

## SCHEDULE 4

### Transitional Provisions

## PART 2

### Collection, transport and disposal of former foodstuffs of animal origin

**1.—**(1) The Scottish Ministers shall be the competent authority for granting approvals under Regulation (EC) 813/2003<sup>(1)</sup>.

(2) Instructions of the competent authority for the purposes of Article 3(3) of that Regulation may be issued by an inspector.

**2.** For the purposes of Article 1(1) of Regulation (EC) 813/2003, by way of derogation from Article 6(2)(f) and Article 7 of the Community Regulation, former foodstuffs which have not been mixed with any other animal by-products (other than Category 3 catering waste) may be collected, transported and disposed of or treated in the same way as catering waste.

**3.** Where former foodstuffs are mixed with Category 1 or Category 2 material any person in possession or control of the material shall ensure that it is disposed of in accordance with Article 1(2) of Regulation (EC) 813/2003, and any person who fails to do so shall be guilty of an offence.

**4.** Where former foodstuffs are sent for disposal in an approved landfill site, any person in possession or control of the material shall comply with Article 1(3) of Regulation (EC) 813/2003 and any person who fails to do so shall be guilty of an offence.

**5.** Any person who fails to comply with any instructions given by an inspector under Article 3(3) of Regulation (EC) 813/2003 shall be guilty of an offence.

**6.** In this Part, “former foodstuffs” does not include waste from the production of products which are intended to be cooked before they are eaten.

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(1) O.J. No. L 117, 13.5.2003, p. 22.