

Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

TITLE I

GENERAL PROVISIONS

CHAPTER II

Disposal and use of animal by-products and derived products

Section 2

Disposal and use

Article 12

Disposal and use of Category 1 material

Category 1 material shall be:

- (a) disposed of as waste by incineration:
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (b) recovered or disposed of by co-incineration, if the Category 1 material is waste:
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (c) in the case of Category 1 material other than material referred to in Article 8(a)(i) and (ii), disposed of by processing by pressure sterilisation, permanent marking of the resulting material and burial in an authorised landfill;
- (d) in the case of Category 1 material referred to in Article 8(f), disposed of by burial in an authorised landfill;
- (e) used as a fuel for combustion with or without prior processing; or
- (f) used for the manufacture of derived products referred to in Articles 33, 34 and 36 and placed on the market in accordance with those Articles.

Article 13

Disposal and use of Category 2 material

Category 2 material shall be:

- (a) disposed of as waste by incineration:
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (b) recovered or disposed of by co-incineration, if the Category 2 material is waste:
 - (i) directly without prior processing; or
 - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (c) disposed of in an authorised landfill, following processing by pressure sterilisation and permanent marking of the resulting material;
- (d) used for the manufacturing of organic fertilisers or soil improvers to be placed on the market in accordance with Article 32 following processing by pressure sterilisation, when applicable, and permanent marking of the resulting material;
- (e) composted or transformed into biogas:
 - (i) following processing by pressure sterilisation and permanent marking of the resulting material; or
 - (ii) in the case of manure, digestive tract and its content, milk, milk-based products, colostrum, eggs and egg products which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;
- (f) applied to land without processing, in the case of manure, digestive tract content separated from the digestive tract, milk, milk-based products and colostrum which the competent authority does not consider to present a risk for the spread of any serious transmissible disease;
- (g) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (h) used as a fuel for combustion with or without prior processing; or
- (i) used for the manufacture of derived products referred to in Articles 33, 34 and 36 and placed on the market in accordance with those Articles.

Article 14

Disposal and use of Category 3 material

Category 3 material shall be:

- (a) disposed of as waste by incineration, with or without prior processing;
- (b) recovered or disposed of by co-incineration, with or without prior processing, if the Category 3 material is waste;
- (c) disposed of in an authorised landfill, following processing;
- (d) processed, except in the case of Category 3 material which has changed through decomposition or spoilage so as to present an unacceptable risk to public or animal health, through that product, and used:
 - (i) for the manufacturing of feed for farmed animals other than fur animals, to be placed on the market in accordance with Article 31, except in the case of material referred to in Article 10(n), (o) and (p);
 - (ii) for the manufacturing of feed for fur animals, to be placed on the market in accordance with Article 36;
 - (iii) for the manufacturing of pet food, to be placed on the market in accordance with Article 35; or
 - (iv) for the manufacturing of organic fertilisers or soil improvers, to be placed on the market in accordance with Article 32;
- (e) used for the production of raw petfood, to be placed on the market in accordance with Article 35;
- (f) composted or transformed into biogas;
- (g) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (h) in the case of shells from shellfish, other than those referred to in Article 2(2)(f), and egg shells, used under conditions determined by the competent authority which prevent risks arising to public and animal health;
- (i) used as a fuel for combustion with or without prior processing;
- (j) used for the manufacture of derived products referred to in Articles 33, 34 and 36 and placed on the market in accordance with those Articles;
- (k) in the case of catering waste referred to in Article 10(p) processed by pressure sterilisation or by processing methods referred to in point (b) of the first subparagraph of Article 15(1) or composted or transformed into biogas; or
- (l) applied to land without processing, in the case of raw milk, colostrum and products derived therefrom, which the competent authority does not consider to present a risk of any disease communicable through those products to humans or animals.

Article 15

Implementing measures

1 Measures for the implementation of this Section may be laid down relating to the following:

- a special conditions for the on-board handling and the disposal of material derived from on-board evisceration of fish showing signs of disease, including parasites, that are communicable to humans;
- b processing methods for animal by-products other than pressure sterilisation, in particular as regards the parameters to be applied for those processing methods, in particular the time, temperature, pressure and size of particles;
- c parameters for the transformation of animal by-products, including catering waste, into biogas or compost;
- d conditions for the incineration and co-incineration of animal by-products and derived products;
- e conditions for the combustion of animal by-products and derived products;
- f conditions for the generation and handling of animal by-products referred to in Article 10(c);
- g ensilage of material originating from aquatic animals;
- h permanent marking of animal by-products;
- i the application to land of certain animal by-products, organic fertilisers and soil improvers;
- j the use of certain animal by-products for feeding to farmed animals; and
- k the level of risk to public or animal health with respect to certain material which is considered as unacceptable as referred to in Article 14(d).

Those measures designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 52(4).

- 2 Pending the adoption of rules referred to:
- a in points (c), (f) and (g) of the first subparagraph of paragraph 1, Member States may adopt or maintain national rules for:
 - (i) the generation and handling of animal by-products referred to in Article 10(c);
 - (ii) the transformation of animal by-products referred to in Article 10(p); and
 - (iii) for the ensilage of material originating from aquatic animals;
 - b in point (a) of the first subparagraph of paragraph 1, animal by-products referred to therein may be disposed of at sea, without prejudice to Community environmental legislation.