
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke, in relation to Scotland, the Animal By-Products (Identification) Regulations 1995 and revoke and remake the Animal By-Products (Enforcement) (Scotland) Regulations 2011, incorporating certain provisions of the Animal By-Products (Identification) Regulations 1995.

These Regulations enforce in Scotland 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 (“the EU Control Regulation”).

These Regulations also enforce in Scotland Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (“the EU Implementing Regulation”) that provides technical supplementation of those requirements of the EU Control Regulation.

The EU Control Regulation places 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 Control Regulation allows the member State to derogate from the obligations and also enables the competent authority to make authorisations in relation to specified obligations. The EU Implementing Regulation sets out a framework for the categorisation and use of animal by-products and supplements the EU Control Regulation by containing detailed provisions for the disposal and use of animal by-products.

These Regulations provide for the following:—

- The Scottish Ministers are designated as the competent authority (regulation 3).
- Certain areas are designated as remote for the purposes of Article 19(1)(b) of the EU Control Regulation (regulation 8).
- Access by farmed animals to animal by-products is restricted (regulations 4-6) (Part 2).
- The staining of certain animal by-products to prevent them entering the food chain, allowing for the revocation of similar provisions in the Animal By-Products (Identification) Regulations 1995 (Part 3). Stained animal by-products are not to be exported from Scotland to another member State without that State’s agreement, although they may be moved within the UK.
- Procedure and appeals in respect of registration and approval (Part 4).
- Enforcement of the requirements by providing for offences including breach of the requirements of the EU Control Regulation as identified in Schedule 1 which sets out the requirements of the EU Control Regulation as supplemented by the requirements of the EU Implementing Regulation and these Regulations, where applicable (Part 5). The EU Control Regulation enables the competent authority to make authorisations in respect of such requirements. Such authorisations enable the competent authority to determine whether or not

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

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 is available on the Scottish Government website at www.scotland.gov.uk. In addition, that website makes available the authorisations exercised by the Scottish Ministers.

- Enforcement powers by appointing enforcement authorities (Part 6).
- Consequential provisions (Part 7), revocations, savings and transitional provisions (Part 8).

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Rural and Environment Directorate, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.