



Brussels, 23 March 2010

O/ref. : note **N-023-2010-EN-Rev.1.**

**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.** "Incineration" needs to be defined, like "combustion".

**Annex II:** The examples of "end point of the manufacturing chain" are useful and should be completed with even more examples, such as fertilisers, etc.

Furthermore, under Annex II Point 1 No. 4 there is the possibility to define an end point for oleochemical products. But it is not yet filled out.

A proposal is:

"The end point for chemical products in the sense of Annex II Point 1 No. 4, manufactured out of animal fats, is determined by bestow consideration upon the following alternative procedures which have to be certified by the producer:

1. Hydrolysis at minimum 200 degrees Celsius, 40 bars (40,000 hPa) for 20 minutes (glycerol and fatty acids)
2. Saponification with NaOH 12M (glycerol and soap):
  - Batch process: at 95 HC for three hours
  - Continuous process: at 140° C, two bars (2000 hPa) for eight minutes or equivalent conditions.'
3. Hydrogenation at 160°C at minimum 12 bars (12,000 hPa) of H2 pressure for at least 20 minutes"

**Annex V, 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.

**Annex VI, Section I, Chapter II: Waste water treatment.** It should be added as a specific point, that material collected from the "pre-treatment process" when treating waste water from slaughterhouses not handling risk material (pigs and poultry slaughterhouses), can be treated in national biogas- and compost facilities based on a risk assessment and approved by the competent authority. This material is very suitable for use in those facilities and since focus is needed on optimal use of energy resources, 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).

**Annex VI, Section I, Chapter V, 3(b): Specific requirements for the processing of Category 3 materials.** The UECBV does not understand the requirement for "permanent presence of the competent authority and an adequately lockable room" based on the volume of products, in particular when it concerns category 3 processing plants.

**Annex VI, Section III-B: Standard processing methods.** For the Methods Nos 2, 3, 4 and 5, the time/temperature combination is the same as in Regulation (EC) No 1774/2002. The total heating time remains very long (4h55 for Method No 2 or 2h43 for Method No 3). Is there any feedback available on the efficiency of these combinations? Are the criteria chosen the most efficient for guaranteeing the best ratio between sanitation and cost of treatment?

**Section IV, Chapter II-A-2(c)(ii):** « [...] the animals were below 24 months [...] » Why keeping the limit of 24 months when the age of animals tested in the TSE/BSE monitoring programme increased to 48 months?

**Chapter III-1(a)(iii):** "Transformation into biogas, provided the digestion residue are disposed of in accordance with points (a) or (b)"

The UECBV is in favour 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 VI, Section 4, 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 (page 13) 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.

**Annex VII, Section 1, Chapter I, 4: Laboratory of biogas plant.** A new formulation "accredited according to..." is used here and at other places in the implementing rules. It is very important to include the use of equivalent solutions, e.g. that laboratory testing is performed considering Good Laboratory Practise (GLP).

**Annex VII, Section III, Chapter II, 1, d): Risk reduction.** It 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 base on a risk assessment to allow use of alternative time/temperature combinations. Optimal use of energy resources is essential, provided that food safety and animal health are not compromised.

**Annex VII - Section III - Chapter II,1(d)(i) and (ii):** « Chemical and thermal processes » There is a need of a definition of "chemical process".

**Annex VIII, Section III, Chapter II, 1:** *Burning and burial of animal by-products in remote areas.* It does not seem as a risk-based approach to use a percentage of the animal population concerning remote areas. Would it be possible to define a percentage for each MS following the ratio "number of animals/surface available"?

**Annex X, 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.

**Annex X, Section II, 3:** *Colour coding* – It is important that the colour coding is harmonised at EU level.

**Annex X, Section III, 4, a:** *Commercial document.* It is very important that the word "system" is added after "a different commercial document" to reflect the text just above ("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.

**Annex XI, Section V:** *Handling of ABP after their collection.* It is important that the competent authority can allow pre-treatments of category 3 material at the slaughterhouse, 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 XI, Section V, Chapter I, a:** *Handling of ABP after their collection – general requirements.* It is important that the wording "public highway" is omitted.

**Annex XIII, Section II, Chapter V, B, 5:** *Specific requirements for PAP and other derived products.* 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 prions and is therefore not relevant considering material from pigs and poultry.

**Annex XVI – Chapter II-3(a):** *Petfood and other derived products.* « 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.