

## SCHEDULE 4

Regulation 50

### Transitional Provisions

## PART 1

### Intra-species recycling ban for fish

In accordance with Article 1 of Regulation (EC) 811/2003<sup>M1</sup>, the prohibition on the feeding of fish with processed animal protein derived from the bodies or parts of bodies of fish of the same species in Article 22(1)(a) of the Community Regulation shall not apply.

#### Marginal Citations

**M1** O.J. No. L 117, 13.5.2003, p. 14.

#### Marginal Citations

**M1** O.J. No. L 117, 13.5.2003, p. 14.

## PART 2

### Collection, transport and disposal of former foodstuffs of animal origin

1.—(1) The Scottish Ministers shall be the competent authority for granting approvals under Regulation (EC) 813/2003<sup>M2</sup>.

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

#### Marginal Citations

**M2** O.J. No. L 117, 13.5.2003, p. 22.

2. For the purposes of Article 1(1) of Regulation (EC) 813/2003, by way of derogation from Article 6(2)(f) and Article 7 of the Community Regulation, former foodstuffs which have not been mixed with any other animal by-products (other than Category 3 catering waste) may be collected, transported and disposed of or treated in the same way as catering waste.

3. Where former foodstuffs are mixed with Category 1 or Category 2 material any person in possession or control of the material shall ensure that it is disposed of in accordance with Article 1(2) of Regulation (EC) 813/2003, and any person who fails to do so shall be guilty of an offence.

4. Where former foodstuffs are sent for disposal in an approved landfill site, any person in possession or control of the material shall comply with Article 1(3) of Regulation (EC) 813/2003 and any person who fails to do so shall be guilty of an offence.

5. Any person who fails to comply with any instructions given by an inspector under Article 3(3) of Regulation (EC) 813/2003 shall be guilty of an offence.

**Status:** Point in time view as at 01/10/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Animal By-Products (Scotland) Regulations 2003 (revoked), SCHEDULE 4. (See end of Document for details)

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

## PART 3

### Used cooking oil in animal feed <sup>M3</sup>

#### Marginal Citations

**M3** This Part of the Schedule enforces Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oils, O.J. No. L 117, 13.5.2003, p. 24.

#### Scope

1. Notwithstanding the prohibition on feeding farmed animals with catering waste or feed material containing or derived from catering waste, used cooking oil may be used for the production of animal feed if it has been collected, treated and blended in accordance with this Part.

2. This Part is confined to used cooking oil which—

- (a) originates exclusively in restaurants, catering facilities and kitchens, including central kitchens and household kitchens; and
- (b) is intended for the production of animal feed.

#### Approvals

3.—(1) The Scottish Ministers shall approve—

- (a) collectors of used cooking oil if they are satisfied that the collector will comply with the requirements of this Part; and
- (b) operators of premises on which used cooking oil is treated or mixed with other oils if they are satisfied that the premises and operation comply with the requirements of this Part.

(2) The approval shall only be granted if the collector or operator was collecting, treating or blending used cooking oils on 1st November 2002.

4. The approval shall specify—

- (a) the name of the operator and the address of the approved premises;
- (b) in the case of treatment premises, the parts of the premises in which used cooking oil may be received and treated; and
- (c) the expiry date, which shall be no later than 31st October 2004.

5.—(1) Approval shall be suspended immediately if the conditions under which it was granted are no longer fulfilled.

(2) Once suspended, the approval shall only be reinstated subject to fulfilment of the requirements of the Community Regulation in their entirety.

#### General obligations

6.—(1) Used cooking oil shall be collected, transported, stored, handled, treated, and used in accordance with this Part.

- (2) Any person who fails to comply with sub-paragraph (1) shall be guilty of an offence.
- (3) Any used cooking oil which does not comply with the provisions of this Part shall be disposed of as directed by notice by an inspector.
- 7. Used cooking oil shall be—
  - (a) collected by an approved collector;
  - (b) treated by an approved operator on approved treatment premises; and
  - (c) mixed with other oils by an approved operator on approved blending premises.

#### **Collection and transportation of used cooking oil**

- 8.—(1) Used cooking oil shall be collected and transported in lidded containers or leak proof vehicles and identified in such a way that the contents, even after mixing, are traceable to all the premises of origin.
  - (2) Collectors shall take all necessary measures to ensure that the used cooking oil collected is free from contamination by harmful substances.
  - (3) Reusable containers, and all reusable items of equipment or appliances that come into contact with used cooking oil, shall be cleaned, washed and disinfected after each use.
  - (4) Vehicles or containers which carry any material which could contaminate the used cooking oil shall be thoroughly cleansed and disinfected before they are used to carry used cooking oil.

#### **Approved premises and the operation of blending premises**

- 9. The operator of approved premises shall ensure that the premises comply with, and are operated in accordance with, the provisions of this Part.
- 10.—(1) Before mixing with other oil, operators of blending premises shall ensure that each batch of used cooking oil is tested to ensure compliance with the standards in paragraph 16. A batch shall be no greater than 30 tonnes.
  - (2) Collectors and operators of approved premises shall ensure that used cooking oil that does not comply with the standards in paragraph 16 is not used for animal feed.

#### **Approved premises**

- 11.—(1) Approved premises shall be constructed in such a way that they are easy to clean and disinfect.
  - (2) Animals and unauthorised persons shall not have access to the premises.
  - (3) The premises shall have adequate facilities for cleaning and disinfecting the containers or receptacles in which used cooking oil is received and, where appropriate, the vehicles in which it is transported.
  - (4) The premises shall have adequate lavatories and washing facilities for staff.
  - (5) The premises shall have a covered space, clearly marked, to receive used cooking oil.
  - (6) Where appropriate, the premises shall have a separate storage area for any used cooking oil that is not suitable for use in animal feed.
  - (7) Tanks shall be sealed with vents located and screened in a manner that prevents entry by contaminants or pests.
  - (8) Pipework shall be sealed when not in use.

*Status: Point in time view as at 01/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Animal By-Products (Scotland) Regulations 2003 (revoked), SCHEDULE 4. (See end of Document for details)*

### **Operators' own checks**

**12.**—(1) Operators of approved premises shall adopt all measures necessary to comply with the requirements of this Part.

(2) They shall put in place, implement and maintain a procedure developed in accordance with the principles of the system of hazard analysis and critical control points.

(3) They shall in particular—

- (a) identify and control the critical control points in the premises;
- (b) establish and implement methods for monitoring and checking such critical control points;
- (c) keep records of such checks for at least two years; and
- (d) ensure the traceability of each batch received and despatched.

**13.**—(1) The operator of approved blending premises shall carry out checks and take samples for the purposes of checking compliance with the standards in paragraph 16.

(2) Where the results of a check or a test show that the used cooking oil does not comply with the provisions of this Part, the operator shall—

- (a) establish the causes of failures of compliance;
- (b) ensure that the oil is not despatched for use in feedingstuffs;
- (c) instigate appropriate decontamination and cleaning procedures; and
- (d) where used cooking oil has already been despatched for use in feedingstuffs, or incorporated into feedingstuffs, take all necessary measures to ensure that feedingstuffs containing the oil are not fed to livestock.

**14.**—(1) The operator shall record the results of the checks and tests.

(2) The operator shall keep a sample of each consignment of used cooking oil despatched from the premises and shall keep it for at least six months.

### **Hygiene requirements in approved premises**

**15.**—(1) Containers, receptacles and, where appropriate, vehicles used for transporting used cooking oil shall be cleaned in a designated area.

(2) Preventive measures against birds, rodents, insects or other vermin shall be taken systematically.

(3) Used cooking oil intended for use in animal feed shall not be stored in the same area as used cooking oil which is not suitable for use in animal feed or products which may pose a risk to animal or human health.

(4) Cleaning procedures shall be established and documented for all parts of the premises.

(5) Hygiene control shall include regular inspections of the environment and equipment.

(6) Inspection schedules and results shall be recorded.

(7) Installations and equipment shall be kept in a good state of repair.

(8) Measuring equipment shall be calibrated at least once a year.

(9) Tanks and pipes shall be cleaned internally at least once a year or when there is build-up of water and physical contaminants.

(10) Treated used cooking oil shall be handled and stored in such a way as to preclude contamination.

## Specification for used cooking oil for use in animal feed

16. Used cooking oil shall meet the following minimum standards before use in animal feed:–

- (a) Physical contamination:
  - (i) moisture and impurities: <3%; and
  - (ii) impurities: <0.15 %;
- (b) Presence of mineral oil: absence;
- (c) Presence of oxidised fatty acids: >88% Elutable Fatty acid content;
- (d) Presence of pesticide residues: complies with Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed <sup>M4</sup>;
- (e) Presence of PCBs: <100ppb for the 7 main congeners <sup>M5</sup>;
- (f) Presence of *Salmonella*: absence; and
- (g) Presence of animal fat–
  - (i) Pentadecanoic acid (C15): <0.2%;
  - (ii) Cis-9-hexadecanoic acid (C16:1): <2%;
  - (iii) Heptadecanoic acid (C17): <0.4%;
  - (iv) Cis-9-heptadecanoic acid (C17:1): <0.3%; and
  - (v) Fatty acids with a chain length of 20 carbon atoms or more (C20+): < 5%.

### Marginal Citations

**M4** O.J. L 140 , 30.5.2002, p.10.

**M5** ICES 7 polychlorinated biphenyls.

## Commercial documents

17.—(1) A written commercial document or a printout of an electronic document shall accompany the consignment of used cooking oil during transportation.

(2) The producer, receiver and carrier shall each retain a copy of a written commercial document or, for electronic information, a printout of that information.

(3) Commercial documents shall contain the following information:–

- (a) the address of the premises from which the used cooking oil was taken;
- (b) the date on which the used cooking oil was taken from the premises;
- (c) the quality and description of the used cooking oil;
- (d) the quantity of the used cooking oil;
- (e) the name and the address of the carrier;
- (f) the destination of the used cooking oil; and
- (g) a unique reference number that links the collector and the container or vehicle to the premises from which the used cooking oil was taken.

## Records

18.—(1) Any person consigning, transporting or receiving used cooking oil shall keep a record containing the information specified in the commercial document.

**Status:** Point in time view as at 01/10/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Animal By-Products (Scotland) Regulations 2003 (revoked), SCHEDULE 4. (See end of Document for details)

(2) For used cooking oil which is suitable for use in animal feed, the records shall in addition provide for full traceability of the oil from the premises of origin to its incorporation into animal feed.

(3) For used cooking oil which is not suitable for use in animal feed, the person consigning the oil for disposal shall in addition keep a record showing the method and place of disposal and the date the oil was consigned for disposal.

### List of premises

19.—(1) The Scottish Ministers shall maintain a list of the names and addresses of approved—

- (a) collectors of used cooking oil;
- (b) operators of treatment premises; and
- (c) operators of blending premises.

(2) Each collector and operator of approved premises shall be assigned an official identification number.

(3) The Scottish Ministers shall make this list publicly available.

## PART 4

### Mammalian blood <sup>M6</sup>

#### Marginal Citations

**M6** This Part of the Schedule implements Commission Decision 2003/321/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the processing standards mammalian blood, O.J. No. L 117, 13.5.2003, p. 30.

1. By way of derogation from Annex VII, Chapter II, paragraph 1 to the Community Regulation, mammalian blood may be processed in accordance with this Part.

2. The Scottish Ministers may approve the use of processing methods 2 to 5 or 7 of Annex V to the Community Regulation for the processing of mammalian blood.

3.—(1) Approval shall be suspended immediately if the conditions under which it was granted are not fulfilled.

(2) Once suspended, the approval shall only be reinstated subject to fulfilment of the requirements of the Community Regulation in their entirety.

(3) Any material not processed in accordance with this Part or the Community Regulation shall be disposed of as instructed by an inspector.

4. The approval shall only be granted if the operator was processing at those premises, using that equipment and using those methods on 1st November 2002.

5. All other relevant provisions of the Community Regulation must be complied with.

## PART 5

### Oleochemical plants using rendered fats from category 2 and 3 materials <sup>M7</sup>

#### Marginal Citations

**M7** This Part of the Schedule implements Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants, O.J. No. L 117, 13.5.2003, p. 42.

#### General obligations

1. By way of derogation from Article 14 of the Community Regulation, the Scottish Ministers may approve the use of oleochemical plants to process rendered fats derived from both Category 2 and Category 3 material providing they comply with the following conditions.

2.—(1) Approval shall be suspended immediately if the conditions under which it was granted are not fulfilled.

(2) Once suspended, the approval shall only be reinstated subject to fulfilment of the requirements of the Community Regulation in their entirety.

(3) Any material not processed in accordance with this Part or the Community Regulation shall be disposed of as instructed by an inspector.

3. The approval shall only be granted to premises and facilities that operated in that way on 1st November 2002.

#### Specific requirements

4.—(1) Only rendered fats derived from Category 2 and Category 3 materials may be used.

(2) Rendered fats derived from category 2 materials shall be processed in accordance with the standards in Chapter III of Annex VI to the Community Regulation.

(3) Additional processes such as distillation, filtration and processing with absorbents shall be used to further improve the safety of the tallow derivatives.

## PART 6

### Low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk materials or carcasses containing them <sup>M8</sup>

#### Marginal Citations

**M8** This Part of the Schedule implements Commission Decision 2003/327/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them, O.J. No. L 117, 13.5.2003, p. 44.

1. By way of derogation from Article 12(3) of the Community Regulation, the Scottish Ministers may approve the use of low capacity incineration or co-incineration plants which do not meet the

**Status:** Point in time view as at 01/10/2003.

**Changes to legislation:** There are currently no known outstanding effects for the The Animal By-Products (Scotland) Regulations 2003 (revoked), SCHEDULE 4. (See end of Document for details)

requirements laid down in Annex IV to the Community Regulation if they are operated in accordance with this Part.

2.—(1) Approval shall be suspended immediately if the conditions under which it was granted are not fulfilled.

(2) Once suspended, the approval shall only be reinstated subject to fulfilment of the requirements of the Community Regulation in their entirety, including Annex IV to that Regulation.

(3) Any material not incinerated in accordance with this Part or the Community Regulation shall be disposed of as instructed by an inspector.

3. The approval shall only be granted to incinerators that were in operation 1st November 2002.

4. The operator shall take all necessary measures to ensure that—

- (a) animal by-products are handled and stored safely and incinerated or co-incinerated without undue delay in such a way that they are reduced to dry ash;
- (b) the dry ash is disposed of properly and records are kept of the quantity and description of the animal by-products incinerated and the date of incineration;
- (c) the dry ash is not removed from the combustion chamber unless combustion is complete; and
- (d) transportation and intermediate storage of the dry ash takes place in a closed container to prevent dispersal in the environment and the dry ash is disposed of safely,

and failure to do so shall be an offence.

5. In the case of a breakdown or malfunction, the operator must reduce or close down operations as soon as practicable until normal operations can be resumed, and failure to do so shall be an offence.



**Status:**

Point in time view as at 01/10/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal By-Products (Scotland) Regulations 2003 (revoked), SCHEDULE 4.