Your reference:

Our reference:

Organisations on the attached list

03 July 2002

Dear Sir/Madam

Animal By-products Regulation

I wrote to you on 17 April with details of the European Parliament’s proposed amendments to the common position on the EU Animal By-Products Regulation.

Discussions on the amendments have now taken place between the Council and the Parliament and a compromise has been reached (attached). There appears to be sufficient support for this compromise to enable the Regulation to be adopted in September/October 2002. It will then apply in member States seven to eight months later, ie in the second quarter of 2003.

Separately, the European Commission asked member States to submit requests for any transitional measures that they will need when the Regulation comes into force. The UK has asked for transition periods in relation to -

- small (less than 50 kg/hour) incinerators which do not burn specified risk material;
- the use in animal feed of used cooking oils; and
- rendering plants which are in the same building as slaughterhouses.

We have also suggested that current separation procedures in relation to oleochemical plants which process tallow are sufficient to achieve compliance with the Regulation, and have asked for a transition period if that case is not accepted. We have not asked for a transition period to permit the land application of blood to continue. Further details are below.
Small incinerators

The UK has a large number of small incinerators which operate at less than 50 kg/hour and which incinerate only animal by-products which are produced on the premises. These incinerators operate under the controls in place to comply with the Waste Framework Directive and are mainly used on pig and poultry farms to dispose of fallen stock. There are about 2,500 incinerators. With such a large number of premises to inspect, approval will be a very time-consuming exercise. We have therefore asked for a transition period of at least two years (to the end of 2004) to enable us to inspect all the relevant premises.

It will be for the Commission to propose the measures that should apply during the transition period, and that proposal will then be subject to negotiation by member States. However, we have suggested that the inspection process should start as early as possible in the transition period. During that period, certain minimum requirements should apply to ensure that all operations meet basic hygiene and technical standards eg that the animal by-products are handled and stored safely, the incinerators reduce animal by-products to dry ash, the ash is disposed of properly and records are kept. In year one, inspections would be carried out to check compliance with those standards and to advise on any action necessary to ensure compliance with the full requirements of the Regulation. Such minimum standards would need legal force so that we could prevent operation of the incinerator in the event of non-compliance. In year two, inspections would check compliance with the full requirements of the Regulation. To allow time for any further corrective action to be taken, we suggested that the full requirements of the Regulation should apply to individual incinerators from 3 months after the competent authority has inspected them or the end of the transition period, whichever is the sooner.

Used cooking oils

The Regulation will ban the feeding to livestock of catering waste, including used cooking oils from restaurants and catering facilities. Although we support a ban on swill-feeding, an immediate ban on the use in animal feed of used cooking oils would have serious environmental consequences as alternative outlets would not be immediately or fully in place in the UK. It would also have financial implications for catering establishments, the collectors and processors of used cooking oils and the animal feed industry. We have therefore asked for a transition period of two years (to the end of 2004).

Although we originally asked the Commission for a four year transition period, we held subsequent discussions with those offering potential alternative outlets such as biodiesel production and burning as fuel to generate electricity. Those discussions suggested that such a long transition period is unnecessary and that a smooth change-over can be made much earlier. For example, sufficient biodiesel production to handle
all the oils could be on-stream within 18-24 months of a date for the ban being agreed. We also face environmental targets which encourage an earlier phase-out. Most of those offering alternative outlets expect to be able to either maintain the current pricing structure or to increase the cost to restaurants only slightly.

Rendering plants in the same building as slaughterhouses

The European Parliament proposed that rendering plants which are on the same site as a slaughterhouse should be in a completely separate building, rather than in a separate part of the same building. Although these plants are approved as rendering plants, they might more accurately be described as fat melters. They melt fats which are removed in the slaughter process to produce a high quality tallow. During discussions on this amendment, the UK argued that such a change was unnecessary for plants which handled only Category 3 material. However, it seems likely that the amendment will be adopted as part of the compromise necessary to secure adoption of the Regulation. We therefore asked for a transition period of at least three years to enable the plants concerned to make the necessary structural changes.

Use of tallow in oleochemical plants

The Regulation appears to require the physical separation of equipment which processes Category 2 and 3 tallow if the resulting tallow derivatives are to be used for both technical purposes (Category 2 or 3 tallow) and non-technical purposes (Category 3 tallow only). We have described our current procedures, which are designed to ensure compliance with Decision 98/256/EC which prohibits the export of UK bovine tallow for use in animal feed, pharmaceuticals and cosmetics. These procedures have been deemed by the European Directorate for the Quality of Medicines to offer sufficient guarantees in respect of tallow derivatives for use in pharmaceutical products. We have therefore asked the Commission to consider the procedures to be adequate for the purposes of the Animal By-Products Regulation. If they do not consider them acceptable, we have asked for a transition period of at least two years to enable the necessary structural changes to be made.

Land application of blood

We were asked to request a transition period to enable the land application of blood from slaughterhouses to continue, pending the installation of sufficient processing capacity for that blood. However, we understand that sufficient processing capacity is to be brought on-stream before application of the Regulation and do not therefore consider there to be any justification for a delay in the introduction of the controls on blood.
The next steps

The Commission intends to propose transitional measures in relation to used cooking oils and the swill-feeding of catering waste so that they can be adopted before 01 November 2002. If rules are not adopted before that date, the ban in the Classical Swine Fever Directive will come into force and ban the feeding of this material to pigs. The remaining transitional measures will be proposed thereafter, and in time to apply from the date of application of the Regulation in member States.

The Commission has indicated that transitional measures will only be granted to those member States that ask for them. Thus, while Germany and Austria are expected to ask for a transition period in relation to the swill-feeding of catering waste containing meat, other member States will be free to maintain their existing bans on the practice. In the UK, we intend to maintain our ban on the swill-feeding of catering waste.

Fallen stock

We are aware that, by banning routine burial and burning, the Regulation will increase the difficulties that the livestock industry faces in disposing of its fallen stock. We are therefore holding discussions with livestock and disposal industry stakeholders with the aim of establishing a national collection and disposal service for fallen stock that is acceptable and affordable.

Other issues

The Commission has also responded to our letter which asked for a progress report on various issues. It noted that the Commission is finalising a position on what are considered to be “animal carcases” within the meaning of the Waste Framework Directive. Once finalised, this will allow the Commission to –

- clarify whether the Waste Incineration Directive or the Animal By-Products Regulation will apply to incinerators which burn parts of carcases such as specified risk material; and

- clarify the relationship between the Framework Directive on Waste and the Animal By-Products Regulation in respect of burial and burning in remote areas and on the use of landfill sites to dispose of carcases in the event of an outbreak of notifiable disease.

The Commission has also sought the opinion of the EU Scientific Steering Committee on a number of issues –

- whether there are health risks from the feeding of fish meal obtained from wild fish to farmed fish;
• the UK’s risk assessment on the use of small incinerators to incinerate specified risk material;
• Spain’s risk assessment on the feeding of Category 1 material to necrophagous birds; and
• the conditions under which burial and burning can be safely achieved.

It is not known when the SSC might deliver its opinions, but it is expected that they will be available in sufficient time to enable the Commission to propose any necessary transitional or implementing measures before the application of the Regulation.

Yours sincerely

Sue Bolton
BSE Division
List of consultees

Association of British Abattoir Operators
Association of British Pharmaceutical Industry
Association of Circus Proprietors in Great Britain
Association of Independent Meat Suppliers
Association of Private Pet Cemeteries and Crematoria
Bolton Emery Partnership
Richard Brickell
British Bait Breeders’ Association
British Biogen
British Cattle Veterinary Association
British Egg Industry Council
British Free Range Egg Producers’ Association
British Hospitality Association
British Leather Confederation
British Meat Manufacturers’ Association
British Meat Federation
British Multiple Retailers Association
British Pig Association
British Poultry Council
British Restaurant Association
British Retail Consortium
British Trout Association
Butler Kelly Ltd
Caterers Association of Great Britain
John Clarke
CLC
Combustion Engineering Association
Consumers Association
Consumers in the EC Group
Cosmetics, Toiletries and Perfumery Association
Compost Association
Country Landowners’ Association
Croda Colloids Ltd
Croda Universal Ltd
David Border Composting Consultancy
Devro plc
Ellendale Engineering
Environmental Services Association
European Oleochemicals & Allied Products Group
Evans Universal Ltd
FACE
Feed Fat Association
Fertiliser Manufacturers Association
Food and Drink Federation
Grain & Feed Trade Association
Guild of Taxidermists
Hoofmark Organics
Institute of Waste Management
International Fish Meal and Fish Oil Organisation
KJ Engineering
Licensed Animal Slaughterers’ & Salvage Association
Local Authorities’ Co-ordinating Body on Food & Trading Standards
Master of Foxhounds’ Association
Meat & Livestock Commission
National Consumer Council
National Edible Oil Distributers Association
National Farmers’ Union
National Federation of Meat and Food Traders
National Gamekeepers’ Organisation
National & Local Government Association
National Pharmaceutical Association
National Pig Association
National Renderers’ Association
Petfood Manufacturers’ Association
Refractory Concretes Ltd
RES Agriparts Ltd
Richard Nugent
Sea Fish Industry Authority
Sim Engineering Ltd
Skin, Hide & Leather Trades’ Association
Small Abattoir Federation
Soap & Detergent Industry Association
UK Agricultural Supply Trade Association
UK Association of Frozen Food Producers
UK Egg Producers’ Association
UK Fish Meal Manufacturers’ Association
UK Renderers’ Association
Uniqema
Waste Food Feeders Association
WCTS
William White Fabrications Ltd
Women’s Farming Union
Women’s National Commission