WELSH STATUTORY INSTRUMENTS

2003 No. 2754 (W.265)

FOOD, WALES

The Animal By-Products (Identification) (Amendment) (Wales) (No. 2) Regulations 2003

Made - - - -	*29th October 2003*
Coming into force - -	*31st October 2003*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 16(1)(c), (d) and (f), 26(3) and 48(1) of and paragraph 3 of Schedule 1 to the Food Safety Act 1990(**1**) and now vested in it(**2**) and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**) and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) (Amendment) (Wales) (No.2) Regulations 2003; apply to Wales only and come into force on 31st October 2003.

Amendments to the Animal By-Products (Identification) Regulations 1995

2. In so far as they apply to Wales, the Animal By-Products (Identification) Regulations 1995(**4**) are amended in accordance with regulations 3 to 8.

3. In paragraph (1) of regulation 2 (interpretation) —

(a) for the definition of "the 1999 Order" there shall be substituted the following definition —

""the 2003 Regulations" means the Animal By-Products (Wales) Regulations 2003(**5**);";

(**1**) 1990 c. 16.
(**2**) Functions of "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the Food Standards Act 1999 (1999 c. 28).
(**3**) OJ No. L31, 1.2.2002, p.1.
(**4**) S.I. 1995/614, amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073, S.I. 2000/656, S.I. 2002/1472 (W.146) and S.I. 2003/1849 (W.199).
(**5**) S.I. 2003/2756 (W.267).

(b) for the definition of "approved premises" there shall be substituted the following definitions —

""approved incineration plant" means a plant which is approved as an incineration plant under regulation 14 of the 2003 Regulations;

"approved rendering plant" means a plant which is approved as a category 2 processing plant or category 2 oleochemical plant under regulation 14 of the 2003 Regulations;"; and

(c) immediately after the definition of "cold store" there shall be inserted the following definition —

""the Community Regulation" means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption(**6**) as amended by and as read with —

(a) Commission Regulation (EC) No. 808/2003 amending 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(**7**);

(b) 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(**8**);

(c) 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(**9**);

(d) 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 oil(**10**);

(e) 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(**11**);

(f) 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(**12**);

(g) 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 carcasses containing them(**13**);".

4. In regulation 5 (exemptions) —

(**6**) OJ No. L273, 10.10.2002, p.1.
(**7**) OJ No. L117, 13.5.2003, p.1.
(**8**) OJ No. L117, 13.5.2003, p.14.
(**9**) OJ No. L117, 13.5.2003, p.22.
(**10**) OJ No. L117, 13.5.2003, p.24.
(**11**) OJ. No. L117, 13.5.2003, p.30.
(**12**) OJ No. L117, 13.5.2003, p.42.
(**13**) OJ No. L117, 13.5.2003, p.44.

(a) for paragraph (1)(e) there shall be substituted the following provision —

"(e) any animal by-product which —

(i) is, or is derived from, a product of animal origin regulated by the Community Regulation, and

(ii) is transhipped in accordance with regulation 24 of the Products of Animal Origin (Import and Export) Regulations 1996(**14**); or"; and

(b) in paragraph (2) in each of sub-paragraphs (c) and (d) for the expression "the 1999 Order" there shall be substituted the expression "the 2003 Regulations".

5. In regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses) —

(a) in paragraph (2)(b), for division (iii), there shall be substituted the following division —

"(iii) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting premises, game processing facility or slaughterhouse concerned, for incineration there."; and

(b) for paragraph (4) there shall be substituted the following paragraph —

"(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting premises, game processing facility or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.".

6. In regulation 7 (staining of animal by-products in animal by-products premises) for paragraphs (2) and (3) there shall be substituted the following paragraphs —

"(2) The duty imposed by paragraph (1) shall not apply in relation to any animal by-product which is immediately moved, in the manner specified in paragraph (3), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the animal by-products premises concerned for incineration there.

(3) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the animal by-products premises concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.".

7. In regulation 9 (storage and packaging of animal by-products) for paragraph (3) there shall be substituted the following paragraph —

"(3) No person shall store in any part of any cold store, cutting premises, game processing facility or slaughterhouse any animal by-product unless it is placed in a receptacle on which is affixed a conspicuously visible and legible notice containing —

(a) in letters at least two centimetres high, the declaration "Not intended for human consumption";

(b) in the case of any animal by-product which has been imported into Wales, the name of the country from which it was so imported;

(c) in the case of any other animal by-product, the name of the packer and the address at which the animal by-product was packed;

(**14**) S.I. 1996/3124, amended by S.I. 1997/3023, S.I. 1998/994, S.I. 1999/683, S.I. 2000/656, S.I. 2000/1885 (W.131), S.I. 2000/2257 (W.150), S.I. 2001/1660 (W.119), S.I. 2001/2198 (W.158), S.I. 2001/2219 (W.159), S.I. 2002/47 (W.6), S.I. 2002/1387 (W.136) and S.I. 2002/1476 (W.148).