

Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 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)

TITLE II

OBLIGATIONS OF OPERATORS

CHAPTER III

Import, transit and export

Article 41

Import and transit

1 Animal by-products and derived products shall be imported into, or sent in transit through, [^{F1}Great Britain] in accordance with:

- a the relevant requirements of this Regulation [^{F2}, the Implementing Regulation and any regulations made by the appropriate authority under this Regulation] for the particular animal by-product or derived product which are at least as stringent as those applicable to the production and marketing of such animal by-products or derived products within [^{F3}Great Britain];
- b conditions recognised [^{F4}by the appropriate authority] to be at least equivalent to the requirements applicable to the production and marketing of such animal by-products or derived products under [^{F5}retained EU law]; ^{F6} ...
- c in the case of animal by-products and derived products referred to in Articles 33, 35 and 36, the requirements set out in those [^{F7}Articles; or]
- [^{F8}d the special transitional import arrangements set out in Schedule 5 to the England Trade Regulations or equivalent provisions in the Wales Trade Regulations or the Scotland Trade Regulations, and Annex 6 to the Official Controls Regulation.]

[^{F9}Where, pursuant to point (b), the appropriate authority recognises conditions as being at least equivalent to the requirements applicable to the production and marketing of particular animal by-products or derived products under retained EU law, the appropriate authority must make available or publicise that recognition.]

2 By way of derogation from paragraph 1, the import and transit of:

- a specified risk material shall take place only in accordance with Regulation (EC) No 999/2001;
- b animal by-products or derived products mixed or contaminated with any waste listed as hazardous in Decision 2000/532/EC shall take place only subject to the requirements of Regulation (EC) No 1013/2006;
- c Category 1 material, Category 2 material and products derived therefrom which are not intended for the manufacture of derived products referred to in Articles 33, 35 and 36, shall only take place [^{F10}pursuant to point (d) of paragraph 1 or] provided that rules for their import have been adopted in accordance with Article 42(2)(a);

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1069/2009 of the European Parliament and of the Council, Article 41. (See end of Document for details)

- d animal by-products and derived products destined for the purposes referred to in Article 17(1) shall take place in accordance with national measures which ensure the control of risks to public and animal health, pending the adoption of harmonised conditions referred to in Article 17(2).

3 ^[F11]The appropriate authority may, by regulations, impose requirements relating to the import and transit of Category 3 material and products derived from Category 3 material.]

Those requirements may specify that consignments:

- a must come from a third country or part of a third country listed in accordance with paragraph 4;
- b must come from establishments or plants approved or registered by the competent authority of the third country of origin and listed by that authority for that purpose; and
- c must be accompanied at the point of entry into ^[F12]Great Britain] where the veterinary checks take place by documentation such as a commercial document or a health certificate and where appropriate by a declaration, which corresponds to a model laid down pursuant to ^[F13]Article 42(3)].

^{F14} ...

4 ^[F15]The appropriate authority may, by regulations, specify the third countries or parts of third countries from which animal by-products or derived products may be imported or transit through Great Britain.

In deciding whether to specify a third country or part of a third country in regulations made under the first subparagraph, the appropriate authority must, in particular, take into account]:

- a the legislation of the third country;
- b the organisation of the competent authority and its inspection services in the third country, the powers of those services, the supervision to which they are subject, and their authority to monitor effectively the application of their legislation;
- c the actual health conditions applied to the production, manufacture, handling, storage and dispatch of products of animal origin intended for ^[F16]Great Britain];
- d the assurances the third country can give regarding compliance with the relevant health conditions;
- e experience of marketing the product from the third country and the results of import checks carried out;
- f the result of any ^[F17]inspections by the competent authority] in the third country;
- g the health status of the livestock, other domestic animals and wildlife in the third country, having particular regard to exotic animal diseases and any aspects of the general health situation in the country which might pose a risk to public or animal health in the ^[F18]United Kingdom];
- h the regularity and speed with which the third country supplies information about the existence of infectious animal diseases in its territory, in particular the diseases listed in the Terrestrial Animal Health Code and the Aquatic Animal Health Code of the World Organisation for Animal Health;
- i the regulations on the prevention and control of infectious animal diseases in force in the third country and their implementation, including rules on imports from other third countries.

The lists of establishments or plants referred to in point (b) of the second subparagraph of paragraph 3 shall be kept up to date and communicated to the ^[F19]appropriate authority] and made available to the public.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1069/2009 of the European Parliament and of the Council, Article 41. (See end of Document for details)

Textual Amendments

- F1** Words in Art. 41(1) substituted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **12(20)(a)(i)**
- F2** Words in Art. 41(1)(a) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(a)(i)(aa)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 41(1)(a) substituted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **12(20)(a)(ii)**
- F4** Words in Art. 41(1)(b) inserted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(a)(i)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Regulation substituted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), **reg. 12(2)**
- F6** Word in Art. 41(1)(b) omitted (E.W.S.) (31.12.2020) by virtue of The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **12(20)(a)(iii)**
- F7** Words in Art. 41(1)(c) inserted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **12(20)(a)(iv)**
- F8** Art. 41(1)(d) inserted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **12(20)(a)(v)**
- F9** Words in Art. 41(1) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(a)(ii)** (with reg. 12) (as amended by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in Art. 41(2)(c) inserted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **12(20)(b)**
- F11** Words in Art. 41(3) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 41(3)(c) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(ii)(aa)** (with reg. 12) (as substituted by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in Art. 41(3)(c) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(ii)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 41(3)(c) omitted (31.12.2020) by virtue of The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(iii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 41(4) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(i)** (with reg. 12) (as amended by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(iii)(aa)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F16** Words in Art. 41(4)(c) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(ii)** (with reg. 12), (as substituted by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(iii)(bb)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F17** Words in Art. 41(4)(f) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(iii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 41(4)(g) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(iv)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 41(4) substituted (E.W.S.) (31.12.2020) by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **12(20)(c)**

Changes to legislation:

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