
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enforce 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. (O.J. No L 300, 14.11.2009, p 1) (“the EU Control Regulation”).

These Regulations also enforce 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 (the “EU Implementing Regulation”) (O.J. No L 54, 26.02.2011) that provides technical supplementation of those requirements of the EU Control 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 enable decisions by member states to be made including the appointment of a Department as the competent authority. The Regulations allow the member state to derogate from the obligations and also enable the Department to make authorisations in relation to specified obligations.

These Regulations provide for the following.

1. The competent authority is designated as the Department of Agriculture and Rural Development and also for varying matters that supplement the basic obligations, including designation of remote areas and also access in relation to prohibitions on feeding in Article 11 of the EU Control Regulation (Part II).

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

3. Enforcement of the requirements by providing for offences including breach of the requirements of the EU Control Regulation as identified in the Table to Schedule 1 (which identifies relevant authorisations of the Department) (Part IV). The Table sets out the requirements of the EU Control Regulation as supplemented by the requirements of the EU Implementing Regulation and these Regulations, where applicable. The requirements enable the Department to make authorisations in respect of such requirements as laid down in those requirements. Such authorisations enable the Department 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 Department of Agriculture and Rural Development website at (www.dardni.gov.uk). In addition that website will also make available the authorisations exercised by the Department.

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

5. Consequential provisions (Part VI) and revocations and transitional provisions (Part VII). In particular, these Regulations revoke the Animal By-Products Regulations 2003 S.R. 2003 No.495.

Status: *This is the original version (as it was originally made).*

An impact assessment of the effect that this instrument has been prepared and is available on Department of Agriculture and Rural Development website (www.dardni.gov.uk).