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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	17 February 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	D069136/03
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EU) No 142/2011 as regards transitional measures for the export of meat-and-bone meal as a fuel for combustion

Delegations will find attached document D069136/03.

Encl.: D069136/03



Brussels, **XXX**
SANTE/7172/2020
(POOL/G2/2020/7172/7172-EN.docx)
D069136/03
[...](2021) **XXX** draft

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

of **XXX**

**amending Regulation (EU) No 142/2011 as regards transitional measures for the export
of meat-and-bone meal as a fuel for combustion**

(Text with EEA relevance)

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

of **XXX**

amending Regulation (EU) No 142/2011 as regards transitional measures for the export of meat-and-bone meal as a fuel for combustion

(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 1774/2002¹, and in particular the first subparagraph of Article 43(3) thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011² lays down public and animal health rules for placing on the market and export of animal by-products and derived products.
- (2) Article 12 of Regulation (EC) No 1069/2009 in conjunction with Article 7(2) of that Regulation stipulate that Category 1 meat-and-bone meal (MBM) is to be disposed of by incineration, co-incineration or landfill or may be used as a fuel for combustion to prevent the re-entry into and the contamination of the feed chain.
- (3) The competent authorities of Ireland communicated their plans to have established own combustion capacities for MBM of Category 1 materials by the end of 2023, and requested that during a transitional period traditional trade flows of MBM of Category 1 materials intended for disposal in the United Kingdom be authorised.
- (4) After assessing Ireland's request, the Commission, given the particular geographical situation of that Member State, considers it necessary to establish rules in Chapter V of Annex XIV to Regulation (EU) No 142/2011 on the basis of which Ireland may authorise the export to the United Kingdom of MBM of Category 1 materials complying with the requirements for the placing on the market for the purpose of combustion until 31 December 2023, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland / Northern Ireland in conjunction with Annex 2 to that Protocol, and subject to Article 6(1) of that Protocol, which allows movements of MBM of Category 1 materials for combustion to other parts of the United Kingdom than Northern Ireland.

¹ OJ L 300, 14.11.2009, p. 1.

² 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).

- (5) Annex XIV to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (6) In order to ensure the continuity of existing trade flows after the end of the transition period, this Regulation should apply from 1 January 2021 and should therefore, as a matter of urgency, enter into force on the third day following that of its publication in the Official Journal of the European Union.
- (7) 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

Chapter V of Annex XIV to Regulation (EU) No 142/2011 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2021.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN