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**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 142/2011, Division Section 2. (See end of Document for details)

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## ANNEX V

### TRANSFORMATION OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS INTO BIOGAS, COMPOSTING

#### CHAPTER III

#### TRANSFORMATION PARAMETERS

##### Section 2

##### **Alternative transformation parameters for biogas and composting plant**

1. The competent authority may authorise the use of parameters other than the parameters set out in point 1 of Section 1 of Chapter I and other than the standard transformation parameters, provided that the applicant for such use demonstrates that such parameters ensure adequate reduction of biological risks. That demonstration shall include a validation, which shall be carried out in accordance with the following requirements:
  - (a) Identification and analysis of possible hazards, including the impact of input material, based on a full description of the transformation conditions and parameters;
  - (b) A risk assessment, which evaluates how the specific transformation conditions referred to in point (a) are achieved in practice under normal and atypical situations;
  - (c) Validation of the intended process by measuring the reduction of viability/infectivity of:
    - (i) endogenous indicator organisms during the process, where the indicator is:
      - consistently present in the raw material in high numbers,
      - not less heat resistant to the lethal aspects of the transformation process, but also not significantly more resistant than the pathogens for which it is being used to monitor,
      - relatively easy to quantify and to identify and to confirm; or
    - (ii) a well-characterised test organism or virus, during exposure, introduced in a suitable test body into the starting material.
  - (d) The validation of the intended process referred to in point (c) must demonstrate that the process achieves the following overall risk reduction:
    - (i) for thermal and chemical processes by:
      - a reduction of 5 log<sub>10</sub> of *Enterococcus faecalis* or *Salmonella Senftenberg* (775W, H<sub>2</sub>S negative),
      - reduction of infectivity titre of thermoresistant viruses such as parvovirus by at least 3 log<sub>10</sub>, whenever they are identified as a relevant hazard; and
    - (ii) as regards chemical processes also by:
      - a reduction of resistant parasites such as eggs of *Ascaris* sp. by at least 99,9 % (3 log<sub>10</sub>) of viable stages;

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- (e) Designing a complete control programme including procedures for monitoring the functioning of the process referred to in point (c);
- (f) Measures ensuring continuous monitoring and supervision of the relevant process parameters fixed in the control programme when operating the plant.

Details on the relevant process parameters used in a biogas or composting plant as well as other critical control points must be recorded and maintained so that the owner, operator or their representative and the competent authority can monitor the operation of the plant.

Records must be made available by the operator to the competent authority on request. Information relating to a process authorised under this point must be made available to the <sup>F1</sup>appropriate authority] on request.

#### Textual Amendments

**F1** Words in Annex 5 Ch. 3 Section 2 point 1 substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(39)(a)**

2. By way of derogation from point 1, pending the adoption of rules as referred to in Article 15(2)(a)(ii) of Regulation (EC) No 1069/2009, the competent authority may authorise the use of specific requirements other than those laid down in this Chapter, provided that they guarantee an equivalent effect regarding the reduction of pathogens, for:
  - (a) catering waste used as the only animal by-product in a biogas or composting plant; and
  - (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) eggs;
    - (ix) egg products;
    - (x) <sup>F2</sup>animal by-products referred to in Article 10(f) of Regulation (EC) No 1069/2009, which have undergone processing as defined in Article 2(1)(m) of Regulation (EC) No 852/2004;]
    - (xi) <sup>F3</sup>mixture of animal by-products referred to in point 2(b) with non-animal by-product materials.]

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#### Textual Amendments

- F2** Substituted by Commission Regulation (EU) 2015/9 of 6 January 2015 amending Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (Text with EEA relevance).
- F3** Inserted by Commission Regulation (EU) 2015/9 of 6 January 2015 amending Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (Text with EEA relevance).

3. Where the materials referred to in point 2(b) or derived products referred to in Article 10(g) of Regulation (EC) No 1069/2009 are the only starting material of animal origin being treated in a biogas or composting plant, the competent authority may authorise the use of specific requirements other than those specified in this Chapter provided that it:
- (a) does not consider that those materials present a risk of spreading any serious transmissible disease to humans or animals;
- (b) [<sup>F2</sup>considers that the digestion residues or compost are unprocessed material and obliges operators to handle them in accordance with Regulation (EC) No 1069/2009, with this Regulation or, in the case of compost or digestion residues derived from catering waste, to recover or dispose of in accordance with the environmental legislation.]
4. Operators may place on the market digestion residues and compost, which have been produced according to parameters which have been authorised by the competent authority:
- (a) in accordance with [<sup>F4</sup>points 1, 2 and 3];
- (b) <sup>F5</sup> .....

#### Textual Amendments

- F4** Words in Annex 5 Ch. 3 Section 2 point 4(a) substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(39)(b)(i)**
- F5** Annex 5 Ch. 3 Section 2 point 4(b) omitted (E.W.S.) (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(39)(b)(ii)**

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