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WELSH STATUTORY INSTRUMENTS

2011 No. 600 (W.88)

**ANIMALS, WALES
PUBLIC HEALTH, WALES**

ANIMAL HEALTH

**The Animal By-Products (Enforcement)
(Wales) Regulations 2011**

<i>Made</i>	- - - -	<i>2 March 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>3 March 2011</i>
<i>Coming into force</i>	- -	<i>4 March 2011</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽¹⁾.

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health⁽²⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is necessary for the reference to the 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⁾ to be construed as a reference to that instrument as amended from time to time.

(1) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(2) S. I. 2008/1792.
(3) OJ No L 54, 26.02.2011.

PART 1

Introduction

Citation, commencement and application

1. The title of these Regulations is the Animal By-Products (Enforcement) (Wales) Regulations 2011. They come into force on 4 March 2011 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“EU Control 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)(4);

“EU Implementing Regulation” means 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(5);

“animal by-product requirement” has the meaning given in regulation 17(2);

“authorised person” has the meaning given in regulation 22;

“competent authority” has the meaning given in regulation 3;

“enforcement authority” has the meaning given in regulation 21(6)(b);

“premises” includes—

- (a) any land, building (including any domestic premises), shed, pen;
- (b) any receptacle or container;
- (c) any ship;
- (d) or vehicle of any description;

“ship” includes a hovercraft, submersible craft and any other floating craft but not a vessel which—

- (a) permanently rests on or is permanently attached to the seabed; or
- (b) is an installation within section 16 of the Energy Act 2008(6).

(2) References in these Regulations to 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 (the EU Implementing Regulation) are references to that Regulation as amended from time to time.

(3) Expressions used in these Regulations that are also used in the EU Control Regulation or the EU Implementing Regulation have the same meaning in these Regulations as they have in the EU Control Regulation or in the EU Implementing Regulation.

(4) OJ No L300, 14.11.2009, p.1.

(5) OJ No L 54, 26.02.2011.

(6) 2008 c. 32.

(4) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(7).

PART 2

The competent authority and miscellaneous provisions

The competent authority

3. The competent authority for the purposes of the EU Control Regulation and the EU Implementing Regulation is the Welsh Ministers (“the competent authority”).

Access in relation to prohibitions in Article 11(1)(a), (b) or (d) of the EU Control Regulation

4. In relation to a prohibition on feeding in Article 11(1)(a), (b) or (d) of the EU Control Regulation, the requirements of regulations 5 and 6 apply.

5.—(1) Animal by-products, including catering waste, must not be brought on to any premises where farmed animals are kept.

(2) Paragraph (1) does not apply—

- (a) where, in relation to bringing on to premises, the occupier of the premises and the person having control of the animal by-products ensure that bringing on to the premises will not allow farmed animals to have access to such products;
- (b) to derived products, except for the following derived products—
 - (i) products derived from catering waste; or
 - (ii) meat and bone meal derived from Category 2 material and processed animal proteins intended to be used as or in organic fertilisers and soil improvers that do not comply with the requirements of Article 32(1)(d) of the EU Control Regulation.

6. A carcase or part of a carcase of any farmed animal that has not been slaughtered for human consumption must be held, pending consignment or disposal in accordance with the EU Control Regulation as read with the EU Implementing Regulation, in such manner as to ensure that any animal or bird will not have access to it.

Use of organic fertilisers and soil improvers and additional waiting period for pigs in relation to the prohibition in Article 11(1)(c) of the EU Control Regulation

7.—(1) In accordance with Article 32(1) of the EU Control Regulation, the application of organic fertilisers or soil improvers, to land is prohibited, where, during the period of 60 days from the application of such products, it is intended that pigs will—

- (a) have access for grazing to such land; or
- (b) be fed cut herbage from such land.

(2) Where organic fertilisers or soil improvers have been applied to land, in addition to the minimum waiting period that applies to farmed animals, pigs are prohibited during an additional waiting period, resulting in a total period of 60 days from such application, from—

- (a) having access to such land; or

- (b) being fed cut herbage from such land.
- (3) Paragraphs (1) and (2) do not apply to the following organic fertilisers or soil improvers—
 - (a) manure;
 - (b) milk;
 - (c) milk-based products;
 - (d) milk derived products;
 - (e) colostrum;
 - (f) colostrum products;
 - (g) digestive tract content.
- (4) In this regulation—
 - (a) “the minimum waiting period” is the period of 21 days commencing from the date of application of organic fertilisers or soil improvers to land as provided in Article 11(1)(c) of the EU Control Regulation, as read with Article 5(2) of, and Chapter 2 of Annex 2 to, the EU Implementing Regulation;
 - (b) “the additional waiting period” is the period of 39 days commencing on the expiration of the minimum waiting period.

Collection centres for feeding in relation to Article 18(1) of the EU Control Regulation

8. In relation to Article 18(1) of the EU Control Regulation, and in accordance with Article 13 of the EU Implementing Regulation as read with paragraph 3 of Section 1 of Chapter 2 Annex 6 to that Regulation, a processing plant for Category 2 material is authorised as a collection centre for Category 2 material for the purposes of Article 18(1) of the EU Control Regulation on condition that it is approved for that purpose under Article 24 of the EU Control Regulation.

Remote areas for the purposes of Article 19(1)(b) of the EU Control Regulation

9. For the purposes of applying Article 19(1)(b) of the EU Control Regulation, the following areas are categorised as remote areas—

- (a) Bardsey;
- (b) Caldey;
- (c) Ramsey;
- (d) Flatholm.

Placing on the market in relation to Article 36 of the EU Control Regulation

10. In relation to Article 36 of the EU Control Regulation, and in accordance with Article 24(4) of the EU Implementing Regulation as read with point B of Chapter 7 to Annex 13 of that Regulation, the placing on the market of untreated wool and hair from farms or from establishments or plants is authorised without restrictions except where they present a risk of any disease communicable through those products to humans or animals.

PART 3

Registration and approval

Procedure for registration of plants and establishments

11. A notification must be made in writing to the competent authority, where it is made in relation to the following Articles of the EU Control Regulation—

- (a) with a view to registration in accordance with Article 23(1); or
- (b) to inform the authority of changes in accordance with Article 23(2).

Notifications of competent authority in respect of registration

12. The competent authority must give notice in writing to—

- (a) the operator who has notified in accordance with regulation 11 of—
 - (i) the registration of such an operator; or
 - (ii) the decision not to register;
- (b) a registered operator of—
 - (i) a prohibition made under Article 46(2) of the EU Control Regulation (prohibition on operations);
 - (ii) a requirement to comply with Article 23(1)(b) or (2) of the EU Control Regulation (information on activities and up to date information);
 - (iii) the amendment of the registration or the ending of the registration where an operator has notified the competent authority of the closure of an establishment in accordance with Article 23(2) (up to date information).

Procedure for approval

13. Operators to whom Article 24(1) of the EU Control Regulation applies, must apply in writing to the competent authority to be—

- (a) approved; or
- (b) where Article 33 of the EU Implementing Regulations applies, re-approved.

Notification in respect of decisions on approval

14. The competent authority must give notice in writing to—

- (a) the applicant for approval of the—
 - (i) grant of approval in accordance with Articles 24 and 44 of the EU Control Regulation;
 - (ii) grant of conditional approval in accordance with Articles 24 and 44 of the EU Control Regulation, or the extension of such approval in accordance with that Article; or
 - (iii) refusal to grant approval in accordance with initial application or extension;
- (b) where conditional approval has been granted in accordance with Articles 24 and 44 of the EU Control Regulation, the operator of the plant or establishment subject to such approval, of the—
 - (i) grant of full approval;

- (ii) extension of such approval;
- (iii) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation;
- (iv) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation ;
- (v) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation;
- (vi) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
- (vii) refusal to extend or grant full approval;
- (c) the operator of an approved plant or establishment of the—
 - (i) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation (suspension, withdrawal);
 - (ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
 - (iii) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
 - (iv) withdrawal of such approval in accordance Article 46(1)(b) of the EU Control Regulation.

Reasons for decisions

15.—(1) Where a decision is made by the competent authority as provided in paragraph (2), the competent authority must give reasons in writing for that decision, with the decision.

(2) The types of decision are those made—

- (a) under regulation 12(a)(ii) (not to register) or regulation 12(b) (requirements, amendments or ending of registration);
- (b) under regulation 14(a)(ii) (conditional approval) or regulation 14(a)(iii) (refusal);
- (c) under regulation 14(b)(v) (withdrawal) or regulation 14(b)(vii) (refusal);
- (d) under regulation 14(c)(ii) or regulation 14(c)(iv);
- (e) under regulation 14(b)(iii) or regulation 14(c)(i);
- (f) under regulation 14(b)(vi) or regulation 14(c)(iii).

Appeals procedure

16.—(1) Where the competent authority has made a notification referred to in regulation 15(2), a person may appeal against it by making written representations to a person appointed for the purpose by the Welsh Ministers within 21 days of the notification of that decision.

(2) The competent authority may also make written representations to the appointed person concerning the decision.

(3) The appointed person must then report in writing to the Welsh Ministers.

(4) The Welsh Ministers must give to the applicant written notification of the final determination of the Welsh Ministers and the reasons for it.

PART 4

Offences and penalties

Offence in respect of EU Control Regulation

17.—(1) An offence is committed by any person to whom an animal by-product requirement applies if that person fails to comply with or contravenes such a requirement.

(2) In this regulation, “animal by-product requirement” means any requirement of the EU Control Regulation as—

- (a) where applicable read with the requirements of—
 - (i) the EU Implementing Regulation;
 - (ii) these Regulations; and
- (b) identified in Schedule 1 to these Regulations.

Offence of obstruction

18. An offence is committed if that person in relation to an authorised person acting under these Regulations—

- (a) intentionally obstructs an authorised person;
- (b) without reasonable cause, fails to give to an authorised person any information or assistance or to provide any facilities that such person may reasonably require;
- (c) knowingly or recklessly gives false or misleading information to an authorised person; or
- (d) fails to produce a record or document when required to do so by an authorised person.

Corporate, partnership and unincorporated association offences

19.—(1) If an offence under these Regulations committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on the officer’s part,

the officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts or defaults of a member in connection with that member’s functions of management as if the member were an officer of the body corporate.

(3) If an offence committed by a partnership or Scottish partnership is shown—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on a partner’s part,

the partner as well as the partnership is guilty of the offence and is liable to be proceeded against and punished accordingly.

(4) Where an offence committed by an unincorporated association, other than a partnership, is shown—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the association is guilty of the offence and is liable to be proceeded against and punished accordingly.

(5) In this regulation—

- (a) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in such capacity and in relation to an unincorporated association means a manager; and
- (b) “partner” includes a person purporting to act as a partner.

(6) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(7) For the purpose of proceedings in paragraph (6)—

- (a) rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate; and
- (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925(8); and
 - (ii) Schedule 3 to the Magistrates' Courts Act 1980(9).

(8) A fine imposed on a partnership or unincorporated association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association

Penalties

20. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

PART 5

Enforcement

Enforcement authority

21.—(1) These Regulations are enforced by—

- (a) the local authority;
- (b) the port health authority in relation to a port health district constituted by order under section 2(3) of the 1984 Act; or
- (c) the Welsh Ministers in relation to a food hygiene establishment.

(2) Paragraph (1)(a) or (1)(b) does not apply where the Welsh Ministers direct that the enforcement duty is to be exercised in relation to a particular case by the Welsh Ministers.

(8) 1925 c. 86. Subsections (1), (2) and (5) of section 33 were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was partially repealed by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10.

(9) 1980 c. 43. Paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13; paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13.

(3) In paragraph (1)(a) “local authority” means in relation to an area the county council or county borough council for that area;

(4) In paragraph (1)(b) “port health authority” means in relation to any port health district, the port health authority for that district.

(5) In paragraph (1)(c), “food hygiene establishment” means an establishment referred to in regulation 5(2) of the Food Hygiene (Wales) Regulations 2006⁽¹⁰⁾ in respect of which the Food Standards Agency has enforcement functions under those Regulations.

(6) In these Regulations—

(a) “the 1984 Act” means the Public Health (Control of Disease) Act 1984⁽¹¹⁾;

(b) a body exercising functions under paragraph (1) or paragraph (2) is an “enforcement authority”.

Authorised person

22.—(1) An enforcement authority may authorise in writing such persons as the authority considers appropriate to act for the purpose of enforcing these Regulations.

(2) In these Regulations, a person authorised under paragraph (1) is an “authorised person”.

Powers of authorised person

23. An authorised person may, on production, if so required, of his or her authority, exercise any of the powers specified in regulation 24 and regulation 26.

Powers of entry and additional powers

24.—(1) For the purpose of ensuring that the EU Control Regulation, the EU Implementing Regulation and these Regulations are complied with an authorised person has the power to enter premises at all reasonable hours.

(2) An authorised person may where exercising the power under paragraph (1)—

(a) be accompanied by such other persons as the authorised person considers necessary;

(b) take any equipment or materials required for any purpose for which the power of entry is being exercised;

(c) make such examination and investigation as may in the circumstances be necessary;

(d) as regards any premises which the authorised person has power to enter, direct that those premises, or part of them, are left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);

(e) take such measurements and photographs and make such recordings as are considered necessary for the purpose of any examination or investigation under sub-paragraph (c);

(f) in the case of any articles or substances found in or on any premises which the authorised person has power to enter—

(i) take samples;

(ii) test or subject it to any process, where it appears that it has or is likely to cause harm to human health or to the health of animals or plants;

⁽¹⁰⁾ S.I. 2006/31 (W.5), to which there are amendments not relevant to these Regulations.

⁽¹¹⁾ 1984 c. 22.

- (iii) take possession of it and retain it for so long as is necessary for any of the following purposes—
 - (aa) to examine it and to exercise the power within paragraph (ii);
 - (bb) to ensure that it is not tampered with before examination of it is completed; and
 - (cc) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations;
 - (g) require the production of, or where the information is recorded in computerised form the furnishing of extracts from, any records which it is necessary to see for the purposes of any examination or investigation under sub-paragraph (c) and to inspect and take copies of, or of any entry in, the records;
 - (h) require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on the authorised person by this regulation; or
 - (i) mark any animal or animal by-product as the authorised person considers necessary.
- (3) Where an authorised person proposes to exercise the power in paragraph (2)(f)(ii) in the case of any article or substance found in or on any premises, the authorised person must—
- (a) if so requested by a person who at the time is present and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power, to be done in that person's presence;
 - (b) consult such persons as appear to the authorised person appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which is proposed under that power.
- (4) Where an authorised person in respect of the power in paragraph (2)(f)(iii)—
- (a) proposes to exercise that power, the authorised person must before taking possession, if it is practicable to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it; or
 - (b) exercises that power, the authorised person must leave a notice giving particulars of the article or substance sufficient to identify it and stating that possession has been taken under that power, such notice to be left either—
 - (i) with a responsible person; or
 - (ii) if that is impracticable, fixed in a conspicuous place at those premises.
- (5) Nothing in this regulation compels the production by any person of a document which that person would be entitled to withhold production of on the grounds of legal professional privilege on an order for discovery in an action in the High Court.

Warrant

- 25.—**(1) If, in relation to the power to enter premises under regulation 24, a justice of the peace, on written information on oath—
- (a) is satisfied that there are reasonable grounds to believe that any information or material relevant to the examination or investigation under regulation 24(2)(c) is on any such premises; and
 - (b) is also satisfied that—
 - (i) admission to such premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant has been given to the occupier; or

(ii) on application for admission, or the giving of such a notice would defeat the object of the entry, or that the case is one of urgency, or that such premises are unoccupied or the occupier is temporarily absent,
the justice may by warrant under the justice's hand, which continues in force for a period of one month, authorise an authorised person to enter the premises, if need be by force.

Notices served by an authorised person

26.—(1) An authorised person may serve a notice in accordance with paragraph (2) where that person—

- (a) considers that there is a contravention of, or failure to comply with an animal by-product requirement; or
- (b) reasonably suspects that as a result of such contravention or failure to comply, premises constitute a risk to human or animal health.

(2) Notices may be served on the occupier of any premises, or the person in charge of the premises—

- (a) requiring the disposal, and, where applicable, storage pending such disposal of—
 - (i) animal by-products and derived products;
 - (ii) where applicable, material in premises to which paragraph (1)(b) applies;
- (b) requiring the cleansing and disinfection of premises to which paragraph (1)(b) applies, and where applicable, specifying the method for such cleansing and disinfection;
- (c) prohibiting animal by-products and derived products being—
 - (i) brought on to premises;
 - (ii) brought on to premises unless in accordance with conditions specified in the notice;
 - (iii) moved on to or in the premises referred to in paragraph (1)(b) until the satisfactory completion of the cleansing and disinfection in accordance with a notice as provided in sub-paragraph (b).

(3) A notice served under paragraph (2) must be complied with at the expense of the person on whom the notice is served, and if it is not complied with, an authorised person may arrange for it to be complied with at the expense of that person.

(4) Paragraph (1) does not apply where Article 46(1) of the EU Control Regulation applies.

Power to share information for enforcement purposes

27.—(1) Information sent to, or acquired, in compliance or purported compliance with the obligations of the EU Control Regulation as read with the EU Implementing Regulation or as a result of enforcing these Regulations may be shared, in accordance with paragraph (2), where it has been so received by—

- (a) the competent authority;
- (b) an enforcement authority; or
- (c) an authorised person.

(2) Where a body within paragraph (1) has received information in accordance with that paragraph, then such a body may share such information with another—

- (a) competent authority appointed within the United Kingdom for the purpose of implementing the EU Control Regulation;
- (b) enforcement authority;

- (c) authorised person; or
 - (d) enforcement authority or authorised person appointed within the United Kingdom for the purpose of enforcing the EU Control Regulation.
- (3) Information received in accordance with paragraph (2) must only be used for the purposes of enforcing these Regulations.
- (4) For the purposes of this regulation, “an enforcement authority” includes the Food Standards Agency.

PART 6

Consequential amendments

Consequential amendments

28. Schedule 2 to these Regulations provides for consequential amendments.

PART 7

Revocations and transitional provision

Revocations

29. The Table in Schedule 3 to these Regulations provides for revocations.

Small quantities transitional provision

30.—(1) The collection, transport and disposal of Category 3 material in Article 10(f) of the EU Control Regulation, is authorised under Article 36(3) of the EU Implementing Regulation, by way of derogation from Article 14 of the EU Control Regulation, for the period ending on the 31 December 2012, where the requirements of paragraph (2) are satisfied.

- (2) The requirements are—
- (a) the material satisfies Article 36(3) of, and paragraphs (a) to (c) of Chapter 4 of Annex 6 to, the EU Implementing Regulation; and
 - (b) the means of disposal for such material, in addition to the means in Article 14 of the EU Control Regulation, are disposal—
 - (i) in an authorised landfill without prior processing; or
 - (ii) where Article 21 of the EU Control Regulation is satisfied, to a biogas or composting plant for transformation in accordance with an authorisation under paragraph 2 of Section 2 of Chapter 3 of Annex 5 to the EU Implementing Regulation.

2 March 2011

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

SCHEDULE 1

Regulation 17

Animal By-Product Requirements

<i>Column 1</i> <i>Subject matter of requirement</i>	<i>Column 2</i> <i>Provisions containing the basic requirement</i>	<i>Column 3</i> <i>Provisions to be read with the provision(s) mentioned in Column 2</i>
1. General Obligation	Article 4(1) or (2) of the EU Control Regulation	Article 5(1) and (2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain)
2. Compliance with general animal health restrictions	Article 6(1) of the EU Control Regulation	Article 6(1) of the EU Control Regulation and Article 4 of the EU Implementing Regulation (serious transmissible diseases)
3. Compliance with restrictions on use for feeding purposes	Article 11 of the EU Control Regulation	Regulations 4 to 6 (access) and regulation 7(2) of these Regulations (subject to regulation 7(3)) (additional waiting period for pigs) Article 11(2) of the EU Control Regulation; as read with Article 5(1) of the EU Implementing Regulation (restrictions on use in respect of Article 11(1)(a) of the EU Control Regulation) and Article 5(2) of that Regulation (restrictions on use in respect of Article 11(1)(c) of the EU Control Regulation)
4. Disposal and use of Category 1 material	Article 12 of the EU Control Regulation as read with— the following provisions of Article 16 (derogations) of that Regulation— Article 16(b) (disposal and use in accordance with Article 17); Article 16(c) (disposal and use in accordance with Article 18(2)); Article 16(d) (disposal and use in accordance with Article 19);	Article 15(1)(b) of the EU Control Regulation as read with Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments) and Article 9(b) of that Regulation (standard processing methods)

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

<i>Column 1</i> <i>Subject matter of requirement</i>	<i>Column 2</i> <i>Provisions containing the basic requirement</i>	<i>Column 3</i> <i>Provisions to be read with the provision(s) mentioned in Column 2</i>
	Article 16(e) (disposal and use in accordance with Article 20)	
	Article 7 of the EU Implementing Regulation	Article 15(1)(d) of the EU Control Regulation as read with Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 12(a) or (b) of the EU Control Regulation)
		Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items)
		Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal)
		Article 20(11) of the EU Control Regulation (supplementary measures) as read with Article 9(c) of the EU Implementing Regulation (alternative processing methods)
5. Disposal and use of Category 2 material	of Article 13 of the EU Control Regulation, as read with—	Article 15(1)(b) of the EU Control Regulation and Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments and Article 9(b) of that Regulation (standard processing methods)
	Article 15(2)(b) of the EU Control Regulation; and the following provisions of Article 16 (derogations) of that Regulation—	
	Article 16(b) (disposal and use in accordance with Article 17);	Article 15(1)(c) of the EU Control Regulation and Article 10(1) of the EU Implementing Regulation (requirements regarding transformation into biogas and composting in
	Article 16(c) (disposal and use in accordance with Article 18(1));	

<i>Column 1</i> <i>Subject matter of requirement</i>	<i>Column 2</i> <i>Provisions containing the basic requirement</i>	<i>Column 3</i> <i>Provisions to be read with the provision(s) mentioned in Column 2</i>
	<p>Article 16(d) (disposal and use in accordance with Article 19);</p> <p>Article 16(e) (disposal and use in accordance with Article 20);</p> <p>Article 16(f) (disposal and use of Category 2 material);</p> <p>Article 16(h) (disposal and use as a result of surgery on a farm)</p>	<p>respect of Article 13(e) or (f) of the EU Control Regulation)</p> <p>Article 15(1)(d) and Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 13(a) or (b) of the EU Control Regulation)</p> <p>Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items)</p> <p>Article 18(3) of the EU Control Regulation as read with Article 13(1) of the EU Implementing Regulation (special feeding rules) and regulation 8 of these Regulations (collection centres)</p> <p>Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal)</p> <p>Article 20(11) of the EU Control Regulation as read with Article 9(c) of the EU Implementing Regulation</p>

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<i>Column 1</i> <i>Subject matter of requirement</i>	<i>Column 2</i> <i>Provisions containing the basic requirement</i>	<i>Column 3</i> <i>Provisions to be read with the provision(s) mentioned in Column 2</i>
<p>6. Disposal and use of Category 3 material</p>	<p>Article 14 of the EU Control Regulation, as read with—</p> <p>the following provisions of Article 16 (derogations) of that Regulation—</p> <p>Article 16(b) (disposal and use in accordance with Article 17);</p> <p>Article 16(c) (disposal and use in accordance with Article 18(1));</p> <p>Article 16(d) (disposal and use in accordance with Article 19);</p> <p>Article 16(e) (disposal and use in accordance with Article 20);</p> <p>Article 16(f) ; (disposal and use of Category 2 material);</p> <p>Article 16(g) (use for feeding);</p> <p>Article 16(h) (disposal and use as a result of surgery on a farm) and</p> <p>Article 7 of the EU Implementing Regulation</p>	<p>(alternative processing methods)</p> <p>Article 15(1)(b) of the EU Control Regulation as read with Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments) and Article 9(b) of that Regulation (standard processing methods)</p> <p>Article 15(1)(c) of the EU Control Regulation and Article 10(1) of the EU Implementing Regulation (requirements regarding transformation into biogas and composting in respect of Article 14(f) or (g) of the EU Control Regulation)</p> <p>Article 15(1)(d) of the EU Control Regulation and Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 14(a) or (b) of the EU Control Regulation)</p> <p>Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items)</p>

<i>Column 1</i> <i>Subject matter of requirement</i>	<i>Column 2</i> <i>Provisions containing the basic requirement</i>	<i>Column 3</i> <i>Provisions to be read with the provision(s) mentioned in Column 2</i>
		<p>Article 18(3) of the EU Control Regulation as read with Article 13(2) of the EU Implementing Regulation (special feeding rules)</p> <p>Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal)</p> <p>Article 20(11) (supplementary measures) of the EU Control Regulation as read with Article 9(c) of the EU Implementing Regulation (alternative processing methods)</p> <p>Article 36(3) of the EU Implementing Regulation (transitional measures) as read with regulation 30 of these Regulations</p>
7. Collection and identification as regards category and transport	Article 21(1) to (4) of the EU Control Regulation	Article 21(5) to (6) of the EU Control Regulation as read with Article 17 of the EU Implementing Regulation (requirements of collection, transport, identification and traceability)
8. Traceability	Article 22(1) to (2) of the EU Control Regulation	Article 22(3) of the EU Control Regulation as read with Article 17 of the EU Implementing Regulation (requirements of collection, transport, identification and traceability)
9. Registration of operators, establishments and plants	Article 23(1) of the EU Control Regulation (subject to Article 23(4)), and Article 23(2) of that Regulation as read with Article 55 of the EU Control Regulation	Regulation 11 of these Regulations (procedure for registration)
		Article 23(3) of the EU Control Regulation and Article 27 of that Regulation as read

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<i>Column 1</i> <i>Subject matter of requirement</i>	<i>Column 2</i> <i>Provisions containing the basic requirement</i>	<i>Column 3</i> <i>Provisions to be read with the provision(s) mentioned in Column 2</i>
<p>10. Approval establishments and plants</p>	<p>of Article 24 of the EU Control Regulation as read with Article 44(3) of the EU Control Regulation and Article 55 of that Regulation</p>	<p>with Article 20(1) and (2) of the EU Implementing Regulation (subject to paragraph (3)) (requirements of certain registered establishments and plants)</p> <p>Article 47(2) of the EU Control Regulation as read with Article 32(7) of the EU Implementing Regulation (format requirements for lists of registered operators)</p> <p>Regulation 13 of these Regulations (procedure for approval)</p> <p>Article 27 of the EU Control Regulation (implementing measures) as read with Article 19 of the EU Implementing Regulation (requirements concerning certain approved establishments and plants) and Article 33 of that Regulation (re-approval of plants and establishments after the grant of a temporary approval)</p> <p>Article 47(2) of the EU Control Regulation as read with Article 32(7) of the EU Implementing Regulation (format requirements for lists of approved operators)</p>
<p>11. General conditions</p>	<p>hygiene Article 25 of the EU Control Regulation</p>	<p>Article 27 of the EU Control Regulation (implementing measures) as read with Article 9(a) of the EU Implementing Regulation (hygiene and processing requirements) Article 19 of the EU Implementing Regulation (requirements in relation to certain approved plants in Article 24 of the EU Control</p>

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Subject matter of requirement</i>	<i>Provisions containing the basic requirement</i>	<i>Provisions to be read with the provision(s) mentioned in Column 2</i>
		Regulation and Article 20 of the EU Implementing Regulation (requirements in relation to certain registered operators)
12. Handling of animal by-products within food	Article 26 of the EU businesses Control Regulation	
13. Own checks	Article 28 of the EU Control Regulation	
14. Hazard analysis	Article 29(1) to (3) of the EU Control Regulation	
15. 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	Article 31(2) of the EU Control Regulation as read with Article 21 of the EU Implementing Regulation (placing on the market for feeding to farmed animals) and Article 24(2) of that Regulation (pet food and other derived products)
16. Placing on the market and use of organic fertilisers and soil improvers	Article 32(1) and (2) of the EU Control Regulation	Regulation 7(1) of these Regulations (subject to regulation 7(3)) (application of fertilisers) Article 32(3) of the EU Control Regulation as read with Article 22(1) to (3) of the EU Implementing Regulation (placing on the market of fertilisers) Article 36(1) of the EU Implementing Regulation (transitional measures)
17. Collection and movement for manufacture of derived products	Article 34 of the EU Control Regulation except in so far as it relates to imports	Article 33 of the EU Control Regulation (placing on the market of derived products) Article 23 of the EU Implementing Regulation (intermediate products)
18. Compliance with prohibition on use for manufacture for products not	Article 24(1) of the EU Implementing Regulation	Article 33 of the EU Control Regulation (placing on the market of certain derived

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<i>Column 1</i> <i>Subject matter of requirement</i>	<i>Column 2</i> <i>Provisions containing the basic requirement</i>	<i>Column 3</i> <i>Provisions to be read with the provision(s) mentioned in Column 2</i>
within Article 33 or 36 of the EU Control Regulation		products regulated by Community legislation) Article 36 of that Regulation (placing on the market of other derived products)
19. Placing on the market of pet food	Article 35 of the EU Control Regulation	Article 5(2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain) Article 40 of the EU Control Regulation as read with Article 24(3) of the EU Implementing Regulation (pet food and other derived products)
20. Placing on the market of other derived products	Article 36 of the EU Control Regulation	Regulation 10 of these Regulations (placing on the market) Article 5(2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain) Article 40 of the EU Control Regulation as read with Article 24(1), (2) and (4) of the EU Implementing Regulation (pet food and other derived products)
21. Safe sourcing	Article 37(2) of the EU Control Regulation	
22. Export	Article 43 of the EU Control Regulation	
23. Controls for dispatch	Article 48(1), (4) and (5), as read with Article 48(6), of the EU Control Regulation	Article 48(7) and (8) of the EU Control Regulation as read with Article 11(3) of the EU Control Regulation (special rules on research and diagnostic samples), Article 12(3) of that Regulation (special rules on trade samples and display items) and Article 31 of that Regulation (models of health certificates and

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Subject matter of requirement</i>	<i>Provisions containing the basic requirement</i>	<i>Provisions to be read with the provision(s) mentioned in Column 2</i>
		declarations for importation and transit)

SCHEDULE 2

Regulation 28

Consequential Amendments

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

1. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(12) insofar as they relate to Wales are amended as follows.

2. In regulation 2 (exemption from registration)—

(a) in paragraph (1)(i), for the words “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);”.

The Controlled Waste Regulations 1992

3. The Controlled Waste Regulations 1992(13) are amended insofar as they relate to Wales as follows.

4. In regulation 7 (waste not to be treated as industrial or commercial waste)—

(a) in paragraph (3), for the words “Article 7(1) or 7(2)” substitute “Article 21(1) to (3)”; and

(b) for paragraph (4) substitute—

“(4) In this regulation—

(a) “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);

(b) “animal by-products” has the same meaning as in Article 3(1) of the Community Regulation.”.

The Waste Management Licensing Regulations 1994

5. The Waste Management Licensing Regulations 1994(14) are amended insofar as they relate to Wales as follows.

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

(13) S.I. 1992/588, amended by S.I. 2006/937; there are other amending instruments but none is relevant.

(14) S.I. 1994/1056, amended by S.I. 2006/937; there are other amending instruments but none is relevant.

6. In regulation 20 (registration of brokers), for paragraph (9) substitute—
- “(9) In this regulation—
- (a) “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);
 - (b) “animal by-products” has the same meaning as in Article 3(1) of the Community Regulation.”.

The Animal By-Products (Identification) Regulations 1995

7. The Animal By-Products (Identification) Regulations 1995(15) are amended insofar as they relate to Wales as follows.

8. In regulation 2(1) (interpretation)—
- (a) for the definition of “approved incineration plant” substitute—

““approved incineration plant” means an incineration plant which is approved under Article 24(1)(b) of the Community Regulation;”;
 - (b) for the definition of “approved rendering plant” substitute—

““approved rendering plant” means a Category 2 processing plant which is approved under Article 24(1)(a) of the Community Regulation;”;
 - (c) 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);”;
 - (d) for the definition of “specified bovine offal” substitute—

““specified risk material” has the meaning given in Article 3(18) of the Community Regulation;”.
9. For regulation 4(b) (scope) substitute—
- “(b) affect the operation of the Animal By-Products (Enforcement) (Wales) Regulations 2011 or any order made, or having effect, under the Animal Health Act 1981.”.
10. In regulation 5 (exemptions)—
- (a) in paragraph (1)(f), for the words “specified bovine offal” substitute “specified risk material”;
 - (b) in paragraph (2)(c), for the words “the 2003 Regulations” substitute “the Community Regulation”; and
 - (c) in paragraph (2)(d), for the words “the 2003 Regulations” substitute “the Community Regulation”.
11. In regulation 9(3) (storage and packaging of animal by-products)—
- (a) in paragraph (3)(d), for the words “Article 2.1(c)” substitute “Article 9”; and
 - (b) in paragraph (3)(e), for the words “Article 2.1(d)” substitute “Article 10”.

(15) S.I. 1995/614, relevant amending instruments are S.I. 1995/1955, 2002/1619, 2003/1484.

The Products of Animal Origin (Import and Export) Regulations 1996

12. The Products of Animal Origin (Import and Export) Regulations 1996(16) are amended insofar as they relate to Wales as follows.

13. In regulation 1(2) (interpretation)—

(a) in the definition of “product of animal origin”, in sub-paragraph (f) for the words “Directive 90/667” substitute “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”;

(b) after the definition of “Regulation 1274/91” insert—

““Regulation (EU) No. 1069/2009” means Regulation (EU) 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 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.”.

14. In regulation 10 (exports to other member states), after each reference to “Directive 92/118” insert “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”.

15. In regulation 11(1) (registration of certain establishments which produce, process or store products of animal origin)—

(a) after each reference to “Directive 92/118” insert “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”; and

(b) in sub-paragraph (a), for “15 of Schedule 3, under Directive 90/667” substitute “ 16 of Schedule 3”.

16. In regulation 12(1) (notification of certain establishments which supply or store products of animal origin)—

(a) after each reference to “Directive 92/118” insert “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”; and

(b) in sub-paragraph (a), for “15 of Schedule 3, under Directive 90/667” substitute “ 16 of Schedule 3”.

17. In Schedule 3 (community measures relevant to intra-community trade)—

(a) at the end of the title to paragraph 12, insert “and also not subject to Regulation (EU) No. 1069/2009 and Regulation (EU) No. 142/2011”; and

(b) after paragraph 15 (wild game), insert—

“Animal By-Products

16. Regulation (EU) No. 1069/2009 and Regulation (EU) No. 142/2011.”.

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

18. The Foot-and-Mouth Disease (Wales) Order 2006(17) is amended as follows.

(16) S.I. 1996/3124, amended by S.I. 2006/2407; there are other amending instruments but none is relevant.

(17) S.I. 2006/179 (W.30).

- 19.** In article 2(1) (interpretation) after the definition of “public highway” insert—
- ““Regulation (EU) No. 1069/2009” means Regulation (EU) 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 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;”.
- 20.** In article 26 (slaughter; control of faecal material), in paragraph (2)(b) for the words “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 (EU) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”.
- 21.** In article 27(2)(c) (slaughter: isolation of things liable to spread disease) for “Regulation (EC) No. 1774/2002, as amended” substitute “Regulation (EU) No. 1069/2009”.
- 22.** In Schedule 4 (measures applicable in respect of protection zones and surveillance zones)—
- (a) in paragraph 20(4) (transport, treatment and spreading of dung and manure produced in a protection zone) for the words “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 (EU) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to Regulation (EU) No. 142/2011”; and
- (b) in paragraph 33(4) (transport, treatment and spreading of dung and manure produced in a surveillance zone), for the words “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 (EU) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to Regulation (EU) No. 142/2011”.
- 23.** In Schedule 5 (treatments to ensure the destruction of disease virus)—
- (a) in paragraph 2 (hides and skins), for the words “ 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 (EU) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011”;
- (b) in paragraph 3 (wool, ruminant hair and pig bristles), for the words “article 20 of and point A(1) of Chapter VIII to Regulation (EC) No. 1774/2002, as amended” substitute “Article 36 of Regulation (EU) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011”;
- (c) in paragraph 5 (blood and blood products), for the words “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 (lard and rendered fats), for the words “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 (petfood and dog chews), for the words “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 (game trophies of ungulates), for the words “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”.

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

24. The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006⁽¹⁸⁾ is amended as follows.

25. In Part 3 of the Schedule (measures applicable in respect of a vaccination zone), in paragraph 18 (transport, treatment and distribution of dung and manure), for sub-paragraph (4) substitute—

“(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with—

- (a) Articles 15 and 32 of Regulation (EU) 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
- (b) Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to 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.”.

The Animals and Animal Products (Import and Export) (Wales) Regulations 2006

26. The Animals and Animal Products (Import and Export) (Wales) Regulations 2006⁽¹⁹⁾ are amended as follows.

27. In Part 1 of Schedule 3 (intra-community trade: legislation and additional requirements), for paragraph 7 (animal waste) substitute—

“Animal by-products

7.—(1) Regulation (EU) 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).

(2) 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.”.

The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007

28. The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007⁽²⁰⁾ are amended as follows.

⁽¹⁸⁾ S.I. 2006/180 (W.31).

⁽¹⁹⁾ S.I. 2006/1536 (W.153), as amended.

⁽²⁰⁾ S.I. No 2007/376 (W.36), as amended.

- 29.** In regulation 2(1) (interpretation), after the definition of “Regulation (EC) No. 136/2004” insert—
- ““Regulation (EU) No 1069/2009” means Regulation (EU) 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 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;”.
- 30.** In regulation 4 (exemption for authorised products and personal imports)—
- (a) in paragraph (1), at the end, insert “other than products to which Article 17 of Regulation (EU) No. 1069/2009 and Articles 11(2) and 12(2) of Regulation (EU) No. 142/2011 apply”;
- (b) in paragraph (4)(b) for the words “Regulation (EC) No. 1774/2002 and the Animal By-Products (Wales) Regulations 2006” substitute “Regulation (EU) No. 1069/2009 and the Animal By-Products (Enforcement) (Wales) Regulations 2011”; and
- (c) in paragraph (5)(b) for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 31.** In regulation 5(1)(a) (enforcement authorities and exchange of information), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 32.** In regulation 6(1)(a) (appointment of official veterinary surgeons and official fish inspectors), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 33.** In regulation 21 (products which fail veterinary checks)—
- (a) in paragraph (3)(b), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”; and
- (b) in paragraph (5)(b), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 34.** In regulation 22 (treatment as animal by-products)—
- (a) in paragraph (1), for the words “regulation 26 of the Animal By-Products (Wales) Regulations 2006” substitute “Articles 17 and 18 of Regulation (EU) No. 1069/2009 and Articles 11(2), 12(2) and 14 of Regulation (EU) No. 142/2011”; and
- (b) in paragraph (3), for the words ““regulation 26 of the Animal By-Products (Wales) Regulations 2006” substitute “Articles 17 and 18 of Regulation (EU) No. 1069/2009”.
- 35.** In regulation 24(4) (consignments and products illegally brought in), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 36.** In regulation 43(1)(b) (disposal of returned transit products), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 37.** In Schedule 1(import conditions), in Part VIII, for paragraph 11 substitute—
- “(11) Regulation (EU) No. 1069/2009 and Regulation (EU) No. 142/2011.”.

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

38. The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006(21) is amended as follows.

39. In article 2 (interpretation)—

(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 (EU) No. 1069/2009”; and

(b) for the definition of “Regulation (EC) No. 1774/2002” substitute—

““Regulation (EU) No 1069/2009” means Regulation (EU) 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 as inserted by sub-paragraph (b) insert—

““Regulation (EU) No 142/2011” means 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;”.

40. In article 3(6) (licences, notices and designations under this Order), for sub-paragraph (c) substitute—

“(c) the following plants if approved under Article 24 of Regulation (EU) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants.”.

41. In article 14 (restrictions on the movement of bird by-products)—

(a) for paragraph (2) substitute—

“(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No. 142/2011 and 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 and 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 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;

(21) S.I. No 2006/3309 (W.299) as amended .

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

- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 and 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 and 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 and 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 and 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 and 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 and 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 Articles 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 and 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 the words “Annex V to Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011”; and
 - (c) in paragraph (4), for the words “Chapter X of Annex II to Regulation (EC) No. 1774/2002” substitute “Chapter III of Annex VIII to Regulation (EU) No. 142/2011”.

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

42. The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006(22) is amended as follows.

43. In article 2 (interpretation)—

(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 (EU) No. 1069/2009”; and

(b) for the definition of “Regulation (EC) No. 1774/2002” substitute—

““Regulation (EU) No. 1069/2009” means Regulation (EU) 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 as inserted by sub-paragraph (b) insert—

““Regulation (EU) No. 142/2011” means 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;”.

44. In article 13(1)(designation of premises to which things may be moved), for sub-paragraph (c) substitute—

“(c) the following plants if approved under Article 24 of Regulation (EU) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants.”.

45. In Schedule 1 (measures applicable in respect of a wild bird control area)—

(a) for paragraph 13(2)(restriction on the movement of bird by-products or products derived from bird by-products from premises in a wild bird control area) substitute—

“(2) A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (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 and 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 and 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 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;

(22) S.I. No 2006/3310 (W.300) as amended.

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

- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 and 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 and 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 and 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 and 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 and 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 and 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 I to Regulation (EU) No. 142/2011 and 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 the words “Annex V to Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011”;
 - (c) in paragraph 13(5), for the words “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), (prohibition on movement of poultry manure) for “1774/2002” substitute “1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”;
- (e) in paragraph 15(a), (prohibition on the spread of poultry manure) for “1774/2002” substitute “1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”.

The Cattle Identification (Wales) Regulations 2007

46. The Cattle Identification (Wales) Regulations 2007⁽²³⁾ are amended as follows.

47. For paragraph 3(3) of Part 1 of Schedule 3 (lost cattle passports and replacements) substitute—

“(3) If the Welsh Ministers do 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 Welsh Ministers) to—

- (a) to 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 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); or
- (b) a registered collection centre which complies with Section 1 of Chapter II of Annex VI of 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.”.

The Animal Gatherings (Wales) Order 2010

48. The Animal Gatherings (Wales) Order 2010⁽²⁴⁾ is amended as follows.

49. In regulation 8(2) (destruction, treatment or disposal of feeding stuffs and other materials), for the words “Animal By-Products (Wales) Regulations 2006” substitute “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)”.

The Environmental Permitting (Wales and Wales) Regulations 2010

50. The Environmental Permitting (Wales and Wales) Regulations 2010⁽²⁵⁾ are amended insofar as they relate to Wales as follows.

51. In regulation 2(1) (interpretation: general), after the definition of “regulated facility” insert—
““Regulation (EU) No 1069/2009” means Regulation (EU) 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);”.

⁽²³⁾ S.I. 2007/842 (W.74).

⁽²⁴⁾ S.I. No 2010/900 (W.93).

⁽²⁵⁾ S.I. 2010/675, amended by S.I. 2010/2172; there are other amending instruments but none is relevant.

52. In paragraph 1 of Section 5.1 of Chapter 5 of Part 2 of Schedule 1 (interpretation of Section 5.1), in the definition of “excluded plant”, for sub-paragraph (a)(vii) substitute—

“(a) (vii) animal carcasses as regulated by Regulation (EU) No 1069/2009;”.

53. In the table in paragraph T13(2) of Section 2 of Chapter 3 of Part 1 of Schedule 3 (treatment of waste), in the third entry (200199) for the words “the Animal By-Products Regulations” substitute “Regulation (EU) No. 1069/2009”.

54. In paragraph T22 of Section 2 of Chapter 3 of Part 1 of Schedule 3 (treatment of animal by-product waste at a collection centre), for sub-paragraph (4) substitute—

“(4) In this paragraph—

- (a) “animal by-product” has the same meaning in Article 3(1) of Regulation (EU) No. 1069/2009;
- (b) “collection centre” has the same meaning in paragraph 53 of Annex 1 to 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.”.

The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008

55. The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008(26) are amended as follows.

56. In regulation 2(1) (interpretation), insert before the definition of “slaughterhouse”—

““Regulation (EU) No 1069/2009” means Regulation (EU) 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);”.

57. In regulation 4(2), (exception for research) for the words “Regulation (EC) No 1774/2002” substitute “Regulation (EU) No 1069/2009”.

58. In paragraph 3(2)(d) of Schedule 6 (feeding stuffs), for the words “the Animal By-Products (Wales) Regulations 2006” substitute “Regulation (EU) No 1069/2009”.

59. In paragraph 18(1)(a) of Schedule 6 (feeding stuffs), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.

The Waste (England and Wales) Regulations 2011

60. The Waste (England and Wales) Regulations 2011, on coming into force, are amended insofar as they relate to Wales as follows.

61. In Schedule 3 (amendments to the Environmental Permitting (Wales and Wales) Regulations 2010, in paragraph 8(a), for paragraph (iii) substitute—

- (iii) in the third entry (200199), omit the words “but excluding foods covered by Regulation (EU) No. 1069/2009;”.

SCHEDULE 3

Regulation 29

Revocations

The following instruments are revoked to the extent specified.

<i>Column 1</i> <i>Regulations revoked</i>	<i>Column 2</i> <i>References</i>	<i>Column 3</i> <i>Extent of revocation</i>
The Animal By-Products (Identification) Regulations 1995	S.I. 1995/614	In Regulation 2(1), the definition of “the 2003 Regulations”, in so far as it applies to Wales Regulation 3, in so far as it applies to Wales
The Bovine Offal (Prohibition) (England, Wales, and Scotland) (Revocation) Regulations 1995	S.I. 1995/1955	Regulation 3, in so far as it applies to Wales
The Products of Animal Origin (Import and Export) Regulations 1996	S.I. 1996/3124	In regulation 1(2), the definition of “Directive 90/667” In paragraph 3 of Schedule 1, the entry in respect of “Council Directive 90/667/EEC ”
The Animal By-Products (Wales) Regulations 2006	S.I. 2006/1293 (W.127)	The whole Regulations
The Waste Management (England and Wales) Regulations 2006	S.I. 2006/937	Regulation 5(4), in so far as it applies to Wales
The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2006	S.I. 2006/376 (W.36)	In regulation 2(1), the definition of “Regulation (EC) No 1774/2002 ” Regulations 29 to 33 In Part VIII of Schedule 1, paragraphs 12 to 14
The Avian Influenza (H5N1) (Miscellaneous Amendments) (Wales) Order 2007	S.I. 2007/3375 (W.300)	The whole Regulations
The Environmental Permitting (England and Wales) (Amendment) Regulations 2010	S.I. No 2010/675	In regulation 2(1), paragraph (a) in relation to the definition of “the Animal By-Products Regulations” In Section 6.8 of Chapter 6 of Schedule 3, paragraph 1(g) and (i)
The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008	S.I. 2008/3154 (W.282)	In regulation 2(1), the definition of “Regulation (EC)

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<i>Column 1</i> <i>Regulations revoked</i>	<i>Column 2</i> <i>References</i>	<i>Column 3</i> <i>Extent of revocation</i>
		No 1774/2002” In Schedule 1, paragraph (b) In Schedule 6, paragraphs 1(2) and (3), 2(5), 3 and 18
The Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008	S.I. No 2008/2716 (W.245)	In regulation 2, the definition of “the 2006 Regulations” In Regulation 3, the words “Regulation 21 of the 2006 Regulations or”, wherever they appear

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enforce, in Wales, 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 Wales, 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 (OJ No L 54, 26.02.2011) (the EU Implementing Regulation) 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 competent authority. The Regulations allow the member state to derogate from the obligations and also enable the competent authority to make authorisations in relation to specified obligations.

These Regulations provide for the following.

1. The competent authority is designated as the Welsh Ministers 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 2).
2. Procedure and appeals in respect of registration and approval (Part 3).

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 competent authority) (Part 4). 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 competent authority, the Welsh Ministers, to make authorisations in respect of such requirements as laid down in those 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 the Welsh Assembly Government website at (www.wales.gov.uk). In addition, that website will also make available the authorisations exercised by the Welsh Ministers.

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

5. Consequential provisions (Part 6) and revocations and transitional provisions (Part 7). In particular, these Regulations revoke the [Animal By-Products \(Wales\) Regulations 2006 SI 2006 No 1293 \(W.127\)](#) and amending instrument.

A regulatory impact assessment of the effect that this instrument will have on the costs of business, and the voluntary sector is available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.