

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 142/2011, Division CHAPTER V. (See end of Document for details)*

## [<sup>F1</sup>ANNEX III

### DISPOSAL, RECOVERY AND USE AS A FUEL]

#### Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 592/2014 of 3 June 2014 amending Regulation \(EU\) No 142/2011 as regards the use of animal by-products and derived products as a fuel in combustion plants \(Text with EEA relevance\).](#)

## [<sup>F1</sup>CHAPTER V

### TYPES OF PLANTS AND FUELS THAT MAY BE USED FOR COMBUSTION AND SPECIFIC REQUIREMENTS FOR PARTICULAR TYPES OF PLANTS

#### A. Stationary internal combustion engines

##### 1. Starting material:

For this process, a fat fraction derived from animal by-products of all categories may be used provided it meets the following conditions:

- (a) unless fish oil or rendered fat is used which has been produced in accordance with Section VIII or XII of Annex III to Regulation (EC) No 853/2004, respectively, the fat fraction derived from animal by-products must first be processed using:
- (i) in the case of a fat fraction of Category 1 and 2 materials, any of the processing methods 1 to 5 as set out in Chapter III of Annex IV.  
  
Where this fat is moved by a closed conveyer system, which may not be bypassed, and provided such a system has been authorised by the competent authority, from the processing plant for immediate direct combustion the permanent marking with glyceroltriheptanoate (GTH) referred to in point 1 of Chapter V of Annex VIII shall not be required;
  - (ii) in the case of a fat fraction of Category 3 material, any of the processing methods 1 to 5 or processing method 7 as set out in Chapter III of Annex IV;
  - (iii) in the case of the materials derived from fish, any of the processing methods 1 to 7 as set out in Chapter III of Annex IV;
- (b) the fat fraction must be separated from the protein and in the case of fat from ruminant origin which is intended to be combusted in another plant, insoluble impurities in excess of 0,15 % by weight must be removed.

##### 2. Methodology:

Combustion of animal fat as a fuel in a stationary internal combustion engine shall be carried out as follows:

- (a) the fat fractions referred to in points 1(a) and (b) must be combusted:
- (i) under the conditions laid down in Section 2(1) of Chapter IV; or

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- (ii) using process parameters achieving an equivalent outcome as the conditions under (i) and which are authorised by the competent authority;
- (b) the combustion of material of animal origin other than animal fat must not be permitted;
- (c) the animal fat derived from Category 1 or Category 2 combusted in premises approved or registered in accordance with Regulations (EC) No 852/2004, (EC) No 853/2004, 183/2005, or in public places must have been processed with processing method 1 as set out in Chapter III of Annex IV;
- (d) the combustion of animal fat must be carried out in accordance with Union legislation for the protection of the environment, in particular, with reference to the standards and requirements of that legislation and the requirements regarding best available techniques for the control and monitoring of emissions.

3. Operating conditions:

By way of derogation from the requirements set out in the first paragraph of point 2 of Section 2 of Chapter IV, requirements based on other process parameters, which ensure an equivalent environmental outcome may be authorised by the competent authority responsible for environmental issues.

B. On-farm combustion plants in which poultry manure is used as a fuel

1. Type of plant:

On-farm combustion plant with a total rated thermal input not exceeding 5 MW.

2. Starting material and scope:

Exclusively unprocessed poultry manure, as referred to in Article 9(a) of Regulation (EC) No 1069/2009, to be used as a fuel for combustion in accordance with the requirements set out in point 3 to 5.

The combustion of other animal by-products or derived products and of manure of other species or generated outside the holding shall not be allowed for use as a fuel in on-farm combustion plants referred to in point 1.

3. Specific requirements for poultry manure used as a fuel for combustion:

- (a) The manure shall be stored securely in a closed storage area to minimise the need for further handling and to prevent cross contamination with other areas on a holding keeping animals of food producing species.
- (b) The on-farm combustion plant must be equipped with:
  - (i) an automatic fuel management system to place the fuel directly in the combustion chamber without further handling;
  - (ii) an auxiliary burner which must be used during start-up and shut-down operations to ensure that the temperature requirements set out in Section 2(2) of Chapter IV are met at all times during those operations and as long as unburned material is in the combustion chamber.

4. Emission limit values and monitoring requirements:

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- (a) The emissions of sulphur dioxide, nitrogen oxides (namely the sum of nitrogen monoxide and nitrogen dioxide, expressed as nitrogen dioxide) and particulate matter shall not exceed the following emission limit values, expressed in mg/Nm<sup>3</sup> at a temperature of 273,15 K, a pressure of 101,3 kPa and an oxygen content of 11 per cent, after correction for the water vapour content of the waste gases:

Pollutant	Emission limit value in mg/Nm <sup>3</sup>
Sulphur dioxide	50
Nitrogen oxides (as NO <sub>2</sub> )	200
Particulate matter	10

- (b) The operator of the on-farm combustion plant shall carry out at least annual measurements of sulphur dioxide, nitrogen oxides and particulate matter.

As an alternative to the measurements referred to in the first subparagraph, other procedures, verified and approved by the competent authority, may be used to determine the emissions of sulphur dioxide.

Monitoring shall be carried out by or on behalf of the operator in accordance with CEN standards. Where CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality shall apply.

- (c) All results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the emission limit values.
- (d) For on-farm combustion plants applying secondary abatement equipment in order to meet the emission limit values, the effective operation of that equipment shall be monitored continuously and the results thereof recorded.
- (e) In the event of non-compliance with the emission limit values referred to in point (a) or where an on-farm combustion plant does not meet the requirements of point 1 of Section 2 of Chapter IV, operators shall immediately inform the competent authority and take the measures necessary to ensure that compliance is restored within the shortest possible time. Where compliance cannot be restored, the competent authority shall suspend the operation of the plant and withdraw its approval.

5. Changes of operation and breakdowns:

- (a) The operator shall notify the competent authority of any planned change of the on-farm combustion plant which would affect its emissions at least one month before the date on which the change takes place.
- (b) The operator shall take the necessary measures to ensure that the periods of start-up and shut-down of the on-farm combustion plant and of any malfunctions are kept as short as possible. In the case of a malfunction or a breakdown of secondary abatement equipment, the operator shall immediately inform the competent authority.

**[<sup>F2</sup>C. Combustion plants in which manure of farmed animals other than poultry manure set out in point B is used as a fuel for combustion**

1. Type of plant:

Combustion plants with a total rated thermal input not exceeding 50 MW.

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2. Starting material:

Exclusively manure of farmed animals other than poultry manure set out in point B, to be used as a fuel for combustion in accordance with the requirements set out in point 3.

The combustion of other animal by-products or derived products shall not be allowed for use as a fuel in combustion plants referred to in point 1. Manure of farmed animals other than poultry manure set out in point B generated outside the holding should not come in contact with farmed animals.

3. Methodology:

Combustion plants in which manure of farmed animals other than poultry manure set out in point B is used as a fuel shall comply with requirements set out in points B(3), B(4) and B(5).

4. Derogation and transitional period:

The Member State competent authority responsible for environmental issues may:

- (a) by way of derogation from point B(3)(b)(ii), grant combustion plants operating on 2 August 2017 an additional time period of maximum 6 years to comply with the first paragraph of point 2 of Section 2 of Chapter IV of Annex III to this Regulation;
- (b) by way of derogation from point B(4), authorise emissions of particulate matter not exceeding  $50 \text{ mg/m}^3$ , provided the total rated thermal input of the combustion plants does not exceed 5 MW;
- (c) by way of derogation from point B(3)(b)(i), authorise manual placement of horse manure as fuel in the combustion chamber when a total rated thermal input not exceeding 0,5 MW.]]

**Textual Amendments**

- F2** Inserted by [Commission Regulation \(EU\) 2017/1262 of 12 July 2017 amending Regulation \(EU\) No 142/2011 as regards the use of manure of farmed animals as a fuel in combustion plants \(Text with EEA relevance\).](#)

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