

**RULES RELATED TO THE EXPORT OF MEAT-AND-BONE MEAL TO
THIRD COUNTRIES IN ORDER TO ENSURE THE PREVENTION AND CONTROL
OF CERTAIN TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (TSES)**

Communication from the European Communities

The following communication, received on 13 November 2008, is being circulated at the request of the European Communities.

1. The purpose of this information note from the European Communities is to describe the rules imposed on the export of meat-and-bone meal to third countries in order to ensure the prevention and control of certain transmissible spongiform encephalopathies (TSEs).

2. Reference in this respect should be made to two legal acts. Where the rules related to the prevention and control of TSEs are laid down in Regulation (EC) No 999/2001 (TSE Regulation)¹, the rules related to the handling and processing of meat-and-bone meal are laid down in Regulation (EC) No 1774/2002 on animal by-products not intended for human consumption (the "Animal By-Products Regulation").²

1. Health rules for animal by-products not intended for human consumption

3. The Animal By-Products Regulation lays down specific health requirements for animal by-products not intended for human consumption. The Regulation classifies animal by-products into three categories based on their potential risk to animal and public health, and determines the possible uses and the obligations to dispose of animal by-products of the different categories.

4. *Category 1 materials* (i.e. animal by-products presenting high risks related to transmissible spongiform encephalopathies (TSEs), residues of prohibited substances, e.g. hormones used for growth promotion, or environmental contaminants, e.g. dioxins, PCBs) must in general be completely disposed of as waste by incineration or landfill after appropriate heat treatment.

¹ OJ L 147, 31.5.2001, p. 1. Regulation last amended by Regulation (EC) No 571/2008 (OJ L 161, 20.06.2008, p. 4).

² OJ L 273, 10.10.2002. Regulation as last amended by Commission Regulation (EC) No 777/2008 (OJ L 207, 5.8.2008, p.9).

5. *Category 2 materials* include animal by-products presenting a risk of contamination with other animal diseases (e.g. animals which die on farm or are killed in the context of disease control measures on farm, or at risk of residues of veterinary drugs), and may be recycled for uses other than feed for farmed animals after appropriate treatment (e.g. biogas, composting, oleo-chemical products, etc).

6. Only *Category 3 materials* (i.e. by-products derived from healthy animals slaughtered for human consumption) may be used in the production of feeds for farmed animals following appropriate treatment in approved processing plants. In particular, *processed animal proteins* are defined as animal proteins derived entirely from Category 3 material which has been processed as to render them suitable for direct use as feed material or other use in feedingstuffs, including pet food, or use in organic fertilisers or soil improvers.

7. The Animal By-Products Regulation provides that processed products derived from Category 1 or 2 materials, with the exception of liquid products destined for biogas or composting plants, must be permanently marked, where technically possible with smell, using a system approved by the competent authority.

8. Based on a report from the Joint Research Centre (JRC) of the European Commission, Glyceroltriheptanoate (GTH) has been identified as a suitable marker for animal by-products which undergo rendering processes. Further information on this report and a method for the determination of GTH are available at the website of the JRC. (http://irmm.jrc.ec.europa.eu/html/activities/marker_for_animal_by_products/index.htm)

9. On the basis of this report, detailed requirements for the marking of processed animal by-products have been laid down by way of an amendment to the Animal By-Products Regulation (Commission Regulation (EC) No 1432/2007, OJ L 320, 6.12.2007, p. 13) with entry into force on 1 July 2008.

2. Rules related to transmissible spongiform encephalopathies (TSE) and in particular to the prohibition on the use of animal proteins in feed for farmed animals and export thereof

10. Regulation (EC) No 999/2001 of the European Parliament and the Council lays down the rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies. A ban on the feeding of mammalian meat and bone meal (MBM) to cattle, sheep and goats was introduced as of July 1994. This partial ban was extended to a total EC-wide suspension on the use of processed animal protein in feed for any animals farmed for the production of food on 1 January 2001 with some exceptions like the use of fish meal for non-ruminants (pigs, poultry) and the use of fish meal in milk replacers destined for young ruminants (calves, lambs and kids).

With the total ban within European Communities, also specific rules are applicable to the export of processed animal proteins and products containing such proteins from member States to third countries.

11. Those rules apply without prejudice to the rules on export under the Animal By-Products Regulation. That Regulation prohibits the export of any Category 1 or Category 2 material, unless specific authorization has been granted by EC law.

12. In accordance with Regulation (EC) No 999/2001, the export to third countries of processed animal proteins (Category 3 material) derived from ruminants, and of products containing such protein, is prohibited.

13. The export of processed animal proteins derived from non-ruminants or products containing such proteins, e.g. soil improvers or fertilisers, shall only be permitted following a bilateral agreement between the member State of production and the third country which includes an undertaking from the third country not to use the processed animal proteins or products containing such protein for uses prohibited within the European Communities nor to re-export the processed animal proteins or products containing such proteins for uses prohibited within the European Communities. The purpose of the bilateral agreement is to provide proof of the undertaking by the third country. Therefore, the formal requirements for such an agreement are fulfilled by written evidence. EC law does not impose such agreements to be in the form of international treaties.

14. Fish meal and products containing fish meal and finished pet food containing processed animal proteins of ruminant origin (Category 3 material) may be exported from a member State to a third country without a bilateral agreement.

15. For the specific case of the export of organic fertilizers and soil improvers produced on the basis of meat-and-bone meal (of Category 3, i.e. processed animal protein, or of Category 2), certain requirements regarding pathogen control, packaging and labelling have been adopted by way of Commission Regulation (EC) No 181/2006 (OJ L 29, 2.2.2006, p.31).

3. Fertiliser and soil improvers

16. Whereas the export of fertilisers and soil improvers derived from Category 3 materials is subject to bilateral agreement due to their potential non-intended use in feeding for farmed animals not allowed under the bilateral agreement, the export of fertilisers and soil improvers produced on the basis of meat-and-bone meal derived from Category 2 materials are not subject to a bilateral agreement. However, the presence of the GTH marker will allow third countries to verify that the imported fertilisers or soil improvers produced on the basis of meat-and-bone meal derived from Category 2 materials are only destined for the intended use as fertiliser or soil improvers and not for feeding of farmed animals.

17. Any request for additional information can be directed to the competent authorities of member States of the European Communities or to the European Commission. The contact details within Directorate General Health & Consumers are listed below:

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