

SCHEDULE

Regulation 2(4)

SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE TRANSMISSIBLE  
SPONGIFORM ENCEPHALOPATHIES (SCOTLAND) REGULATIONS 2006

“SCHEDULE 6

Regulation 5

Specified risk material, mechanically separated meat and slaughtering techniques

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**Functions of the Food Standards Agency**

1.—(1) The Food Standards Agency shall carry out the duties of the member State set out in point 11.1 and point 11.2 of Annex V to the amended Community TSE Regulation in relation to this Schedule and shall grant authorisations for the purposes of point 4.3(a) of that Annex.

(2) The Food Standards Agency may appoint as inspectors such persons (whether or not officers of the Agency) as they consider necessary for the purpose of enforcing Annex V to the amended Community TSE Regulations and this Schedule within a slaughterhouse or cutting plant.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

(4) An inspector appointed in accordance with sub-paragraph (2) shall have the powers set out in regulations 13, 14, 15 and 16, and regulations 13(2) and (3), 14(2) and (3), 15(4) to (7) and 16(2) shall apply accordingly, with references to “the Scottish Ministers” or “the local authority” being construed as references to the Food Standards Agency.

### **Training**

2.—(1) The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with the duties contained in this Schedule; and
  - (b) keep records of each person’s training for as long as that person works there.
- (2) Any person who fails to comply with this paragraph is guilty of an offence.

### **Mechanically separated meat**

3.—(1) Any person who fails to comply with point 5 of Annex V to the amended Community TSE Regulation (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

(3) In this paragraph “mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure.

### **Pithing**

4. Any person who fails to comply with point 6 of Annex V to the amended Community TSE Regulation (measures concerning laceration of tissues) is guilty of an offence.

### **Tongue harvesting**

5. Any person who fails to comply with point 7 of Annex V to the amended Community TSE Regulation (harvesting of tongues from bovine animals) is guilty of an offence.

### **Head meat harvesting**

6. Any person who fails to comply with point 8.1 of Annex V to the amended Community TSE Regulation (harvesting of bovine head meat) is guilty of an offence.

### **Removal of specified risk material**

7.—(1) Any person who removes specified risk material in any premises other than premises in which that specified risk material may be removed under point 4.1 or point 4.3(a) of Annex V to the amended Community TSE Regulation is guilty of an offence.

- (2) In the case of a cutting plant, it is an offence to remove—
- (a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(1)(a); or
  - (b) the spinal cord from any sheep or goat aged over 12 months at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 12(1)(b).

### **Bovine animals in a slaughterhouse**

8.—(1) When a bovine animal is slaughtered in a slaughterhouse, or the carcass of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than those parts of the vertebral column that are specified risk material) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) The occupier of the slaughterhouse must consign any carcass containing those parts of the vertebral column that are specified risk material to—

- (a) a cutting plant authorised under paragraph 12(1)(a);
- (b) a cutting plant located in another country of the United Kingdom and authorised under the corresponding provision applicable in that country; or
- (c) another member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation.

(3) The occupier of the slaughterhouse must identify a carcass containing vertebral column that is not specified risk material in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation and provide information in accordance with point 11.3(b) of that Annex.

(4) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(1), except in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation.

(5) Any person who fails to comply with this paragraph is guilty of an offence.

### **Sheep and goats in a slaughterhouse**

9.—(1) When a sheep or goat is slaughtered in a slaughterhouse or the carcass of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of a slaughterhouse must remove all specified risk material (other than the spinal cord) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, the occupier of the slaughterhouse must as soon as is reasonably practicable after slaughter—

- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or
- (b) send the carcass—
  - (i) to a cutting plant authorised under paragraph 12(1)(b);
  - (ii) to a cutting plant located in another country of the United Kingdom and authorised under the corresponding provision applicable in that country; or
  - (iii) in accordance with point 10.1 of Annex V to the amended Community TSE Regulation, to a cutting plant in another member State provided that the Food Standards Agency has entered into a written agreement with the competent authority of the receiving member State, and the dispatch is in accordance with that agreement.

(3) In sub-paragraph (2)(b)(iii), “cutting plant” means premises—

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(1) O.J. No. L 204, 11.8.00, p.1. Regulation 1760/2000 is amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded – Annex II: List referred to in Article 20 of the Act of Accession – 6. Agriculture – B. Veterinary and phytosanitary legislation – I. Veterinary legislation (O.J. No. L 236, 23.9.03, p.381) and by Regulation 1791/2006.

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- (a) approved or conditionally approved as such under Article 31(2) of Regulation 882/2004; or
  - (b) operating as such under Article 4(5) of Regulation 853/2004 pending such approval.
- (4) Any person who fails to comply with this paragraph is guilty of an offence.

#### **Young lamb and goat stamps**

**10.**—(1) An inspector may stamp a sheep or goat in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted through the gum and the documentation, if any, relating to the animal does not indicate that it is aged over 12 months at slaughter.

(2) The stamp must mark the carcass with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—

- (a) “MHS”; and
- (b) in the case of a sheep, “YL”; or
- (c) in the case of a goat, “YG”.

(3) It is an offence for any person other than an inspector to apply the stamp or a mark resembling the stamp, or to possess equipment for applying it.

#### **Removal of spinal cord from sheep and goats**

**11.** It is an offence to remove the spinal cord or any part of it from a sheep or goat aged over 12 months at slaughter or that had one or more permanent incisors erupted through the gum (other than for the purposes of veterinary or scientific examination) except by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column including the spinal cord.

#### **Authorisation of cutting plants by the Food Standards Agency**

**12.**—(1) The Food Standards Agency may authorise a cutting plant to remove—

- (a) those parts of the vertebral column of bovine animals that are specified risk material; or
- (b) spinal cord from sheep and goats aged over 12 months at slaughter or which have a permanent incisor erupted through the gum,

if the Agency is satisfied that the provisions of Annex V to the amended Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8, 9 and 10 apply, with references to the Scottish Ministers being construed as references to the Food Standards Agency.

#### **Removal of specified risk material at a cutting plant authorised under paragraph 12(1)**

**13.**—(1) The occupier of a cutting plant authorised under paragraph 12(1) shall ensure that as soon as reasonably practicable after a carcass arrives at a plant, and in any event before meat derived from that carcass leaves the plant, all specified risk material of the kind to which the authorisation relates is removed from the carcass.

- (2) Any person who fails to comply with this paragraph is guilty of an offence.
- (3) In sub paragraph (1), “carcass” means—
  - (a) a carcass;
  - (b) a half carcass;

- (c) a half carcase cut into no more than three wholesale cuts; and
  - (d) quarters,
- containing no specified risk material other than vertebral column.

#### **Meat from another member State**

**14.—**(1) For the purposes of point 10.1 and point 10.2 of Annex V to the amended Community TSE Regulation, where a carcase containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Scotland from another member State, the importer must send it directly to a cutting plant authorised under paragraph 12(1)(a).

- (2) Any person who fails to comply with this paragraph is guilty of an offence.

#### **Staining and disposal of specified risk material**

**15.—**(1) The occupier of any premises where specified risk material is removed who fails to comply with point 3 of Annex V to the amended Community TSE Regulation (marking and disposal) is guilty of an offence.

- (2) For the purposes of that point—

- (a) staining involves treating the material (whether by immersion, spraying or other application) with—

- (i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(2)), or

- (ii) such other colouring agent as may be approved in writing by the Scottish Ministers or the Food Standards Agency; and

- (b) the stain must be applied in such a way that the colouring is and remains clearly visible—

- (i) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and

- (ii) in the case of all other specified risk material, over the whole surface of the material.

(3) This paragraph does not apply in relation to any specified risk material which is destined for use as provided in Article 1(2)(b) and (c) of the amended Community TSE Regulation.

#### **Scheme animals**

**16.—**(1) After the specified risk material has been removed from a bovine animal slaughtered for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(3)</sup>, the remainder (excluding the hide) must immediately be stained in accordance with paragraph 15 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

- (2) Any person who fails to comply with this paragraph is guilty of an offence.

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(2) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

(3) O.J. No. L 99, 20.4.96, p.14. Commission Regulation (EC) No. 716/96 is amended by Commission Regulation (EC) No. 774/96 amending Commission Regulation (EC) No. 716/96 adopting exceptional measures for the beef market in the United Kingdom (O.J. No. L 104, 27.4.96, p.21), Commission Regulation (EC) No. 835/96 (O.J. No. L 112, 7.5.96, p.17), Commission Regulation (EC) No. 1512/96 (O.J. No. L 189, 30.7.96, p.93), Commission Regulation (EC) No. 1846/96 (O.J. No. L 245, 26.9.96, p.9), Commission Regulation (EC) No. 1974/96 (O.J. No. L 262, 16.10.96, p.2), Commission Regulation (EC) No. 2149/96 (O.J. No. L 288, 9.11.96, p.14), Commission Regulation (EC) No. 2423/96 (O.J. No. L 329, 19.12.96, p.43), Commission Regulation (EC) No. 1365/97 (O.J. No. L 188, 17.7.97, p.6), Commission Regulation (EC) No. 1176/2000 (O.J. No. L 131, 1.6.00, p.37), Commission Regulation (EC) No. 667/2003 (O.J. No. L 96, 12.4.03, p.13) and by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.05, p.25).

### **Security of specified risk material**

17.—(1) Pending consignment or disposal from the premises on which it was removed, the occupier of the premises must ensure that specified risk material is adequately separated from any food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

- (a) containing specified risk material; or
- (b) Category 1 animal by-products and including the words “For disposal only”.

(2) The occupier of the premises must ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Any person who fails to comply with this paragraph is guilty of an offence.

### **Prohibition on the dispatch of heads and un-split carcasses to other member States**

18. Subject to point 10.2 of Annex V to the amended Community TSE Regulation, any person who, in the absence of an agreement of the kind specified in point 10.1 of that Regulation, dispatches any head or un-split carcass containing specified risk material to another member State is guilty of an offence.

### **Prohibition on the supply of specified risk material for human consumption**

19. It is an offence to sell or supply—

- (a) any specified risk material, or any food containing specified risk material, for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

### **Transitional provisions**

20.—(1) Until 24th May 2008, nothing in this Schedule precludes consignment to a butcher shop that was, on 25th April 2008, authorised and registered under paragraph 14 of this Schedule as it was on that date, of a carcass which—

- (a) has not been brought into Scotland from another member State;
- (b) is derived from a bovine animal that was—
  - (i) slaughtered no later than 25th April 2008, and
  - (ii) aged 30 months or less at slaughter; and
- (c) contains those parts of the vertebral column that are specified risk material.

(2) The occupier of a butcher shop of the kind referred to in sub paragraph (1) commits an offence unless before the appropriate time they remove from a carcass consigned to the occupier in accordance with that sub-paragraph those parts of the vertebral column that are specified risk material.

(3) Local authorities shall carry out the duties on the member State in point 11.1 and 11.2 of Annex V to the amended Community TSE Regulation in relation to the removal of vertebral column in accordance with sub-paragraph (2).

(4) Until 24th May 2008, nothing in this Schedule precludes consignment to a cutting plant (whether or not authorised under paragraph 12(1)(a)) of a carcass which—

- (a) has not been brought into Scotland from another member State;
- (b) is derived from a bovine animal that was—
  - (i) slaughtered no later than 25th April 2008, and

(ii) aged 30 months or less at slaughter; and

(c) contains those parts of the vertebral column that are specified risk material.

(5) The occupier of a cutting plant of the kind referred to in sub paragraph (4) commits an offence unless before the appropriate time they remove from a carcass consigned to the occupier in accordance with that sub-paragraph those parts of the vertebral column that are specified risk material.

(6) In paragraph (2) and (5), “the appropriate time” is the earlier of–

(a) the time at which the carcass in question leaves the premises; and

(b) 00.01 hours on 1st June 2008.

(7) For the purposes of this paragraph and paragraphs 15, 17 and 19 in so far as they apply in relation to specified risk material removed in accordance with sub-paragraph (2) or (5), “specified risk material” has the meaning given to it in Article 3.1(g) of the Community TSE Regulation as amended by Commission Regulation (EC) No. 722/2007.

### **Definitions of Community legislation**

#### **21. In this Schedule–**

“Directive 2004/41” means Directive 2004/41/EC of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(4);

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(5) as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(6) as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(7) as read with Regulation 2074/2005 and Regulation 2076/2005;

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(4) O.J. No. L 157, 30.4.04, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (O.J. No. L 195, 2.6.2004, p.12).

(5) O.J. No. L 139, 30.4.04, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.07, p.26). Regulation (EC) No. 853/2004 is amended by Regulation 2074/2005, Regulation 2076/2005, Commission Regulation (EC) No. 1662/2006 amending Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (O.J. No. L 320, 18.11.06, p.1), Regulation 1791/2006 and by Regulation 1243/2007.

(6) O.J. No. L 139, 30.4.04, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.83) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.07, p.29). Regulation (EC) No. 854/2004 is amended by Regulation 882/2004, Commission Regulation (EC) No. 2074/2005, Commission Regulation (EC) No. 2076/2005, Commission Regulation (EC) No. 1663/2006 amending Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (O.J. No. L 320, 18.11.06, p.11), and by Council Regulation (EC) No. 1791/2006.

(7) O.J. No. L 165, 30.4.04, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.04, p.1) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.07, p.29). Regulation (EC) No. 882/2004 is amended by Commission Regulation (EC) No. 776/2006 amending Annex VII to Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards Community reference laboratories (O.J. No. L 136, 24.5.06, p.3), Regulation 1791/2006, Commission Regulation (EC) No. 180/2008 concerning the Community reference laboratory for equine diseases other than African horse sickness and amending Annex VII to Regulation (EC) No. 882/2004 of the European Parliament and of the Council (O.J. No. L 56, 29.2.08, p.4), and by Council Regulation (EC) No. 301/2008

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“Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(8);

“Regulation 2074/2005” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(9);

“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(10);

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(11);

“Regulation 1664/2006” means Commission Regulation (EC) No. 1664/2006 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(12);

“Regulation 1665/2006” means Commission Regulation (EC) No. 1665/2006 amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(13);

“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania(14);

“Regulation 1243/2007” means Commission Regulation (EC) No. 1243/2007 amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin(15);

“Regulation 1244/2007” means Commission Regulation (EC) No. 1244/2007 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of

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adapting Annex I to Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (O.J. No. L 97, 9.4.08, p.85).

(8) O.J. No. L 271, 15.10.2005, p.17.

(9) O.J. No. L 338, 22.12.05, p.27. Commission Regulation (EC) No. 2074/2005 is amended by Regulation 1664/2006 and by Regulation 1244/2007.

(10) O.J. No. L 338, 22.12.05, p.60. O.J. No. L 338, 22.12.05, p.60. Commission Regulation (EC) No. 2075/2005 is amended by Regulation 1665/2006 and by Regulation 1245/2007.

(11) O.J. No. L 338, 22.12.05, p.83. Commission Regulation (EC) No. 2076/2005 is amended by Commission Regulation (EC) No. 1666/2006 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council (O.J. No. L 320, 18.11.06, p.47), Commission Regulation (EC) No. 479/2007 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004 (O.J. No. L 111, 28.4.07, p.46) and by Regulation 1246/2007.

(12) O.J. No. L 320, 18.11.06, p.13.

(13) O.J. No. L 320, 18.11.06, p.46.

(14) O.J. No. L 363, 20.12.06, p.1.

(15) O.J. No. L 281, 25.10.07, p.8.

animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat<sup>(16)</sup>;

“Regulation 1245/2007” means Commission Regulation (EC) No. 1245/2007 amending Annex I to Regulation (EC) No. 2075/2005 as regards the use of liquid pepsin for the detection of *Trichinella* in meat<sup>(17)</sup>; and

“Regulation 1246/2007” means Commission Regulation (EC) No. 1246/2007 amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption<sup>(18)</sup>.”

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<sup>(16)</sup> O.J. No. L 281, 25.10.07, p.12.

<sup>(17)</sup> O.J. No. L 281, 25.10.07, p.19.

<sup>(18)</sup> O.J. No. L 281, 25.10.07, p.21.