



Brussels, **XXX**
SANTE/7125/2016
(POOL/G2/2016/7125/7125-EN.doc)
[...] (2024) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) No 142/2011 as regards requirements for the import of used cooking oil

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) No 142/2011 as regards requirements for the import of used cooking oil

(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 1774/2002¹, and in particular Article 41(3), first and third subparagraphs, and Article 42(2), points (b) and (d), thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011² lays down implementing measures for the public 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. Those implementing measures concern all elements of the animal by-product chain from manufacture through to end use or disposal including collection, handling and transport of animal by-products, as well as conditions for the placing on the market of imported animal by-products and derived products.
- (2) To facilitate international trade in used cooking oil, it is necessary to set up harmonised requirements for their import into the Union.
- (3) Used cooking oil is considered catering waste to which Regulation (EC) No 1069/2009 applies, as provided for in Article 2(2), point (g)(iii), of that Regulation, when it is destined for processing by pressure sterilisation or for processing by methods referred to in Article 15(1), first subparagraph, point (b), of that Regulation or for transformation into biogas or for composting. Where used cooking oil or any product derived therefrom is intended for the operations subject to Regulation (EC) No 1069/2009 as referred to in Article 2(2), point (g)(iii), of that Regulation, the import, transport, treatment and the subsequent use of such used cooking oil are governed by that Regulation.
- (4) Used cooking oil, other than catering waste originating from means of transport operating internationally, is Category 3 material pursuant to Article 10, point (p), of Regulation (EC) No 1069/2009. Used cooking oil not containing or not consisting of

-

¹ OJ L 300, 14.11.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1069/oj>.

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, ELI: <http://data.europa.eu/eli/reg/2011/142/oj>).

materials of animal origin does not fall within the scope of Regulation (EC) No 1069/2009.

- (5) Used cooking oil is an oil and a fatty fraction of catering waste. A definition of used cooking oil should be added in Annex I to Regulation (EU) No 142/2011 to clarify the scope of the requirements provided for the used cooking oil in this Regulation.
- (6) Used cooking oil is a starting material for the production of renewable fuels, biodiesel or oleochemical products. To prevent and minimise risks to public and animal health posed by used cooking oil animal health requirement for imports of used cooking oil should be set out, including a list of third countries, a model declaration to accompany a consignment of imported used cooking oil at the time of official controls on the consignment at border control posts of entry into the Union and the origin of used cooking oil.
- (7) To prevent entry of used cooking oil in the feed chain for farmed animals, consignments of used cooking oil imported from third countries, unless used cooking oil is moved by a closed conveyer system should be subject to the conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union referred to in Commission Delegated Regulation (EU) 2019/1666³.
- (8) Those controls should also apply where the used cooking oil is heated or melted in an approved plant carrying out intermediate activities, or temporarily stored in an approved intermediate storage plant before being consigned to the final destination in accordance with Delegated Regulation (EU) 2019/1666, unless used cooking oil is moved by a closed conveyer system.
- (9) To harmonise the import requirements for used cooking oil, a new model declaration should be introduced in Annex XV to Regulation (EU) No 142/2011 to accompany consignments of used cooking oil at the time of official controls on the consignment at border control posts of entry into the Union.
- (10) Therefore, Regulation (EU) No 142/2011 should be amended accordingly.
- (11) It is appropriate to provide the operators and competent authorities with sufficient time to align existing procedures with harmonised requirements for the import of used cooking oil set out in this Regulation. Therefore, this Regulation should apply from ...[24 months from the date of the entry into force of this Regulation].
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, XIV and XV to Regulation (EU) No 142/2011 are amended in accordance with the Annex to this Regulation.

-

³ Commission Delegated Regulation (EU) 2019/1666 of 24 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union (OJ L 255, 4.10.2019, p. 1, ELI http://data.europa.eu/eli/reg_del/2019/1666/oj).

Article 2

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

It shall apply from ... [*24 months from the date of the entry into force of this Regulation*].

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

DRAFT