

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Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption (repealed)

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products not intended for human consumption (repealed)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4)(b) thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(3)</sup>, in the light of the joint text approved by the Conciliation Committee on 12 September 2002.

Whereas:

- (1) Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive 90/425/EEC<sup>(4)</sup> established the principle that all animal waste, regardless of its source, may be used for the production of feed material following appropriate treatment.
- (2) The Scientific Steering Committee has adopted a number of opinions since the adoption of that Directive. Their main conclusion is that animal by-products derived from animals not fit for human consumption following health inspection should not enter the feed chain.
- (3) In the light of those scientific opinions, a distinction should be drawn between the measures to be implemented, depending on the nature of animal by-products used. The possible uses of certain animal materials should be limited. Rules should be laid down for the use of animal by-products other than in feed and for their disposal.
- (4) In the light of the experience gained in recent years, it is appropriate to clarify the relationship between Directive 90/667/EEC and Community environmental legislation. This Regulation should not affect the application of existing environmental legislation or hinder the development of new rules on environmental protection, particularly as regards biodegradable waste. In this regard, the Commission has given a commitment that by the end of the year 2004 a Directive on biowaste, including catering waste,

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will be prepared with the aim of establishing rules on safe use, recovery, recycling and disposal of this waste and of controlling potential contamination.

- (5) The International Scientific Conference on Meat-and-Bone Meal organised by the Commission and the European Parliament, held in Brussels on 1 and 2 July 1997, initiated a debate concerning the production and feeding of meat-and-bone meal. The Conference called for further reflection on the future policy in this area. In November 1997, to launch the widest possible public debate about the future of the Community's feed legislation, the Commission finalised a consultation paper on meat-and-bone meal. Following that consultation, it appears that there is a general recognition of the need to amend Directive 90/667/EEC to bring it in line with the new scientific information.
- (6) The European Parliament, in its resolution of 16 November 2000 on BSE and safety of animal feed<sup>(5)</sup>, called for a ban on the use of animal protein in feed until the present Regulation enters into force.
- (7) Scientific advice suggests that the practice of feeding an animal species with proteins derived from the bodies, or parts of bodies, of the same species presents a risk of spreading disease. As a precautionary measure, this practice should therefore be prohibited. Implementing rules should be adopted to ensure the necessary separation of animal by-products destined for use in feed at every stage of processing, storage and transport. However, there should be scope to establish derogations from this general prohibition in relation to fish and fur animals if justified by scientific advice.
- (8) Catering waste containing products of animal origin can also be a vector for the spread of disease. All catering waste generated from means of transport operating internationally should be disposed of safely. Catering waste produced within the Community should not be used for the feeding of farmed animals other than fur animals.
- (9) From October 1996, the Food and Veterinary Office of the Commission (FVO) carried out a number of rounds of inspections in Member States, to assess the presence and management of main risk factors and surveillance procedures with regard to BSE. Part of the assessment covered the systems of commercial rendering and other methods of animal waste disposal. General conclusions and a number of recommendations were drawn up following those inspections, with particular reference to the traceability of animal by-products.
- (10) To avoid any risk of dispersal of pathogens and/or residues, animal by-products should be processed, stored and kept separated in an approved and supervised plant designated by the Member State concerned or be disposed of in a suitable manner. In certain circumstances, especially when it is justified by distance, time of transport, or capacity problems, the designated processing, incineration or co-incineration plant could be located in another Member State.
- (11) Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste<sup>(6)</sup> does not apply to incineration plants if the waste treated consists solely of animal carcasses. It is necessary to lay down minimum requirements for such incineration plants to protect animal and public health. Pending the adoption of Community requirements, Member States may adopt environmental

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legislation for such plants. Less strict requirements should apply to low-capacity incineration plants, such as those located on farms and at pet crematoria, to reflect the lower risk posed by the material treated and to avoid unnecessary transport of animal by-products.

- (12) Specific rules should be laid down on controls for processing plants, with particular reference to detailed procedures for the validation of processing methods and for self-supervision of production.
- (13) Derogations from the rules on the use of animal by-products may be appropriate to facilitate the feeding of animals not destined for human consumption. The competent authorities should control such uses.
- (14) Derogations may also be appropriate to permit the disposal of animal by-products on site in controlled circumstances. The Commission should receive the information necessary to enable it to monitor the situation and to lay down implementing rules if appropriate.
- (15) Community inspections should be carried out in the Member States to ensure uniform implementation of the health requirements. Such inspections should also include audit procedures.
- (16) The basis for Community legislation on health issues is sound science. To this end, the relevant scientific committees set up by Commission Decisions 97/404/EC<sup>(7)</sup> and 97/579/EC<sup>(8)</sup> should be consulted wherever necessary. In particular, further scientific advice is required on the use of products of animal origin in organic fertilisers and soil improvers. Pending the adoption of Community rules in the light of this advice, Member States may maintain or adopt national rules that are stricter than those envisaged in this Regulation, provided that such rules comply with other applicable Community legislation.
- (17) A wide variety of approaches exists in Member States as regards the financial support for processing, collection, storage and disposal of animal by-products. To ensure that the conditions of competition between agricultural products are not affected, it is necessary to carry out an analysis and, if necessary, to take appropriate measures at Community level.
- (18) In the light of the above, a fundamental revision of the Community rules applicable to animal by-products appears to be necessary.
- (19) Animal by-products not destined for human consumption (in particular processed animal protein, rendered fats, petfood, hides and skins and wool) are included in the list of products in Annex I to the Treaty. The placing on the market of such products constitutes an important source of income for part of the farming population. To ensure rational development in this sector and increase productivity, animal health and public health rules for the products in question should be laid down at Community level. Given the significant risks of the spread of diseases to which animals are exposed, particular requirements should apply to the placing on the market of certain animal by-products, particularly in regions with a high health status.

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- (20) To ensure that products imported from non-member countries are of a hygiene standard which is at least equal or equivalent to the hygiene standard applied by the Community, a system of approval should be introduced for non-member countries and their establishments, together with a Community inspection procedure to ensure that the conditions for such approval are observed. The importation from third countries of petfood and raw material for petfood can take place subject to conditions different from those applicable to such material produced in the Community, in particular as regards the guarantees required concerning the residues of substances prohibited in accordance with Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC<sup>(9)</sup>. To ensure that such petfood and raw material are used only for their intended purpose, it is necessary to lay down appropriate control measures on importation of material covered by such derogations.
- (21) Animal by-products that pass through the Community in transit, and those originating in the Community and destined for export, can create a risk for animal and public health within the Community. Certain requirements laid down by this Regulation should therefore apply to such movements.
- (22) The accompanying document for products of animal origin is the best way of satisfying the competent authority of the place of destination that a consignment complies with the provisions of this Regulation. The health certificate should be maintained for the purposes of verifying the destination of certain imported products.
- (23) Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC<sup>(10)</sup> pursues the abovementioned objectives.
- (24) The Council and the Commission have adopted several Decisions implementing Directives 90/667/EEC and 92/118/EEC. Furthermore, Directive 92/118/EEC has been substantially amended and further amendments are to be made. Consequently, a great number of Community acts currently regulate the animal by-products sector and there is a need for simplification.
- (25) Such simplification will lead to more transparency with regard to specific health rules for products of animal origin not destined for human consumption. Simplification of the specific health legislation must not lead to deregulation. It is therefore necessary to maintain and, to ensure public and animal health protection, to tighten the detailed health rules for products of animal origin not destined for human consumption.
- (26) The products concerned should be subject to the rules for veterinary checks, including checks by experts from the Commission, and any protective measures laid down by Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>(11)</sup>.

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- (27) Effective checks should be carried out on products imported into the Community. This can be achieved by implementing the controls laid down 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 non-member countries<sup>(12)</sup>.
- (28) Directive 90/667/EEC, Council Decision 95/348/EC of 22 June 1995 laying down the veterinary and animal health rules applicable in the United Kingdom and Ireland to the treatment of certain types of waste intended to be marketed locally as feedstuffs for certain animal categories<sup>(13)</sup> and Council Decision 1999/534/EC of 19 July 1999 on measures applying to the processing of certain animal waste to protect against transmissible spongiform encephalopathies and amending Commission Decision 97/735/EC<sup>(14)</sup> should therefore be repealed.
- (29) To take account of technical and scientific progress, close and effective cooperation should be ensured between the Commission and the Member States within the Standing Committee on the Food Chain and Animal Health set up by Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(15)</sup>.
- (30) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(16)</sup>,

HAVE ADOPTED THIS REGULATION:

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- (1) [OJ C 96 E, 27.3.2001, p. 40.](#)
- (2) [OJ C 193, 10.7.2001, p. 32.](#)
- (3) Opinion of the European Parliament of 12 June 2001 ([OJ C 53 E of 28.2.2002, p. 84](#)), Council Common Position of 20 November 2001 ([OJ C 45 E of 19.2.2002, p. 70](#)) and Decision of the European Parliament of 13 March 2002 (not yet published in the Official Journal). Decision of the European Parliament of 24 September 2002 and Council Decision of 23 September 2002.
- (4) [OJ L 363, 27.12.1990, p. 51.](#) Directive as last amended by the 1994 Act of Accession.
- (5) [OJ C 223, 8.8.2001, p. 281.](#)
- (6) [OJ L 332, 28.12.2000, p. 91.](#)
- (7) [OJ L 169, 27.6.1997, p. 85.](#) Decision as amended by Decision 2000/443/EC ([OJ L 179, 18.7.2000, p. 13](#)).
- (8) [OJ L 237, 28.8.1997, p. 18.](#) Decision as amended by Decision 2000/443/EC.
- (9) [OJ L 125, 23.5.1996, p. 3.](#)
- (10) [OJ L 62, 15.3.1993, p. 49.](#) Directive as last amended by Commission Decision 2001/7/EC ([OJ L 2, 5.1.2001, p. 27](#)).
- (11) [OJ L 224, 18.8.1990, p. 29.](#) Directive as last amended by Directive 92/118/EEC.
- (12) [OJ L 24, 30.1.1998, p. 9.](#)
- (13) [OJ L 202, 26.8.1995, p. 8.](#)
- (14) [OJ L 204, 4.8.1999, p. 37.](#)
- (15) [OJ L 31, 1.2.2002, p. 1.](#)
- (16) [OJ L 184, 17.7.1999, p. 23.](#)

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