STATUTORY RULES OF NORTHERN IRELAND

2011 No. 124

ANIMALS

ANIMAL HEALTH

The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011

Made - - - -	*18th March 2011*
Coming into operation- -	*19th March 2011*

CONTENTS

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(**a**).

The Department of Agriculture and Rural Development is a Department designated for the purposes of making Regulations under section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health(**b**).

(**a**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**b**) S. I. 1999/2027

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture and Rural Development that it is necessary for the reference to the 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)(**a**) to be construed as a reference to that instrument as amended from time to time.

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011 and shall come into operation on 19th March 2011.

Interpretation

2.—(1) In these Regulations—

"the Department" means the Department of Agriculture and Rural Development;

"EU Control Regulation" means 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 (Animal by-products Regulation)(**b**);

"EU Implementing Regulation" means 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(**c**);

"animal by-product requirement" has the meaning given in regulation 17(2);

"authorised person" has the meaning given in regulation 21;

"competent authority" has the meaning given in regulation 3;

"enforcement authority" has the meaning given in regulation 20;

"premises" includes—

(a) any land, building (including any domestic premises), shed, pen;

(b) any receptacle or container;

(c) any ship; or

(d) vehicle of any description;

"ship" includes a hovercraft, submersible craft and any other floating craft but not a vessel which—

(e) permanently rests on or is permanently attached to the seabed; or

(f) is an installation within section 16 of the Energy Act 2008(**d**).

(**a**) O.J. No L 54, 26.02.2011
(**b**) O.J. No L300, 14.11.2009, p1
(**c**) O.J. No L 54, 26.02.2011
(**d**) 2008 c. 32

(2) References in these Regulations to 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) are references to that Regulation as amended from time to time.

(3) Expressions used in these Regulations that are also used in the EU Control Regulation or the EU Implementing Regulation have the same meaning in these Regulations as they have in the EU Control Regulation or in the EU Implementing Regulation.

(4) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**a**).

(5) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these Regulations as it applies to an Act of the Assembly.

PART II

THE COMPETENT AUTHORITY AND MISCELLANEOUS PROVISIONS

The competent authority

3. The Department is the competent authority for the purposes of the EU Control Regulation and the EU Implementing Regulation except as otherwise specified in these Regulations.

Access in relation to prohibitions in Article 11(1)(a), (b) or (d) of the EU Control Regulation

4. In relation to a prohibition on feeding in Article 11(1)(a), (b) or (d) of the EU Control Regulation, the requirements of regulations 5 and 6 apply.

5.—(1) Animal by-products, including catering waste, shall not be brought on to any premises where farmed animals have access to the animal by-products.

(2) Paragraph (1) does not apply to derived products, except for—

(a) products derived from catering waste; or

(b) meat and bone meal derived from Category 2 material and processed animal proteins intended to be used as or in organic fertilisers and soil improvers that do not comply with the requirements of Article 32(1)(d) (placing on the market and use) of the EU Control Regulation.

6. A carcase or part of a carcase of any farmed animal that has not been slaughtered for human consumption shall be held, pending consignment or disposal, in accordance with the EU Control Regulation as read with the EU Implementing Regulation, in such manner as to ensure that any animal or bird will not have access to it.

Use of organic fertilisers and soil improvers and additional waiting period for pigs in relation to the prohibition in Article 11(1)(c) of the EU Control Regulation

7.—(1) In accordance with Article 32(1) of the EU Control Regulation, the application of organic fertilisers or soil improvers to land is prohibited where, during the period of 60 days from the application of such products, it is intended that pigs will—

(a) have access for grazing to such land; or

(**a**) 2000 c.7, amended by the Communications Act 2003 (c.21), sections 406 and 411(2) and (3) and Schedule 17, paragraph 158

(**b**) 1954 c. 33 (N.I.)

(b) be fed cut herbage from such land.

(2) Where organic fertilisers or soil improvers have been applied to land, in addition to the minimum waiting period that applies to farmed animals, pigs are prohibited during the additional waiting period, (resulting in a total period of 60 days from such application) from—

(a) having access to such land; or

(b) being fed cut herbage from such land.

(3) Paragraphs (1) and (2) do not apply to the following organic fertilisers or soil improvers—

(a) manure;

(b) milk;

(c) milk-based products;

(d) milk derived products;

(e) colostrum;

(f) colostrum products;

(g) digestive tract content.

(4) In this regulation—

(a) "the minimum waiting period" is the period of 21 days commencing from the date of application of organic fertilisers or soil improvers to land as provided in Article 11(1)(c) of the EU Control Regulation, as read with Article 5(2) of, and Chapter 2 of Annex 2 to, the EU Implementing Regulation;

(b) "the additional waiting period" is the period of 39 days commencing on the expiration of the minimum waiting period.

Collection centres for feeding in relation to Article 18(1) of the EU Control Regulation

8. In relation to Article 18(1) of the EU Control Regulation, and in accordance with Article 13 of the EU Implementing Regulation as read with paragraph 3 of Section 1 of Chapter 2 Annex 6 to that Regulation, a processing plant for Category 2 material is authorised as a collection centre for Category 2 material for the purposes of Article 18(1) of the EU Control Regulation on condition that it is approved for that purpose under Article 24 of the EU Control Regulation.

Remote areas for the purposes of Article 19(1)(b) of the EU Control Regulation

9. For the purposes of applying Article 19(1)(b) of the EU Control Regulation—

(a) the Copeland Islands; and

(b) Rathlin Island

are categorised as remote areas.

Placing on the market in relation to Article 36 of the EU Control Regulation

10. In relation to Article 36 of the EU Control Regulation, and in accordance with Article 24(4) of the EU Implementing Regulation as read with point B of Chapter 7 to Annex 13 of that Regulation, the placing on the market of untreated wool and hair from farms or from establishments or plants is authorised without restrictions except where they present a risk of any disease communicable through those products to humans or animals.

PART III

REGISTRATION AND APPROVAL

Procedure for registration of plants and establishments

11. A notification shall be made in writing to the Department, where it is made in relation to Articles 23(1) and 23(2)of the EU Control Regulation—

(a) with a view to registration in accordance with Article 23(1); or

(b) to inform the authority of changes in accordance with Article 23(2).

Notifications of the Department in respect of registration

12.—(1) The Department shall give notice in writing to—

(a) the operator who has notified in accordance with regulation 11 of—

(i) the registration of such an operator; or

(ii) the decision not to register;

(b) a registered operator of—

(i) a prohibition made under Article 46(2) of the EU Control Regulation (prohibition on operations);

(ii) a requirement to comply with Article 23(1)(b) or (2) of the EU Control Regulation (information on activities and up to date information);

(iii) the amendment of the registration or the ending of the registration where an operator has notified the Department of the closure of an establishment in accordance with Article 23(2) (up to date information)of the EU Control Regulation.

(2) Any notice served or registration granted under this regulation shall be in writing and may be made subject to such conditions as are necessary to—

(a) ensure that the provisions of the Control Regulation, the Implementing Regulation and these Regulations are complied with; and

(b) protect public and animal health.

Approval

13. Operators to whom Article 24(1) of the EU Control Regulation applies, shall apply in writing to the Department to be—

(a) approved; or

(b) where Article 33 of the EU Implementing Regulations applies, re-approved.

Notification in respect of decisions on approval

14.—(1) The Department shall give notice in writing to—

(a) the applicant for approval of the—

(i) grant of approval in accordance with Articles 24 and 44 of the EU Control Regulation;

(ii) grant of conditional approval in accordance with Articles 24 and 44 of the EU Control Regulation, or the extension of such approval in accordance with that Article; or

(iii) refusal to grant approval in accordance with initial application or extension;

(b) where conditional approval has been granted in accordance with Articles 24 and 44 of the EU Control Regulation, the operator of the plant or establishment subject to such approval, of the—

(i) grant of full approval;

(ii) extension of such approval;

(iii) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation;

(iv) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation ;

(v) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation;

(vi) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or

(vii) refusal to extend or grant full approval;

(c) the operator of an approved plant or establishment of the—

(i) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation (suspension, withdrawal);

(ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;

(iii) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or

(iv) withdrawal of such approval in accordance Article 46(1)(b) of the EU Control Regulation.

(2) Any notice served or approval granted under this regulation shall be in writing and may be made subject to such conditions as are necessary to—

(a) ensure that the provisions of the Control Regulation, the Implementing Regulation and these Regulations are complied with; and

(b) protect public and animal health.

Reasons for decisions

15.—(1) Where a decision is made by the Department as provided in paragraph (2), the Department shall give reasons in writing for that decision, with the decision.

(2) The types of decision are those made—

(a) in respect of registration, under regulation 12(1)(a)(ii)(not to register) or regulation 12(1)(b) (requirements, amendments or ending of registration);

(b) in respect of an application of approval, as mentioned in regulation 14(1)(a)(ii) (conditional approval) or regulation 14(1)(a)(iii) (refusal);

(c) in respect of conditional approval, as mentioned in regulation 14(1)(b)(v) (withdrawal) or regulation 14(1)(b)(vii) (refusal);

(d) in respect of the suspension or withdrawal of full approval, as mentioned in regulation 14(1)(c)(ii) or regulation 14(1)(c)(iv);

(e) in respect of the imposition of conditions, as mentioned in regulation 14(1)(b)(iii) or regulation 14(1)(c)(i);

(f) in respect of a prohibition, as mentioned in regulation 14(1)(b)(vi) or regulation 14(1)(c)(iii).

Appeals

16.—(1) Where the Department has made a notification referred to in regulation 15(2), a person may appeal against it by making written representations to a person appointed for the purpose by the Department within 21 days of the notification of that decision.

(2) The Department may also make written representations to the appointed person concerning the decision.

(3) The appointed person shall then report in writing to the Department.

(4) The Department shall give to the appellant written notification of the final determination of the Department and the reasons for it.

PART IV

OFFENCES AND PENALTIES

Offence in respect of EU Control Regulation

17.—(1) An offence is committed by any person to whom an animal by-product requirement applies if that person fails to comply with or contravenes such a requirement.

(2) In this regulation, "animal by-product requirement" means any requirement of the EU Control Regulation as—

(a) where applicable, read with the requirements of—

(i) the EU Implementing Regulation;

(ii) these Regulations; and

(b) identified in Schedule 1 to these Regulations.

Obstruction

18.—(1) A person is guilty of an offence if that person—

(a) intentionally obstructs an authorised person;

(b) without reasonable cause, fails to give to an authorised person any information or assistance or to provide any facilities that such person may reasonably require;

(c) knowingly or recklessly gives false or misleading information to an authorised person; or

(d) fails to produce a record or document when required to do so by an authorised person.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question if to do so might incriminate him.

Penalties

19. A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding six months or both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

PART V

ENFORCEMENT

Enforcement authority

20. These Regulations shall be enforced by the Department, the Department of the Environment or a district council within its district.

Authorised person

21.—(1) An enforcement authority may authorise in writing such persons as the authority considers appropriate to act for the purpose of enforcing these Regulations.

(2) In these Regulations, a person authorised under paragraph (1) is an "authorised person".

Powers of authorised person

22. An authorised person may, on production, if so required, of his authority, exercise any of the powers specified in regulation 23 and regulation 25 for the purposes of enforcing these Regulations.

Powers of entry and additional powers

23.—(1) For the purpose of ensuring that the EU Control Regulation, the EU Implementing Regulation and these Regulations are complied with an authorised person has the power to enter premises at all reasonable hours.

(2) An authorised person may where exercising the power under paragraph (1)—

(a) be accompanied by such other persons as the authorised person considers necessary;

(b) take any equipment or materials required for any purpose for which the power of entry is being exercised;

(c) make such examination and investigation as may in the circumstances be necessary;

(d) as regards any premises which the authorised person has power to enter, direct that those premises, or part of them, are left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);

(e) take such measurements and photographs and make such recordings as are considered necessary for the purpose of any examination or investigation under sub-paragraph (c);

(f) in the case of any articles or substances found in or on any premises which the authorised person has power to enter—

(i) take samples;

(ii) test or subject it to any process, where it appears that it has or is likely to cause harm to human health or to the health of animals or plants;

(iii) take possession of it and retain it for so long as is necessary for any of the following purposes—

(aa) to examine it and to exercise the power within paragraph (ii);

(bb) to ensure that it is not tampered with before examination of it is completed;

(cc) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations; or

(dd) dispose of it as necessary.

(g) require the production of, or where the information is recorded in computerised form the furnishing of extracts from, any records which it is necessary to see for the purposes of any examination or investigation under sub-paragraph (c) and to inspect and take copies of, or of any entry in , the records;

(h) require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on the authorised person by this regulation; or

(i) mark any animal or animal by-product as the authorised person considers necessary.

(3) Where an authorised person proposes to exercise the power in paragraph (2)(f)(ii) in the case of any article or substance found in or on any premises, the authorised person shall—

(a) if so requested by a person who at the time is present and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power, to be done in that person's presence;

(b) consult such persons as appear to the authorised person appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which is proposed under that power.

(4) Where an authorised person in respect of the power in paragraph (2)(f)(iii)—

(a) proposes to exercise that power, the authorised person shall before taking possession, if it is practicable to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it; or

(b) exercises that power, the authorised person shall leave a notice giving particulars of the article or substance sufficient to identify it and stating that possession has been taken under that power, such notice to be left either—

(i) with a responsible person; or

(ii) if that is impracticable, fixed in a conspicuous place at those premises.

(5) Nothing in this regulation compels the production by any person of a document which that person would be entitled to withhold production of on the grounds of legal professional privilege on an order for discovery in an action in the High Court.

(6) Nothing in paragraph (2)(g) shall be construed as requiring any person to answer any question if to do so might incriminate them.

Warrant

24.—(1) If, in relation to the power to enter premises under regulation 23, a lay magistrate, on sworn complaint in writing—

(a) is satisfied that there are reasonable grounds to believe that any information or material relevant to the examination or investigation under regulation 23(2)(c) is on any such premises; and

(b) is also satisfied that—

(i) admission to such premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant has been given to the occupier; or

(ii) the application for admission, or the giving of such a notice would defeat the object of the entry, or that the case is one of urgency, or that such premises are unoccupied or the occupier is temporarily absent,

the lay magistrate may by warrant under the lay magistrate's hand, which continues in force for a period of one month, authorise an authorised person to enter the premises, if need be by force.

Notices served by an authorised person

25.—(1) An authorised person may serve a notice in accordance with paragraph (2) where that person—

(a) considers that there is a contravention of, or failure to comply with an animal by-product requirement; or

(b) reasonably suspects that as a result of such contravention or failure to comply, premises constitute a risk to human or animal health.

(2) An authorised person may serve a notice on the occupier of any premises, or the person considered to be in charge of the premises—

(a) requiring the disposal, and, where applicable, storage pending such disposal of—

(i) animal by-products and derived products;

(ii) material in premises to which paragraph (1)(b) applies;

(b) requiring the cleansing and disinfection of premises to which paragraph (1)(b) applies, and where applicable, specifying the method for such cleansing and disinfection;

(c) prohibiting animal by-products and derived products being—

(i) brought on to premises;

(ii) brought on to premises unless in accordance with conditions specified in the notice;

(iii) moved on to or in the premises referred to in paragraph (1)(b) until the satisfactory completion of cleansing and disinfection in accordance with a notice as provided in sub-paragraph (b).

(3) A notice served under paragraph (2) shall be complied with at the expense of the person on whom the notice is served, and if it is not complied with, an authorised person may arrange for it to be complied with at the expense of that person.

(4) Paragraph (1) does not apply where Article 46(1) (suspensions, withdrawals and prohibitions on operations) of the EU Control Regulation applies.

Power to share information for enforcement purposes

26.—(1) Information sent to, or acquired, in compliance or purported compliance with the obligations of the EU Control Regulation as read with the EU Implementing Regulation or as a result of enforcing these Regulations may be shared, in accordance with paragraph (2), where it has been so received by—

(a) the Department;

(b) an enforcement authority; or

(c) an authorised person.

(2) Where a body within paragraph (1) has received information in accordance with that paragraph, then such a body may share such information with another—

(a) Competent authority appointed within the United Kingdom for the purpose of implementing the EU Control Regulation;

(b) enforcement authority;

(c) authorised person; or

(d) enforcement authority or authorised person appointed within the United Kingdom for the purpose of enforcing the EU Control Regulation.

(3) Information received in accordance with paragraph (2) shall only be used for the purposes of enforcing these Regulations.

(4) For the purposes of this regulation, "an enforcement authority" includes the Food Standards Agency.

PART VI

CONSEQUENTIAL AMENDMENTS

Consequential amendments

27. Schedule 2 to these Regulations provides for consequential amendments.

PART VII

REVOCATIONS AND TRANSITIONAL PROVISION

Revocations

28. The table in Schedule 3 to these Regulations provides for revocations to the extent specified in that Table.

Small quantities transitional provision

29.—(1) The collection, transport and disposal of Category 3 material in Article 10(f) of the EU Control Regulation, is authorised under Article 36(3) of the EU Implementing Regulation, by way of derogation from Article 14 of the EU Control Regulation, for the period ending on the 31 December 2012, where the requirements of paragraph (2) are satisfied.

(2) The requirements are—

(a) the material satisfies Article 36(3) of, and paragraphs (a) to (c) of Chapter 4 of Annex 6 to, the EU Implementing Regulation; and

(b) the means of disposal for such material, in addition to the means in Article 14 of the EU Control Regulation, are disposal—

(i) in an authorised landfill without prior processing; or

(ii) where Article 21 of the EU Control Regulation is satisfied, to a biogas or composting plant for transformation in accordance with an authorisation under paragraph 2 of Section 2 of Chapter 3 of Annex 5 to the EU Implementing Regulation.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 18th March 2011

L.S.

C. McMaster
A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 17

ANIMAL BY-PRODUCT REQUIREMENTS

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
1. General Obligation	Article 4(1) or (2) of the EU Control Regulation	Article 5(1) and (2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain)
2. Compliance with general animal health restrictions	Article 6(1) of the EU Control Regulation	Article 6(1) of the EU Control Regulation and Article 4 of the EU Implementing Regulation (serious transmissible diseases)
3. Compliance with restrictions on use for feeding purposes	Article 11 of the EU Control Regulation	Regulations 4 to 6 (access) and regulation 7(2) of these Regulations (subject to regulation 7(3)) (additional waiting period for pigs) Article 11(2) of the EU Control Regulation; as read with Article 5(1) of the EU Implementing Regulation (restrictions on use in respect of Article 11(1)(a) of the EU Control Regulation) and Article 5(2) of that Regulation (restrictions on use in respect of Article 11(1)(c) of the EU Control Regulation)
4. Disposal and use of Category 1 material	Article 12 of the EU Control Regulation as read with— the following provisions of Article 16 (derogations) of that Regulation— Article 16(b) (disposal and use in accordance with Article 17); Article 16(c) (disposal and use in accordance with Article 18(2)); Article 16(d) (disposal and use in accordance with Article 19); Article 16(e) (disposal and use in accordance with Article 20)	Article 15(1)(b) of the EU Control Regulation as read with Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments) and Article 9(b) of that Regulation (standard processing methods)

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
	Article 7 of the EU Implementing Regulation	Article 15(1)(d) of the EU Control Regulation as read with Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 12(a) or (b) of the EU Control Regulation)
		Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items)
		Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal)
		Article 20(11) of the EU Control Regulation (supplementary measures) as read with Article 9(c) of the EU Implementing Regulation (alternative processing methods)
5. Disposal and use of Category 2 material	Article 13 of the EU Control Regulation, as read with— Article 15(2)(b) of the EU Control Regulation; and the following provisions of Article 16 (derogations) of that Regulation— Article 16(b) (disposal and use in accordance with Article 17); Article 16(c) (disposal and use in accordance with Article 18(1)); Article 16(d) (disposal and use in accordance with Article 19); Article 16(e) (disposal and use in accordance with Article 20); Article 16(f) (disposal	Article 15(1)(b) of the EU Control Regulation and Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments and Article 9(b) of that Regulation (standard processing methods) Article 15(1)(c) of the EU Control Regulation and Article 10(1) of the EU Implementing Regulation (requirements regarding transformation into biogas and composting in respect of Article 13(e) or (f) of the EU Control Regulation) Article 15(1)(d) and Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 13(a) or (b) of the EU Control Regulation) Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items Article 18(3) of the EU Control Regulation as read with Article 13(1) of the EU Implementing Regulation (special feeding

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
	and use of for the preparation and application of bio-dynamic preparations); Article 16(h) (disposal and use as a result of surgery on a farm)	rules) and regulation 8 of these Regulations (collection centres) Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal) Article 20(11) of the EU Control Regulation as read with Article 9(c) of the EU Implementing Regulation (alternative processing methods)
6. Disposal and use of Category 3 material	Article 14 of the EU Control Regulation, as read with— the following provisions of Article 16 (derogations) of that Regulation— Article 16(b) (disposal and use in accordance with Article 17); Article 16(c) (disposal and use in accordance with Article 18(1)); Article 16(d) (disposal and use in accordance with Article 19); Article 16(e) (disposal and use in accordance with Article 20); Article 16(f) ; (disposal and use of for the preparation and application of bio-dynamic preparations); Article 16(g) (use for feeding); Article 16(h) (disposal and use as a result of surgery on a farm) and	Article 15(1)(b) of the EU Control Regulation as read with Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments) and Article 9(b) of that Regulation (standard processing methods) Article 15(1)(c) of the EU Control Regulation and Article 10(1) of the EU Implementing Regulation (requirements regarding transformation into biogas and composting in respect of Article 14(f) or (g) of the EU Control Regulation) Article 15(1)(d) of the EU Control Regulation and Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 14(a) or (b) of the EU Control Regulation) Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items) Article 18(3) of the EU Control Regulation as read with Article 13(2) of the EU Implementing Regulation (special feeding rules) Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal) Article 20(11) (supplementary measures) of the EU Control Regulation as read with Article 9(c) of the EU Implementing

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
	Article 7 of the EU Implementing Regulation	Regulation (alternative processing methods) Article 36(3) of the EU Implementing Regulation (transitional measures) as read with regulation 29 of these Regulations (small quantities transitional provision)
7. Collection and identification as regards category and transport	Article 21(1) to (4) of the EU Control Regulation	Article 21(5) to (6) of the EU Control Regulation as read with Article 17 of the EU Implementing Regulation (requirements of collection, transport, identification and traceability)
8. Traceability	Article 22(1) to (2) of the EU Control Regulation	Article 22(3) of the EU Control Regulation as read with Article 17 of the EU Implementing Regulation (requirements of collection, transport, identification and traceability)
9. Registration of operators, establishments and plants	Article 23(1) of the EU Control Regulation (subject to Article 23(4)), and Article 23(2) of that Regulation as read with Article 55 of the EU Control Regulation	Regulation 11 of these Regulations (procedure for registration) Article 23(3) of the EU Control Regulation and Article 27 of that Regulation as read with Article 20(1) and (2) of the EU Implementing Regulation (subject to paragraph (3)) (requirements of certain registered establishments and plants) Article 47(2) of the EU Control Regulation as read with Article 32(7) of the EU Implementing Regulation (format requirements for lists of registered operators)
10. Approval of establishments and plants	Article 24 of the EU Control Regulation as read with Article 44(3) of the EU Control Regulation and Article 55 of that Regulation	Regulation 13 of these Regulations (procedure for approval) Article 27 of the EU Control Regulation (implementing measures) as read with Article 19 of the EU Implementing Regulation (requirements concerning certain approved establishments and plants) and Article 33 of that Regulation (re-approval of plants and establishments after the grant of a temporary approval) Article 47(2) of the EU Control Regulation as read with Article 32(7) of the EU Implementing Regulation(format requirements for lists of approved operators)

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
11. General hygiene conditions	Article 25 of the EU Control Regulation	Article 27 of the EU Control Regulation (implementing measures) as read with Article 9(a) of the EU Implementing Regulation (hygiene and processing requirements) Article 19 of the EU Implementing Regulation (requirements in relation to certain approved plants in Article 24 of the EU Control Regulation and Article 20 of the EU Implementing Regulation (requirements in relation to certain registered operators)
12. Handling of animal by-products within food businesses	Article 26 of the EU Control Regulation	
13. Own checks	Article 28 of the EU Control Regulation	
14. Hazard analysis	Article 29(1) to (3) of the EU Control Regulation	
15. Placing on the market animal by-products and derived products for feeding to farmed animals excluding fur animals	Article 31(1) of the EU Control Regulation	Article 31(2) of the EU Control Regulation as read with Article 21 of the EU Implementing Regulation (placing on the market for feeding to farmed animals) and Article 24(2) of that Regulation (pet food and other derived products)
16. Placing on the market and use of organic fertilisers and soil improvers	Article 32(1) and (2) of the EU Control Regulation	Regulation 7(1) of these Regulations (subject to regulation 7(3)) (application of fertilisers) Article 32(3) of the EU Control Regulation as read with Article 22(1) to (3) of the EU Implementing Regulation (placing on the market of fertilisers) Article 36(1) of the EU Implementing Regulation (transitional measures)

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
17. Collection and movement for manufacture of derived products	Article 34 of the EU Control Regulation except in so far as it relates to imports	Article 33 of the EU Control Regulation (placing on the market of derived products) Article 23 of the EU Implementing Regulation (intermediate products)
18. Compliance with prohibition on use for manufacture for products not within Article 33 or 36 of the EU Control Regulation	Article 24(1) of the EU Implementing Regulation	Article 33 of the EU Control Regulation (placing on the market of certain derived products regulated by Community legislation) Article 36 of that Regulation (placing on the market of other derived products)
19. Placing on the market of pet food	Article 35 of the EU Control Regulation	Article 5(2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain) Article 40 of the EU Control Regulation as read with Article 24(3) of the EU Implementing Regulation (pet food and other derived products)
20. Placing on the market of other derived products	Article 36 of the EU Control Regulation	Regulation 10 of these Regulations (placing on the market) Article 5(2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain) Article 40 of the EU Control Regulation as read with Article 24(1), (2) and (4) of the EU Implementing Regulation (pet food and other derived products)
21. Safe sourcing	Article 37(2) of the EU Control Regulation	
22. Export	Article 43 of the EU Control Regulation	

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
23. Controls for dispatch	Article 48(1), (4) and (5), as read with Article 48(6), of the EU Control Regulation	Article 48(7) and (8) of the EU Control Regulation as read with Article 11(3) of the EU Control Regulation (special rules on research and diagnostic samples), Article 12(3) of that Regulation (special rules on trade samples and display items) and Article 31 of that Regulation (models of health certificates and declarations for importation and transit)

SCHEDULE 2

Regulation 27

CONSEQUENTIAL AMENDMENTS

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations Northern Ireland 1999

1. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations Northern Ireland 1999(**a**) are amended as follows—.

(a) In regulation 1 (citation, commencement and interpretation) in paragraph (2), for the definition of "the Community Regulation" substitute—

"the Community Regulation" means 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 (Animal by-products Regulation); and

(b) In regulation 2 (exemption from registration) in paragraph (1)(j), for the words "Article 7(1) or 7(2)" substitute "Article 21(1) to (3)";

The Controlled Waste Regulations (Northern Ireland) 2002

2. The Controlled Waste Regulations (Northern Ireland) 2002(**b**) are amended as follows.

3. In regulation 8 (waste not to be treated as industrial or commercial waste)—

(a) in paragraph (3), for the words "Article 7(1) or 7(2)" substitute "Article 21(1) to (3)"; and

(b) for paragraph (4) substitute—

"(4) In this regulation—

(a) "the Community Regulation" means 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 (Animal by-products Regulation);

(b) "animal by-products" has the same meaning as in Article 3(1) of the Community Regulation.".

(**a**) S.R. 1999 No. 362 as amended by S.R. 2006 No. 280
(**b**) S.R. 2002 No.248 as last amended by S.R. 2006, No.280

The Waste Management Licensing Regulations (Northern Ireland) 2003

4. The Waste Management Licensing Regulations (Northern Ireland) 2003(**a**) are amended as follows.

5. In regulation 1(3) (citation, commencement and interpretation), for the definition of "the Community Regulation" substitute—

(a) "the Community Regulation" means 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 (Animal by-products Regulation);

(b) "animal by-products" has the same meaning as in Article 3(1) of the Community Regulation.

The Animal By-Products (Identification) Regulations (Northern Ireland) 1999

6. The Animal By-Products (Identification) Regulations (Northern Ireland) 1999(**b**) are amended as follows.

7. In regulation 2 (interpretation)—

(a) Omit the definition—

""the 2003 Regulations" means the Animal By-Products Regulations (Northern Ireland) 2003;";

(b) for the definition of "approved incineration plant" substitute—

""approved incineration plant" means an incineration plant which is approved under Article 24(1)(b) of the Community Regulation;";

(c) for the definition of "approved rendering plant" substitute—

""approved rendering plant" means a Category 2 processing plant which is approved under Article 24(1)(a) of the Community Regulation;";

(d) for the definition of "the Community Regulation" substitute—

""the Community Regulation" means 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 (Animal by-products Regulation);"; and

8. For regulation 4(b) (scope) substitute—

"(b) affect the operation of the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011(**c**) or any order made, or having effect, under the Diseases of Animals (Northern Ireland) Order 1981(**d**).".

9. In regulation 5 (exemptions)—

(a) in paragraph (2)(d), for the words "the 2003 Regulations" substitute "the Community Regulation"; and

(b) in paragraph (2)(e), for the words "the 2003 Regulations" substitute "the Community Regulation".

10. In regulation 9(3) (storage and packaging of animal by-products)—

(a) in paragraph (3)(d), for the words "Article 2.1(c)" substitute "Article 9"; and

(b) in paragraph (3)(e), for the words "Article 2.1(d)" substitute "Article 10".

(**a**) S.R. 2003 No. 493 as last amended by S.R. 2006 No. 280
(**b**) S.R. 1999 No 418, as last amended by S.R. 2003 No. 504
(**c**) S.R. 2011 No. 124
(**d**) S.I. 1981/1115 (N.I. 22) as amended

The Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

11. The Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(**a**) are amended as follows.

12. In regulation 2(1) (interpretation)—

(a) in the definition of "product of animal origin", in sub-paragraph (b)(v) for the words "Directive 90/667" substitute "Regulation (EC) No. 1069/2009 or Regulation (EU) No. 142/2011";

(b) after the definition of "Regulation 1274/91" insert—

""Regulation (EC) No. 1069/2009" means 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 (Animal by-products Regulation);

"Regulation (EU) No. 142/2011" means 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.".

13. In regulation 9 (exports), after each reference to "Directive 92/118" insert ",Regulation (EC) No. 1069/2009 or Regulation (EU) No. 142/2011".

14. In regulation 10(1) (registration of certain establishments which produce, process or store products of animal origin)—

(a) after each reference to "Directive 92/118" insert ",Regulation (EC) No. 1069/2009 or Regulation (EU) No. 142/2011"; and

(b) in sub-paragraph (a), for "15 of Schedule 3, under the Animal By-Products Regulations (Northern Ireland) 1993" substitute " 16 of Schedule 3".

15. In regulation 11 (notification of certain establishments which supply or store products of animal origin)—

(a) after each reference to "Directive 92/118" insert "Regulation (EC) No. 1069/2009 or Regulation (EU) No. 142/2011"; and

(b) in paragraph (1), for "15 of Schedule 3, under the Animal By-Products Regulations (Northern Ireland) 2003" substitute " 16 of Schedule 3".

16. In Schedule 3 (directives to be complied with for intra-community trade)—

(a) at the end of the title to paragraph 12, insert "and also not subject to Regulation (EC) No. 1069/2009 and Regulation (EU) No. 142/2011"; and

(b) after paragraph 15 (wild game meat), insert—

"Animal By-Products

16. Regulation (EC) No. 1069/2009 and Regulation (EU) No. 142/2011.".

The Foot-and-Mouth Disease Regulations (Northern Ireland) 2006

17. The Foot-and-Mouth Disease Regulations (Northern Ireland) 2006(**b**) are amended as follows.

18. In regulation 2(1) (interpretation) after the definition of "raw milk" insert—

(**a**) S.R. 1998 No. 45 partially disapplied by S.R. 2007 No. 199
(**b**) S.R. 2006 No. 42

""Regulation (EC) No. 1069/2009" means 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 (Animal by-products Regulation);

"Regulation (EU) No. 142/2011" means 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;".

19. In regulation 25 (slaughter; control of faecal material), in paragraph (2)(b) for the words "point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption, as amended," substitute " Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011".

20. In article 26(2)(c) (slaughter: isolation of things liable to spread disease) for "Regulation (EC) No. 1774/2002, as amended" substitute "Regulation (EC) No. 1069/2009".

21. In Schedule 5 (measures applicable in respect of protection zones and surveillance zones)—

(a) in paragraph 11(4) (transport, treatment and spreading of dung, manure or slurry produced in a protection zone) of Part II, for the words "point 5 of Section II in Part A of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to Regulation (EU) No. 142/2011"; and

(b) in paragraph 8(4) (transport, treatment and spreading of dung, manure, slurry and litter produced in a surveillance zone) of Part III, for the words "point 5 of Section II in Part A of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to Regulation (EU) No. 142/2011".

22. In Part I of Schedule 6 (treatments to ensure the destruction of disease virus)—

(a) in paragraph 2 (hides and skins), for the words " article 20 of and points A(2)(c) or (d) of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute " Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011";

(b) in paragraph 3 (wool, ruminant hair and pig bristles), for the words "article 20 of and point A(1) of Chapter VIII of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011";

(c) in paragraph 5 (blood and blood products), for the words "point B(3)(e)(ii) of Chapter IV of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "point 2(b)(ii) of Chapter IV of Annex XIII to Regulation (EU) No. 142/2011";

(d) in paragraph 6 (lard and rendered fats), for the words "point B(2)(d)(iv) of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002, as amended" substitute "point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011";

(e) in paragraph 7 (petfood and dog chews), for the words "points B(2), (3) or (4) of Chapter II of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Chapter II of Annex XIII to Regulation (EU) No. 142/2011"; and

(f) in paragraph 8 (game trophies of ungulates), for the words "points A(1), (3), or (4) of Chapter VII of Annex VIII to Regulation (EC) No. 1774/2002, as amended" substitute "Chapter VI of Annex XIII to Regulation (EU) No. 142/2011".

The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006

23. The Foot-and-Mouth Disease (Control of Vaccination) Regulations Northern Ireland 2006(**a**) are amended as follows.

24. In Part III of the Schedule (measures applicable in respect of a vaccination zone), in paragraph 18 (transport, treatment and distribution of dung, manure and slurry), for sub-paragraph (4) substitute—

"(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) shall ensure that it is treated in accordance with—

(a) Articles 15 and 32 of 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 (Animal by-products Regulation); and

(b) Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to 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 Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006

25. The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(**b**) are amended as follows.

26. In Part 1 of Schedule 2 (Legislation in relation to intra-community trade), for paragraph 9 (animal waste) substitute—

"**Animal by-products**

7.—(1) 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 (Animal by-products Regulation).

(2) 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 Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007

27. The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007(**c**) are amended as follows.

28. In regulation 2(1) (interpretation), after the definition of "Regulation (EC) No. 136/2004" insert—

(**a**) S.R. 2006 No. 43

(**b**) S.R. 2006 No. 401 as amended by S.R. 2007 No. 59, S.R. 2007 No. 224, S.R. 2007 No. 327, S.R. 2008 No. 53, S.R. 2009 No.86, S.R. 2010 No. 380 and S.R. 2011 No. 27

(**c**) S.R. 2007 No. 314 as amended by S.R. 2007 No. 314, S.R. 2009 No. 130, S.R. 2009 No. 323, and S.R. 2010 No. 417

""Regulation (EU) No 1069/2009" means 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 (Animal by-products Regulation);

"Regulation (EU) No 142/2011" means 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;".

29. In regulation 4 (exemption for authorised products and personal imports)—

(a) in paragraph (1), at the end, insert "other than products to which Article 17 of Regulation (EC) No. 1069/2009 and Articles 11(2) and 12(2) of Regulation (EU) No. 142/2011 apply";

(b) in paragraph (4) for the words "Regulation (EC) No. 1774/2002 and the Animal By-Products Regulations 2005" substitute " Regulation (EC) No. 1069/2009 and the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011"; and

(c) in paragraph (5)(b) for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009".

30. In regulation 5(1)(a) (enforcement authorities and exchange of information), for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009".

31. In regulation 6(1)(a) (appointment of official veterinary surgeons and authorised officers), for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009".

32. In regulation 21 (products which fail veterinary checks)—

(a) in paragraph (3)(b), for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009"; and

(b) in paragraph (5)(b), for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009".

33. In regulation 22 (treatment as animal by-products)—

(a) in paragraph (1), for the words "regulation 26 of the Animal By-Products Regulations (Northern Ireland) 2003" substitute " Articles 17 and 18 of Regulation (EC) No. 1069/2009 and Articles 11(2), 12(2) and 14 of Regulation (EU) No. 142/2011"; and

(b) in paragraph (3), for the words ""regulation 26 of the Animal By-Products Regulations (Northern Ireland) 200" substitute " Articles 17 and 18 of Regulation (EC) No. 1069/2009".

34. In regulation 24(4) (consignments and products illegally brought in), for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009".

35. In regulation 43(1)(b) (disposal of returned transit products), for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009".

36. In Schedule 1(import conditions), in Part VIII (miscellaneous products) under Health Certification Requirements, for paragraph 3 substitute—

"(3) Regulation (EC) No. 1069/2009 and Regulation (EU) No. 142/2011.".

The Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007

37. The Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007(**a**) are amended as follows.

(**a**) S.R. 2007 No.207 as amended by S.R. 2008 No. 197

38. In regulation 2(1) (interpretation)—

(a) in the definition of "bird by-product", for the words "Articles 4, 5 or 6 of Regulation (EC) No 1774/2002" substitute Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009"; and

(b) for the definition of "Regulation (EC) No. 1774/2002" substitute—

""Regulation (EC) No. 1069/2009" means 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 (Animal by-products Regulation);";and

(c) after the definition as inserted by sub-paragraph (b) insert—

""Regulation (EU) No 142/2011" means 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;".

39. In regulation 3(7) (licences, notices, designations and declarations), for sub-paragraph (b) substitute—

"(b) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—

(i) incineration plants;

(ii) co-incineration plants;

(iii) processing plants;

(iv) biogas plants;

(v) composting plants;

(vi) petfood plants.".

40. In regulation 15 (restrictions on the movement of bird by-products)—

(a) for paragraph (2) substitute—

"(2) The Department may licence the movement of any of the following bird by-products—

(a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;

(b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;

(c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;

(d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

(e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

(f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

(g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

(h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;

(i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

(j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;

(k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 and which complies with Chapter II of Annex XIII;

(l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;

(m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;

(n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;

(o) those by-products which are transported to designated plants within Article 3(7)(b) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;

(p) those products which are transported to users or collection centres authorised and registered in accordance with Articles 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the Department which ensures inactivation of the avian influenza virus;

(q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;

(r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.";

(b) in paragraph (3), for the words "Annex V to Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011"; and

(c) in paragraph (4), for the words "Chapter X of Annex II to Regulation (EC) No. 1774/2002" substitute "Chapter III of Annex VIII to Regulation (EU) No. 142/2011".

The Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007

41. The Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007(**a**) are amended as follows.

42. In regulation 2(1) (interpretation)—

(a) in the definition of "bird by-product" for the words "Articles 4, 5 or 6 of Regulation (EC) No. 1774/2002" substitute Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009"; and

(b) for the definition of "Regulation (EC) No. 1774/2002" substitute—

""Regulation (EC) No. 1069/2009" means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-

(**a**) S.R. 2007 No. 208 as amended by S.R. 2008 No. 197

products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);";and

(c) after the definition as inserted by sub-paragraph (b) insert—

""Regulation (EU) No. 142/2011" means 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;".

43. In article 13(1)(designation of premises to which things may be moved), for sub-paragraph (b) substitute—

"(b) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—

(i) incineration plants;

(ii) co-incineration plants;

(iii) processing plants;

(iv) biogas plants;

(v) composting plants;

(vi) petfood plants.".

44. In Part IV of Schedule 1 (measures applicable in respect of a wild bird control area)—

(a) for paragraph 1(2)(restriction on the movement of bird by-products or products derived from bird by-products from premises in a wild bird control area) substitute—

"(2) The Department may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—

(a) processed animal protein within the meaning of paragraph 5 of Annex 1 to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;

(b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;

(c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;

(d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

(e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

(f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

(g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

(h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;

(i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

(j) processed pet food within the meaning of paragraph 20 of Annex 1 to Regulation (EU) No. 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;

(k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 and which complies with Chapter II of Annex XIII;

(l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;

(m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;

(n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;

(o) those by-products which are transported to designated plants within Article 13(1)(b), processing plants for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;

(p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the Department which ensures inactivation of the avian influenza virus;

(q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex 1 to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;

(r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.";

(b) in paragraph 1(3), for the words " Annex V to Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011";

(c) in paragraph 1(5), for the words "Chapter X of Annex II to Regulation (EC) No. 1774/2002" substitute "Chapter III of Annex VIII to Regulation (EU) No. 142/2011";

(d) in Part V of Schedule 1 (other measures)—

(i) in paragraph 1(a), (prohibition on movement of poultry manure) for "1774/2002" substitute "1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011";

(ii) in paragraph 2(a), (prohibition on the spread of poultry manure) for "1774/2002" substitute "1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011".

The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010

45. The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010(**a**) are amended as follows.

46. In regulation 2(1) (interpretation), insert before the definition of "slaughterhouse"—

""Regulation (EC) No. 1069/2009" means 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 (Animal by-products Regulation);".

(**a**) S.R. 2010 No. 406

47. In regulation 4(2), (exception for research) for the words "Regulation (EC) No 1774/2002" substitute "Regulation (EC) No. 1069/2009".

48. In paragraph 15(2)(b)(i) of Part I of Schedule 2 (TSE sampling of sheep, goats and deer), for the words " the Animal By-Products Regulations 2003" substitute "Regulation (EC) No. 1069/2009".

49. In Part II of Schedule 6 (feeding stuffs), in paragraph 11(2) (export of processed animal protein to third countries), for the words "Regulation (EC) No. 1774/2002" substitute "Regulation (EC) No. 1069/2009".

SCHEDULE 3

Regulation 28

REVOCATIONS

1. The following instruments are revoked to the extent specified.

Column 1 *Regulations revoked*	*Column 2* *References*	*Column 3* *Extent of revocation*
The Animal By-Products (Identification) Regulations (Northern Ireland) 1999	S.R. 1999 No. 418	In Regulation 2(1), the definition of "the 2003 Regulations"
The Products of Animal Origin (Import and Export) Regulations 1998	S.R. 1998 No. 45	In regulation 2(1), the definition of "Directive 90/667" In paragraph 3 of Schedule 1, the entry in respect of "Council Directive 90/667/EEC"
The Animal By-Products (Identification) Regulations (Northern Ireland) 2003	S.R. 2003 No. 504	Regulation 5(b)(ii)
The Animal By-Products Regulations (Northern Ireland) 2003	S.R. 2003 No. 495	The whole Regulations
The Waste Management (Northern Ireland) Regulations 2006	S.R. 2006 No. 280	Regulation 5(7)
The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007	S.R. 2007 No. 199	In regulation 2(1), the definition of "Regulation (EC) No 1774/2002" Regulations 29 to 33 In Part VII of Schedule 1, paragraphs 1, 5 and 6
The Avian Influenza (H5N1) (Miscellaneous Amendments) Order (Northern Ireland) 2008	S.R. 2008 No. 197	The whole Regulations

The Transmissible Spongiform Encephalopathies (Northern Ireland) Regulations 2010	S.R. 2010 No. 406	In regulation 2(1), the definition of "Regulation (EC) No 1774/2002" In Schedule 1, paragraph (b) In Part I of Schedule 6, paragraphs 1(2), 2(5) and 3. In Part II of Schedule 6 paragraph 12.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enforce 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. (O.J. No L 300, 14.11.2009, p 1) ("the EU Control Regulation").

These Regulations also enforce Regulation 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") (O.J. No L 54, 26.02.2011) that provides technical supplementation of those requirements of the EU Control 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 enable decisions by member states to be made including the appointment of a Department as the competent authority. The Regulations allow the member state to derogate from the obligations and also enable the Department to make authorisations in relation to specified obligations.

These Regulations provide for the following.

1. The competent authority is designated as the Department of Agriculture and Rural Development and also for varying matters that supplement the basic obligations, including designation of remote areas and also access in relation to prohibitions on feeding in Article 11 of the EU Control Regulation (Part II).

2. Procedure and appeals in respect of registration and approval (Part III).

3. Enforcement of the requirements by providing for offences including breach of the requirements of the EU Control Regulation as identified in the Table to Schedule 1 (which identifies relevant authorisations of the Department) (Part IV). 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 requirements enable the Department to make authorisations in respect of such requirements as laid down in those requirements. Such authorisations enable the Department 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 Department of Agriculture and Rural Development website at (www.dardni.gov.uk). In addition that website will also make available the authorisations exercised by the Department.

4. Enforcement, by appointing enforcement authorities and making provision for powers of enforcement (Part V).

5. Consequential provisions (Part VI) and revocations and transitional provisions (Part VII). In particular, these Regulations revoke the Animal By-Products Regulations 2003 S.R. 2003 No 495.

An impact assessment of the effect that this instrument has been prepared and is available on Department of Agriculture and Rural Development website (www.dardni.gov.uk).

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