



Fédération Européenne des Activités de la Dépollution et de l'Environnement
European Federation of Waste Management and Environmental Services
Europäische Föderation der Entsorgungswirtschaft

September 2008

FEAD position paper
on the Commission's proposal for a Regulation
laying down health rules as regards animal by-products
not intended for human consumption
(Animal by-products Regulation)
COM(2008) 345

FEAD is the European Federation which represents the European waste management industry. Our members are national waste management associations, which have an approximate 60% share in the household waste market and handle more than 90% of industrial and commercial waste in Europe, with a collective annual turnover of approximately € 50 billion. We have 20 members from 19 EU Member States and Norway. FEAD represents companies with activities in all forms of waste management. These companies employ over 300 000 people who operate around 3 000 controlled landfills, 1 350 recycling and sorting centres, 1 000 composting sites and 350 incinerators and play an important role in the determination of the best environmental option for waste management problems.

FEAD appreciates the opportunity to comment on the Commission's proposal for the revision of the animal by-products Regulation. However, FEAD is of the opinion that the time left for gathering Stakeholders' comments during the Commission's consultation process was set too short and that the overall Commission's timeline is very ambitious.

It is also important to notice that in the current applicable Regulation the most crucial procedures and measurements are described in the annexes. The annexes are now considered as a separate document and are currently subject to a revision under the Comitology procedure. FEAD considers it difficult to fully assess and adequately comment on both documents, given the fact that they are undergoing two different legislative procedures.

Several aspects of the proposal, which are key for our sector, will be subject to the Comitology procedure. For example, in article 7 paragraph 1 c), biogas and composting plants are identified as treatment plants which could be eligible for exemptions if they comply with the standard parameters to be adopted by Comitology.

Furthermore, FEAD fears that the numerous references to the Comitology procedure described in article 48 might hinder an efficient implementation of the Regulation, especially as there are already well-proven rules at national level. National rules, based on the existing Regulation which entered into force in 2002, should be kept in force.

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1. The validity of well-proven regulations on catering waste should be maintained

According to article 13 m), catering waste (thus kitchen and canteen waste) belongs to category 3 material. In the current applicable Regulation (article 6 paragraph 2 g), catering waste can be treated in biogas plants or composting plants in accordance with national laws. We think that this possibility should definitely be maintained. A shift of authorisation and jurisdiction / competence will indeed not lead to relevant and positive impacts on the already achieved high quality in the recycling processes. As a result, a further EU-wide requirement is neither desirable nor required and we therefore insistently propose to maintain valid national rules on that matter.

2. Placing on the market and use of organic fertilisers and soil improvers, article 25

Article 25 raises many questions so that we would appreciate some precisions on the following points.

- According to article 25 paragraph 1 b, conditions for pressure sterilisation or other conditions have to be fulfilled prior to the marketing and use of organic fertilisers and soil improvers. Why pressure sterilisation rather than pasteurisation as given in the applicable version? And what exactly is meant by “other conditions”?

We would like to stress again that there are already laws and rules at national level which ensure a safe placing on the market of organic fertilisers. A new development or strengthening is not required to secure hygienisation. We therefore strongly reject this aspect of the Commissions' proposal.

- Article 25 paragraph 1c: this paragraph raises a simple question: Why should organic fertilisers or soil improvers be used for feeding purposes? As indicated by the name, above mentioned substances are only used to supply soils with nutrients and to improve its quality. End products from a composting or fermentation technique do not aim at being used as food stuff, thus we consider this paragraph as unnecessary and dispensable.

Moreover, the introduction of a component into the organic fertilisers implies to stop its use, especially in organic farming. Organic farming indeed allows only fertilizers of natural origin (without synthetic material). Animal by-products are the only fertilizers used in organic farming. The text should therefore be more precise on the type of component used and the type of animal by-product concerned.

3. Need for further clarifications

Recital (32): In the Commission's proposal, references to own checks are made which should be carried out following the HACCP-concept. Is it intended to integrate those procedures or similar ones into quality assurance systems?

Article 12, d: FEAD is of the opinion that it should be more clearly specified what “physical residues” mean and what they include.

Articles 8 1a) and 9 d)iii: Will slaughterhouses need to install filters for waste water to comply with the new Regulation?

Article 20 (e)ii: Does this point mean that manure is exempted from the hygienic requirements?

Article 41: The following concepts have been introduced into the proposal: “end point” and “control of the risk”. These notions are new and would require a precise definition.

4. Other considerations

Recital (48): All plants (small-size and bigger plants) should be subject to the same environment and human health constraints.