

SCHEDULE 3

TRANSITIONAL MEASURES

PART II

THE COLLECTION, TRANSPORTATION AND DISPOSAL OF FORMER FOODSTUFFS⁽¹⁾

1.—(1) The Department shall be the competent authority for granting approvals under Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs.

(2) Instructions for the purposes of Article 3(3) of that Regulation may be issued by an inspector.

Collection, transport and disposal of former foodstuffs

2. For the purposes of Article 1(1) of Commission Regulation (EC) No. 813/2003, by way of derogation from Article 6(2)(f) and Article 7 of the Community Regulation former foodstuffs which have not been mixed with any other animal by-products (other than Category 3 catering waste) may be collected, transported and disposed of or treated in the same way as catering waste.

3. Where former foodstuffs are mixed with Category 1 or Category 2 material any person in possession or control of the material shall ensure that it is disposed of in accordance with Article 1(2) of Commission Regulation (EC) No. 813/2003; and any person who fails to do so shall be guilty of an offence.

4. Where former foodstuffs are sent for disposal in an approved landfill site, any person in possession or control of the material shall comply with Article 1(3) of Commission Regulation (EC) No. 813/2003 and any person who fails to do so shall be guilty of an offence.

5. A person who contravenes any instructions given by an inspector under Article 3(3) of Commission Regulation (EC) No. 813/2003 shall be guilty of an offence.

6. In this Part “former foodstuffs” does not include waste from the production of products which are intended to be cooked before they are eaten.

(1) THIS PART OF THE SCHEDULE ENFORCES COMMISSION REGULATION (EC) NO. 813/2003 ON TRANSITIONAL MEASURES UNDER REGULATION (EC) NO. 1774/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS THE COLLECTION, TRANSPORT AND DISPOSAL OF FORMER FOODSTUFFS, (O.J. NO. L117, 13.5.2003, P. 22)