

COMMISSION REGULATION (EU) 2021/899**of 3 June 2021****amending Regulation (EU) No 142/2011 as regards transitional measures for the export of meat-and-bone meal as a fuel for combustion****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 ⁽¹⁾, and in particular the first subparagraph of Article 43(3) thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011 ⁽²⁾ lays down public and animal health rules for placing on the market and export of animal by-products and derived products.
- (2) Article 12 of Regulation (EC) No 1069/2009 in conjunction with Article 7(2) of that Regulation stipulate that Category 1 meat-and-bone meal (MBM) is to be disposed of by incineration, co-incineration or landfill or may be used as a fuel for combustion to prevent the re-entry into and the contamination of the feed chain.
- (3) The competent authorities of Ireland communicated their plans to have established own combustion capacities for MBM of Category 1 materials by the end of 2023, and requested that during a transitional period traditional trade flows of MBM of Category 1 materials intended for disposal in the United Kingdom be authorised.
- (4) After assessing Ireland's request, the Commission, given the particular geographical situation of that Member State, considers it necessary to establish rules in Chapter V of Annex XIV to Regulation (EU) No 142/2011 on the basis of which Ireland may authorise the export to the United Kingdom of MBM of Category 1 materials complying with the requirements for the placing on the market for the purpose of combustion until 31 December 2023, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, and subject to Article 6(1) of that Protocol, which allows movements of MBM of Category 1 materials for combustion to other parts of the United Kingdom than Northern Ireland.
- (5) Annex XIV to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (6) In order to ensure the continuity of existing trade flows after the end of the transition period, this Regulation should apply from 1 January 2021 and should therefore, as a matter of urgency, enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 300, 14.11.2009, p. 1.

⁽²⁾ Commission Regulation (EU) No 142/2011 of 25 February 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 (OJ L 54, 26.2.2011, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Chapter V of Annex XIV to Regulation (EU) No 142/2011 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the table in Chapter V of Annex XIV to Regulation (EU) No 142/2011, a new row is added as follows:

'3	Meat-and-bone meal of Category 1 materials.	Meat-and-bone meal (MBM) of Category 1 material intended as a fuel for combustion shall only be exported from Ireland to the United Kingdom *, under the following conditions: (a) the competent authority of Ireland has authorised the export to the combustion plant in the United Kingdom not later than 31 December 2023, provided such movements of MBM of Category 1 materials intended for disposal have taken place from that Member State prior to 1 January 2021 under the conditions laid down in Article 6(6), (7) and (8); (b) the combustion plant of destination is authorised for the combustion of imported MBM of Category 1 materials in the import license issued by the United Kingdom; (c) the MBM of Category 1 material — was obtained solely from the processing in accordance with the Processing method 1 (pressure sterilisation) 2, 3, 4 or 5 referred to in Chapter III of Annex IV, — is marked in accordance with Chapter V of Annex VIII; (d) the consignment of MBM is sent in sealed containers directly from the processing plant or storage plant referred to in Article 24(1)(a) or (j)(ii) of Regulation (EC) No 1069/2009 to the combustion plant of destination; (e) operators shall present consignments of MBM to the border control post of exit; (f) the competent authority of the border control post of exit shall carry out official controls on the consignments referred to in point (e), in particular on the integrity of the seal. In case the integrity of the seal is compromised, the rules set out in Article 138(2)(d) and (g) of Regulation (EU) 2017/625 of the European Parliament and of the Council ** shall apply; (g) the competent authority at the border control post shall inform, via TRACES, the competent authority indicated in box I.4 of the commercial document of the arrival of the consignment at the point of exit and, where applicable, of the outcome of the verification of the seal and of any corrective action taken. The competent authority responsible for the processing plant of origin shall carry out risk based official controls to verify compliance with the first paragraph and to verify that, for each consignment of MBM, the confirmation of the control carried out at the exit point was received from the competent authority of the border control post, through TRACES. In case of non-compliance, the competent authority may prohibit such movements of a consignment of MBM of Category 1 material intended as a fuel for combustion in accordance with Article 138(2)(d) of Regulation (EU) 2017/625.
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* In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex references to the United Kingdom do not include Northern Ireland.

** Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).'