

Draft regulation concerning animal by-products not intended for consume – Translation of pertinent provisions

§ 4 *Biogas and composting – exemption from requirement to pressure sterilise and mark Category 2 material*

The following Category 2 material may be composted or transformed into biogas without prior pressure sterilization or permanent marking of the material, cf. Regulation (EC) No 1069/2009 Article 13(e)(ii):

- manure,
- digestive tract with or without content from poultry and pigs,
- milk,
- milk products, and
- colostrum.

The origin of the manure, digestive tract and digestive tract content must be the same county/province [fylke] as the by-product where it is to be used. Anyone wishing to use such by-products from other counties/provinces [fylker] must apply for permission from the Food Safety Authority.

The exemption in the first paragraph (first sentence) does not apply to:

- manure from fur animals which are kept by others than the owner or tenant of the land on which the digestion residues or compost shall be applied,
- manure or digestive tract, with or without content, from slaughterhouses that slaughter more than 10 000 animals per year.

[Alternative 1 – direct right]

§ 8 *Temporary provision – biogas and composting plants – non-validated alternative transformation parameters for treatment of catering waste etc.*

The alternative transformation parameters in this regulation's Annex 1 Part II may be applied in biogas and composting plants that use the following by-products, cf. Regulation (EC) No 1069/2009 Article 15 (2)(a)(ii), Regulation (EU) No 142/2011 Article 10 (3) and Annex V Chapter III Section 2(2):

- a) catering waste used as the only animal by-product, or
- b) mixtures of catering waste with the following materials:
 - i) manure
 - ii) digestive tract content separated from the digestive tract
 - iii) milk
 - iv) milk-based products
 - v) milk-derived products
 - vi) colostrum
 - vii) colostrum products

viii) egg

ix) egg products

x) animal by-products referred to in Article 10 (f) in Regulation (EC) No 1069/2009, which have undergone processing as defined in Regulation 22 December 2008 No 1623 om Food Hygien § 1 cf. Regulation (EC) No 852/2004 Article 2 (1)(m).

The authorisation of a biogas and composting plant that uses an alternative transformation parameter mentioned in this regulation's Annex 1 Part II must specify the method used. The additional requirements in this regulation's Annex 1 Part I must be fulfilled. The following requirements must also be fulfilled:

1. Composting plants shall
 - (a) not use catering waste containing meat. The material must be stored for 18 days after composting, or
 - (b) treat the material for a second time, after the first treatment, with a method pursuant to this regulation's Annex 1 Part II.
2. Biogas plants shall
 - (a) not use catering waste containing meat, or
 - (b) the material must be stored for at least 18 days after the transformation of biogas.

Operators who wish to use other alternative transformation parameters than those pursuant to §§ 7, 9 and this Regulation's Annex 1 Part II in biogas and composting plants using material listed in first paragraph letter a and b, must apply for permission from the Food Safety Authority cf. Regulation (EC) No 1069/2009 Article 15 (2)(a)(ii), Regulation (EU) No 142/2011 Article 10 (3) and Annex V Chapter III Section 2(2). The applicant must show that the alternative transformation parameter has an effect regarding the reduction of pathogens equivalent to Regulation (EU) No 142/2011 Annex V Chapter III Section 2 (1)(d). The additional requirements in this regulation's Annex 1 Part I must be fulfilled. The Authority's decision must describe the transformation parameter used and have a limited duration.

[Alternative 2 – application]

§ 8 *Temporary provision – biogas and composting plants – non-validated alternative transformation parameters for treatment of catering waste etc.*

Operators who wish to use alternative transformation parameters in biogas and composting plants using the following by-products:

- a) catering waste used as the only animal by-product, or
- b) mixtures of catering waste with the following materials:
 - i) manure
 - ii) digestive tract content separated from the digestive tract
 - iii) milk
 - iv) milk-based products
 - v) milk-derived products

vi) colostrum

vii) colostrum products

viii) egg

ix) egg products

x) animal by-products referred to in Article 10 (f) in Regulation (EC) No 1069/2009, which have undergone processing as defined in Regulation 22 December 2008 No 1623 om Food Hygien § 1 cf. Regulation (EC) No 852/2004 Article 2 (1)(m)

must apply to the Food Safety Authority for permission, cf. Regulation (EC) No 1069/2009 Article 15 (2)(a)(ii), Regulation (EU) No 142/2011 Article 10 (3) and Annex V Chapter III Section 2(2). The applicant must show that the alternative transformation parameter has an effect regarding the reduction of pathogens equivalent to Regulation (EU) No 142/2011 Annex V Chapter III Section 2 (1)(d). The additional requirements in this regulation's Annex 1 Part I must be fulfilled. The Authority's decision must describe the transformation parameter used and have a limited duration.

§ 11 *By-products which may be applied to land without processing – Category 2 and 3*

The following Category 2 material may be applied to land without processing, cf. Regulation (EC) No 1069/2009 Article 13(f):

- manure,
- digestive tract content,
- milk,
- milk-products, and
- colostrum.

The origin of the manure and digestive tract content must be the same county/province [fylke] as the by-product where it is to be used. Anyone wishing to use such by-products from other counties/provinces [fylker] must apply for permission from the Food Safety Authority.

The exemption in the first paragraph (first sentence) does not apply to:

- manure from fur animals which are kept by others than the owner or tenant of the land on which the digestion residues or compost shall be applied,
- manure or digestive tract content, from slaughterhouses that slaughter more than 10 000 animals per year.

The following Category 3 material may be applied to land without processing, cf. Regulation (EF) No 1069/2009 Article 14(l):

- raw milk,
- colostrum, and
- products derived from raw milk and colostrum.

§ 13 Temporary provision - ensilage of by-products from aquatic animals

Category 2 and 3 by-products from aquatic animals may be ensiled as an alternative method if the following minimum requirements are fulfilled, cf. Regulation (EC) No 1069/2009 Article 15 (2)(a)(iii):

- a. Before heat treatment the material must:
 - (i) have a pH of less than or equal to 4,0 for 24 hours, and
 - (ii) be ground to a particle size of less than 10mm.
- b. During heat treatment the material must:
 - (i) obtain a temperature of 85°C for at least 25 minutes, and
 - (ii) have a pH less than or equal to 4,0.

[Draft § 14 – for use after the temporary provision in § 13 concerning ensilage of by-products from aquatic animals, pursuant to Regulation (EC) No 1069/2009 Article 15(2)(a)(iii), is repealed]

§ 14 Processing method 7 for Category 3 material

Operators that wish to use processing method 7, cf. Regulation (EU) No 142/2011 Article 9 (b) and Annex IV Chapter III G, must apply for authorization of the method from the Food Safety Authority. The requirements in Regulation (EU) No 142/2011 Article 9 (b) and Annex IV Chapter III G must be fulfilled.

Category 3 by-products from aquatic animals may, without the aforementioned authorization, be ensiled if the following minimum requirements are fulfilled, cf. Regulation (EU) No 142/2011 Article 9 (b) and Annex IV Chapter III G (3):

- a. Before heat treatment the material must:
 - (iii) have a pH of less than or equal to 4,0 for 24 hours, and
 - (iv) be ground to a particle size of less than 10mm.
- b. During heat treatment the material must:
 - (i) obtain a temperature of 85°C for at least 25 minutes, and
 - (ii) have a pH less than or equal to 4,0.

§ 17 By-products for reseach and diagnosis

The use, transport and disposal of research and diagnostic samples is permitted pursuant to Regulation (EC) No 1069/2009 Article 17(1) cf. Regulation (EU) No 142/2011 Article 11(1) and Annex VI Chapter I. The by-products must be handled so that they do not constitute a risk to public and animal health. Notification must be sent to The Food Safety Authority before use, transport or disposal.

For by-products used for educational purposes the first paragraph only applies to Category 2 and 3 materials. Those wishing to use, transport or dispose of Category 1 material for educational purposes must apply to the Food Safety Authority for permission. The Authority may specify additional conditions in its decision.

§ 18 *Display items and trade samples*

The use, transport and disposal of display items of Category 2 and 3 by-products, and Category 1 by-products other than those in Regulation (EF) No 1069/2009 Article 8 (a) and (b) , is permitted, cf. Regulation (EF) No 1069/2009 Article 16(b) and 17(1) and Regulation (EU) No 142/2011 Article 12(1). Likewise for trade samples, cf. Regulation (EU) No 142/2011 Article 12(1). The requirements in Regulation (EU) No 142/2011 Article 12 cf. Annex VI Chapter I Section 2 must be fulfilled. In addition, notification must be sent to the Food Safety Authority before use, transport or disposal. The by-products must be handled so that they do not constitute a risk to public and animal health.

Those wishing to use, transport and dispose of display items or trade samples of Category 1 material in Regulation (EF) No 1069/2009 Article 8 (a) and (b) must apply to the Food Safety Authority for permission. With the exception of notification, the conditions in the first paragraph must be fulfilled. The Authority may specify additional conditions in its decision.

[Alternative 1]

§ 20 *Special feeding purposes – Category 2 and 3 – circus animals, wild animals, reptiles and birds of prey other than zoo or circus animals*

The feeding of circus animals and reptiles that are neither circus nor zoo animals with the following by-products is permitted, cf. Regulation (EF) No 1069/2009 Article 18(1)(b) and (c):

- (a) Category 2 material, provided that it comes from animals which were not killed or did not die as a result of the presence or suspected presence of a disease communicable to humans or animals, and
- (b) Category 3 material.

The first paragraph also applies to the feeding of wild animals or the use of by-products as bait for wild animals, cf. Regulation (EF) No 1069/2009 Article 18(1)(e), if the following requirements are fulfilled:

- a) there is a plan for the handling of by-products left over after feeding,
- b) feeding and laying out of bait is done outside of areas to which farmed animals have access, and
- c) leftovers after feeding and the laying of bait are handled according to the plan.

[Alternative 2 – stricter for feeding of reptiles]

§ 20 *Special feeding purposes – Category 2 and 3 – circus animals, wild animals, reptiles and birds of prey other than zoo or circus animals*

The feeding of circus animals with the following by-products is permitted, cf. Regulation (EF) No 1069/2009 Article 18(1)(b):

- (c) Category 2 material, provided that it comes from animals which were not killed or did not die as a result of the presence or suspected presence of a disease communicable to humans or animals, and
- (d) Category 3 material.

The first paragraph also applies to the feeding of wild animals or the use of by-products as bait for wild animals, cf. Regulation (EF) No 1069/2009 Article 18(1)(e), if the following requirements are fulfilled:

- a) there is a plan for the handling of by-products left over after feeding,
- b) feeding and laying out of bait is done outside of areas to which farmed animals have access, and
- c) leftovers after feeding and the laying of bait are handled according to the plan.

Reptiles that are neither zoo nor circus animals may be fed with [all] Category 3 materials, cf. Regulation (EF) No 1069/2009 Article 18(1)(c).

[Alternative 1]

§ 21 Special feeding purposes – Category 2 and 3 – other animals

By-products intended as feed for fur animals, dogs from recognized kennels and packs of hounds, dogs and cats in shelters, pursuant to Regulation (EF) No 1069/2009 Article 18(1) cf. Regulation (EU) No 142/2011 Article 13, must be treated pursuant to the requirements in Regulation (EU) No 142/2011 Article 13, cf. Annex VI Chapter II Section 1(4). The alternative handling method pursuant to Regulation (EU) No 142/2011 Annex VI Chapter II Section 1(4)(c) may be used if the following requirements are fulfilled:

- a) the temperature conditions in Regulation (EU) No 142/2011 Annex VIII Chapter 1 Section 2, and
- b) the microbiological standards for raw pet food, cf. Regulation (EU) No 142/2011 Annex XIII Chapter II (6).

Collection centres that deliver by-products to zoos do not need to sterilize or denature the by-products if the handling of the by-products itself ensures their quality, cf. Regulation (EU) No 142/2011 Annex VI Chapter II Section 1 (4)(c).

[Alternative 2]

§ 21 Special feeding purposes – Category 2 and 3 – other animals

By-products intended as feed for fur animals pursuant to Regulation (EF) No 1069/2009 Article 18(1) cf. Regulation (EU) No 142/2011 Article 13, must be treated in accordance with the requirements in Regulation (EU) No 142/2011 Article 13, cf. Annex VI Chapter II Section 1(4). The alternative handling method pursuant to Regulation (EU) No 142/2011 Annex VI Chapter II Section 1(4)(c) may be used if the following requirements are fulfilled:

- a) the pH reduction for acid concentrated raw materials is maximum pH 4,3,
- b) fresh raw materials are kept chilled at 0 - 4°C,
- c) frozen raw materials are stored at a maximum minus 18°C,

- d) the pH-level in the feed product is not harmful for the animal, and
- e) the feed does not contain more than 10 000 cfu/g coliform bacteria.

By-products intended for feed for dogs from recognized kennels, packs of hounds, dogs and cats in shelters, pursuant to Regulation (EF) No 1069/2009 Article 18(1) cf. Regulation (EU) No 142/2011 Article 13, must be treated pursuant to the requirements in Regulation (EU) No 142/2011 Article 13, cf. Annex VI Chapter II Section 1(4). The alternative handling method pursuant to Regulation (EU) No 142/2011 Annex VI Chapter II Section 1(4)(c) may be used if the following requirements are fulfilled:

- a) the temperature conditions in Regulation (EU) No 142/2011 Annex VIII Chapter 1 Section 2, and
- b) the microbiological standards for raw pet food, cf. Regulation (EU) No 142/2011 Annex XIII Chapter II (6).

Collection centres that deliver by-products to zoos do not need to sterilize or denature the by-products if the handling of the by-products itself ensures their quality, cf. Regulation (EU) No 142/2011 Annex VI Chapter II Section 1 (4)(c).

§ 22 Special feeding purposes – Category 1 – other animals

Those [zoos] that wish to feed zoo animals with Category 1 material pursuant to Regulation (EF) No 1069/2009 Article 18(2)(a), cf. Regulation (EU) No 142/2011 Article 14(2) and Annex VI Chapter II Section 4, must apply to the Food Safety Authority for permission. On use of by-products from zoo animals it is required that the by-products originate from the same zoo.

§ 32 Manure - identification

Manure transported within the same county/province [fylke] may be identified by other means than those stated in Regulation (EU) No 142/2011 Annex VIII Chapter II (1) and (2), cf. Regulation (EU) No 142/2011 Article 17 (1)(a) and Annex VIII Chapter II (6)(b).

Manure transported between counties/provinces [fylker] may, as an alternative to the identification requirements in Regulation (EU) No 142/2011 Annex VIII Chapter II (1) and (2), be identified by using the licence plate number of the transport vehicle, cf. Regulation (EU) No 142/2011 Article 17 (1)(a) and Annex VIII Chapter II (6)(b).

§ 34 Reusable containers

Reusable containers may be used for the transport of former foodstuffs or derived products from former foodstuffs following their use for carriage of products intended for human consumption, cf. Regulation (EU) No 142/2011 Article 17 (1)(a) and Annex VIII Chapter I Section 1(3) second paragraph letter b.

Reusable containers may also be used to transport other by-products and derived products, cf. Regulation (EU) No 142/2011 Article 17 (1)(a) and Annex VIII Chapter I Part 1(3) second paragraph letter a, if:

- a) the by-products or derived products are the same category,
- b) the containers are cleaned and disinfected between use for different types of by-products or derived products.

Containers used to transport by-products from aquatic animals may be used for both Category 2 and 3 materials if they are cleaned and disinfected between use for different categories. Containers used for domestic transport of aquatic by-products must be colour coded according to category pursuant to Regulation (EU) No 142/2011 Article 17(1)(a) and Annex VIII Chapter II (1)(c)(ii) and (iii), cf. Regulation (EU) No 142/2011 Article 17(1)(a) and Annex VIII Chapter II (3).

§ 36 *Derogation and additional requirements – unprocessed feed for fish and fish bait*

The use of wild capelin and herring as feed for temporarily stored wild fish is permitted, cf. Regulation (EU) No 142/2011 Article 21(1)(c) and Annex X Chapter III (2)(a). The herring and capelin must have undergone a freezing process sufficient enough to kill parasites.

Those intending to use other unprocessed aquatic animals or terrestrial invertebrates as feed for aqua culture fish and aquatic invertebrates must apply for permission from the Food Safety Authority, cf. Regulation (EU) No 142/2011 Article 21(1)(c) and Annex X Chapter III (2)(a). The by-products must come from wild fish, must have undergone a freezing process sufficient enough to kill parasites and may only be used for feeding temporarily stored wild fish. The Authority may specify additional requirements in its decision.

The following by-products may be used as fish bait, including bait for aquatic invertebrates, cf. Regulation (EU) No 142/2011 Article 21(1)(c) and Annex X Chapter III (2)(b):

- a) wild fish and other wild aquatic animals, and
- b) terrestrial invertebrates.

§ 38 *Component for mixing into organic fertilizers and soil improvers*

Organic fertilizers and soil improvers that consist of, or which have been produced from, meat-and-bone meal derived from Category 2 material or from processed animal protein must be mixed with calcium carbonate in order to make the products unsuitable as feed, cf. Regulation (EF) No 1069/2009 Article 32(1)(d) cf. Regulation (EU) No 142/2011 Article 22(3) and Annex XI Chapter II Section 1 (2). This requirement does not apply to organic fertilizers and soil improvers in packages of 50kg or less for sale to final consumers.

Operators wishing to use other components than calcium must apply to the Food Safety Authority for permission, cf. Regulation (EF) No 1069/2009 Article 32(1)(d) cf. Regulation (EU) No 142/2011 Article 22(3) and Annex XI Chapter II Section 1 (2).

§ 42 *Processing of pet food containing by-products from invertebrates, aquatic animals, rodents and lagomorphs*

Operators producing processed pet food who wish to process by-products from invertebrates, aquatic animals, rodents and lagomorphs using other treatments than those specified in Regulation (EU) No 142/2011 Article 24 (3) cf. Annex XIII Chapter II 3(b)(i)-(iv), must apply for permission from the Food Safety Authority, cf. Regulation (EU) No 142/2011 Article 24 (3) and Annex XIII Chapter II 3(b)(v). The pet food must not pose any risk to public and animal health after treatment. The feed must fulfill the microbiological standards in Annex XIII Chapter II (5).

§ 52 *Import and export of certain Category 1 materials*

Those who wish to import or export Category 1 hides, skins, ruminant intestines, bones and bone products pursuant to Regulation (EU) No 142/2011 Article 26 must apply for permission from the Food Safety Authority. The relevant requirements in Regulation (EU) No 142/2011 Article 26 cf. Annex XIV Chapter IV Section 1 must be fulfilled. In addition, the Authority may specify additional requirements for the import and export [in its decision].

[Alternative 1]

§ 53 *Import of certain materials for purposes other than feeding to farmed land animals*

The import of by-products specified in Regulation (EU) No 142/2011 Annex XIV Chapter IV Section 2 is permitted provided that the import does not constitute an unacceptable risk to public and animal health. The Food Safety Authority may specify additional requirements for the import.

[Alternative 2]

§ 53 *Import of certain materials for purposes other than feeding to farmed land animals*

Those who wish to import by-products specified in Regulation (EU) No 142/2011 Annex XIV Chapter IV Section 2 must apply for permission from the Food Safety Authority. The by-products must:

- a) be sufficiently heat treated,
- b) fulfill the microbiological standards for feed in Regulation (EU) No 142/2011 Annex XIII Chapter II (5), and
- c) come from a third country approved for import of [relevant] live animals or products for human consumption.

The Food Safety Authority may specify additional requirements for the import.