



Brussels, 10th June 2010

O/ref. : note **N-023-2010-EN-DRAFT Rev.4.**

**RE: ABP Draft implementing rules – Draft UECBV position paper**

The UECBV already welcomed the new Regulation (EC) No 1069/2009 as an improvement due to the introduction of clarifications and flexibilities.

The UECBV also welcomes the draft Regulation laying down implementing rules which is, in general, in the continuity of the Regulation.

It wishes to underline the importance of having clear and practical rules, based on risk assessment and scientific knowledge.

For the sake of further improvement, the UECBV is proposing the following modifications:

**Annex I: “DEFINITIONS”**

«Processed animal proteins» (PAP) are defined while «*meat and bone meal*» is not. Even if we can understand that meat and bone meal is derived from category 1 and 2 ABPs (as opposed to PAPs which are derived from category 3), it could be useful to have a definition.

**Annex II: “END POINT IN THE MANUFACTURING CHAIN”**

The UECBV supports the efforts made to propose examples of “*end point of the manufacturing chain*”. They are useful and should be completed as much as possible. For example:

- ✚ Concerning material mainly valorised by being spread on cultures (such as stercoraire material, manure, sludge, guano), their use is laid down by the environmental legislation at national level, then from which point onwards is it possible to consider the ABP Regulation stops to apply?
- ✚ Regarding the 6mm filter, the material collected from the filter (up-stream) is under the ABP Regulation. It should be made clear that the material collected after the filter (downstream), falls under the environmental legislation.
- ✚ Regarding ABPs for which a treatment of pasteurisation (category 3) or sterilisation (category 2) has been applied, can we consider that the pasteurisation (or sterilisation) is an end point? Indeed, when water is collected from these treatments, this water can be technically treated by the waste water treatment with no sanitary risks.

**Annex V: “DISPOSAL AND RECOVERY”**

• **Section I, chapter II: *Disposal – Incineration and co-incineration – operating conditions.***

- ✚ As it may not be possible to fulfil 850°C in every plant, the proposal is to add a provision stating that “competent authorities may decide on the use of different temperature-time combinations”.

- ✚ Furthermore, cement industry needs a derogation regarding the requirement of the auxiliary burner.

- Section II. Chapitre II. point 2 – *water discharges*  
« *The operator shall, if necessary, ensure that such rainwater and such water can be tested and treated before discharge, when necessary.*»

- ✚ **Following which criteria these tests must be carried out?**

- Section III – *Low-capacity plants*  
“*Incineration and co-incineration plants with a throughput of less than 50 kg of animal by-products per hour (low-capacity plants)*”

- ✚ **How has this threshold of 50kg been fixed? Is it possible to increase it?**

- Section III(a)  
« *only be used for the disposal of animal by-products as referred to in Article 8(b) of the Animal By-products Regulation*”

- ✚ **A reference to article 8 (e) [animal by-products collected during the treatment of waste water] should be added to the list of material for which incineration or co-incineration should be allowed for low-capacity plants.**

## Annex VII: “PROCESSING”

- **Section I, Chapter II: Waste water treatment.**
  - ✚ It should be added, as a specific point, that material collected from the “pre-treatment process” and not containing SRM material when treating waste water from slaughterhouses (e.g. pigs and poultry slaughterhouses or beef slaughterhouses with specific collection of SRM), can be treated in national biogas and compost facilities based on a risk assessment and approved by the competent authority. This material consists in category 3, since all category 2 material already has been collected within the slaughterhouse. This material is very suitable for use in those facilities and since focus is needed on optimal use of energy resources and a risk-based approach, this opportunity should be allowed provided that food safety and animal health are not compromised. This principle is by the way used for “catering waste” mentioned in point 2 (Annex 7, Section III, Chapter II).
- **Section III – standard processing methods:**  
Method 1 is the reference method and methods 2 to 5 are alternatives methods. Nevertheless, as there are different steps of temperature which are written as if they are consecutive (and not alternative), the result is that methods 2 to 5 look stricter than method 1. Each combination of time/temperature should be considered as sufficient in itself. The graph may explain how it works but it is not readable in the version we have.

Furthermore, it should be specified that the heat should result from the replacement of the air by steam as it is specified for method 1. If the intention is to use “dry heat”, then it would be useful to add alternative methods using “saturated steam”.

- ✚ It should be added in the description of methods 2 to 5: “*the pressure must be produced by the evacuation of all air in the sterilisation chamber and the replacement of the air by steam (“saturated steam”)*”.

- **Section IV, Chapter I: Alternative methods - general provisions.**
  - ✚ It is not consequent to release oleochemical products which have reached a certain stadium of processing out of the Regulation and then to stipulate an obligation to mark the products irreversible. An exemption like for biodiesel seems to be necessary. This point is linked with Annex X, Section V in this context.
- **Section IV – Alternative methods**  
**Chapter III- Disposal and use of derived products**  
**1(a)(iii): “Transformation into biogas, provided the digestion residue are disposed of in accordance with points (a) or (b)”**
  - ✚ UECBV is in favor of keeping the disposal by incineration only for ABP under Article 8 a. For other ABP of category 1, the UECBV demands an alternative method as far the Method No 1 has been applied to the input material.

### **Annex VIII: “TRANSFORMATION INTO BIOGAS, COMPOSTING”**

- **Section 1, chapter I, 4 – Biogas plants**  

UECBV welcomes the modifications made in this paragraph as an improvement.
- **Annex VIII, Section III, Chapter II, 1, d): Risk reduction.**  

This point is important with a risk assessment approach. However reduction parameters should not be prescribed (as in point c + d), but be validated according to the outcome of the risk assessment. It should therefore be possible, based on a risk assessment, to use other validation parameters.  
Point 2 concerning “catering waste” already opens for use of a risk assessment using equivalent validation methods. Therefore a new point 2 (moving the existing point 2 to a new point 3) should be added.

  - ✚ The new point 2 should give the competent authorities the possibility to allow use of alternative time/temperature combinations, based on risk assessments. Optimal use of energy resources is essential, provided that food safety and animal health are not compromised.
- **Section III - Chapter II, 1(d)(i) and (ii): « Chemical and thermal processes »**
  - ✚ There is a need for a definition of “chemical process”.
  - ✚ Is point (i) covering a process being both thermal and chemical? Which are the processes concerned? In “Andain composting”, for example, which is a biologic process neither thermal (external source of heat) nor chemical, what is relevant?

### **Annex XI: “COLLECTION, TRANSPORT AND TRACEABILITY”**

- **Section II, 1 b: Marking substance for identification of category of ABP –** It should be clarified that this stipulation does not hinder to mix category 2 and category 3 material. In that case the whole material will be regarded as category 2 material.
- **Section III, 4, a: Commercial document.**
  - ✚ It is very important that the word “system” is added after “a different commercial document” so it becomes:

(a) "to use a different commercial document **system**, in paper or in electronic form, provided that such commercial document contains the information referred to in point (f) of the notes under point 6 of this Section";

to reflect the text just above point (a) ("However, in addition to the authorisation to transmit information by way of an alternative **system** as referred ..."). It is important to provide the possibility to use electronic/data systems and not just documents.

## **Annex XII: "REQUIREMENTS APPLICABLE TO CERTAIN APPROVED AND REGISTERED ESTABLISHMENTS AND PLANTS"**

- **Section V: Handling of ABP after their collection.**
  - ✚ It is important that it is made clear in the legislation, that the competent authority can allow pre-treatments of category 3 material within the slaughterhouse, without using separate facilities (buildings), in cases where this is adequate and beneficial and provided that special (and agreed) collection systems are in place, when transporting the pre-treated material to the final processing plant.

## **Annex XIV: SPECIFIC REQUIREMENTS FOR PROCESSED ANIMAL PROTEIN AND OTHER DERIVED PRODUCTS**

- **Section II, Chapter V, D: Specific requirements for hydrolysed protein**
  - ✚ There is a need for an exception concerning the requirements for hydrolysed proteins for slaughterhouses slaughtering pigs and poultry only. The limit on 10,000 Dalton was obviously determined based on absence of prion and is therefore not relevant considering material from pigs and poultry.

## **Annex XVII: PETFOOD AND OTHER DERIVED PRODUCTS**

- **Chapter II-3(a) - Petfood and dogchews**
  - ✚ « Fc » should be defined.
  - ✚ Furthermore, the UECBV requests a clarification on the constraints for food which is sold as category 3 for commercial reasons. What is the starting point? The UECBV is in favour of having the starting point at the plant of destination as it is food grade product. The rules to apply would be the rules for food until the category 3 plant of destination.