

Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (Text with EEA relevance)

## CHAPTER II

### DISPOSAL AND USE OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS

#### *[<sup>F1</sup> Article 6]*

#### **Disposal by incineration, disposal or recovery by co-incineration and use as a fuel for combustion**

1 The competent authority shall ensure that incineration and co-incineration of animal by-products and derived products shall only take place:

- a in incineration plants and co-incineration plants which have been granted a permit in accordance with [<sup>F2</sup>the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations 2012]; or
- b for plants not required to have a permit under [<sup>F3</sup>the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations 2012], in incineration and co-incineration plants which have been approved by the competent authority to carry out disposal by incineration, or disposal or recovery of animal by-products or derived products, if they are waste, by co-incineration, in accordance with Article 24(1)(b) or (c) of Regulation (EC) No 1069/2009.

2 The competent authority shall only approve incineration plants and co-incineration plants as referred to in point 1(b), in accordance with Article 24(1)(b) or (c) of Regulation (EC) No 1069/2009, if they comply with the requirements set out in Annex III hereto.

3 Operators of incineration plants and co-incineration plants shall comply with the general requirements for incineration and co-incineration set out in Chapter I of Annex III.

4 Operators of high-capacity incineration and co-incineration plants shall comply with the requirements of Chapter II of Annex III.

5 Operators of low-capacity incineration and co-incineration plants shall comply with the requirements of Chapter III of Annex III.

[<sup>F4</sup>6 Operators shall ensure that combustion plants other than those referred to in Section 2 of Chapter IV of Annex IV, under their control in which animal by-products or derived products are used as a fuel, comply with the general conditions and specific requirements set out in Chapters IV and V of Annex III respectively and are approved by the competent authority in accordance with Article 24(1)(d) of Regulation (EC) No 1069/2009.

7 The competent authority shall only approve combustion plants referred to in paragraph 6 for the use of animal by-products and derived products as fuel for combustion, provided that:

- a the combustion plants fall within the scope of Chapter V of Annex III hereto;

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 142/2011, Article 6. (See end of Document for details)*

- b the combustion plants comply with all the relevant general conditions and specific requirements set out in Chapters IV and V of Annex III hereto;
- c administrative procedures are in place to ensure that the requirements for the approval of the combustion plants are checked annually.

[<sup>F58</sup> For the use of manure of farmed animals or meat-and-bone meal as a fuel for combustion as set out in Chapter V of Annex III, the following rules shall apply in addition to those referred to in paragraph 7 of this Article:

- a the application for approval that is submitted by the operator to the competent authority in accordance with Article 24(1)(d) of Regulation (EC) No 1069/2009 must contain evidence certified by the competent authority or by a professional organisation authorised by the competent [<sup>F6</sup>authority], that the combustion plant in which the manure of farmed animals or meat-and-bone meal is used as a fuel meets the requirements laid down in points B(3) for manure, and (D) in case of meat-and-bone meal as well as the requirements set out for both fuels in points B(4) and B(5) of Chapter V of Annex III to this Regulation, without prejudice to the possibility for the competent [<sup>F6</sup>authority] to grant a derogation from compliance with certain provisions in accordance with point C(4) of Chapter V of Annex III;
- b the procedure for approval provided for in Article 44 of Regulation (EC) No 1069/2009 shall not be completed until at least two consecutive checks, one of them unannounced, have been carried out by the competent authority or by a professional organisation authorised by that authority, during the first six months of the operating of the combustion plant, including the necessary temperature and emission measurements. After the results of those checks showed compliance with the requirements set out in points B(3), B(4) and B(5) for manure, and (D) for meat-and-bone meal and, where applicable, with point C(4) or point D(5) of Chapter V of Annex III to this Regulation, full approval can be granted.
- c the combustion of meat-and-bone meal in combustion plants referred to in points A, B and C of Chapter V of Annex III to this Regulation shall not be authorised.]]

#### Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 592/2014 of 3 June 2014 amending Regulation (EU) No 142/2011 as regards the use of animal by-products and derived products as a fuel in combustion plants (Text with EEA relevance).
- F2** Words in Art. 6(1)(a) substituted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **13(7)(a)**
- F3** Words in Art. 6(1)(b) substituted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **13(7)(a)**
- F4** Inserted by Commission Regulation (EU) No 592/2014 of 3 June 2014 amending Regulation (EU) No 142/2011 as regards the use of animal by-products and derived products as a fuel in combustion plants (Text with EEA relevance).
- F5** Substituted by Commission Regulation (EU) 2020/735 of 2 June 2020 amending Regulation (EU) No 142/2011 as regards the use of meat-and-bone meal as a fuel in combustion plants (Text with EEA relevance).
- F6** Word in Art. 6(8)(a) substituted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **13(7)(b)**

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EU) No 142/2011, Article 6.