
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enforce, in England, Regulation (EC) No 1069/2009 of the European Parliament and of the Council on laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002. (OJ No L 300, 14.11.2009, p 1) (“the EU Control Regulation”).

These Regulations also enforce, in England, Commission Regulation No 142/2011 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 Implementing Regulation) (OJ No L 54, 26.02.2011) (the EU Implementing Regulation).

Under the EU Control Regulation there are obligations on operators in relation to animal by-products, including obligations as to disposal and use, prohibitions on feeding, and placing on the market. In addition, there are requirements for operators, plants and establishments to be registered or approved. The obligations vary according to the categorisation of the material, the higher risk animal by-product is categorised as Category 1 material, next in risk is Category 2 and then Category 3 material. The EU Implementing Regulation supplements the requirements of the EU Control Regulation.

These Regulations provide for the following.

1. The Secretary of State is designated as the competent authority and provision is made for varying matters that supplement the basic requirements as set out in column 2 of Schedule 1 to these Regulations, including designation of remote areas and also access in relation to prohibitions on feeding in Article 11 of the EU Control Regulation (Part 2).

2. Procedure and appeals in respect of registration and approval (Part 3).

3. Enforcement of the requirements by providing for offences for breach of the requirements as identified in the Table to Schedule 1 (Part 4). The Table sets out the requirements of the EU Control Regulation and the EU Implementing Regulation as supplemented by the requirements of the EU Implementing Regulation and these Regulations, where applicable. The EU Control Regulation and the EU Implementing Regulation enable the competent authority, the Secretary of State, to grant authorisations in respect of such requirements. Such authorisations enable the competent authority to determine whether or not a product is a risk to human or animal health for example. A full list of all the authorisations that are provided for under the requirements will be made available on the Defra website (www.defra.gov.uk). In addition, that website will also make available the authorisations exercised by the Secretary of State.

4. Enforcement, by appointing enforcement authorities and making provision for powers of enforcement (Part 5).

5. Consequential provisions (Part 6 and Schedule 2) and revocations and a transitional provision (Part 7). In particular, these Regulations revoke the Animal By-Products Regulations 2005 (S.I. 2005/2347) and its amending instrument.

A full impact assessment of the effect that this instrument will have on the costs of business, and the voluntary sector is available on the Defra website (www.defra.gov.uk) and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk