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

of **XXX**

**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)

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

of **XXX**

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)

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 Article 15(1)(e) and point (i) of the first subparagraph of Article 27 thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011² lays down implementing measures for the public and animal health rules of Regulation (EC) No 1069/2009, including requirements concerning the use of animal by-products and derived products as a fuel in combustion plants.
- (2) Meat-and-bone meal (MBM) is the animal protein derived from the processing of Category 1 or Category 2 materials. For the last decades, MBM has been disposed of as waste by incineration or co-incineration in accordance with Article 12(a) or (b) of Regulation (EC) No 1069/2009. For the sustainable use of energy sources, the industry developed a technology for the use of MBM as a fuel in combustion devices in accordance with Article 12(e) of that Regulation, in order to use the heat generated by that combustion.
- (3) Article 6 of Regulation (EU) No 142/2011 provides for the rules for approval of combustion plants using manure of farmed animals as a fuel for combustion. It is necessary to amend that Article in order to include rules concerning the use of MBM as a fuel for combustion.
- (4) Chapter V of Annex III to Regulation (EU) No 142/2011 sets out rules on the types of plants and fuels that may be used for combustion and specific requirements for particular types of plants. It is appropriate to provide for rules concerning combustion plants in which MBM is used as a fuel for combustion, including emission limits and monitoring requirements. The emissions limits and monitoring requirements applying to combustion plants using poultry manure as a fuel should also apply to combustion

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).

plants with a total rated thermal input not exceeding 50 MW using MBM as a fuel in order to meet the relevant environmental standards.

- (5) This Regulation should be without prejudice to the obligations of Directive 2010/75/EU³ providing for a comprehensive set of rules on integrated prevention and control of pollution arising from industrial activities. This Directive also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment taken as a whole. Installations treating animal-by-products fall under the scope of that Directive provided that their treatment capacity exceeds 10 tonnes per day. The Directive obliges all installations falling under its scope to hold a permit which shall be based on best available techniques (BAT). The BAT conclusions, which are a part of the BAT reference documents published by the European Commission, are the reference for setting permit condition⁴.
- (6) Directive (EU) 2015/2193⁵ introduced emission limit values for certain pollutants into the air from medium combustion plants with a total rated thermal input not exceeding 50 MW, covering all types of solid fuels. In addition, Regulation (EU) No 142/2011 determines comprehensively measures and conditions for combustion of specific animal by-products in such plants. However, the measures and conditions for the use of animal by-products or derived products other than on-farm poultry manure as a fuel in combustion plants were not established at that time. Therefore, it is necessary to set out rules and requirements, including specific emission limits values, for the use of MBM as a fuel in combustion plants with a total rated thermal input not exceeding 50 MW within the framework of the legislation on animal by-products.
- (7) The requirements set out in Regulation (EU) No 142/2011 should be sufficiently stringent to comply with the emission limits for other solid fuels in Directive (EU) 2015/2193. This Regulation also ensures that the possible adverse environmental or human health impacts resulting from incineration of the MBM are not greater than those resulting from the combustion of waste.
- (8) Emission limits values for the use of different materials as a fuel in combustion plants with a total rated thermal input exceeding 50 MW are laid down in Directive 2010/75/EU of the European Parliament and of the Council, which applies in case of the use of animal by-products and derived products, including MBM, as a fuel in such combustion plants.
- (9) Therefore, Article 6 of Regulation (EU) No 142/2011 and Annex III thereto should be amended accordingly.
- (10) This Regulation should allow the competent authorities to grant existing combustion plants a transitional period to comply with the requirements on controlled temperature rising of the exhaust gas, provided that during this transitional period the emissions do not present risks to public and animal health or the environment. The animal by-products legislation does not prevent Member States from applying the relevant

³ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17)

⁴ The reference document on BAT in slaughterhouses and animal by-products Industries was adopted by the European Commission on 15 April 2005. <https://eippcb.jrc.ec.europa.eu/reference/>
It contains provisions for the combustion of meat-and-bone meal.

⁵ Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p. 1).

calculation rules for emission limit values, set out in Directive (EU) 2015/2193, when MBM is combusted together with other fuels or waste.

- (11) 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 6 of Regulation (EU) No 142/2011, paragraph 8 is replaced by the following:

- “8. 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 authorities of the Member State, 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 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) 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.”

Article 2

Annex III to Regulation (EU) No 142/2011 is 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
Ursula VON DER LEYEN