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Subject: COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EU) No 142/2011 as regards parameters for the transformation of animal by-products into biogas or compost, conditions for imports of petfood and for the export of processed manure

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Delegations will find attached document D047366/02.

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Brussels, **XXX**  
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[...] (2016) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of XXX**

**amending Regulation (EU) No 142/2011 as regards parameters for the transformation of animal by-products into biogas or compost, conditions for imports of petfood and for the export of processed manure**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Regulation (EU) No 142/2011 as regards parameters for the transformation of animal by-products into biogas or compost, conditions for imports of petfood and for the export of processed manure**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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<sup>1</sup>, and in particular Article 15(1)(c), Article 27(g), Article 41(3) and the second subparagraph of Article 43(3) thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011<sup>2</sup> lays down rules implementing Regulation (EC) No 1069/2009, including parameters for the transformation of animal by-products into biogas or compost, conditions for the placing on the market of imported pet food and rules for the export of Category 2 materials.
- (2) Annex V to Regulation (EU) No 142/2011 sets out standards for the transformation of animal by-products into biogas and compost. In accordance with point 3(b) of Section 2 of Chapter III of Annex V, the competent authority may under certain conditions authorise specific requirements other than those set out in Chapter III.
- (3) However, the digestion residues and the compost in such cases should be placed on the market only in the Member State where the alternative transformation parameters have been authorised. In order to provide the competent authority with the necessary flexibility in the way they regulate the biogas and compost plants mentioned in point 3 of Section 2 of Chapter III of Annex V to Regulation (EU) No 142/2011, it is appropriate to exclude from the standards set out in point 2 of Section 3 of Chapter III those digestion residues and compost, for which the Member State has already

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<sup>1</sup> OJ L 300, 14.11.2009, p. 1.

<sup>2</sup> 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 (OJ L 54, 26.2.2011, p. 1).

authorised alternative transformation parameters. Annex V to Regulation (EU) No 142/2011 should therefore be amended accordingly.

- (4) Member States may authorise the import of animal by-products and derived products only from authorised third countries. Member States may authorise the import of raw petfood derived from fishery by-products from non-EU countries authorised for the import of fishery products for human consumption in accordance with Annex II to Decision 2006/766/EC. This is not the case for imports of processed petfood derived from fishery by-products. In that respect, the import of processed petfood derived from fishery by-products is subject to stricter conditions than the import of raw petfood derived from fishery by-products. It is appropriate to authorise the import of processed petfood derived from fishery by-products from all non-EU countries authorised for the import raw petfood derived from fishery by-products. Table 2 of Section 1 of Chapter II of Annex XIV to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (5) The export of processed manure destined for incineration or disposal in a landfill is prohibited. However, in accordance with Article 43(2) and (3) of Regulation (EC) No 1069/2009 the export of that material for use in biogas or composting plants may be allowed provided that the country of destination is a member of the Organisation for Economic Co-operation and Development (OECD). In order to allow the export of processed manure and organic fertilizers containing solely processed manure, it is appropriate to lay down the rules for the export of those products for purposes other than incineration, landfill, or use in biogas or composting plants in the countries which are not members of OECD. Those rules should set out requirements at least equivalent to the requirements for the placing on the market of processed manure and organic fertilizers containing solely processed manure. Annex XIV to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

In Article 25 of Regulation (EU) No 142/2011, the following paragraph is added:

- "4. The rules set out in Chapter V of Annex XIV shall apply to exports from the Union of the derived products specified therein."

#### *Article 2*

Annexes V and XIV to Regulation (EU) No 142/2011 are amended in accordance with the text set out in the Annex to this Regulation.

#### *Article 3*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*