SCHEDULE 1

Regulation 2

Animal By-Product Requirements

| Subject matter of requirement | Provisions containing the basic requirement | Provisions to be read with the provision(s) mentioned in Column 2 |
|--|---|---|
| 1. General obligation | Article 4(1) and (2) of the EU Control Regulation | Article 3 of the EU Implementing Regulation |
| 2. General animal health restrictions | Article 6(1) of the EU Control Regulation | Article 4 of the EU Implementing Regulation |
| 3. Restrictions on use for feeding purposes | Article 11 of the EU Control Regulation | Regulations 4 and 5 of these Regulations and Article 5 of the EU Implementing Regulation |
| 4. Restrictions on access to bodies | Articles 12, 13 and 21(1) of the EU Control Regulation | Regulation 4(3) of these Regulations |
| 5. Disposal and use of Category 1 material | Article 12 of the EU Control Regulation, subject to Article 16(b) to (e) of that Regulation and Article 7 of the EU Implementing Regulation | [FIRegulation 7A of these Regulations and Articles 6(3) to (5), 8(1), 9(b) and (c), 10(1), 11(2), 12(2), 13(2) and 15 of the EU Implementing Regulation] |
| 6. Disposal and use of Category2 material | | Regulation 6 of these Regulations and Articles 6(3) to (5), 8(1), 9(b) and (c), 10(1), 11(2), 12(2), 13(1) and 15 of the EU Implementing Regulation |
| 7. Disposal and use of Category 3 material | 16 (b) to (h) of that Regulation | Regulation 29 of these Regulations and Articles 6(3) to (5), 8(1), 9(b) and (c), 10(1), 11(2), 12(2), 13(2), 15 and 36(3) of the EU Implementing Regulation |
| | Article 21(1) to (4) of the EU Control Regulation | Article 17 of the EU Implementing Regulation |
| 9. Traceability | Article 22(1) and (2) of the EU Control Regulation | |
| 10. Registration of operators, establishments and plants | Articles 23(1) and (2) and 55 of the EU Control Regulation | Regulation 11 of these Regulations and Articles 20(1) and (2) and 32(7) of the EU Implementing Regulation |
| 11. Approval of establishments and plants | Articles 24, 44(3) and 55 of the EU Control Regulation | Regulation 13 of these Regulations and Articles 19, 32(7) and 33 of the EU Implementing Regulation |
| 12. General hygiene conditions | Article 25 of the EU Control Regulation | Articles 9(a), 19 and 20 of the EU Implementing Regulation |

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| 13. Handling of animal by- products within food businesses | Article 26 of the EU Control Regulation | |
|---|---|--|
| 14. Own checks | Article 28 of the EU Control Regulation | |
| 15. Hazard analysis and critical control points | Article 29(1) to (3) of the EU Control Regulation | |
| 16. Placing on the market animal by-products and derived products for feeding to farmed animals excluding fur animals | Article 31(1) of the EU Control Regulation | Articles 21 and 24(2) of the EU Implementing Regulation |
| 17. Placing on the market and use of organic fertilisers and soil improvers | Article 32(1) and (2) of the EU Control Regulation | Regulation 5 of these Regulations and Articles 22(1) to (3) |
| | | of the EU Implementing Regulation |
| | Article 34 of the EU Control Regulation except in so far as it relates to imports | |
| 19. Prohibition on use for manufacture for products not within Article 33 or 36 of the EU Control Regulation Article | | Articles 33 and 36 of the EU Control Regulation |
| 20. Placing on the market of pet food | Article 35 of the EU Control Regulation | Articles 3 and 24(3) of the EU Implementing Regulation |
| 21. Placing on the market of other derived products | Article 36 of the EU Control Regulation | Regulation 8 of these Regulations and Articles 3 and 24(1), (2) and (4) of the EU Implementing Regulation |
| 22. Safe sourcing | Article 37(2) of the EU Control Regulation | |
| 23. Export | Article 43 of the EU Control Regulation | |
| 24. Controls for dispatch | Article 48 of the EU Control Regulation | Articles 11(3), 12(3) and 31 of the EU Implementing Regulation |
| 25. Compliance with operating standards | Articles 10(1), 21(1), 22(1) and 24(3) of the EU Implementing Regulation | |

Textual Amendments

F1 Words in Sch. 1 substituted (31.12.2015) by The Animal By-Products (Enforcement) (England) (Amendment) Regulations 2015 (S.I. 2015/1980), regs. 1(b), **9**

F2 Words in Sch. 1 omitted (29.3.2019) by virtue of The Environment, Food and Rural Affairs (Miscellaneous Amendments etc.) Regulations 2019 (S.I. 2019/526), regs. 1(2), 16(2)

SCHEDULE 2

Regulation 27

Consequential Amendments

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

- 1. In regulation 2 of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 MI__
 - (a) in paragraph (1)(i), for "Article 7(1) or 7(2)" substitute "Article 21(1) to (3)"; and
 - (b) in paragraph (2), for the definition of "the Community Regulation" substitute—
 ""the Community Regulation" means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);".

Marginal Citations

M1 S.I. 1991/1624 amended by S.I. 2006/937; there are other amending instruments but none is relevant.

The Foot-and-Mouth Disease (England) Order 2006

- 2.—(1) The Foot-and-Mouth Disease (England) Order 2006 M2 is amended as follows.
- (2) In article 2(1), after the definition of "raw milk" insert—
 - ""Regulation (EC) No. 1069/2009" means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);
 - "Regulation (EU) No. 142/2011" means Commission Regulation (EU) 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;".
- (3) In article 26, in paragraph (2)(b) for "point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption, as amended," substitute "Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011".
- (4) In article 27(2)(c) for "Regulation (EC) No. 1774/2002, as amended" substitute "Regulation (EC) No. 1069/2009".
 - (5) In Schedule 5—
 - (a) in paragraph 20(4), for "point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Articles 15 and 32 of Regulation

- (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 "; and
- (b) in paragraph 33(4), for "point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011".
- (6) In Schedule 6—
 - (a) in paragraph 2, for "article 20 of and points A(2)(c) or (d) of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011";
 - (b) in paragraph 3, for "article 20 of and point A(1) of Chapter VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011";
 - (c) in paragraph 5, for "point B(3)(e)(ii) of Chapter IV of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "point 2(b)(ii) of Chapter IV of Annex XIII to Regulation (EU) No. 142/2011";
 - (d) in paragraph 6, for "point B(2)(d)(iv) of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002, as amended" substitute "point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011";
 - (e) in paragraph 7, for "points B(2), (3) or (4) of Chapter II of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Chapter II of Annex XIII to Regulation (EU) No. 142/2011"; and
 - (f) in paragraph 8, for "points A(1), (3), or (4) of Chapter VII of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Chapter VI of Annex XIII to Regulation (EU) No. 142/2011".

Marginal Citations

M2 S.I. 2006/182, amended by S.I. 2009/2713; there are other amending instruments but none is relevant.

The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006

- **3.** For paragraph 18(4) of the Schedule to the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006 ^{M3} substitute—
 - "(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) shall ensure that it is treated in accordance with—
 - (a) Articles 15 and 32 of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; and
 - (b) Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council.".

Marginal Citations

M3 S.I. 2006/183; to which there are amendments not relevant to these Regulations.

The Avian Influenza (H5N1 in Poultry) (England) Order 2006

- 4.—(1) The Avian Influenza (H5N1 in Poultry) (England) Order 2006 M4 is amended as follows.
- (2) In article 2—
 - (a) in the definition of "bird by-product", for the words "Articles 4, 5 or 6 of Regulation (EC) No 1774/2002" substitute Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009";
 - (b) for the definition of "Regulation (EC) No. 1774/2002" substitute—
 - ""Regulation (EC) No 1069/2009" means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);"; and
 - (c) after the definition inserted by sub-paragraph (b) insert—
 - ""Regulation (EU) No 142/2011" means Commission Regulation (EU) 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;".
- (3) In article 3(6), for sub-paragraph (c) substitute—
 - "(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—
 - (i) incineration plants;
 - (ii) co-incineration plants;
 - (iii) processing plants;
 - (iv) biogas plants;
 - (v) composting plants;
 - (vi) petfood plants.".
- (4) In article 14—
 - (a) for paragraph (2) substitute—
 - "(2) But a veterinary inspector or an inspector acting under the direction of a veterinary inspector may licence the movement of any of the following bird by-products—
 - (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
 - (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
 - (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
 - (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
 - (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
- (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation(EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
- (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
- (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
- (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
- (o) those by-products which are transported to designated plants within article 3(6) (c) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
- (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
- (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
- (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.";
- (b) in paragraph (3), for "Annex V to Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011"; and
- (c) in paragraph (4), for "Chapter X of Annex II to Regulation (EC) No. 1774/2002" substitute "Chapter III of Annex VIII to Regulation (EU) No. 142/2011".

Marginal Citations

M4 S.I. 2006/3247.

The Avian Influenza (H5N1 in Wild Birds) (England) Order 2006

- **5.**—(1) The Avian Influenza (H5N1 in Wild Birds) (England) Order 2006 M5 is amended as follows.
 - (2) In article 2—
 - (a) in the definition of "bird by-product" for the words "Articles 4, 5 or 6 of Regulation (EC) No. 1774/2002" substitute Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009";
 - (b) for the definition of "Regulation (EC) No. 1774/2002" substitute—

 ""Regulation (EC) No. 1069/2009" means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal
 - European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);";and
 - (c) after the definition inserted by sub-paragraph (b) insert—
 - ""Regulation (EU) No. 142/2011" means Commission Regulation (EU) 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;".
 - (3) In article 13(1), for sub-paragraph (c) substitute—
 - "(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—
 - (i) incineration plants;
 - (ii) co-incineration plants;
 - (iii) processing plants;
 - (iv) biogas plants;
 - (v) composting plants;
 - (vi) petfood plants".
 - (4) In Schedule 1—
 - (a) in paragraph 13, for sub-paragraph (2) substitute—
 - "(2) A veterinary inspector may not grant or direct the grant of a licence under subparagraph (1) unless it is for a movement of—
 - (a) processed animal protein within the meaning of paragraph 5 of Annex 1 to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
 - (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
 - (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
 - (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
- (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (j) processed pet food within the meaning of paragraph 20 of Annex 1 to Regulation (EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (k) raw pet food within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
- (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
- (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
- (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
- (o) those by-products which are transported to designated plants within article 13(1)(c), processing plants for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
- (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
- (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex 1 to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
- (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus";
- (b) in paragraph 13(3), for "Annex V to Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011";
- (c) in paragraph 13(5), for "Chapter X of Annex II to Regulation (EC) No. 1774/2002" substitute "Chapter III of Annex VIII to Regulation (EU) No. 142/2011";
- (d) in paragraph 14(a), for "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011";

(e) in paragraph 15(a), for "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011".

Marginal Citations

M5 S.I. 2006/3249.

The Cattle Identification Regulations 2007

- 6. For paragraph 3(3) of Schedule 3 to the Cattle Identification Regulations 2007 M6, substitute—
- "(3) If the Secretary of State does not provide a replacement, the animal to which it relates must not be moved off a holding except (under the authority of a licence granted by the Secretary of State) to—
 - (a) a plant approved under Article 24(1)(a), (b), (c) or (h) of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; or
 - (b) a registered collection centre which complies with Section 1 of Chapter II of Annex VI of Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council".

Marginal Citations

M6 S.I. 2007/529 to which there are amendments not relevant to these Regulations.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

- 7. In Part 2 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 M7, under the cross-heading "animal health and welfare"—
 - (a) omit the entry "Animal By-Products Regulations 2005"; and
 - (b) after the entry "Veterinary Medicines Regulations 2008" insert " Animal By-Products (Enforcement) (England) Regulations 2013".

Marginal Citations

M7 S.I. 2007/3544, amended by S.I. 2009/2981; there are other amending instruments but none is relevant.

The Animal Gatherings Order 2010

8. In article 8(2) of the Animal Gatherings Order 2010 ^{M8}, for "Animal By-Products Regulations 2005" substitute "Regulation (EC) No. 1069/2009 of the European Parliament and of the Council".

Marginal Citations

M8 S.I. 2010/460.

The Environmental Permitting (England and Wales) Regulations 2010

9.—(1) The Environmental Permitting (England and Wales) Regulations 2010 M9 are amended as follows.

- (2) In regulation 2(1)—
 - (a) omit the definition "the Animal By-Products Regulations"; and
 - (b) after the definition of "regulated facility" insert—
 - ""Regulation (EC) No 1069/2009" means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);".
- (3) In Section 6.8 of Chapter 6 of Schedule 1, omit paragraph 1(g) and (i).

Marginal Citations

M9 S.I. 2010/675 amended by S.I. 2010/2172, 2011/988 and 2013/390; there are other amending instruments but none is relevant.

The Transmissible Spongiform Encephalopathies (England) Regulations 2010

Textual Amendments

F3 Sch. 2 para. 10 omitted (19.7.2018) by virtue of The Transmissible Spongiform Encephalopathies (England) Regulations 2018 (S.I. 2018/731), regs. 1(1), 21(2)(c)

Changes to legislation:
There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (England) Regulations 2013.