
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke, in relation to Wales, the Animal By-Products (Identification) Regulations 1995 (S.I. 1995/614) and revoke and remake the Animal By-Products (Enforcement) (Wales) (No. 2) Regulations 2011 (S.I. 2011/2377) (W. 250) incorporating provisions relating to staining by-products from the Animal By-Products (Identification) Regulations 1995.

These Regulations continue to enforce, in Wales, Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (OJ No. L 300, 14.11.2009, p. 1) (“the EU Control Regulation”).

They also continue to enforce, in Wales, 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 (OJ No. L 54, 26.2.2011) (“the EU Implementing Regulation”).

Under the EU Control Regulation there are obligations on operators in relation to animal by-products, including obligations as to disposal and use, prohibitions on feeding and placing on the market. In addition there are requirements for operators, plants and establishments to be registered or approved. The obligations vary according to the categorisation of the material; the higher risk animal by-product is categorised as Category 1 material, next in risk is Category 2 and then Category 3 material. The EU Implementing Regulation supplements the requirements of the EU Control Regulation.

These Regulations provide for the following.

- 1) The Welsh Ministers are designated as the competent authority in relation to Wales and provision is made for various matters that supplement the basic requirements as set out in column 2 of Schedule 1 to these Regulations, including designation of remote areas and also access in relation to prohibitions on feeding in Article 11 of the EU Control Regulation (Part 2).
- 2) 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).
- 3) Procedure and appeals in respect of registration and approval (Part 4).
- 4) Enforcement of the requirements by providing for offences for breach of the requirements as identified in the Table to Schedule 1 (Part 5). The Table sets out the requirements of the EU Control Regulation as supplemented by the requirements of the EU Implementing Regulation and these Regulations, where applicable. The EU Control Regulation and the EU Implementing Regulation enable the competent authority, the Welsh Ministers, to grant authorisations in respect of such requirements. Such authorisations enable the competent authority to determine whether or not a product is a risk to human or animal health for example. A full list of all the authorisations that are provided for under the requirements will be made available on the Welsh Government website (www.wales.gov.uk). In addition, that website will also make available the authorisations exercised by the Welsh Ministers.
- 5) Enforcement, by appointing enforcement authorities and making provision for powers of enforcement (Part 6).

Status: Point in time view as at 28/03/2014.

Changes to legislation: There are currently no known outstanding effects for the *The Animal By-Products (Enforcement) (Wales) Regulations 2014*. (See end of Document for details)

6) Consequential provisions (Part 7 and Schedule 2).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Office of the Chief Veterinary Officer, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Status:

Point in time view as at 28/03/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (Wales) Regulations 2014.