



Department
for Environment
Food & Rural Affairs

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Mr D Brammer (by email)

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Our ref: RFI 7025

5 January 2015

Dear Mr Brammer,

REQUEST FOR INFORMATION: IMPORT OF ANIMAL WASTE PRODUCTS FROM OUTSIDE THE EU

Thank you for your requests for information, which we received on 17 November 2014, about the release and disposal of animal waste and importation of urine from the Order Carnivora-Family Canidae-Tribe Vulpini. We have handled your requests under the Environmental Information Regulations 2004 (EIRs). We apologize for the delay in replying to you.

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

1. You asked how many organisations, companies or individuals have imported material identified as urine from the Order Carnivora-Family Canidae-Tribe Vulpini under General Authorisation IMP/GEN/2014/04 during the period 1st April 2014 to 31st October 2014.

I can confirm that during the period 1 April 2014 to 31 October 2014 our Delivery Partners were not advised of the use of the General authorisation or General licence, and no specific authorisation or licence was issued with regards the import of urine from the Order Carnivora-Family Canidae-Tribe Vulpini from non-EU countries. The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.



INVESTORS
IN PEOPLE

2. You also requested information as follows 'Apart from the General Authorisation IMP/GEN/2014/04 is/are there any other Authorisation/s which allows the import into the UK of the above material from a Third Country. If so what is/are the Authorisation/s? What authorisation, if any, is required for the uncontrolled and free release into the environment of animal waste products, such as faeces or urine, imported into the UK from outside the EU? If authorisation is required are there any exemptions? If authorisation is required and a group or individual fail to obtain such authorisation before releasing imported animal waste products into the environment what penalties, if any, do they face? What statutes, if any, control the release of such material?'

Since the above is not a request for recorded information held by Defra, it is not appropriate to consider this part of your request under the EIRs. However, noting your interest, I can respond as follows:

a) Imports of farmed animal waste

In the UK, the import of 'manure' (defined in Regulation (EC) No 1069/2009 as 'as any excrement and/or urine of **farmed** animals, other than farmed fish') is controlled by the EU Animal By-Product (ABP) Regulations (EC) No 1069/2009 and (EU) No 142/2011.

The ABP Regulations allow the import of certain **processed farmed animal waste products** from a country **outside the EU** providing certain criteria have been met, including that the country of origin is permitted to import such material into the EU. Advice on requirements for import of this kind of material can be obtained from the [Animal and Plant Health Agency \(APHA\) Specialist Service Centre](#) in Carlisle. There are also [Importer Information Notes](#) available which give advice on importing animal by-products not for human consumption, including processed manure. Owing to potential public and animal health risks, the import of **unprocessed manure** from countries outside the EU is not permitted under the EU Animal By-Product Regulations.

b) Imports of non-farmed animal waste

Non-farmed animal waste products may be imported into the UK from outside the EU provided a General licence or General authorisation is available for use on our [website](#), or a specific licence or authorisation has been issued to an importer to bring in such a product.

General authorisation [IMP/GEN/2014/04](#) can only be used to import urine from specific animal species **born and bred in laboratories** which are not known or suspected to be infected with specified animal pathogens and imported for non-resale **for research and diagnostic purposes only**.

There is also General licence [IMP/GEN/10/12](#) in place which permits imports of urine from animals of the Family Canidae from animals **born and bred in captivity**, and not known or suspected to be infested with specified animal pathogens, and **intended for research, testing diagnostic and/ or educational purposes only**. This licence may only be used for imports from specific non EU countries and cannot be used for resale of the product.

The General authorisation and General licence mentioned above have specific conditions attached for usage and disposal of any residues and packaging.

If there is no General Authorisation or licence available, an importer may apply for a specific authorisation/ licence to be issued. Each application is considered on a case by case basis and we cannot guarantee an authorisation/ licence will be issued.

Once in UK, the following rules apply to the handling and disposal of animal waste:

c) Legislation covering the use, handling & disposal of animal waste products in the UK

1. **Farmed animals:** In the UK, the use, disposal, handling, and identification of 'manure' (defined in regulation 1069/2009 as 'as any excrement and/or urine of farmed animals, other than farmed fish') is controlled by:

- [EU Animal By-Products Regulation 1069/2009](#)
- [EU Implementing Regulation 142/2011](#)
- [Animal By-Products \(Enforcement\)\(England\) Regulations 2013 No. 2013/2952](#) (and equivalent legislation in the rest of the UK).

Guidance on working with animal by-products (ABPs), including the use, handling & disposal of manure is available here:

<https://www.gov.uk/government/collections/guidance-for-the-animal-by-product-industry#using-abps-to-make-fertiliser-and-applying-them-as-fertilisers>

Excrement & urine other than 'manure' (as defined above) & non-mineralised guano are excluded from the scope of the animal by-products Regulations.

2. **Non-farmed animals:** Faeces and/ or urine imported as research and diagnostic samples must be disposed of in accordance with Annex XIV, Chapter III, Section 1 of regulation 142/2011. The use, storage and disposal of other faeces and/or urine from a non-farmed animal would be not be controlled by the above ABP Regulations but would instead normally require a permit under the Environmental Permitting Regulations (2010)

<http://www.legislation.gov.uk/ukdsi/2010/9780111491423/contents>

Guidance on the Environmental Permitting Regulations is available here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211852/pb13897-ep-core-guidance-130220.pdf

Some use and storage, treatment and disposal of waste and discharge to water may be carried out without the need for an environmental permit. Details of activities that are permitted may be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one/basic-rules>.

d) Exemptions from the Animal By-Product & Environmental Permitting Regulations

1. **Farmed animals:** There are a number of authorised exemptions to the ABP regulations, some of which relate to the use of manure from farmed animals. Details of the exemptions and applicable conditions are available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/376076/apb-authorisations.pdf

- 2. Non-farmed animals:** Exemptions apply to a range of waste activities including use and storage, treatment and disposal activities, and discharge to water. Exemptions must be registered. Details of the exemptions and how to apply are available at:
<https://www.gov.uk/environmental-permit-check-if-you-need-one/exemptions>.

e) Penalties for breaches of the ABP/ EP Regulations regarding the use, handling & disposal of manure of farmed/ non-farmed animals

1. It is an offence to fail to comply with **animal by-product** requirements. The penalties are listed in Part 5 of the Animal By-Products (Enforcement) (England) Regulations 2013 and equivalents in the rest of the UK. A person found guilty of an offence under the ABP Regulations is liable to, on summary conviction, a fine not exceeding the statutory maximum, or imprisonment for a term not exceeding 3 months, or both; or on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or both.
2. For breaches to **EP Regulations**, the offences that may apply are listed in Regulation 38 of the Environmental Permitting Regulations (2010), and the penalties that apply are listed in Regulation 39 of the Environmental Permitting Regulations. A person found guilty of an offence under these regulations (which can include failing to obtain an environmental permit for a waste operation that requires one) can, on summary conviction result in a fine not exceeding £50,000 or imprisonment for a term not exceeding 12 months or both or on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or to both.

I attach an annex giving contact details should you be unhappy with the service that you have received.

If you have any queries about this letter please contact the address below.

Yours sincerely,



David Waller
Defra FOIA and EIRs Team
InformationRequests@defra.gsi.gov.uk

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF