

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 2

Obligations

Article 4

Starting point in the manufacturing chain and obligations

1 As soon as operators generate animal by-products or derived products falling within the scope of this Regulation, they shall identify them and ensure that they are dealt with in accordance with this Regulation (starting point).

2 Operators shall ensure at all stages of collection, transport, handling, treatment, transformation, processing, storage, placing on the market, distribution, use and disposal within the businesses under their control that animal by-products and derived products satisfy the requirements of this Regulation which are relevant to their activities.

3 [^{F1}The appropriate authority] shall monitor and verify that the relevant requirements of this Regulation are fulfilled by operators along the entire chain of animal by-products and derived products as referred to in paragraph 2. For that purpose, they shall maintain a system of official controls in accordance with relevant [^{F2}retained EU law].

4 [^{F3}The appropriate authority] shall ensure that an adequate system is in place on their territory ensuring that animal by-products are:

- a collected, identified and transported without undue delay; and
- b treated, used or disposed of in accordance with this Regulation.

5 [^{F4}The appropriate authority] may fulfil their obligations under paragraph 4 in cooperation with other [^{F5}appropriate authorities] or third countries.

Textual Amendments

- F1** Words in Art. 4(3) 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(6)(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, Section 2. (See end of Document for details)

- F2** 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)**
- F3** Words in Art. 4(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(6)(a)**
- F4** Words in Art. 4(5) 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(6)(b)(i)**
- F5** Words in Art. 4(5) 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(6)(b)(ii)**

Article 5

End point in the manufacturing chain

1 Derived products referred to in Article 33 which have reached the stage of manufacturing regulated by the ^{F6}... legislation referred to in [^{F7}Article 34(1)] shall be regarded as having reached the end point in the manufacturing chain, beyond which they are no longer subject to the requirements of this Regulation.

Those derived products may subsequently be placed on the market without restrictions under this Regulation and shall no longer be subject to official controls in accordance with this Regulation.

[^{F8}For the purposes of this paragraph, the appropriate authority may, by regulations, change the point at which the following products are to be regarded as having reached the end point in the manufacturing chain]:

- a ^{F9}... products referred to in Article 33(a) to (d), in case of risks to animal health;
- b ^{F9}... products referred to in Article 33(e) and (f), in case of risks to public or animal health.

^{F10} ...

[^{F11}2 For derived products referred to in Articles 32, 35 and 36 which no longer pose any significant risk to public or animal health, [^{F12}the appropriate authority may, by regulations, determine the point at which they are to be regarded as having reached] an end point in the manufacturing chain ^{F13}..., beyond which they are no longer subject to the requirements of this Regulation.

Those derived products may subsequently be placed on the market without restrictions under this Regulation and shall no longer be subject to official controls in accordance with this Regulation.

^{F14} ...

3 In the event of risks to public or animal health, Articles 53 and 54 of Regulation (EC) No 178/2002 concerning emergency health measures shall apply *mutatis mutandis* to the derived products referred to in Articles 32, 33 and 36 of this Regulation.

^{F15} 4]

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 2. (See end of Document for details)

Textual Amendments

- F6** Word in Art. 5(1) 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(7)(a)(i)**
- F7** Words in Art. 5(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(7)(a)(ii)**
- F8** Words in Art. 5(1) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(3)(a)(i)(aa)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in Art. 5(1)(a)(b) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(3)(a)(i)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 5(1) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(3)(a)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Substituted by [Regulation \(EU\) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations \(EC\) No 1069/2009 and \(EC\) No 1107/2009 and repealing Regulation \(EC\) No 2003/2003 \(Text with EEA relevance\)](#).
- F12** Words in Art. 5(2) inserted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(3)(b)(i)(aa)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 5(2) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(3)(b)(i)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 5(2) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(3)(b)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 5(4) 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(7)(b)**

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 2.