

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 I

### GENERAL PROVISIONS

#### CHAPTER I

##### Common provisions

###### Section 1

##### Subject matter, scope and definitions

###### *Article 1*

##### Subject matter

This Regulation lays down public health and animal health rules for animal by-products and derived products, in order to prevent and minimise risks to public and animal health arising from those products, and in particular to protect the safety of the food and feed chain.

###### *Article 2*

##### Scope

- 1 This Regulation shall apply to:
  - a animal by-products and derived products which are excluded from human consumption under [F1retained EU law]; and
  - b the following products which pursuant to a decision by an operator, which shall be irreversible, are destined for purposes other than human consumption:
    - (i) products of animal origin which may be destined for human consumption under [F1retained EU law];
    - (ii) raw materials for the production of products of animal origin.
- 2 This Regulation shall not apply to the following animal by-products:
  - a entire bodies or parts of wild animals, other than wild game, which are not suspected of being infected or affected with a disease communicable to humans or animals, except for aquatic animals landed for commercial purposes;
  - b entire bodies or parts of wild game which are not collected after killing, in accordance with good hunting practice, without prejudice to Regulation (EC) No 853/2004;

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- c animal by-products from wild game and from wild game meat referred to in Article 1(3) (e) of Regulation (EC) No 853/2004;
- d oocytes, embryos and semen destined for breeding purposes;
- e raw milk, colostrum and products derived therefrom which are obtained, kept, disposed of or used on the farm of origin;
- f shells from shellfish with the soft tissue and flesh removed;
- g catering waste, except if it:
  - (i) originates from means of transport operating [<sup>F2</sup>outside the British Islands];
  - (ii) is destined for feeding purposes;
  - (iii) is destined for processing by pressure sterilisation or for processing by methods referred to in point (b) of the first subparagraph of Article 15(1) or for transformation into biogas or for composting;
- h <sup>F3</sup>... material from vessels complying with Regulations (EC) No 852/2004 and (EC) No 853/2004, which has arisen in the course of their fishing operations and is disposed of at sea, except material derived from on-board evisceration of fish showing signs of disease, including parasites, that are communicable to humans;
- i raw pet food originating from retail shops, where the cutting and storage are performed solely for the purpose of supplying the consumer directly on the spot;
- j raw pet food derived from animals which are slaughtered on the farm of origin for private domestic consumption; and
- k excrement and urine other than manure and non-mineralised guano.

<sup>F4</sup>3

#### Textual Amendments

- F1** 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)**
- F2** Words in Art. 2(2)(g)(i) 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(3)(a)(i)**
- F3** Words in Art. 2(2)(h) 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(3)(a)(ii)**
- F4** Art. 2(3) 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(3)(b)**

### Article 3

#### Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'animal by-products' means entire bodies or parts of animals, products of animal origin or other products obtained from animals, which are not intended for human consumption, including oocytes, embryos and semen;

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2. 'derived products' means products obtained from one or more treatments, transformations or steps of processing of animal by-products;
3. 'products of animal origin' means products of animal origin as defined in point 8.1 of Annex I to Regulation (EC) No 853/2004;
4. 'carcase' means carcase as defined in point 1.9 of Annex I to Regulation (EC) No 853/2004;
5. 'animal' means any invertebrate or vertebrate animal;
6. 'farmed animal' means:
  - (a) any animal that is kept, fattened or bred by humans and used for the production of food, wool, fur, feathers, hides and skins or any other product obtained from animals or for other farming purposes;
  - (b) equidae;
7. 'wild animal' means any animal not kept by humans;
8. 'pet animal' means any animal belonging to species normally nourished and kept but not consumed, by humans for purposes other than farming;
9. 'aquatic animals' means aquatic animals as defined in Article 3(1)(e) of Directive 2006/88/EC;
10. '[<sup>F5</sup>competent authority' means competent authorities as defined in point (3) of Article 3 of Regulation [<sup>X1</sup>(EU) 2017/625] of the European Parliament and of the Council <sup>(1)</sup>.]
11. 'operator' means the natural or legal persons having an animal by-product or derived product under their actual control, including carriers, traders and users;
12. 'user' means the natural or legal persons using animal by-products and derived products for special feeding purposes, for research or for other specific purposes;
13. 'establishment' or 'plant' means any place where any operation involving the handling of animal by-products or derived products is carried out, other than a fishing vessel;
14. 'placing on the market' means any operation the purpose of which is to sell animal by-products or derived products to a third party in [<sup>F6</sup>Great Britain] or any other form of supply against payment or free of charge to such a third party or storage with a view to supply to such a third party;
15. '[<sup>F5</sup>transit' means transit as defined in Article 3(44) of Regulation [<sup>X1</sup>(EU) 2017/625];]
16. 'export' means movement from [<sup>F7</sup>Great Britain] to a third country;
17. 'transmissible spongiform encephalopathies (TSEs)' means all transmissible spongiform encephalopathies as defined in Article 3(1)(a) of Regulation (EC) No 999/2001;
18. 'specified risk material' means specified risk material as defined in Article 3(1)(g) of Regulation (EC) No 999/2001;
19. 'pressure sterilisation' means the processing of animal by-products, after reduction in particle size to not more than 50 mm, to a core temperature of more than 133 °C for at least 20 minutes without interruption at an absolute pressure of at least 3 bar;

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20. ‘manure’ means any excrement and/or urine of farmed animals other than farmed fish, with or without litter;
21. ‘authorised landfill’ means a landfill for which a permit has been issued in accordance with [<sup>F8</sup>the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations 2012];
22. ‘organic fertiliser’ and ‘soil improver’ means materials of animal origin used to maintain or improve plant nutrition and the physical and chemical properties and biological activities of soils, either separately or together; they may include manure, non-mineralised guano, digestive tract content, compost and digestion residues;
23. ‘remote area’ means an area where the animal population is so small, and where disposal establishments or plants are so far away that the arrangements necessary for the collection and transport of animal by-products would be unacceptably onerous compared to local disposal;
24. ‘food’ or ‘foodstuff’ means food or foodstuff as defined in Article 2 of Regulation (EC) No 178/2002;
25. ‘feed’ or ‘feedingstuff’ means feed or feedingstuff as defined in Article 3(4) of Regulation (EC) No 178/2002;
26. ‘centrifuge or separator sludge’ means material collected as a by-product after purification of raw milk and separation of skimmed milk and cream from raw milk;
27. ‘waste’ means waste as defined in point 1 of Article 3 of Directive 2008/98/EC;
28. [<sup>F9</sup>‘constituent nation’ means England, Wales or Scotland;]
29. [<sup>F9</sup>‘third country’ means a country or territory other than the British Islands;]
30. [<sup>F9</sup>‘the Implementing Regulation’ means [Commission Regulation \(EU\) No 142/2011](#) implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council [Directive 97/78/EC](#) as regards certain samples and items exempt from veterinary checks at the border under that Directive;]
31. [<sup>F9</sup>‘the Official Controls Regulation’ means Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;]
32. [<sup>F9</sup>‘the England Trade Regulations’ means the Trade in Animals and Related Products Regulations 2011;]
33. [<sup>F9</sup>‘the Wales Trade Regulations’ means the Trade in Animals and Related Products (Wales) Regulations;]
34. [<sup>F9</sup>‘the Scotland Trade Regulations’ means the Trade in Animals and Related Products (Scotland) Regulations.]

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#### **Editorial Information**

- X1** Substituted by [Corrigendum to Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the](#)

**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, Section 1. (See end of Document for details)

application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Official Journal of the European Union L 95 of 7 April 2017).

### Textual Amendments

- F5** Substituted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).
- F6** Words in Art. 3(14) 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(4)(a)**
- F7** Words in Art. 3(16) 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(4)(a)**
- F8** Words in Art. 3(21) 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(4)(b)**
- F9** Art. 3(28)-(34) 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(4)(c)**

### *[F10 Article 3a*

#### **Definition: appropriate authority**

- 1 In this Regulation “the appropriate authority” means—
- a in relation to England, the Secretary of State;
  - b in relation to Wales, the Welsh Ministers;
  - c in relation to Scotland, the Scottish Ministers.
- 2 But the appropriate authority is the Secretary of State if consent is given by—
- a in relation to Wales, the Welsh Ministers;
  - b in relation to Scotland, the Scottish Ministers.]

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**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, Section 1. (See end of Document for details)

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#### Textual Amendments

- F10** Art. 3a 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(5)**

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- (1) [<sup>F5</sup>Regulation [<sup>X1</sup>(EU) 2017/625] of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ([<sup>X1</sup>OJ L 95, 7.4.2017, p. 1].)]

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- X1** Substituted by [Corrigendum to Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC \(Official Controls Regulation\) \(Official Journal of the European Union L 95 of 7 April 2017\).](#)

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#### Textual Amendments

- F5** Substituted by [Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations \(EC\) No 999/2001, \(EC\) No 396/2005, \(EC\) No 1069/2009, \(EC\) No 1107/2009, \(EU\) No 1151/2012, \(EU\) No 652/2014, \(EU\) 2016/429 and \(EU\) 2016/2031 of the European Parliament and of the Council, Council Regulations \(EC\) No 1/2005 and \(EC\) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations \(EC\) No 854/2004 and \(EC\) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC \(Official Controls Regulation\) \(Text with EEA relevance\).](#)

**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, Section 1.