
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 393

The Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015

Amendment of the Animal By-Products (Enforcement) (Scotland) Regulations 2013

2.—(1) The Animal By-Products (Enforcement) (Scotland) Regulations 2013⁽¹⁾ are amended in accordance with this regulation.

(2) After regulation 7 (collection centres for feeding in relation to Article 18(1) of the EU Control Regulation⁽²⁾), insert—

“Disposal by means referred to in Article 19(1)(b) of the EU Control Regulation

7A.—(1) Subject to paragraph (2), for the purposes of Article 19(1)(b) of the EU Control Regulation (disposal by burning or by burial on site or by other means), the disposal by means referred to in Article 19(1)(b) of Category 1 material referred to in Article 8(a)(v) and (b)(ii) of that Regulation, Category 2 and Category 3 materials in remote areas is authorised.

(2) Paragraph (1) does not apply to material originating from fish belonging to the family *Salmonidae*.”.

(3) In regulation 25(3) (powers of entry and additional powers), for “paragraph (2)(f)(ii)” substitute “paragraph (2)(f)(i)”.

(4) For regulation 32 (small quantities transitional provision), substitute—

“Small quantities

32.—(1) By way of derogation from Article 14 of the EU Control Regulation (disposal and use of Category 3 material), the collection, transport and disposal of small quantities of Category 3 materials as mentioned in Article 10(f) of that Regulation (products or foodstuffs of animal origin no longer intended for human consumption), by means referred to in Article 19(1)(d) of that Regulation (means other than burning or burial on site), is authorised under Article 15 of the EU Implementing Regulation (special rules on collection and disposal)⁽³⁾, where the requirements of paragraph (2) are satisfied.

(2) The requirements are—

- (a) the material and its collection, transportation and disposal satisfies paragraphs (a) and (b) of Chapter IV of Annex VI to the EU Implementing Regulation;
- (b) regular checks have been carried out in accordance with paragraph (c) of Chapter IV of Annex VI to that Regulation; and

(1) [S.S.I. 2013/307](#), to which there are amendments not relevant to these Regulations.

(2) OJ L 300, 14.11.2009, p.1, as last amended by Council Regulation (EU) No 1385/2013 (OJ L 354, 28.12.2013, p.86).

(3) Article 15 of the EU Implementing Regulation was amended by the insertion of a final paragraph by Commission Regulation (EU) 2015/9 amending 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. That Regulation also repealed Article 36(3) of the EU Implementing Regulation.

- (c) the means of disposal for such material, in addition to the means specified in Article 14 of the EU Control Regulation, are disposal—
 - (i) in an authorised landfill without prior processing; or
 - (ii) where Article 21 of the EU Control Regulation (collection and identification as regards category and transport) is satisfied, to a biogas or composting plant for transformation in accordance with an authorisation under point 2 of Section 2 of Chapter III of Annex V to the EU Implementing Regulation.”

(5) In Schedule 1 (animal by-product requirements), in item 6 (disposal and use of Category 3 material), for the final entry in column 3 substitute “Article 15 of the EU Implementing Regulation (special rules on collection and disposal) as read with regulation 32 of these Regulations (small quantities)”.