SCHEDULE 1 Regulation 15

ADDITIONAL REQUIREMENTS FOR BIOGAS AND COMPOSTING PLANTS

PART 1

PREMISES

1.—(1) There shall be—

(a) a reception area in which untreated animal by-products (including catering waste) are received;

(b) an area in which vehicles and containers are cleansed and disinfected with adequate facilities for doing this; and

(c) a clean area in which treated compost or digestion residues are stored.

(2) The clean area shall be adequately separated from the reception area and the area in which vehicles and containers are cleansed and disinfected so as to prevent contamination of the treated material. Floors shall be laid so that liquid cannot seep into the clean area from the other areas.

(3) The reception area shall be easy to clean and disinfect and shall have an enclosed and lockable place or container to receive and store the untreated animal by-products.

2. The animal by-products shall be unloaded in the reception area and either—

(a) treated immediately; or

(b) stored in the reception area and treated without undue delay.

3. The plant shall be operated in such a way that—

(a) treated material is not contaminated by untreated or partially treated material or liquids arising from it; and

(b) partially treated material is not contaminated with material which has not been treated to the same extent or liquids arising from it.

4. The operator shall identify, control and monitor suitable critical points in the operation of the plant to demonstrate that—

(a) these Regulations and the Community Regulation are complied with;

(b) treated material is not contaminated by untreated or partially treated material or liquids arising from it; and

(c) partially treated material is not contaminated with material which has not been treated to the same extent or liquids arising from it.

5. Containers, receptacles and vehicles used for transporting untreated animal by-products shall be cleaned in the dedicated area before they leave the premises and before any treated material is loaded. In the case of vehicles transporting only untreated catering waste and not subsequently transporting treated material, only the wheels of the vehicle need be cleaned.

PART II

TREATMENT SYSTEMS AND PARAMETERS FOR CATERING WASTE

1. Unless an approval specifically permits a different system, catering waste shall be treated by one of the systems specified in the table below. The system shall ensure that the material is treated to the following parameters:

Composting

System	***Composting in a closed reactor***	***Composting in a closed reactor***	***Composting in housed windrows***
Maximum particle size	40cm	6cm	40cm
Minimum temperature	60°C	70°C	60°C
Minimum time spent at the minimum temperature	2 days	1 hour	8 days (during which the windrow shall be turned at least 3 times at no less than 2 days intervals)

The time temperature requirements shall be achieved as part of the composting process.

Biogas

System	***Biogas in a closed reactor***	***Biogas in a closed reactor***
Maximum particle size	5cm	6cm
Minimum temperature	57°C	70°C
Minimum time spent at the minimum temperature	5 hours	1 hour

2. The approval shall normally specify one of the methods in the table, but the Secretary of State may approve a different system if she is satisfied that it achieves the same reduction in pathogens as those methods (including any additional conditions imposed on those methods) in which case the approval shall fully describe the whole system.

Composting plants

3. If the approval for a composting plant specifies one of the methods in the table, it shall specify which one and, in addition, shall have as a condition either that—

(a) measures shall be taken at source to ensure that meat was not included in the catering waste and that following treatment the material is stored for at least 18 days, or

(b) following the first treatment, the material shall be treated again using one of the methods in the table and specified in the approval (not necessarily the same method as was used for the first treatment) except that, if the treatment is in a windrow, the second treatment need not be in a housed windrow.

Biogas plants

4. The approval for a biogas plant shall specify one of the methods in the table and in addition require that either—

(a) measures were taken at source to ensure that meat was not included in the catering waste; or

(b) following treatment the material is stored for an average of 18 days after treatment (storage need not be in an enclosed system).

SCHEDULE 2 Regulation 21

TESTING METHODS

PART I

METHOD FOR THE ISOLATION OF *CLOSTRIDIUM PERFRINGENS*

Time of testing

1. Tests shall be begun on receipt of the sample or on the first working day which allows this method to be completed. If the test is not begun on the day of receipt the sample shall be stored in a refrigerator at between 2°C and 8°C until required. If the sample has been refrigerated it shall be removed from the refrigerator and stored at room temperature for at least one hour before the test is started.

Samples

2. Tests shall be carried out using two 10 gram portions of each sample submitted for testing. Each 10 gram sample shall be placed aseptically in a sterile container containing 90 ml *Clostridium perfringens* diluent consisting of 0.1% peptone and 0.8% sodium chloride at a pH of 7 and mixed thoroughly until the sample is evenly suspended.

Inoculations

3. For each portion of the sample 1 ml of solution shall be transferred to a sterile 90 mm petri dish (in duplicate), to which 15 ml of Shahidi - Ferguson agar (SF agar)(**1**) at a temperature of 47°C ±1°C shall be added and immediately gently mixed by swirling the dish with 5 clockwise and 5 anticlockwise circular movements.

4. Once the agar has set, each agar plate shall be overlaid with a further 10 ml SF agar at a temperature of 47°C±1°C. Once the overlay has set and with the plate lids uppermost the plates shall be incubated anaerobically at 37°C±1°C for 20 hours±2 hours.

Samples with colonies of Clostridium perfringens

5. After incubation each set of duplicate plates shall be examined for colonies characteristic of *Clostridium perfringens* (black). The sample provisionally fails if any colonies characteristic of *Clostridium perfringens* are present, in which case the following procedure shall be followed to establish whether or not the colonies are *Clostridium perfringens*.

(**1**) Shahidi-Ferguson agar—See Shahidi, S. A. and Ferguson, A. R. (1971) Applied Microbiology 21:500-506. American Society for Microbiology, 1913 1 St N.W., Washington DC 20006, USA.

6. In the case of each plate, 10 characteristic colonies of *Clostridium perfringens* shall be subcultured on to a further SF agar plate. If there are less than 10 colonies on the plate, all characteristic colonies shall be subcultured on to the further plate. The plates shall be incubated anaerobically at 37°C±1°C for 20 hours±2 hours.

7. If the surface area of the plates is overgrown and it is not possible to select well isolated characteristic colonies, 10 suspect colonies shall be subcultured on to duplicate SF agar plates and incubated anaerobically at 37°C±1°C for 20 hours±2 hours.

8. One characteristic colony from each plate shall be subcultured on to SF agar and incubated anaerobically at 37°C±1°C for 20 hours±2 hours.

Subcultured colonies

9. After incubation each plate shall be examined for colonies characteristic of *Clostridium perfringens*. All colonies characteristic of *Clostridium perfringens* shall be—

(a) stab inoculated into motility nitrate medium(**2**); and

(b) inoculated into either lactose gelatin medium(**3**) or charcoal gelatin discs(**4**);

and incubated anaerobically at 37°C±1°C for 20 hours±2 hours.

Examination of subcultures

Motility

10. The motility nitrate medium shall be examined for the type of growth along the stab line. If there is evidence of diffuse growth out into the medium away from the stab line, the bacteria shall be considered to be motile.

Reduction of nitrate to nitrite

11. After examination of the motility nitrate medium, 0.2 ml to 0.5 ml of nitrite detection reagent shall be added to it. The formation of a red colour confirms that the bacteria have reduced nitrate to nitrite. Cultures that show a faint reaction (i.e. a pink colour) should be discounted. If no red colour is formed within 15 minutes, a small amount of zinc dust shall be added and the plate allowed to stand for 15 minutes. If a red colour is formed after the addition of zinc dust no reduction of nitrate to nitrite has taken place.

Production of gas and acid from lactose and liquefaction of gelatin

12. The lactose gelatin medium shall be examined for the presence of small gas bubbles in the medium.

13. The lactose gelatin medium shall be examined for colour. A yellow colour indicates fermentation of lactose.

14. The lactose gelatin medium shall be chilled for one hour at 2 – 8°C and then checked to see if the gelatin has liquefied. If the medium has solidified it shall be re-incubated anaerobically for a

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(**2**) Motility nitrate medium—See Hauschild AHW, Gilbert RJ, Harmon SM, O'Keefe MF, Vahlefeld R, (1997) ICMSF Methods Study VIII, Canadian Journal of Microbiology 23, 884-892. National Research Council of Canada, Ottawa ON K1A oR6, Canada.

(**3**) Lactose gelatin medium—See Hauschild AHW, Gilbert RJ, Harmon SM, O'Keefe MF, Vahlefield R, (1997) ICMSF Methods Study VIII, Canadian Journal of Microbiology 23, 884-892.

(**4**) Charcoal gelatin discs—See Mackie and McCartney, (1996) Practical Medical Microbiology 14, 509. Churchill Livingstone, Robert Stevenson House, 1-3 Baxter's Place, Leith Walk, Edinburgh EH1 3AF.

further 18 – 24 hours, the medium chilled for a further one hour at 2 – 8°C and again checked to see if the gelatin has liquefied.

15. The presence of *Clostridium perfringens* shall be determined on the basis of the results from paragraphs 10 to 14. Bacteria which produce black colonies on SF agar, are non-motile, reduce nitrate to nitrite, produce gas and acid from lactose and liquefy gelatin within 48 hours shall be considered to be *Clostridium perfringens*.

Control Tests

16. Control tests shall be carried out each day that a test is initiated using—

(a) *Clostridium perfringens* no more than seven days old at the time of use;

(b) *Escherichia coli*NCTC 10418(**5**) or equivalent not more than seven days old at the time of use; and

(c) processed animal protein or compost or digestion residue which is free of *Clostridium perfringens*.

17. 10 gram portions of the rendered animal protein shall be placed aseptically in each of two sterile containers containing 90 ml Buffered Peptone Water (BPW)(**6**) and mixed thoroughly until the samples are evenly suspended.

18. One colony of *Clostridium perfringens* shall be placed in 10 ml BPW and mixed to form an even suspension. 0.1 ml of the suspension shall be added to the suspension in the preceding paragraph. This shall be repeated for *Escherichia coli*.

19. These are then treated and examined in the same way as test samples. If no typical colonies are formed then that day's testing shall be invalid and shall be repeated.

PART II

METHODS FOR THE ISOLATION OF SALMONELLA

A. BACTERIOLOGICAL METHOD

1. Tests shall be begun on receipt of the sample or on the first working day which allows this method to be completed. If the test is not begun on the day of receipt the sample shall be stored in a refrigerator until required. If the sample has been refrigerated it shall be removed from the refrigerator and stored at room temperature for at least four hours before the test is started.

Day 1

2. Tests shall be carried out in duplicate using two 25 gram portions of each sample submitted for testing. Each 25 gram sample shall be placed aseptically in a container containing 225 ml Buffered Peptone Water (BPW) and incubated at 37°C±1°C for 18 hours±2 hours.

(**5**) The National Collection of Type Cultures, Central Public Health Laboratory, 61 Colindale Ave, London NW9 5HT.
(**6**) Buffered Peptone Water—See Edel, W. and Kampelmacher, E.H. (1973) Bulletin of World Health Organisation, 48: 167-174, World Health Organisation Distribution and Sales, CH-1211, Geneva 27, Switzerland (ISSN 0042-9686).

Day 2

3. 0.1 ml from the container of incubated BPW shall be inoculated into 10 ml Rappaports Vassiliadis broth (RV broth)(**7**) and incubated at 41.5°C±0.5°C for 24 hours ± 3 hours.

Day 3

4. The RV broth shall be plated out on to two 90 millimetre plates of Brilliant Green Agar (BGA)(**8**) or on to one 90 millimetre plate of BGA and one 90 millimetre plate of Xylose Lysine Deoxycholate Agar (XLD)(**9**) using a 2.5 mm diameter loop. The plates shall be inoculated with a droplet taken from the edge of the surface of the fluid by drawing the loop over the whole of one plate in a zig zag pattern and continuing to the second plate without recharging the loop. The space between the loop streaks shall be 0.5 cm – 1.0 cm. The plates shall be incubated at 37°C ±2°C for 24 hours ± 3 hours.

5. The residual RV broth shall be reincubated at 41.5°C±0.5°C for a further 24 hours.

Day 4

6. The plates shall be examined and a minimum of 3 colonies from each plate showing suspicion of Salmonella growth shall be subcultured—

(a) on to a blood agar plate;

(b) on to a MacConkey agar plate(**10**); and

(c) into biochemical media suitable for the identification of Salmonella.

These media shall be incubated at 37°C overnight.

7. The reincubated RV both shall be plated out as described in paragraph 4.

Day 5

8. The incubated composite media or equivalent shall be examined and the findings recorded, discarding cultures which are obviously not Salmonella. Slide serological tests shall be performed using Salmonella polyvalent " O" and polyvalent "H" (phase 1 and 2) agglutinating sera on selected suspect colonies collected from the blood agar or MacConkey plates. If reactions occur with one or both sera, the colonies shall be typed by slide serology and a subculture sent to a Regional Veterinary Laboratory of the Veterinary Laboratories Agency of the Department for Environment, Food and Rural Affairs for further typing.

9. The plates referred to in paragraph 7 shall be examined and further action taken as in paragraph 6 and 8.

B. ELECTRICAL CONDUCTANCE METHOD

1. Tests shall be begun on receipt of the sample or on the first working day which allows the following method to be completed. If the test is not begun on the day of receipt the sample shall be stored in a refrigerator until required. If the sample has been refrigerated it shall be stored at room temperature for at least four hours before the test is started.

(**7**) Rappaports Vassiliadis Broth—See Vassiliadis P, Pateraki E, Papaiconomou N, Papadkis J A, and Trichopoulos D (1976) Annales de Microbiologie (Institut Pasteur) 127B: 195-200. Elsevier, 23 rue Linois, 75724 Paris, Cedex 15, France.

(**8**) Brilliant Green Agar—See Edel W and Kampelmacher E H (1969) Bulletin of World Health Organisation 41:297-306, World Health Organisation Distribution and Sales, CH-1211, Geneva 27, Switzerland (ISSN 0042-9686).

(**9**) Xylose Lisene Deoxycholate Agar—See Taylor W I, (1965) American Journal of Clinical Pathology, 44:471-475, Lippincott and Raven, 227E Washington Street, Philadelphia PA 19106, USA.

(**10**) MacConkey agar—See (1963) International Standards for Drinking Water, World Health Distribution and Sales, CH-1211, Geneva 27, Switzerland.

Day 1

2. Tests shall be carried out in duplicate using two 25 gram portions of each sample submitted for testing. Each 25 gram sample shall be placed aseptically in a sterile container containing 225 ml Buffered Peptone Water/Lysine/Glucose (BPW/L/G)(**11**) and incubated at 37°C for 18 hours.

Day 2

3. The incubated BPW/L/G shall be added to Selenite Cystine Trimethylamine-N-Oxide Dulcitol (SC/T/D)(**12**) and Lysine Decarboxylase Glucose (LD/G)(**13**) media in electrical conductance cells or wells. For cells or wells containing more than 5 ml medium 0.2 ml of the BPW/L/G shall be added and for cells or wells containing 5 ml or less medium 0.1 ml of the BPW/L/G shall be added. Cells or wells shall be connected to appropriate electrical conductance measuring equipment set to monitor and record changes in electrical conductance at 6 minute intervals over a 24 hour period. The temperature of cells and wells shall be kept at 37°C.

Day 3

4. At the end of the 24 hour period, the information recorded by the conductance measuring equipment shall be analysed and interpreted using criteria defined by the manufacturers of the equipment. Where a well or cell is provisionally identified as being positive for Salmonella, the result shall be confirmed by subculturing the contents of the well or cell on to two 90 millimetre plates of BGA or on to one 90 millimetre plate of BGA and one 90 millimetre plate of Xylose Lysine Deoxycholate Agar (XLD) using a 2.5 mm diameter loop. The plates shall be inoculated with a droplet taken from the edge of the surface of the fluid by drawing the loop over the whole of one plate in a zig zag pattern and continuing to the second plate without recharging the loop. The space between the loop streaks shall be 0.5 cm – 1.0 cm. The plates shall be incubated at 37°C overnight.

Day 4

5. The plates shall be examined and a minimum of 3 colonies from each plate showing suspicion of Salmonella growth shall be subcultured—

(a) on to a blood agar plate;

(b) on to a MacConkey agar plate; and

(c) into biochemical media suitable for the identification of Salmonella.

These media shall be incubated at 37°C overnight.

Day 5

6. The incubated composite media or equivalent shall be examined and the findings recorded, discarding cultures which are obviously not Salmonella. Slide serological tests shall be performed using Salmonella polyvalent " O" and polyvalent "H" (phase 1 and 2) agglutinating sera on selected suspect colonies collected from the blood agar or MacConkey plates. If reactions occur with one or both sera, a subculture shall be sent to a Regional Veterinary Laboratory of the Veterinary Laboratories Agency of the Department for Environment, Food and Rural Affairs for further typing.

(**11**) Buffered Peptone Water/Lysine/Glucose—See Ogden I D (1988) International Journal of Food Microbiology 7:287-297, Elsevier Science BV, PO Box 211, 1000 AE, Amsterdam, Netherlands (ISSN 0168-1695).

(**12**) Selenite Cystine Trimethylamine-N-Oxide Dulcitol—See Easter, M C and Gibson, D M, (1985) Journal of Hygiene 94:245-262, Cambridge University Press, Cambridge.

(**13**) Lysine Decarboxylase Glucose—See Ogden I D (1988) International Journal of Food Microbiology 7:287-297, Elsevier Science BV, PO Box 211, 1000 AE, Amsterdam, Netherlands (ISSN 0168-1695).

PART III

METHOD FOR THE ISOLATION OF *ENTEROBACTERIACEAE*

1. Tests shall be begun on receipt of the sample or on the first working day which allows this method to be completed. If the test is not begun on the day of receipt the sample shall be stored in a refrigerator until required at between 2°C and 8°C. If the sample has been refrigerated it shall be removed from the refrigerator and stored at room temperature for at least one hour before the test is started.

Samples

2. Tests shall be carried out using five 10 gram portions of each sample submitted for testing. Each 10 gram sample shall be placed aseptically in a sterile container containing 90 ml Buffered Peptone Water and mixed thoroughly until the sample is evenly suspended.

Inoculations

3. For each portion of the sample 1 ml of solution shall be transferred to a sterile 90 mm petri dish (in duplicate). The plates shall be labelled to identify the portion of sample they were taken from. 15 ml of Violet Red Bile Glucose Agar (VRBGA)(**14**) at a temperature of 47°C±2°C shall be added to each petri dish and immediately gently mixed by swirling the dish with five clockwise and five anticlockwise circular movements.

4. Once the agar has set, each agar plate shall be overlaid with a further 10 ml VRBGA at a temperature of 47°C±2°C. Once the overlay has set, the plates shall be inverted and incubated aerobically at 37°C±1°C for 20 hours±2 hours.

Samples with colonies of Enterobacteriaceae

5. After incubation each set of duplicate plates shall be examined for colonies characteristic of *Enterobacteriaceae* (purple colonies 1 – 2 mm in diameter). All characteristic colonies on each plate shall be counted and the arithmetic mean of the duplicate plates taken.

The sample provisionally fails if either—

(a) any arithmetic mean is above 30(**15**); or

(b) three or more arithmetic means are above 10;

in which case the following procedure shall be followed to establish whether or not the colonies are *Enterobacteriaceae*.

6. After counting the colonies, characteristic colonies shall be taken at random from the agar plates, the number being at least the square root of the colonies counted. The colonies shall be subcultured onto a blood agar plate and incubated aerobically at 37°C±1°C for 20 hours±2 hours.

Examination of subcultures

7. An oxidase test and a glucose fermentation test shall be performed on each of the five subcultured colonies. Colonies which are oxidase-negative and glucose fermentation-positive shall be considered to be *Enterobacteriaceae* .

(**14**) Violet Red Bile Glucose Agar—See Mossell D A A, Eelderink I, Koopmans M, van Rossem F (1978) Laboratory Practice 27 No. 12 1049-1050; Emap Maclaren, PO Box 109, Maclaren House, 19 Scarbrook Road, Croydon CR9 1QH.

(**15**) An arithmetic mean of 30 is equivalent to $3x10^2$ colony forming units per gram of original sample.

8. If not all of the colonies prove to be *Enterobacteriaceae*, the total count in paragraph 5 shall be reduced in proportion prior to establishing whether or not the sample should fail.

Controls

9. Control tests shall be carried out each day that a test is initiated using—

(a) *Escherichia coli* NCTC 10418 no more than seven days old at time of use; and

(b) processed animal protein or compost or digestive residue which is free of *Enterobacteriaceae*.

10. A 10 gram portion of the rendered animal protein shall be placed aseptically in a sterile container containing 90 ml BPW and mixed thoroughly until the sample is evenly suspended.

11. One colony of *Escherichia coli* shall be placed in 10 ml BPW and mixed to form an even suspension. 0.1 ml of the suspension shall be added to the suspension in the preceding paragraph.

12. This is then treated and examined in the same way as test samples. If no typical colonies are formed then that day's testing shall be invalid and shall be repeated.

SCHEDULE 3 Regulation 50

TRANSITIONAL MEASURES

PART I

TRANSITIONAL MEASURES REGARDING THE INTRA-SPECIES RECYCLING BAN FOR FISH(**16**)

In accordance with Article 1 of Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures, 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.

PART II

THE COLLECTION, TRANSPORTATION AND DISPOSAL OF FORMER FOODSTUFFS(**17**)

1.—(1) The Secretary of State shall be the competent authority for granting approvals under Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs.

(**16**) This Part of the Schedule enforces Article 1 of Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures, OJ No. L117, 13.5.2003, p. 14.

(**17**) This Part of the Schedule enforces Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs, OJ No. L117, 13.5.2003, p. 22.

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

Collection, transport and disposal of former foodstuffs

2. For the purposes of Article 1.1 of Commission Regulation (EC) No. 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 Commission Regulation (EC) No. 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 Commission Regulation (EC) No. 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 Commission Regulation (EC) No. 813/2003 shall be guilty of an offence.

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 III

USED COOKING OIL IN ANIMAL FEED(**18**)

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 Secretary of State shall approve—

(a) collectors of used cooking oil if she is 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 she is 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 1 November 2002.

4. The approval shall specify—

(**18**) 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, OJ No. L117, 13.5.2003, p. 24.

(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 31 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 of this Part. 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 of this Part 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) Unauthorised persons and animals 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.

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 (HACCP).

(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 and keep records of such checks for at least two years, and

(c) 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.—(1) Used cooking oil shall meet the following minimum standards before use in animal feed.

(2) Physical contamination:

(a) moisture and impurities: <3%

(b) impurities: <0.15 %.

(3) Presence of mineral oil: absence.

(4) Presence of oxidised fatty acids: >88% Elutable Fatty acid content.

(5) Presence of pesticide residues:

(a) until 1 August 2003 complies with Council Directive 99/29/EC on the undesirable substances and products in animal nutrition(**19**);

(b) from 1 August 2003, complies with Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed(**20**).

(6) Presence of PCBs: <100ppb for the 7 main congeners(**21**).

(7) Presence of Salmonella: absence.

(8) Presence of animal fat:

(a) Pentadecanoic acid (C15): <0.2%

(b) Cis-9-hexadecanoic acid (C16:1): <2%

(c) Heptadecanoic acid (C17): <0.4%

(d) Cis-9-heptadecanoic acid (C17:1): <0.3%

(e) Fatty acids with a chain length of 20 carbon atoms or more (C20+): < 5%

Commercial documents

17.—(1) Commercial documents may be in written or electronic form.

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

(**19**) OJ L 115, 4.5.1999, p.32.
(**20**) OJ L 140, 30.5.2002, p.10.
(**21**) ICES 7 polychlorinated biphenyls.

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

(4) 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;

(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.

(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 Secretary of State 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 Secretary of State shall make this list publicly available.

PART IV

MAMMALIAN BLOOD(**22**)

General

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 Secretary of State 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.

(**22**) 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 for mammalian blood, OJ No. L117, 13.5.2003, p. 30.

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 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 1 November 2002.

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

PART V

OLEOCHEMICAL PLANTS USING RENDERED FATS FROM CATEGORY 2 AND CATEGORY 3 MATERIALS(**23**)

General obligations

1. By way of derogation from Article 14 of the Community Regulation, the Secretary of State 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 1 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.

(**23**) 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, OJ No. L117, 13.5.2003, p. 42.

PART VI

LOW CAPACITY INCINERATION OR CO-INCINERATION PLANTS WHICH DO NOT INCINERATE OR CO-INCINERATE SPECIFIED RISK MATERIALS OR CARCASES CONTAINING THEM(**24**)

General obligations

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

(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 on 1 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) transport and intermediate storage of the dry ash takes place in a closed container to prevent dispersal in the environment and 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.

SCHEDULE 4 Regulation 51

AMENDMENTS

AMENDMENTS TO THE TSE (ENGLAND) REGULATIONS 2002

1. The TSE (England) Regulations 2002(**25**) are amended in accordance with this Part.

2. Regulations 33(4), 34(2), 52, 54, 56(1)(a), 56(2)(b), 56(4)(c) and (d), 63 to 68, 69(1), (3), (4) and (5) and Schedule 6 are revoked.

(**24**) 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 carcases containing them, OJ No. L117, 13.5.2003, p. 44.

(**25**) S.I.2002/843, as amended by S.I. 2002/1253 and S.I. 2002/2860.

3. At the end of regulation 13 there shall be added—

"(7) In this regulation mammalian meat and bone meal does not include any compost or digestion residues resulting from the treatment of animal by-products in a composting or biogas plant in accordance with the Animal By-Products Regulations 2003.".

4. After regulation 34 there shall be inserted—

"**Mixing specified risk material with other animal material**

34A. Any animal material that comes into contact with, or is mixed with, specified risk material shall be treated as specified risk material.".

5. For regulation 40 there shall be substituted the following regulation—

"**Disposal of specified risk material**

40. Once specified risk material has been removed from the carcase and treated in accordance with this Part of these Regulations, including any material treated as if it were specified risk material in accordance with regulation 33(5) or 34(4) above, or, in the case of specified solid waste, recovered from the drainage system, the person responsible for its removal or recovery shall, without unreasonable delay—

(a) consign it in accordance with the Animal By-Products Regulations 2003; or

(b) consign it to premises licensed under regulation 57.".

6. For Schedule 5 (Application of Part IV of the Regulations to scheme animals) there shall be substituted the following Schedule—

SCHEDULE 5

APPLICATION OF PART IV OF THE REGULATIONS TO SCHEME ANIMALS

PROVISION OF THE REGULATIONS	EXTENT TO WHICH THE PROVISION APPLIES TO SCHEME ANIMALS
Regulation 33(3)	Not applicable
Regulation 33(4)	Subject to the modification that from the point at which specified risk material derived from a scheme animal is removed from the slaughterhouse, it may come into contact with any other animal material from such an animal
Regulation 34	Not applicable
Regulation 39(3)(b)	Not applicable
Regulation 57	Not applicable