

OVERVIEW OF ABP LEGISLATION



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Main ABP legislation

“Animal By-product Regulation” (EC)1069/2009

“This Regulation lays down public health and animal health rules for animal by-products and derived products, in order to prevent and minimise risks to public and animal health arising from those products, and in particular to protect the safety of the food and feed chain”.

and Implementing Regulation (EU)142/2011

What is an ABP?

What are derived products?

Reg. (EC) 1069/2009 article 3 Definitions:

'Animal by-products' means entire bodies or parts of animals, products of animal origin or other products obtained from animals, which are not intended for human consumption, including oocytes, embryos and semen;

'Derived products' means products obtained from one or more treatments, transformations or steps of processing of animal by- products;



ABP uses



Scope of ABP regulations

Reg. (EC) 1069/2009 article 2:

- (a) animal by-products and derived products which are *excluded from human consumption **under Community legislation***; and
- (b) the following products which, ***pursuant to a decision by an operator which shall be irreversible***, are destined for purposes other than human consumption:
 - (i) products of animal origin which may be destined for human consumption under Community legislation;
 - (ii) raw materials for the production of products of animal origin.
- **Not necessarily linked to quality/nature of product**
- **11 exceptions out of scope**

11 exceptions - out of scope

- ABP of wild animals
- ABP of wild game (left at the spot & buried)
- ABP of wild game (local sale by hunter)
- Shells from shellfish with no soft tissue
- Catering waste (EXCEPT from international means of transport (ICW), or is destined for feed (SWILL), or is destined for processing or for biogas or for composting)

11 exceptions - out of scope

- Milk (products) used or destroyed on farm of origin
- Non-diseased fish waste thrown overboard
- “Raw” petfood sold on the spot at butchers’ shops
- “Raw” petfood from home slaughter for own pets
- Excrements and urine other than manure and non-mineralised guano (“manure” means excrement & urine of ***farmed animals*** other than farmed fish with or without litter)
- Oocytes, sperm & embryos when being used for reproductive purposes

End Points

- Derived products which have reached a certain stage in manufacturing are deemed to have reached their **end point** (i.e. they fall outside scope of the ABP regulations)
 - They can be freely traded without restriction and not subject to official controls **EXCEPT for IMPORT**



End points

- NOT applicable for derived products intended for feeding to farmed animals
- NOT applicable for fertilizers and soil improvers
- Is applicable for:
 - Processed pet food & dogchews
 - Cosmetics, medicines & medical products
 - Fish oil for medicines
 - Washed wool, hair, feathers & down
 - Treated hides & fur
 - Biodiesel, biofuels & oleochemical products

BTSF

Categorisation

All ABP are categorized according to risk into
3 categories

Category 1: High risk

List in article 8 of Reg.(EC)1069/2009

1. TSE suspect/positive	2. Pet animals, Zoo animals, circus animals	3. Experimental animals
4. Wild animals suspected of contagious disease	5. SRM (animals containing SRM)	6. Illegal treatments (e.g. banned growth promoters, unauthorised substances e.g. nitrofurans, chloramphenicol)
7. Kitchen waste from international means of transport	8. Environmental contaminants above legal limit e.g. organochlorines inc PCBs, organophosphorous compounds, heavy metals, dyes, mycotoxins	9. Waste water filter material of cat. 1 plants and SRM slaughterhouse
10. Mixture of Cat. 1 with Cat 2 or Cat 3		

Category 2: average risk

List in article 9 of Reg.(EC)1069/2009

1. Manure, non-mineralised guano and digestive tract contents	2. Waste water filter material other than Cat. 1	3. Residues of authorized substances in excess of Maximum residue limit (MRL)
4. POAO unfit due to presence of foreign bodies	5. Non-compliant imports	6. Dead animals other than Cat 1 or Cat 3 (includes as Cat 2 those killed for disease control purposes)
7. Dead-in-shell poultry. Oocytes, embryos, semen not used for breeding, fetuses	8. Everything which is not Cat.1 or Cat 3 is Cat 2 e.g. petfood containing salmonella, rotten ABP	
9. Mix of cat. 2 and 3		

Category 3: low risk

List in article 10 of Reg.(EC)1069/2009

1. Fit for human consumption but not intended for HC for commercial reasons	2. PM inspection not OK but without symptoms of disease affecting humans or animals	3. Heads of slaughtered poultry
4. Pig bristles, feathers of slaughtered / killed poultry	5. Hides, horns and feet of slaughtered animals	6. "Home slaughtered" lagomorphs and poultry ABP without symptoms of disease
7. Blood of slaughtered animals without symptoms of disease transferable via blood	8. ABP produced during food production (degreased bones, centrifuge sludge, milk, greaves...)	9. "Former foodstuffs"
10. "Former feed"	11. Blood, placenta, wool, feathers, hair, hoofs, raw milk of healthy living animals	12. Healthy aquatic animals, ABP from fish processing plants

Category 3: low risk

List in article 10 of Reg.(EC)1069/2009

13. Hatchery by-products (no symptoms)	14. Egg (products) (no symptoms)	15. Day-old chicks (killed for commercial reasons)
16. Non pathogenic invertebrates	17. Rodentia and lagomorpha	

THE NON-FEED MATERIALS – not to be used in feed (Art.14 point (d) (i):

Article 10

(n) Hide, hoofs, feathers, wool, horn, hair & fur of not-slaughtered dead animals,

(o) Adipose tissue (slaughtered in a slaughterhouse, passed ante-mortem inspection).

No longer a relevant category

(p) Catering waste (kitchen waste) other than ICW

Disposal and Use

High risk materials do not always have to go to high risk destinations

Low risk materials do not always go just to low risk destinations

Most frequent authorized destinations

Cat. 3

Feeding

Cat. 2

Organic Fertilizers/Soil Improvers
Compost
Biogas

Cat. 1

(Co-) incineration
Combustion
Processing
Cosmetics, medicines
Technical products

"cascade"

Use for technical purposes (or feed for fur animals) (article 36 Reg.(EC)1069/2009)

- “Other derived products” i.e.
 - not feed or petfood
 - not OF/SI,
 - not cosmetics, medical devices, in-vitro diagnostic devices, not medicines
- No treatment defined
- Operator must prove: SAFE TREATMENT and / or OR SAFE SOURCING and / or SAFE END USE

Some other destinations

- Special feeding purposes
- For exhibitions, artistic activities, diagnostic, educational or research purposes
- Trade samples & display items
- Surgical intervention on farm disposal

ANIMAL BY-PRODUCTS

EU Rules

Approved Establishments

Scientific Advice



ALL TOPICS

Approved Establishments

EU countries, EEA countries: List of approved ABP establishments


EU site per Member State and per sector (frequently updated)


[Establishments list per country](#)


[Establishments list per sector](#)

List of EU countries' approved establishments in the Animal by-Product field

 Austria (AT)

 Belgium (BE) FR / NL

 Bulgaria (BG)


 Croatia (HR)

 Cyprus (CY)

 Czech Republic (CZ)


 Denmark (DA)


 Estonia (EE)


 Finland (FI)


 France (FR)


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Import principles

Article 41 of Reg.(EC)1069/2009

Article 41 of Reg.(EC) 1069/2009: Basic import principles

- Import requirements in APB Regs must be:
 - As stringent as EU
 - Equivalent to EU
- Requirements are:
 - Listed countries
 - Listed establishments
 - Required certificates or other documents



Article 41 - Basic import principles

- Exceptions (i.e. not equivalent / equal):
 - Petfood (see art.35 - use of Cat 1 material ref article 8c)
 - Technical products (see art. 36-39 – safe sourcing, safe treatment, safe end use)
 - Research & artistic activities (art.17) authorised under national rules which ensure control of risks to public and animal health) except where harmonised conditions exist

Article 41 - Basic import principles

- What if no EU rules have been established?
 - Cat. 1 or 2 cannot be imported (article 41.2.c)
 - Cat. 3 can be imported but only under national rules of MS of destination

Article 41 - Basic import principles

- Article 41.2 requires import or transit of....
 - **Specified Risk Material** only in accordance with Reg. (EC) 999/2001
 - **Hazardous waste** only in accordance with Reg.(EC) 1013/2006
 - **Article 33 products:** cosmetics, medical devices, medicines, in-vitro diagnostic devices in accordance with sector-specific legislation (i.e. legislation mentioned in art.33)

Article 41 - Basic import principles

- And the end point?
 - **Principle: end point is not valid for import**
 - Reg (EU) 142/2011 article 25.2 lists certain derived products not subject to animal health conditions on import/ transit e.g. factory-washed wool & hair, dried furs which have reached their end point
 - However, to determine what is subject to official controls on import / transit (vet checks), see **Reg (EU) 2021/632**. (Puts article 25.2 products outside official controls)

**Which ABP / DP are
subject to official
border controls?**

= Those listed in Reg (EU) 2021/632