

Cox ID (Ian)

From: Cox IDA (Ian)
Sent: 26 January 2016 10:56
To: [REDACTED]
Cc: Voas S (Sheila); Macaldowie C (Colin); Ambrose N (Nick) Dr; Murdoch I J (Ian);
[REDACTED]
[REDACTED], Leach, Neil K (Defra) [REDACTED]
[REDACTED]
Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by -products originating from aquaculture establishments in Scotland
Attachments: Commission Update letter Pilot Case 7150_14_SNCO - January 2016.docx

[REDACTED]
Copy as envelope

As requested please find attached an update for the Commission which outlines progress to date.

Many thanks

Ian

IAN COX

Scottish Government | Animal Health and Welfare Division | Disease Prevention Team | P Spur | Saughton House | Broomhouse Drive | EDINBURGH | EH11 3XD
T: 0300 244 9813 | E: ian.cox@gov.scot

From: [REDACTED]
Sent: 14 January 2016 15:56
To: Murdoch I J (Ian)
Cc: Leach, Neil K (Defra); [REDACTED]
[REDACTED]
Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by -products originating from aquaculture establishments in Scotland

Dear Ian,

Please see attached request for an update in respect of Pilot case 7150/14/SNCO. The Commission have set a deadline of 1st February to respond. I'd be grateful if you could send me your response by close of play, Thursday 28th January, to ensure that it reaches the Commission in good time.

Many thanks.

Kind regards,

[REDACTED]
[REDACTED]

EU Infractions, Engagement and Skills
EU Strategy
Defra
Area 2D Nobel House
17 Smith Square
London
SW1P 3JR

[REDACTED]

EU Strategy and Engagement HUB: EUSTRATEGY@defra.gsi.gov.uk

Do you have EU skills you would like to share, or skills you would like to learn? Please let us know through the [Defra EU Skills Teamsite!](#)

From: Ian.Murdoch@scotland.gsi.gov.uk [mailto:Ian.Murdoch@scotland.gsi.gov.uk]

Sent: 10 April 2015 12:34

To: [REDACTED]

Cc: [REDACTED]

Leach, Neil K (Defra); [REDACTED]

[REDACTED] Voas, Sheila (SEERAD); Macaldowie, Colin (Non-Defra);

Ambrose, Nick (SEERAD); [REDACTED]

Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

[REDACTED]

Attached is a response to the Commission's request for further information. Also attached are two annexes that accompany the response.

Please let me know if you need any further information.

Ian

Ian Murdoch
The Scottish Government
Directorate for Agriculture, Food & Rural Communities
Animal Health & Welfare
P-Spur, Saughton House,
Broomhouse Drive,
Edinburgh, EH11 3XD

Tel: 0300 244 9833

Fax: 0300 244 9797



From: [REDACTED]
Sent: 25 March 2015 11:20
To: Leach, Neil K (Defra); [REDACTED] Murdoch I J (Ian) [REDACTED]
Cc: [REDACTED]
Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

Dear Colleagues,

In Babatunde's absence, please see attached request for further information in respect of this Pilot case. The Commission have set a deadline of 14th April to supply this information. Therefore, I'd be grateful if you could send your response to the EU Strategy team by Friday 10th April.

Many thanks.

[REDACTED]

[REDACTED]

EU Engagement and Skills
EU Strategy
Defra
Area 2D Nobel House
17 Smith Square
London
SW1P 3JR

[REDACTED]

Do you have EU skills you would like to share, or skills you would like to learn? Please let us know through the [Defra EU Skills Teamsite!](#)

From: Leach, Neil K (Defra)
Sent: 23 January 2015 11:03
To: [REDACTED]
Cc: [REDACTED]; Ian.Murdoch@scotland.gsi.gov.uk
Subject: FW: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

[REDACTED]

Please see attached response from my colleagues in the Scottish Government.

Please let me know if you require anything further and I will liaise with those colleagues further as necessary.

Regards

Neil

From: Ian.Murdoch@scotland.gsi.gov.uk [<mailto:Ian.Murdoch@scotland.gsi.gov.uk>]
Sent: 22 January 2015 14:54
To: Leach, Neil K (Defra)

Cc: [REDACTED]

[REDACTED] Voas, Sheila (SEERAD);

Macaldowie, Colin (Non-Defra); Ambrose, Nick (SEERAD); [REDACTED]

Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

Neil

Attached is a draft response and 4 annexes to the Commission's letter on alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland. The response contains contributions from colleagues in Marine Scotland, APHA, SEPA and LAs.

I have not added a letter head or topped and tailed the draft response as I am assuming the reply will be from Defra. Let me know if this is not the case and if you have any comments to make.

Thanks

Ian

Ian Murdoch
The Scottish Government
Directorate for Agriculture, Food & Rural Communities
Animal Health & Welfare
P-Spur, Saughton House,
Broomhouse Drive,
Edinburgh, EH11 3XD

Tel: 0300 244 9833
Fax: 0300 244 9797



From: Leach, Neil K (Defra) [<mailto:Neil.Leach@defra.gsi.gov.uk>]

Sent: 25 November 2014 13:43

To: Murdoch I J (Ian)

Cc: J [REDACTED]

Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

Ian

Not unexpected. Grateful if you could arrange for a draft response within deadlines below.

Happy to discuss

Thanks

Neil

From: [REDACTED]
Sent: 25 November 2014 13:40
To: Leach, Neil K (Defra) [REDACTED]
Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by -products originating from aquaculture establishments in Scotland

Neil,

Many thanks for the email. As the case only relates to Scotland, it falls on SG to reply and your team will forward the response to me for forward transmission.

Regards

From: Leach, Neil K (Defra)
Sent: 25 November 2014 13:11
To: [REDACTED]
Subject: RE: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by -products originating from aquaculture establishments in Scotland

[REDACTED]

This is in relation to an alleged infraction of the ABP regulations for which we are responsible but relates only to activities in Scotland. Can you confirm whether it falls to us to reply or the Scottish Government please? (In any case we will need to get SG to draft the reply and I will forward to my contact there).

Neil

From: [REDACTED]
Sent: 25 November 2014 09:01
To: [REDACTED]
Subject: FW: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by -products originating from aquaculture establishments in Scotland

[REDACTED]

Please see forwarded Pilot case from the Commission regarding Alleged breaches of Union legislation in relation to the collection and disposal of animal by -products originating from aquaculture establishments in Scotland. I'd be grateful if you could confirm within one working day that this case is for you, and if so, could you please forward your response to me by **Monday 26 January 2015**, the deadline for responding to the Commission is **Monday 2 February 2015**.

Please do not hesitate to contact me if you need further clarification.

Regards

From: [REDACTED]
Sent: 24 November 2014 15:05
To: [REDACTED]
Cc: [REDACTED]

[Redacted]

Subject: Pilot Case: 7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

Lead Department: MAFF

Cc: Usual infraction contacts; [Redacted]
info

Pilot case reference: **7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland**

Please find attached details from the Commission on the case. Below are the deadlines for letting CO know whether you will take on this case and for providing a full response to the case.

Accepting the case

Please let Cabinet Office know no later than Monday 1 December 2014 whether you agree to take on this case.

Response to Commission

In order to meet the Commission's deadline, please arrange for a co-ordinated response to be e-mailed to Cabinet Office (Kim Sri Shan and Jennifer Raynor) by no later than close Monday 2 February 2015.

NB: You should also send a copy of your response to the correspondent, if the details are authorised in the attached 'Issue document'

Many thanks and kind regards,

[Redacted signature]



[Redacted]
European and Global Issues Secretariat
Room 421 | 70 Whitehall | SW1A 2AS
[Redacted]

Please click here for [EGIS Infractions Guidance](#)

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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EU PILOT 7150/14/SNCO

Request for follow-up

Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

Update on progress

The Animal By-Products (Enforcement) (Scotland) Regulations 2013 (ABPR) are now amended by the *Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015*¹ and the instrument came into force on **1 January 2016**. There are two key principles to this instrument:

- It sets out that the remote areas derogation applies to terrestrial livestock animals only to ensure full compliance with European legislation; and
- It also changes how fish mortalities and other aquaculture animal by-product (ABP) waste (from the family *Salmonidae*) can be disposed of in the areas categorised as remote. It is in this legislative context that **fish farms located in remote areas are no longer able to send their waste to a landfill site, or the other means of disposal as set out in Article 19(1)(b) of the EU Control Regulation.**

Report on Finfish Mortalities in Scotland

The Scottish Government funded a project in 2015 looking at Scottish fish farm waste and identifying current waste disposal routes, suitable alternative ABP compliant disposal routes and the existing waste capacity in Scotland. Using the data gathered from engagement across the haulage and waste treatment industries the project identified that where companies are landfilling fish farm waste, they are able to secure ABP compliant and sustainable disposal routes at a lower cost than what they previously paid for landfilling their waste. The report:

- Provides evidence for suitable alternative ABP compliant disposal routes for Scottish finfish farming waste e.g. incineration, anaerobic digestion, in vessel composting, rendering and the potential of a recently authorised heat treatment and ensilage process from Norway.
- Reviews the capacity already existing in Scotland to receive and utilise this material and the logistics involved for the individual solutions identified. This helps to ascertain if there is the capacity to make the best use of the finfish farm waste produced in Scotland. Recommendations are made on the best options available.
- Identifies other options considered to gain a higher value from this waste.

The Finfish Mortalities in Scotland project report is expected to be published early February and a copy can be forwarded on separately if this would be helpful.

¹ <http://www.legislation.gov.uk/ssi/2015/393/contents/made>

Contingency planning for large scale mortality disposal

The Working Group on Fish Waste Disposal was originally established to look at contingency planning for large scale mortality disposal. The group members signed up to a remit that would draw up operational contingency plans setting out measures to be implemented without delay for the disposal of fish mortalities after a large scale 'event mortality'. These contingency plans shall specify:

- The administrative authorities to be engaged;
- Their powers and responsibilities; and
- Channels and procedures for sharing information between the relevant parties.

The Working Group has met six times since it was established at the start of 2015 and will continue to focus on contingency planning for large scale mortality disposal.

Shetland derogation

As set out in the previous response the Scottish Government received a proposal in 2015 from the three main salmon producers in Shetland who intend to set up a waste handling facility on the island which will allow the storage and disposal of ensiled category 2 material by a specialist waste carrier in dedicated vessels. Each farming area will establish a macerating and ensiling point where fish waste can be processed. Small storage facilities (~30T) will be available at each of these points. This waste will be transported by road to a central storage point on the island (>500T) from where the waste will be picked up by a specialist waste carrying vessel and taken to Norway directly for disposal. In order to achieve this aim the following milestones must be met

- Identify a suitable central storage facility (by end Nov 2015)
- Order macerating and ensiling equipment and small storage tanks (by end Nov 2015)
- Gain planning permission for construction of central storage facility (by end Mar 2016)
- Establish local macerating and ensiling equipment (by end Apr 2016)
- Construct central storage facility (by end June 2016)

It was not possible to establish the required facilities before the 1 January 2016 coming into force date when landfilling ceased. The Scottish Government proposes allowing a 6 month extension to landfilling in Shetland only. This would allow infrastructure to be put in place to give the industry a suitable alternative route of disposal for category 2 waste in Shetland. **We again seek confirmation that you are content with this proposal.**

This Western Isles company is seeking a similar 6 month derogation to the landfill ban with the aim of implementing a drying system for the processing of category 2 fish waste and mortalities. They are embarking on an environmentally sustainable alternative to landfill and ensiling of highly putrescible fish wastes and their system has been designed to eliminate any potential risk to human and animal health from the handling, processing and subsequent use of the fish oil and meal. The method of disposal will produce by-products of **fertiliser** and **fish oil** (for use locally on croft land, and for processing into biofuel to operate the drying machinery respectively). This solution will reduce the energy required to process and transport this waste stream and eliminate the need for it to be sent to landfill. **The Scottish Government is satisfied that this process meets the conditions prescribed by Point C (Processing method 3), Chapter III, Annex IV of Commission Regulation (EU) No. 142/2011** and is split into two operations as follows:

- (a) Processing of the category 2 fish wastes in a single batch system that will reduce the particle size of the waste to >30mm and then sterilise this waste at temperatures prescribed by the regulation. The process will then continue heating the waste to dehydrate the solid and liquid waste to less than 5% moisture content;
- (b) The dehydrated and sterilised waste will then be separated into two fractions – oil and meal by the use of a mechanical separation system.

Are you content with this proposal?

