - d in the case of material of fish origin, ensiled or composted in compliance with rules adopted in accordance with the procedure referred to in Article 33(2);
 - e in the case of manure, digestive tract content separated from the digestive tract, milk and colostrum, if the competent authority does not consider them to present a risk of spreading any serious transmissible disease:
 - (i) used without processing as raw material in a biogas plant or in a composting plant approved in accordance with Article 15 or treated in a technical plant approved for this purpose in accordance with Article 18,
 - (ii) applied to land in accordance with this Regulation, or
 - (iii) transformed in a biogas plant or composted in accordance with rules laid down under the procedure referred to in Article 33(2);

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- f in the case of entire bodies or parts of wild animals not suspected of being infected with diseases communicable to humans or animals, used to produce game trophies in a technical plant approved for this purpose in accordance with Article 18; or
 - g disposed of by other means, or used in other ways, in accordance with rules laid down under the procedure referred to in Article 33(2), after consultation of the appropriate scientific committee. These means or ways may either supplement or replace those provided for in subparagraphs (a) to (f).
- 3 Intermediate handling or storage of Category 2 material, other than manure, shall take place only in Category 2 intermediate plants approved in accordance with Article 10.
- 4 Category 2 material shall not be placed on the market or exported except in accordance with this Regulation or with rules laid down under the procedure referred to in Article 33(2).

Article 6

Category 3 material

- 1 Category 3 material shall comprise animal by-products of the following description, or any material containing such by-products:
- a parts of slaughtered animals, which are fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons;
 - b parts of slaughtered animals, which are rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that are fit for human consumption in accordance with Community legislation;
 - c hides and skins, hooves and horns, pig bristles and feathers originating from animals that are slaughtered in a slaughterhouse, after undergoing ante-mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;
 - d blood obtained from animals other than ruminants that are slaughtered in a slaughterhouse, after undergoing ante-mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;
 - e animal by-products derived from the production of products intended for human consumption, including degreased bones and greaves;
 - f former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals;
 - g raw milk originating from animals that do not show clinical signs of any disease communicable through that product to humans or animals;
 - h fish or other sea animals, except sea mammals, caught in the open sea for the purposes of fishmeal production;
 - i fresh by-products from fish from plants manufacturing fish products for human consumption;
 - j shells, hatchery by-products and cracked egg by-products originating from animals which did not show clinical signs of any disease communicable through that product to humans or animals;

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- k blood, hides and skins, hooves, feathers, wool, horns, hair and fur originating from animals that did not show clinical signs of any disease communicable through that product to humans or animals; and
 - l catering waste other than as referred to in Article 4(1)(e).
- 2 Category 3 material shall be collected, transported and identified without undue delay in accordance with Article 7 and, except as otherwise provided in Articles 23 and 24, shall be:
- a directly disposed of as waste by incineration in an incineration plant approved in accordance with Article 12;
 - b processed in a processing plant approved in accordance with Article 13 using any of processing methods 1 to 5, in which case the resulting material shall be permanently marked, where technically possible with smell, in accordance with Annex VI, Chapter I, and disposed of as waste either by incineration or by co-incineration in an incineration or co-incineration plant approved in accordance with Article 12 or in a landfill approved under Directive 1999/31/EC;
 - c processed in a processing plant approved in accordance with Article 17;
 - d transformed in a technical plant approved in accordance with Article 18;
 - e used as raw material in a petfood plant approved in accordance with Article 18;
 - f transformed in a biogas plant or in a composting plant approved in accordance with Article 15;
 - g in the case of catering waste referred to in paragraph 1(l), transformed in a biogas plant or composted in accordance with rules laid down under the procedure referred to in Article 33(2) or, pending the adoption of such rules, in accordance with national law;
 - h in the case of material of fish origin, ensiled or composted in accordance with rules laid down under the procedure referred to in Article 33(2); or
 - i disposed of by other means, or used in other ways, in accordance with rules laid down under the procedure referred to in Article 33(2), after consultation of the appropriate scientific committee. These means or ways may either supplement or replace those provided for in subparagraphs (a) to (h).
- 3 Intermediate handling or storage of Category 3 material shall take place only in Category 3 intermediate plants approved in accordance with Article 10.

Article 7

Collection, transportation and storage

- 1 Animal by-products and processed products, with the exception of Category 3 catering waste shall be collected, transported and identified in accordance with Annex II.
- 2 During transportation, a commercial document or, when required by this Regulation, a health certificate, shall accompany animal by-products and processed products. Commercial documents and health certificates shall satisfy the requirements, and be kept for the period, specified in Annex II. They shall, in particular, include information concerning the quantity and a description of the material and its marking.
- 3 Member States shall ensure that adequate arrangements exist to guarantee the collection and transportation of Category 1 and Category 2 material in accordance with Annex II.
- 4 In accordance with Article 4 of Council Directive 75/442/EEC of 15 July 1975 on waste⁽⁴⁾, Member States shall take the necessary measures to ensure that Category 3 catering

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waste is collected, transported and disposed of without endangering human health and without harming the environment.

5 The storage of processed products shall take place only in storage plants approved in accordance with Article 11.

6 However, Member States may decide not to apply the provisions of this Article to manure transported between two points located on the same farm or between farms and users located in the same Member State.

Article 8

Dispatch of animal by-products and processed products to other Member States

1 Animal by-products and processed products shall be sent to other Member States only subject to the conditions laid down in paragraphs 2 to 6.

2 The Member State of destination must have authorised the receipt of Category 1 material, Category 2 material, processed products derived from Category 1 or Category 2 material and processed animal protein. Member States may make the application of processing method 1 prior to dispatch a condition of authorisation.

3 Animal by-products, and processed products referred to in paragraph 2, shall be:

- a accompanied by a commercial document or, when required by this Regulation, a health certificate, and
- b conveyed directly to the plant of destination, which must have been approved in accordance with this Regulation.

4 When Member States send Category 1 material, Category 2 material, processed products derived from Category 1 or Category 2 material and processed animal protein to other Member States, the competent authority of the place of origin shall inform the competent authority of the place of destination of each consignment by means of the ANIMO system, or by another method by mutual agreement. The message shall contain the information specified in Annex II, Chapter I, paragraph 2.

5 When informed of its dispatch in accordance with paragraph 4, the competent authority of the place of destination shall inform the competent authority of the place of origin of the arrival of each consignment by means of the ANIMO system, or by another method by mutual agreement.

6 Member States of destination shall ensure, through regular checks, that the designated plants on their territory use consignments only for authorised purposes and keep full records demonstrating compliance with this Regulation.

Article 9

Records

1 Any person consigning, transporting or receiving animal by-products shall keep a record of consignments. Records shall contain the information, and be kept for the period, specified in Annex II.

2 However, this Article shall not apply to manure transported between two points located on the same farm or locally between farms and users located in the same Member State.

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- (1) OJ L 358, 18.12.1986, p. 1.
- (2) OJ L 125, 23.5.1996, p. 10.
- (3) OJ L 182, 16.7.1999, p. 1.
- (4) OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

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