

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 4

Categorisation

Article 7

**Categorisation of animal by-products and derived products**

1 Animal by-products shall be categorised into specific categories which reflect the level of risk to public and animal health arising from those animal by-products, in accordance with the lists laid down in Articles 8, 9 and 10.

2 Derived products shall be subject to the rules for the specific category of animal by-products from which they have been derived, unless otherwise specified in this Regulation, or provided for in [<sup>F1</sup>regulations made by the appropriate authority] which may specify the conditions under which derived products are not subject to those rules <sup>F2</sup>....

3 [<sup>F3</sup>The appropriate authority may, by regulations, amend Articles 8, 9 and 10] in order to take into account scientific progress as regards the assessment of the level of risk, provided such progress can be identified on the basis of a risk assessment carried out by the appropriate scientific institution. However, no animal by-products listed in those Articles may be removed from those lists, only changes of categorisation or additions may be made.

<sup>F4</sup> .....

**Textual Amendments**

- F1** Words in Art. 7(2) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(5)(a)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 7(2) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(5)(a)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 7(3) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(5)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 7(4) omitted (31.12.2020) by virtue of [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(5)(c)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

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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 4. (See end of Document for details)

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## Article 8

### Category 1 material

Category 1 material shall comprise the following animal by-products:

- (a) entire bodies and all body parts, including hides and skins, of the following animals:
  - (i) animals suspected of being infected by a TSE in accordance with Regulation (EC) No 999/2001 or in which the presence of a TSE has been officially confirmed;
  - (ii) animals killed in the context of TSE eradication measures;
  - (iii) animals other than farmed and wild animals, including in particular pet animals, zoo animals and circus animals;
  - (iv) <sup>F5</sup>animals used in a procedure or procedures defined in Article 3 of Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes <sup>(1)</sup>, in cases where the competent authority decides that such animals or any of their body parts have the potential to pose serious health risks to humans or to other animals, as a result of that procedure or those procedures without prejudice to Article 3(2) of Regulation (EC) No 1831/2003;]
  - (v) wild animals, when suspected of being infected with diseases communicable to humans or animals;
- (b) the following material:
  - (i) specified risk material;
  - (ii) entire bodies or parts of dead animals containing specified risk material at the time of disposal;
- (c) animal by-products derived from animals which have been submitted to illegal treatment as defined in Article 1(2)(d) of Directive 96/22/EC <sup>F6</sup>... [<sup>F7</sup>reading that Article as if for references to “Community legislation” there were substituted references to “retained EU law”];
- (d) animal by-products containing residues of other substances and environmental contaminants listed in Group B(3) of Annex I to Directive 96/23/EC, if such residues exceed the permitted level laid down by [<sup>F8</sup>retained EU law] or, in the absence thereof, by [<sup>F9</sup>other] national legislation;
- (e) animal by-products collected during the treatment of waste water required by implementing rules adopted under point (c) of the first paragraph of Article 27:
  - (i) from establishments or plants processing Category 1 material; or
  - (ii) from other establishments or plants where specified risk material is being removed;
- (f) catering waste from means of transport operating [<sup>F10</sup>outside the British Islands];
- (g) mixtures of Category 1 material with either Category 2 material or Category 3 material or both.

**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 4. (See end of Document for details)

### Textual Amendments

- F5** Substituted by Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (Text with EEA relevance).
- F6** Words in Art. 8(c) 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(9)(a)(i)**
- F7** Words in Art. 8(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(9)(a)(ii)**
- F8** 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)**
- F9** Word in Art. 8(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(9)(b)**
- F10** Words in Art. 8(f) 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(9)(c)**

## Article 9

### Category 2 material

Category 2 material shall comprise the following animal by-products:

- (a) manure, non-mineralised guano and digestive tract content;
- (b) animal by-products collected during the treatment of waste water required by implementing rules adopted under point (c) of the first paragraph of Article 27:
  - (i) from establishments or plants processing Category 2 material; or
  - (ii) from slaughterhouses other than those covered by Article 8(e);
- (c) animal by-products containing residues of authorised substances or contaminants exceeding the permitted levels [<sup>F11</sup>set by retained EU law or, in the absence thereof, by other national legislation];
- (d) products of animal origin which have been declared unfit for human consumption due to the presence of foreign bodies in those products;
- (e) products of animal origin, other than Category 1 material, that are:
  - (i) imported or introduced from a third country and fail to comply with [<sup>F12</sup>veterinary legislation forming part of retained EU law] for their import or introduction into [<sup>F13</sup>Great Britain] except where [<sup>F8</sup>retained EU law] allows their import or introduction subject to specific restrictions or their return to the third country; <sup>F14</sup>...
  - (ii) <sup>F15</sup>...
- (f) animals and parts of animals, other than those referred to in Article 8 or Article 10,

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- (i) that died other than by being slaughtered or killed for human consumption, including animals killed for disease control purposes;
- (ii) foetuses;
- (iii) oocytes, embryos and semen which are not destined for breeding purposes; and
- (iv) dead-in-shell poultry;
- (g) mixtures of Category 2 material with Category 3 material;
- (h) animal by-products other than Category 1 material or Category 3 material.

#### **Textual Amendments**

- F8** 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)**
- F11** Words in Art. 9(c) 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(10)(a)**
- F12** Words in Art. 9(e)(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(10)(b)(i)(aa)**
- F13** Words in Art. 9(e)(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(10)(b)(i)(bb)**
- F14** Word in Art. 9(e)(i) 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(10)(b)(i)(cc)**
- F15** Art. 9(e)(ii) 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(10)(b)(ii)**

### *Article 10*

#### **Category 3 material**

Category 3 material shall comprise the following animal by-products:

- (a) carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with [F8retained EU law], but are not intended for human consumption for commercial reasons;
- (b) carcasses and the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection or bodies and the following parts of animals from game killed for human consumption in accordance with [F8retained EU law]:

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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 4. (See end of Document for details)

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- (i) carcasses or bodies and parts of animals which are rejected as unfit for human consumption in accordance with [F<sup>8</sup>retained EU law], but which did not show any signs of disease communicable to humans or animals;
- (ii) heads of poultry;
- (iii) hides and skins, including trimmings and splitting thereof, horns and feet, including the phalanges and the carpus and metacarpus bones, tarsus and metatarsus bones, of:
  - animals, other than ruminants requiring TSE testing, and
  - ruminants which have been tested with a negative result in accordance with Article 6(1) of Regulation (EC) No 999/2001;
- (iv) pig bristles;
- (v) feathers;
- (c) animal by-products from poultry and lagomorphs slaughtered on the farm as referred to in Article 1(3)(d) of Regulation (EC) No 853/2004, which did not show any signs of disease communicable to humans or animals;
- (d) blood of animals which did not show any signs of disease communicable through blood to humans or animals obtained from the following animals that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with [F<sup>8</sup>retained EU law]:
  - (i) animals other than ruminants requiring TSE testing; and
  - (ii) ruminants which have been tested with a negative result in accordance with Article 6(1) of Regulation (EC) No 999/2001;
- (e) animal by-products arising from the production of products intended for human consumption, including degreased bones, greaves and centrifuge or separator sludge from milk processing;
- (f) products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arise;
- (g) petfood and feedingstuffs of animal origin, or feedingstuffs containing animal by-products or derived products, which are no longer intended for feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;
- (h) blood, placenta, wool, feathers, hair, horns, hoof cuts and raw milk originating from live animals that did not show any signs of disease communicable through that product to humans or animals;
- (i) aquatic animals, and parts of such animals, except sea mammals, which did not show any signs of disease communicable to humans or animals;
- (j) animal by-products from aquatic animals originating from establishments or plants manufacturing products for human consumption;

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- (k) the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals:
  - (i) shells from shellfish with soft tissue or flesh;
  - (ii) the following originating from terrestrial animals:
    - hatchery by-products,
    - eggs,
    - egg by-products, including egg shells,
  - (iii) day-old chicks killed for commercial reasons;
- (l) aquatic and terrestrial invertebrates other than species pathogenic to humans or animals;
- (m) animals and parts thereof of the zoological orders of Rodentia and Lagomorpha, except Category 1 material as referred to in Article 8(a)(iii), (iv) and (v) and Category 2 material as referred to in Article 9(a) to (g);
- (n) hides and skins, hooves, feathers, wool, horns, hair and fur originating from dead animals that did not show any signs of disease communicable through that product to humans or animals, other than those referred to in point (b) of this Article;
- (o) adipose tissue from animals which did not show any signs of disease communicable through that material to humans or animals, which were slaughtered in a slaughterhouse and which were considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with [F8 retained EU law];
- (p) catering waste other than as referred to in Article 8(f).

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#### **Textual Amendments**

- F8** 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)**

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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 4. (See end of Document for details)

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(1) [<sup>F5</sup>OJ L 276, 20.10.2010, p. 33.]

.....  
**Textual Amendments**

**F5** Substituted by [Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes \(Text with EEA relevance\)](#).

**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 4.