

**REGULATION (EC) No 1774/2002
laying down health rules concerning animal by-products not
intended for human consumption.**

**GUIDANCE NOTES (NON STATUTORY) ON THE
DISPOSAL OF ANIMAL BY-PRODUCTS, INCLUDING FORMER
FOODSTUFFS OF ANIMAL ORIGIN, FROM FOOD OUTLETS**

Please note: The information contained herein is to assist with the understanding of the above legislation. It is not a definitive interpretation of the law which only the courts can provide.

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BSE and Animal By-Products Division, Defra, London

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PURPOSE

(1) The purpose of these Guidance Notes is to explain the law concerning the disposal of former foodstuffs of animal origin and other animal by-products, such as raw meat and raw fish, which arise on food premises. The Guidance Notes will be of interest to enforcement authorities, the food industry, and waste management and disposal organisations.

(2) In England, the Animal By-Products Regulations (ABPR) 2005 (SI 2005/2347), which replaced the Animal By-Products Regulations 2003, provide for the administration and enforcement of Regulation (EC) No 1774/2002 which lays down “health rules concerning animal by-products not intended for human consumption”. The purpose of the legislation is to safeguard human and animal health by providing enforceable controls for the safe disposal of animal by-products. Parallel domestic legislation has applied in Scotland since 1 October 2003, in Wales since 31 October 2003 and in Northern Ireland since 3 December 2003.

(3) The Regulations are enforced by the local authorities in accordance with the Enforcement Concordat which can be found on:

For England:

<http://www.cabinetoffice.gov.uk/regulation/publicsector/enforcement/Concordate.pdf>

For Scotland:

<http://www.scottishexecutive.gov.uk/about/ELLD/EI/00015242/EC.aspx>

For Wales:

<http://www.dti.gov.uk/ccp/consultpdf/concord.doc>

For Northern Ireland:

The Department of Agriculture and Rural Development makes its own arrangements with local authorities.

BACKGROUND

(4) Regulation (EC) No 1774/2002 prohibits most animal by-products from being disposed of to landfill. “Animal by-products” are defined as “entire bodies or parts of animals or products of animal origin not intended for human consumption (includes ova, embryos and semen)”.

(5) The Regulation categorises animal by-products into three categories, according to risk. Catering waste and raw meat and raw fish from food manufacturers and food retailers will usually be Category 3 material, the lowest

risk category. Category 2 material represents high risk material (i.e. condemned meat, fallen stock, manure, digestive tract content) and category 1 material very high risk material (i.e. animals suspected or confirmed as being infected by a TSE (Transmissible Spongiform Encephalopathy, e.g. BSE), animals killed in the context of TSE controls, Specified Risk Material and international catering waste).

MATERIAL NOT INTENDED FOR HUMAN CONSUMPTION

(6) Animal by-products arising from retail, wholesale, manufacturing and distribution premises, convenience stores, food markets and bakers premises will generally be:

- a) raw meat and fish (which will fall into the scope of Article 6(1)(a) and (b) of Regulation (EC) No 1774/2002);
- b) former foodstuffs (article 6(1)(f) of Regulation (EC) No 1774/2002); or
- c) catering waste (article 6(1)(l) of Regulation (EC) No 1774/2002) if there is on-site catering e.g. a café within a supermarket.

(7) The permitted outlets for this material is described in more detail below. But all of them become animal by-products (ABPs) when they are no longer **intended** for human consumption. An indication of such intent could be when produce is removed from sale because it has passed its “sell by” date or “use by” date, or because it is damaged, soiled or contaminated to an extent that it is no longer appropriate to display it for sale. The decision as to whether a product is no longer intended for human consumption will rest with the store manager or anyone nominated in the store to take such decisions.

WHAT IS MEANT BY RAW MEAT AND RAW FISH?

(8) We consider that raw meat and raw fish falls into Article 6. 1(a) or (b) of Regulation (EC) No 1774/2002, even if, for example, it is coated in a sauce, or cured as in bacon, as the meat is still raw.

(9) Raw meat and fish includes the following:

- a) Raw meat and raw fish that needs to be cooked before eating;
- b) Raw sausages;
- c) Raw bacon and gammon;
- d) Raw meat, poultry, fish and seafood in packs or loose;
- e) Raw meat, poultry, fish or seafood items in coating (such as breadcrumbs or batter) or sauces (such as barbeque, garlic etc.);
- f) Raw burgers.

(10) Such material must continue to be treated and disposed of in accordance with Regulation (EC) No 1774/2002. Permitted outlets are -

- a) directly disposed of as waste by incineration in a plant approved in accordance with the Waste Incineration Directive,
- b) processed in an approved rendering plant,
- c) transformed in an approved technical plant,
- d) used as a raw material in an approved pet food plant,
- e) transformed in approved composting or biogas plants,
- f) used to feed animals in zoos authorised for the purpose,
- g) treated in approved alkaline hydrolysis plants,
- h) disposed of by other means or used in other ways (if agreed by the European Food Safety Authority and permitted by EU legislation).

WHAT IS MEANT BY FORMER FOODSTUFFS?

(11) "Former foodstuffs" are described in Article 6(1)(f) of the Animal By-Products Regulation as "former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals". **Pet food does not fall into this category.**

(12) In general, former foodstuffs must be disposed of in the same way as for raw meat and raw fish. However, Regulation 813/2003 allowed all former foodstuffs of animal origin, excepting raw meat and fish, to go to landfill until 31 December 2005.

(13) However, 10 May 2005 the European Commission communicated its intention to rely on the Landfill Directive to discourage the use of landfill for certain former foodstuffs, excepting raw meat and fish. The Commission proposed that member States are permitted to make their own risk analysis of which former foodstuffs could safely be disposed of to landfill. The Commission's Regulation on former foodstuffs¹ gives the legal basis for this. It also allows member States to determine which of these former foodstuffs may be safely fed to animals. List of examples of former foodstuffs that can be disposed of to landfill, drawn from risk assessments, can be found in Annexes B and C, which are attached separately. Although the Commission's Regulation has not yet been published in the Official Journal, it has been voted on by member states and the intention for its application are clear. Therefore, the rules on the disposal of former foodstuffs will apply from 1 January 2006.

¹ Voted through at the EC Standing Committee on the Food Chain and Animal Health, but yet to be published in the EU Official Journal.

(14) Commission's Regulation on former foodstuffs is a transitional measure which lasts for one year. During that period, the European Commission will seek the views of the European Food Standards Authority on making the measures permanent.

(15) Commission's Regulation on former foodstuffs requires operators to take all necessary steps to exclude unprocessed material of animal origin in Category 1 and 2 and other Category 3 material from any former foodstuffs of animal origin, that are to be disposed of to landfill and/or fed to animals. This includes petfood, which is not included within the scope of the Commission's Regulation. These products must continue to be handled in accordance with all the requirements of Regulation (EC) No 1774/2002.

(16) The Regulation allows for material listed in Annex B (attached separately) to be transported in accordance with waste management controls, rather than those in the Animal By-Products Regulation.

(17) For manufacturing premises separation between the production lines dealing with raw and cooked meat products must be assured to ensure raw meat and fish is disposed of in the correct manner.

(18) The Regulation will effectively divide former foodstuffs of animal origin into three categories:

- i) former foodstuffs that were previously permitted to go to landfill, but which member States consider to pose a risk to public and animal health if they are disposed of to landfill. These will continue to be covered by the ABPR and have to be disposed of in the same way as raw meat and raw fish;
- ii) former foodstuffs which the member State considers can be safely disposed of to landfill; and
- iii) former foodstuffs which the member State considers can be safely disposed of to landfill or by other means, and which can also safely be fed to animals (see additional requirements to be fulfilled at paragraph 31).

(19) In determining which products may be disposed of to landfill without risk to public or animal health, we concluded that the greatest risk is from animal pathogens which might be spread if birds or vermin transfer the material from the landfill site to fields where livestock are present. Thus we do not consider that it is safe to landfill meat, fish and eggs that have not undergone a heat treatment resulting in a physical change, as the treatment may not have been sufficient to inactivate serious animal pathogens. Details of some examples are in Annex B and C. Note these lists are not intended to be exhaustive and are for guidance.

(20) Annex C, part (2) lists some of the former foodstuffs that were permitted to landfill but will not be permitted in the new regime that applies from 1 January 2006.

(21) We consider that the products in Annex B could be treated in composting or biogas plants in accordance with the national standards in the Animal By-Products Regulations 2005.

(22) Annex B part (2) also lists some former foodstuffs which do not contain or have not been in contact with raw meat, fish and eggs, or products or preparations derived from or incorporating meat or fish, of which we consider pose a very low risk and could safely be fed to livestock. See paragraph 31 for separation requirements.

(23) The former foodstuffs which can be disposed of to landfill will largely be taken outside the scope of the Animal By-Products Regulation. However, they will remain subject to waste management controls.

WHAT IS MEANT BY CATERING WASTE?

(24) Catering waste is defined as “all waste food including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens”.

(25) Catering waste **must not be fed to livestock**. In addition to the other outlets described above, catering waste may continue to be disposed of to landfill, although it is possible that alternative outlets such as composting or biogas treatment will be increasingly used for such material. The Government established the Waste Implementation Programme which aims to increase the diversion of biodegradable **municipal** waste and improve the sustainability of waste management. This should progressively assist in the general move away from landfill and help provide some impetus towards the establishment of more composting and biogas plant.

WASTE MANAGEMENT CONTROLS – THE DEFINITION OF WASTE

(26) Waste management controls will be relevant to some of the issues concerning the treatment and disposal of animal by-products, including former foodstuffs. These controls are in place to comply with the requirements of the EC Waste Framework Directive (Council Directive 75/442/EEC as amended) (WFD) and supplementary legislation such as the EC Landfill Directive (Council Directive 1999/31/EC). The waste management controls which the UK has in place to comply with the WFD are enforced mainly by the Environment Agency in England and Wales, by the Scottish Environment Protection Agency in Scotland and the Environment & Heritage Services in Northern Ireland. The controls of

direct relevance to issues concerning the treatment and disposal of former foodstuffs are explained in this guidance.

(27) The WFD provides a common definition of waste. This is the definition in Article 1(a) which defines “waste” as, “...any substance or object...which the holder discards or intends or is required to discard.” This definition is non-negotiable in the sense that all Member States have to comply with it. Whether or not a substance is discarded as waste – and when waste ceases to be waste – are matters which must be determined on the facts of the case and the interpretation of the law is a matter for the Courts. It is not possible for the Government to say whether any particular substance, in any particular circumstances, is discarded as waste. Therefore, there is no definitive list of what is and is not waste.

(28) It will often be clear that a substance is a waste e.g. if there is a requirement in Regulation 1774/2002 to dispose of animal by-products as waste. However, if you are unsure then you should contact the Environment Agency’s National Customer Contact Centre on 08708 506506. More general information on the definition of waste can be found on the Defra website at <http://www.defra.gov.uk/environment/waste/topics/index.htm>

(29) The European Commission has published a “Guidance Note on the Application to Animal By-Products of Community Legislation Regarding Animal and Public Health and Waste.” In summary, the guidance note confirms the European Commission’s view that EU Regulation 1774/2002 and the waste management controls of the WFD apply **concurrently** to animal by-products which are discarded as waste. The guidance note is available on the Commission’s website at:

<http://europa.eu.int/comm/food/food/biosafety/animalbyproducts/indexen.htm>.

SEPARATION OF WASTE STREAMS

(30) Food premises wishing to dispose of those former foodstuffs in Annex B to **landfill** will need to have adequate procedures in place to ensure that they exclude raw meat, raw fish and those foodstuffs which may not go to landfill. Operators should check that their local authority is satisfied that their procedures are sufficiently rigorous to ensure that such separation is achieved.

(31) More rigorous controls would be needed if material which does not contain meat or most other products of animal origin (Part (b) of Annex B) is to be **fed to animals**. It is an offence to allow ruminant animals (cattle, sheep, goats), pigs and poultry to have access to animal by-products. This is because serious animal diseases such as Foot and Mouth Disease can be spread by such material. Thus if material such as bread or vegetable waste is to be fed to these animals, we

would normally expect the material to arise on premises where no meat was handled. However, if meat is handled on the premises, suitable HACCP procedures will need to be in place to ensure that there is no possibility of the bread or vegetables coming into contact with meat or meat products. If you intend to supply waste food for feeding to such animals, you must check that your local authority is content with your separation procedures.

(32) The feeding to livestock of milk (pasteurized) and milk based products including cheese, whey, yoghurt and butter is permissible in accordance with EC Regulation No 79/2005. The same applies to pasteurised, cooked or processed eggs in accordance with Chapter X of Annex V11 of Regulation (EC) No 1774/2002).

(33) Fruit and vegetables can be disposed of to landfill. These could also be fed to livestock provided that strict separation procedures to avoid contact with meat etc are in place as in HACCP as referred to above (31).

WASTE MINIMISATION

(34) There are a number of ways of minimising the amount of meat and fish waste:

- a) maintain stocks approximate to customer purchases;
- b) engage in 'sale or return' arrangements with suppliers;
- c) reduce prices of products nearing their 'sell by' date and designating a 'bargain' area in the display cabinet;
- d) permit staff to take home unsold products, which are still within their shelf life and fit for human consumption;
- e) make charitable donations to local 'good causes' provided the foodstuffs are still within their shelf life and fit for human consumption.

DISPOSAL OF PACKAGING

Animal by-products in Annex C

(35) Packaging which contains raw meat, raw fish, etc. cannot be disposed of to landfill. However, the rendering and incinerator trade bodies have given assurances that many companies are able to take and dispose of packaged material. Some companies have mechanised methods of removing packaging or will remove the packaging before processing and/or disposing of the raw meat, raw fish, etc. Separated packaging may be disposed of to landfill providing that reasonable care is taken to remove all the contents.

(36) However, poorly emptied packaging will be considered as animal by-products. Consequently, such material cannot be landfilled and should be disposed in accordance with the Regulation. We recommend that you speak to your local authority if in doubt. Technological advances may be developed that

may assist with the removal of packaging. For example, hydrolysis systems, possibly coupled to anaerobic digestion, may offer alternative ways of disposal as this equipment has the potential to be able to deal with both the contents and the packaging.

Animal by-products in Annex B

(37) Packaging from cooked meat and cooked fish that is permitted to be disposed of to landfill does not need to be removed before disposal.

Jars and cans

(38) You will need to enquire in your area which companies have treatment facilities to deal with jars and cans. Both rendering and incinerator interests have stated that they can take and dispose/recover, or arrange for disposal/recovery of, all types of packaging including jars and cans.

“Bio-degradable” packaging

(39) The Compostable Packaging Certification Scheme has been operated for several years in Germany by 'Din Certco', a German standards body. This scheme has recently been introduced in UK (managed by The Composting Association). It will enable customers to recognise products that are compostable by means of a clearly recognisable logo.

SEGREGATION

(40) It will be necessary to keep former foodstuffs of animal origin which are intended for landfill separate from those animal by-products which cannot go to landfill. In practice this will mean having separate containers for the storage of the two waste streams. If they are not kept separate they must all be dealt with as category 3 animal by-products. All will need to be marked “not for human consumption” and “category 3 material” and measures put in place to avoid the waste products being discharged into the wrong containers. Discussion with your local Trading Standards Department is advised.

HOLDING OF ANIMAL BY-PRODUCTS AWAITING COLLECTION

(41) EU Regulation (EC) No 1774/2002 requires that animal by-products are collected and disposed of without undue delay. In practice this means that collections should take place as soon as reasonably practicable. In determining what is ‘undue delay’ much will depend on the quantity of the animal by-product, the waste storage capacity at the retail premises and how the waste is managed while awaiting collection.

(42) For example, bins kept outside at ambient temperature would require frequent emptying to minimise the risk of smell and decomposition of the material, as well as attracting pests, such as rodents and insects, which could pose an environmental nuisance and food safety risk. Frequent emptying of bins would be especially important during hot weather. Material which has decomposed to the extent that it poses a health risk should be treated as Category 2 material and should not be treated in a composting or biogas plant nor used in pet food production.

(43) Less frequent collection of former foodstuffs and other animal by-products may be acceptable where waste is stored under chilled or frozen conditions.

(44) Pending collection, the material should be held in such a way that it could not be construed as being for sale or supply for human consumption, although this is not a legal requirement. Material which is subject to the full control of Regulation (EC) No 1774/2002 should ideally be placed in sealed new packaging or covered leak proof containers and labelled “category 3 material” and “not for human consumption”. Where chillers or freezers are used to store material awaiting collection, these should ideally be sealed, kept clean and also labelled “category 3 material” and “not for human consumption”. Arrangements for holding animal by-products awaiting collection should not pose a risk of contaminating foodstuffs on the premises. Food businesses are reminded of their legal obligations under food hygiene regulations regarding the handling of food waste and the protection of food from sources of contamination likely to render the food injurious to health. It is therefore strongly advised to store animal by-products separately from foods. It may be acceptable to temporarily store animal by-products in the same chiller or freezer as foodstuffs fit for human consumption while awaiting collection provided it is properly labelled, and the food business takes adequate hygiene precautions, in accordance with food hygiene regulations, to protect the foodstuffs fit for human consumption from contamination. Food businesses may need to satisfy their local authority Environmental Health Officer that storage arrangements for category 3 animal by-products do not present a food safety risk. Category 2 material should not be stored with foodstuffs.

(45) It is recommended that your arrangements are agreed with Environmental Health and Trading Standards Officials.

COLLECTION SERVICES

(46) Collection services vary throughout the UK. Information on collection services in your area may be available from your local authority (normally the Trading Standards Department). Rendering and incinerator companies may also provide their own collection services. There are also waste collection and management companies that advertise locally.

(47) A list of renderers in England has been placed on the Defra website at:
<http://www.defra.gov.uk/animalh/by-prods/approvals/4.pdf>

(48) Incinerator plants burning former foodstuffs must be approved in accordance with the controls laid down in the Waste Incineration Directive, 2000/76/EC (WID). The State Veterinary Service is not responsible for the approval of WID incinerator plants. Nevertheless, veterinary officials may inspect those plants which incinerate animal by-products which remain under the full control of Regulation (EC) No 1774/2002, to ensure compliance with the other provisions of the ABPR e.g. record keeping requirements, pest control, transportation and collection of animal by-products. People wishing to dispose of animal by-products can contact their local Environment Agency office, via the Environment Agency's general helpline on **08708 506506** to ascertain which approved incineration plants (with a capacity to operate at more than 1tonne/hour) are located in their local area. In addition, more information on availability of approved incinerators (for incinerators with a capacity to operate between 50 kilos and less than 1 tonne/hour) can be obtained from making enquiries with your local authority. Composting and biogas plants also offer potential alternatives for the transformation – as a waste recovery operation - of former foodstuffs and other animal by-products. The Commission's former foodstuffs Regulation will permit those former foodstuffs listed in Annex B to be treated to the same standards as catering waste in composting plants.

(49) As at November 2005, 29 composting plants and biogas plants have been approved. This means that they are now receiving animal by-products and/or catering waste. A list of these plants can be obtained by contacting Defra. The following also provides contact information for collectors of wastes via www.yell.com and http://www.defra.gov.uk/animalh/byprods/FormerFoodstuffs/Disclaimer_WasteCollection.pdf

(50) Please note that not all waste collectors listed handle animal by-products. This is a commercial decision on the part of the individual collector and should be understood when you make your enquiries. There is also scope for local stores to work together to establish workable collection routes or to use the same collector as the local butcher. Larger businesses may choose to arrange collections from all stores in their group. Section 45 of the Environmental Protection Act 1990 requires the waste collection authority to arrange for the collection of commercial waste when it is requested to do so by the occupier of the premises. The person making the request is liable to pay the authority a reasonable charge for the collection and disposal of the waste. Section 75(7) of the Act defines commercial waste as, inter alia, waste from premises used wholly or mainly for the purposes of a trade or business. You are advised to ensure that you have made suitable arrangements so that in the event of an emergency, such as a freezer breakdown or product recall, a special collection can be provided.

TRANSPORT OF ANIMAL BY-PRODUCTS

(51) Hygiene requirements for the **transport** of animal by-products are laid down in Article 7, Article 9 and Annex II of Regulation (EC) 1774/2002.

Regulation (EC) No 1774/2002 can be found on the Defra website at:

http://defra.gov.uk/animalh/byprods/publicat/en_2002R1774_do_001.pdf

(52) For those former foodstuffs listed in Annex B, the Commission's former foodstuffs Regulation will provide for derogations from the requirements in Article 7 and Annex II will not apply and the waste management controls alone will apply.

(53) To ensure you are complying in respect of other animal by-products, you may find it helpful to discuss matters with your local Trading Standards department and/or your Environmental Health Officer. The transporter will need to ensure that the material is clearly labelled 'not for human consumption' and 'category 3 material' and that ABPs are collected and transported in sealed new packaging or covered leak proof containers or vehicles.

(54) Records must be kept of all former foodstuffs that are transported and the records must be retained for at least 2 years.

(55) Section 34 of the Environmental Protection Act 1990 imposes a **duty of care** on persons to ensure waste is managed properly and does not cause pollution. The duty applies to any person who produces, imports, carries, keeps, treats or disposes of waste consisting of former foodstuffs. The duty also requires paperwork to be completed in the form of transfer notes to ensure these factors are safeguarded when waste is transferred from one person to another. An explanation of what the duty means and what needs to be done to comply with it is available on the Department's website at:

<http://www.defra.gov.uk/environment/waste/management/doc/index.htm>

(56) During transport the integrity of the packaging, or leak-proof containers, should be maintained. The packaged material or containers must also be labelled to identify the category of the animal by-product being carried (normally Category 3, although undue delay could cause it to become Category 2 material. There is an overriding requirement that animal by-product must be disposed of **without** undue delay. It should therefore be collected as soon as reasonably practical). The material must also be clearly labelled "Not for human consumption" and "category 3 material". For the transport of category 2 animal by-products the material should be labelled 'category 2 material' and 'not for animal consumption'.

(57) When transporting animal by-products (other than those in Annex B) a commercial document is required as specified in Annex II of EU Regulation 1774/2002. The original commercial document should accompany the material to its destination and be retained by the recipient, a copy should be retained by the person dispatching the animal by-product and the third copy should be kept by the transporter. A standard commercial document format should be adopted for intra-Community trade. For trade within the UK, operators may use their own commercial document provided it complies with the requirements in Annex II Chapter III of EU Regulation 1774/2002. A consolidated text in Annex II is available on the Defra website at:

http://defra.gov.uk/animalh/by-prods/publicat/en_2002R1774_do_001.pdf

TRANSPORT OF FORMER FOODSTUFFS PERMITTED TO LANDFILL

(58) Former foodstuffs listed in annex B do not need to comply with all the requirements set out in Annex II of Regulation (EC) No 1774/2002, however a record of consignments must be kept for two years.

BACKHAULING

Products intended for human consumption

(59) Businesses may wish to return produce to depots and distribution centres. If the produce is genuinely intended for human consumption, and is being returned for redistribution and resale to a legitimate food retail outlet, EU Regulation 1774/2002 does not apply but Food Hygiene Legislation will apply (for further information please contact the Food Standards Agency).

(60) 'Sale or return' arrangements with suppliers could fall into the category of redistribution. Some bakeries, for example, return items to central bakeries on the second day of sale where produce is sold in a "second day" shop. Relief of overstocking and increased demand elsewhere in the chain may be other reasons for returning and redistribution.

Hygiene considerations related to backhauling

(61) Ideally separate vehicles should be used to transport animal by-products and foodstuffs intended for human consumption. Where this is not practical, the food business or operator responsible for transport should have adequate measures in place, in accordance with the Food Hygiene Regulations to prevent cross contamination of foodstuffs intended for human consumption. Such measures could include transporting animal by-products and foodstuffs at different times. For example, during delivery runs all foodstuffs could be distributed to stores before animal by-products are taken on board for return to depots. Where separate transport is not practical, high standards of hygiene must be maintained within the vehicle to ensure foodstuffs intended for human

consumption are adequately protected from contamination that might render them unfit for human consumption or injurious to health. You can contact the Food Standard Agency or your local authority for more information.

Registration to transport controlled waste

(62) In addition to the controls on the transport of animal by-products, the Control of Pollution (Amendment) Act 1989 makes it an offence to transport controlled waste without being registered with the Environmental Agency as a waste carrier. Animal by-products, which the holder intends to discard or is required to discard via waste disposal or recovery operations, are controlled wastes. The requirement to register applies to any person who transports controlled waste which that person has not produced themselves.

(63) To register as a waste carrier you must contact the local office of the Environment Agency. The Agency general helpline on 08708 506506 will put you through to your local office.

At intermediate plants

(64) EU Regulation 1774/2002 requires that where animal by-products do not go directly to their final destination for treatment, the intermediate premises (in this case the central depot or distribution site) must be approved as a Category 3 intermediate plant. This will not apply to the former foodstuffs listed in Annex B, although the waste management requirements must still be complied with.

(65) To gain approval, application should be made to the local Defra Animal Health Divisional Office (AHDO). The plant must comply with the requirements set out in Annex III of Regulation (EC) No 1774/2002 but in general a separate building, or part of a building, with separate entrance, exit, staff and facilities to enable separate unloading, is required. Discussion with local AHDO staff is recommended at the planning stages of your arrangements. You also need to check whether the intended change of use of the depot/distribution centre requires the submission and approval of a planning application by your local authority planning office.

(66) At the depot/distribution centre, some retailers may wish to confine their handling of animal by-products (at the depot/distribution centre) to off-loading the containers, pallets, and/or packages of animal by-products into a holding area where the material awaits collection by waste collectors. Others may wish to carry out other operations such as depackaging the contents. The minimum requirements for depots/distribution centres to become intermediate plants, in either case, would be for the ABP to be off-loaded into a separate covered area (which we interpret as requiring or four walls and a roof, or an equivalent structure) with its own entrance and exit. Staff would need to be dedicated to working in either this facility or in the food areas of the depot during any one shift.

The intermediate plant would also need to be capable of being washed and disinfected. This is likely to rule out constructions of a temporary nature (e.g. wooden sheds) and those without mains services.

(67) The intermediate plant may also need to have suitable temperature-controlled facilities as set out in Annex III Chapter I, 1(g) of Regulation (EC) No 1774/2002. The level of temperature-control needed would depend on individual arrangements such as regularity of collection. Depending on the circumstances, specific details in relation to temperature controls may need to be addressed with environmental health officers.

(68) Please note that you cannot backhaul category 2 material to a category 3 intermediate plant. Such material would have to be sent to an approved category 2 intermediate plant.

WASTE MANAGEMENT LICENSING AND POLLUTION PREVENTION AND CONTROL

(69) The waste management controls which the UK has in place to comply with the Waste Framework Directive (WFD) are enforced mainly by the Environment Agency in England and Wales. The Environment Agency controls the recovery and disposal of waste generally through waste management licences or pollution prevention and control permits, or through registered exemptions from the need for a permit. The treatment, storage, sorting and bulking of raw meat, raw fish and former foodstuffs discarded as waste may require authorisation from the Environment Agency. This will be additional to any approval under EU Regulation 1774/2002.

(70) The Government has an obligation to ensure the continuing fulfilment of the UK's responsibilities under the WFD in the light of the EU Regulation 1774/2002.

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BSE and Animal By-Products Division, Defra, London

Annex A

EXAMPLE OF TYPES OF BUSINESSES AFFECTED BY REGULATION (EC) NO 1774/2002

Food Manufacturers including sandwich makers

These include any manufacturer of products that contains meat, fish or other products of animal origin. These would **include** manufacturers of:

- ready to eat foods,
- tinned meats and fish, and
- sandwich making factories.

Some of the waste generated from the production of these foods will fall into Annex B. But all material falling into Annex C, including any scraps and dustings containing raw meat and fish, must be disposed of in accordance with Regulation 1774/2002.

Butchers

The legislation applies to all butchers whether they are traditional butchers handling whole carcasses or whether they have their meat supplied to them ready for sale with the minimum of cutting and handling left to do. Most waste from butchers premises is raw and must be disposed of in accordance with paragraph 10 (i.e. landfill is not permitted).

Separated cooked meat waste on the list at Annex B is permitted to go to landfill but if it is contaminated with raw meat all must be disposed of as “animal by-product”. Most butchers have their waste collected regularly – either weekly or fortnightly depending on the amounts generated. The waste should be held properly prior to collection.

To ensure you have acceptable arrangements you are advised to discuss them with your local Environmental Health Office.

Fishmongers

Typical waste from fishmongers is the whole raw fish that has not been sold and material such as the raw heads and bones, resulting from preparation and filleting of fish for customers. Raw fish is not permitted to go to landfill. We would expect fishmongers to operate in a similar fashion to butchers i.e. to have acceptable holding arrangement and to either arrange regular collections or make their own arrangements to regularly dispose of it in accordance with the legislation.

Markets

Meat and fish sold at market stands whether raw or cooked is also subject to the legislation. Therefore all raw meat and raw fish must be disposed in accordance with the Regulation (EC) No 1774/2002 (ie landfill is not permitted). Separated

cooked waste which is listed in Annex B is permitted to go to landfill. If, however, cooked material is contaminated with raw meat all must be disposed of in accordance to Regulation 1774/2002.

Large Retailers and Supermarkets

These businesses may stock raw meat and raw fish which it is not permitted to dispose of to landfill. Cooked meat and fish foods may be disposed of to landfill if on the list at Annex B.

Fruit and vegetables can be disposed of to landfill. In theory, these could also be fed to livestock provided that strict separation procedures are in place to ensure no contamination with meat.

Products such as bread, biscuits, cakes, pasta, chocolate and sweets that contain ingredients that are of animal origin such as eggs, rennet, milk, melted fats or lard, and which are no longer intended for human consumption, also fall under the definition of 'former foodstuffs of animal origin'. However, products which contain such ingredients but which are not the main ingredients can be fed to livestock provided adequate measures are in place to ensure against cross contamination by meat.

Convenience Stores

Most convenience stores stock some raw meat and raw fish as well as meat and fish products and other products of animal origin. The legislation, therefore, still applies. However, it may be possible to ensure that waste meat and fish is minimised using the management options listed in paragraph 33.

Bakers

Bakers and bread shops frequently sell a range of meat products including sausage rolls, pasties and meat pies. As these products have been cooked, disposal to landfill is acceptable. Bread and cakes from such premises are not suitable as feed to livestock (see paragraph 31) unless the baker does not handle any meat or meat products on the premises or does not have HACCP in place.

Some central bakeries have arrangements to return items from bread shops the day after they have been offered for sale. These products are sold for human consumption, through a "second day" shop. The products in those shops are subject to the Food Hygiene legislation and will not be controlled by the Animal By-Products Regulations while they are still intended for human consumption. But unsold material from second day shops, which is no longer intended for human consumption, will be controlled by the Animal By-Products Regulations.

Food Distributors

Where these businesses generate or handle any former foodstuffs or other animal by-products they must also dispose of it in the same manner as waste from food retailers.

Wholesalers - Cash and Carry type stores

A number of Cash and Carry outlets have on-site butchers or fishmongers. Any butchers' or fishmongers' waste, such as trimmings and fat, must be disposed of in the same way as by-products from other butchers' or fishmongers shops. Only those products listed in Annex B may go to landfill, in the same way as for retailers and food distributors.