2. The term "animal ... waste not intended for human consumption" contained in Article 14a (2) (c) refers only to parts of animals not intended for oral human consumption;

3. The term "operations ... for the transport of animal carcases or waste" used in Article 14a (2) (c) refers solely to operations in which only animal carcases and waste not intended for human consumption are transported.

Koopmans Mackenzie Stuart Bosco

Delivered in open court in Luxembourg on 22 March 1984.

For the Registrar

D. Louterman
Administrator

T. Koopmans
President of the First Chamber

OPINION OF MR ADVOCATE GENERAL VERLOREN VAN THEMAAT DELIVERED ON 19 JANUARY 1984 [1]

Mr President,
Members of the Court,

I consider the observations submitted by the Commission in this case sufficiently comprehensive and appropriate for there to be no necessity for me to make any addition or amendment thereto. The other observations, both written and oral, which were submitted to the Court were also, of course, extremely useful; however, I do not consider them such as to refute the very persuasive arguments put forward by the Commission. If I well understand him, Counsel for the first two accused in the main proceedings has based the observations we have just heard primarily on the English language version of the relevant regulation, as well as on certain ambiguities present in that

1 — Translated from the French.

version which confuse its import. However, that is the kind of situation in which this Court has been able, if not always, at least very often, to resolve the ambiguities by comparing the various language versions. Reference to the preamble, or the 'rationale' of the provisions in questions, to use Mr Pardoe's words, may be necessary or useful only as regards any remaining uncertainty and that, I think, is the approach which has been followed by the Commission in its submissions. I therefore endorse those arguments without reserve and suggest that the Court reply to the questions in the manner proposed by the Commission. The wording of the questions appears to me, however, to call for a somewhat different wording of the Court's replies to that suggested by the Commission.

Such wording, which follows more closely that of the questions themselves whilst adding, by implication, some further definition as suggested by Mr Pardoe, might I think be as follows:

Reply to Questions 1 and 2

The term "carcases" within the meaning of Article 14a (c) of Regulation (EEC) No 543/69 of the Council of 25 March 1969, as amended by Council Regulation (EEC) No 2827/77 of 12 December 1977, applies solely to carcases not intended for human consumption, consisting of the whole, or almost the whole, body of dead or slaughtered animals.

Reply to Questions 3 and 4

"Animal waste not intended for human consumption", the phrase which defines another exception in the above-mentioned article, refers to all the by-products of slaughtering which are intended for use other than as food for humans, including by-products which have some commercial value in those other uses.

Reply to Question 5

The exception provided for in Article 14a (2) (c) of the above-mentioned regulation does not apply to a vehicle transporting at the same time products other than carcases and animal waste not intended for human consumption.