1. Information of the committees on the following points:

a- the meaning of "animal carcasses" for the purpose of exclusion under article 2(1)(b)(iii) of the Waste Framework Directive (WFD) 75/442/EEC;

b- whether "animal carcasses" referred to in article 2(1)(b)(iii) of the WFD are already covered by the Animal By-Products Regulation (ABP) 1774/2002;

c- the shipment of animal by-products including meat and bone meal and rendered fats;

d- the issue of whether or not animal by-products may be considered as "hazardous waste";

e- the conditions of safe burial of animal by-products.


1. Scope of the Regulation

- Transposes the international obligations of the Community (Basel Convention of 1989) and take into account the OECD Council Decision C(92)39;

- Concerns shipments of wastes within the Community (balances the environmental objective with the internal market objective);

- The Regulation applies to shipments of waste as defined in Directive; 75/442/EEC on waste (“any substance or object in the categories set out in Annex I which the holder discards or intends or is required to discard”);
- The Shipments of waste mentioned in Article 2 (1) (b) of Directive 75/442/EEC on waste are excluded where they are already covered by other relevant legislation (excluding: “animal carcasses and the following agricultural waste: faecal matter and other natural, non-dangerous substances used in farming”).

2. **Basic Procedural requirements**

The Applicable regime depends on:

- Whether shipment is for disposal or recovery;

- If it is a shipment for recovery, different procedures apply depending on the type of waste;

- Waste is listed in three lists according to hazardousness:

  **Green list** (for recovery): No control procedures, wastes can be traded as commercial goods, but there are certain information requirements (holder, type of waste, quantity of waste, etc.);

  **Amber list** (for recovery): Control procedure and limited possibility to object on a case-by-case basis and tacit consent;

  **Red list** (for recovery): same as for the amber list, but prior written consent is needed;

For disposal, the same applies to all lists: Control procedure (prior written consent) with possibility to prohibit the shipment in order to implement the principles of proximity, priority for recovery and self-sufficiency by means of general measures or on a case-by-case basis;

- Prior written notification by the notifier (exporter) to all the competent authorities and the consignee (importer);

- Notification shall be effected by means of the consignment note which shall be issued by the competent authority of dispatch;

- Prior written or tacit consent by all the competent authorities (of destination, dispatch and transit);

- Contract regarding the treatment and take back of the waste between the notifier and the consignee;

- Requirement that the treatment facility is authorised to carry out waste treatment operations;

- Financial guarantee by the notifier for shipment and treatment;

- Certificate for receipt of the waste by the consignee within 3 days;

- Certificate of final treatment (recovery or disposal);
- Take back obligation for the notifier and subsequently the competent authority;

- The competent authorities can raise an objection to a shipment based on the reasons listed in Article 3(4) when for disposal (self-sufficiency at national level and proximity principles prevail) and Article 7(4) when for recovery (the internal market takes precedence);

3. Exports out of the Community

- The export of hazardous wastes to countries not applying OECD Council Decision C2001(107) final is prohibited;

- The export of hazardous wastes to countries applying OECD Council Decision C2001(107) final for disposal is prohibited, unless to EFTA countries. For recovery, the control procedure depends on whether the waste features on the green, amber or red lists;

4. Imports into the Community

- Imports for disposal/recovery is prohibited except from Basel/OECD countries respectively, or where there is an agreement in conformity with Article 11 of the Basel Convention (control procedures where imports are allowed).


1. A ban on the recycling of dead animals and condemned material

- Only material fit for human consumption may enter the food/feed chain;

- Processing to higher rendering standards (pressure cooking at 133C/3 bars/20min);

- Dedication of processing facilities to avoid cross-contamination;

- Marking to improve identification and to avoid possible fraud.

2. Alternative disposal methods and uses

- Waste recovery (such as co-incineration in power stations, cement kilns or burning of fat as fuel, use in bio-gas plants to produce gas & bio-fertiliser, composting);

- Safe use as feeds (such as rendering to produce pap and rendered fat for use in petfood) or use as fertilisers, cosmetic or pharmaceutical products, etc.).
3. **Link with environmental legislation**

4. **Re-enforcing controls/traceability**
   - Rules for traceability of products (records keeping, commercial document/health certificate, Hazard Analysis Critical Control Points – HACCP, markers);
   - Official controls (Member States, Food and Veterinary Office);
   - Importation (listing of third countries and approved plans);
   - Import certificates;
   - Equivalency.

5. **The Commission also presented the three categories of Animal By-Products (ABP)** and described the various disposal methods for the three categories of ABP

   Category 1 material: APB presenting TSE risks or unknown risks or risks related to treatment with illegal substances or environmental contaminants

   Category 2 material: ABP presenting risk related to animal diseases (fallen stock) or residues of veterinary drugs

   Category 3 material: ABP from healthy animals following ante/post mortem

C. **After this overview, the Commission consulted the Member States on the “Draft Guidance Note on the Application to Animal By-Products of Community Legislation Regarding Animal and Public Health and Waste”** aimed at clarifying the application of Community legislation regarding animal and public health and waste to animal by-products

   The note clarifies and addresses some common queries on Community animal and public health and waste legislation applicable to the use, management (collection, transport, recovery and disposal) and shipment (transboundary movement of waste within, into and out of the Community) of animal by-products.

   The note if intended for the competent authorities with enforcement responsibilities relating to the uses of animal by-products as well as waste management and waste shipments. It is suggested that they use it to re-enforce co-operation and co-ordination of approaches at national level, as well s between Member States to ensure that adequate intra and inter-government administrative arrangements and
infrastructure are in place guaranteeing supervision and compliance with Community legislation.

The note covers the five main questions presented to the Member States

1. The meaning of "animal carcasses" for the purpose of exclusion under article 2(1)(b)(iii) of the Waste Framework Directive (WFD) 75/442/EEC

“Animal carcases” in the waste legislation refers only to whole discarded bodies of dead animals arising from within the context of agricultural or farming operations and which are excluded from the feed and food chain, and which are not further processed as “by-products” for further uses such as petfood.

The exclusion of “animal carcases” in waste legislation does not refer to whole bodies or parts of animals, which are subject to processing for further uses such as feed or technical purposes.

2. Whether "animal carcasses" referred to in article 2(1)(b)(iii) of the WFD are already covered by the Animal By-Products Regulation (ABP) 1774/2002

The ABP Regulation constitutes the ‘other legislation’ that already covers “animal carcases” in the sense meant by the waste legislation.

As a consequence, the scope of WFP does not cover “animal carcases”, but it does cover other animal by-products (e.g. parts of animals) that are waste, despite them being covered by “other legislation”, given the restrictive interpretation provided in the first advice.

3. The shipment of animal by-products including meat and bone meal and rendered fats

Waste environmental legislation applies when parts of animals and processed products (MBM/rendered fats) are considered as “waste”, which the holder discards or intends or is required to discard via waste disposal or recovery operations. Export of “waste” for disposal is prohibited, except to EFTA countries. Export for recovery operation is also prohibited, except to OECD countries, in line with the Basal export ban.

However, animal and public health legislation applies when parts of animals and processed products (MBM/rendered fats) are intended for further uses as non-prohibited products such as petfood, feed for fur animals, fertilisers, etc. This legislation bans the import from and export to third countries of Category 1 and 2 materials, including EFTA and OECD countries, but authorises the import from and export to any third country of Category 3 material and derived products intended for non-prohibited uses (e.g. petfood, feed for fur animals, fertilisers, etc).
4. The issue of whether or not animal by-products may be considered as "hazardous waste"

The Commission took note of the Member States’ comments on this point and will draft an Advice Note before the end of 2004.

5. The conditions of safe burial of animal by products

The Commission took note of the Member States’ comments on this point and will draft an Advice Note before the end of 2004.

D. Finally, the Commission distributed draft “Procedural Requirements in relation to shipments of waste/animal by-products under the WSR 259/93/EEC and the ABR 1774/2003

N.B. The proposals on which the Committee expressed an opinion are subject to a defined procedure in relation to the formal adoption by the Commission.

Mission reports are available on the Internet at the following address: http://europa.eu.int/comm/food/fs/inspections/vi/reports/index_en.html

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