

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

Article 5

Restrictions on the use of animal by-products and derived products

- 1 Operators in the Member States referred to in Chapter I of Annex II shall comply with the conditions for the feeding of fur animals with certain materials derived from bodies or parts of animals of the same species set out in the same Chapter.
- 2 Operators shall comply with the restrictions on the feeding of farmed animals with herbage from land to which certain organic fertilisers or soil improvers have been applied, as set out in Chapter II of Annex II.

[^{F1}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 Directive 2000/76/EC; or
 - b for plants not required to have a permit under Directive 2000/76/EC, 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.

Status: Point in time view as at 02/08/2017.

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

[^{F26} 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;
- 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.

[^{F38} For the use of manure of farmed animals 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 authorities of the Member State, that the combustion plant in which the manure of farmed animals is used as a fuel fully meets the requirements laid down in points B(3), B(4) and B(5) of Chapter V of Annex III to this Regulation, without prejudice to the possibility for the competent authorities of the Member State 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) and, where applicable, with point C(4) of Chapter V of Annex III to this Regulation, full approval can be granted.]]

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** 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).
- F3** Substituted by Commission Regulation (EU) 2017/1262 of 12 July 2017 amending Regulation (EU) No 142/2011 as regards the use of manure of farmed animals as a fuel in combustion plants (Text with EEA relevance).

Status: Point in time view as at 02/08/2017.

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

Article 7

Landfilling of certain Category 1 and 3 materials

By way of derogation from Article 12 and Article 14(c) of Regulation (EC) No 1069/2009, the competent authority may authorise the disposal of the following Category 1 and 3 materials in an authorised landfill:

- (a) imported petfood or petfood produced from imported materials, from Category 1 material referred to in Article 8(c) of Regulation (EC) No 1069/2009;
- (b) Category 3 material referred to in Article 10(f) and (g) of Regulation (EC) No 1069/2009, provided that:
 - (i) such materials have not been in contact with any of the animal by-products referred to in Articles 8 and 9 and Article 10(a) to (e) and (h) to (p) of that Regulation;
 - (ii) at the time when they are destined for disposal, the materials:
 - referred to in Article 10(f) of that Regulation have undergone processing as defined in Article 2(1)(m) of Regulation (EC) No 852/2004, and
 - referred to in Article 10(g) of that Regulation have been processed in accordance with Chapter II of Annex X hereto or in accordance with the specific requirements for petfood set out in Chapter II of Annex XIII hereto; and
 - (iii) the disposal of such materials does not pose a risk to public or animal health.

Article 8

Requirements for processing plants and other establishments

1 Operators shall ensure that processing plants and other establishments under their control comply with the following requirements set out in Chapter I of Annex IV:

- a the general conditions for processing set out in Section 1;
- b the requirements for wastewater treatment set out in Section 2;
- c the specific requirements for the processing of Category 1 and 2 materials set out in Section 3;
- d the specific requirements for the processing of Category 3 materials set out in Section 4.

2 The competent authority shall only approve processing plants and other establishments, if they comply with the conditions laid down in Chapter I of Annex IV.

Article 9

Hygiene and processing requirements for processing plants and other establishments

Operators shall ensure that establishments and plants under their control comply with the following requirements set out in Annex IV:

- (a) the hygiene and processing requirements set out in Chapter II;

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- (b) the standard processing methods set out in Chapter III, provided such methods are used in the establishment or plant;
- (c) the alternative processing methods set out in Chapter IV, provided such methods are used in the establishment or plant.

Article 10

Requirements regarding the transformation of animal by-products and derived products into biogas and composting

1 Operators shall ensure that establishments and plants under their control comply with the following requirements for the transformation of animal by-products and derived products into biogas or for composting set out in Annex V:

- a the requirements applicable to biogas and composting plants set out in Chapter I;
- b the hygiene requirements applicable to biogas and composting plants set out in Chapter II;
- c the standard transformation parameters set out in Section 1 of Chapter III;
- d the standards for digestion residues and compost set out in Section 3 of Chapter III.

2 The competent authority shall only approve biogas and composting plants, if they comply with the requirements laid down in Annex V.

3 The competent authority may authorise the use of alternative transformation parameters for biogas and composting plants subject to the requirements set out in Section 2 of Chapter III of Annex V.

Status:

Point in time view as at 02/08/2017.

Changes to legislation:

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