

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 II

### OBLIGATIONS OF OPERATORS

#### CHAPTER III

##### Import, transit and export

###### *Article 41*

##### **Import and transit**

1 Animal by-products and derived products shall be imported into, or sent in transit through, [<sup>F1</sup>Great Britain] in accordance with:

- a the relevant requirements of this Regulation [<sup>F2</sup>, the Implementing Regulation and any regulations made by the appropriate authority under this Regulation] for the particular animal by-product or derived product which are at least as stringent as those applicable to the production and marketing of such animal by-products or derived products within [<sup>F3</sup>Great Britain];
- b conditions recognised [<sup>F4</sup>by the appropriate authority] to be at least equivalent to the requirements applicable to the production and marketing of such animal by-products or derived products under [<sup>F5</sup>retained EU law]; <sup>F6</sup>...
- c in the case of animal by-products and derived products referred to in Articles 33, 35 and 36, the requirements set out in those [<sup>F7</sup>Articles; or]
- <sup>F8</sup>d the special transitional import arrangements set out in Schedule 5 to the England Trade Regulations or equivalent provisions in the Wales Trade Regulations or the Scotland Trade Regulations, and Annex 6 to the Official Controls Regulation.]

[<sup>F9</sup>Where, pursuant to point (b), the appropriate authority recognises conditions as being at least equivalent to the requirements applicable to the production and marketing of particular animal by-products or derived products under retained EU law, the appropriate authority must make available or publicise that recognition.]

2 By way of derogation from paragraph 1, the import and transit of:

- a specified risk material shall take place only in accordance with Regulation (EC) No 999/2001;
- b animal by-products or derived products mixed or contaminated with any waste listed as hazardous in Decision 2000/532/EC shall take place only subject to the requirements of Regulation (EC) No 1013/2006;
- c Category 1 material, Category 2 material and products derived therefrom which are not intended for the manufacture of derived products referred to in Articles 33, 35 and 36, shall only take place [<sup>F10</sup>pursuant to point (d) of paragraph 1 or] provided that rules for their import have been adopted in accordance with Article 42(2)(a);

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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, CHAPTER III. (See end of Document for details)*

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- d animal by-products and derived products destined for the purposes referred to in Article 17(1) shall take place in accordance with national measures which ensure the control of risks to public and animal health, pending the adoption of harmonised conditions referred to in Article 17(2).

3 <sup>[F11]</sup>The appropriate authority may, by regulations, impose requirements relating to the import and transit of Category 3 material and products derived from Category 3 material.]

Those requirements may specify that consignments:

- a must come from a third country or part of a third country listed in accordance with paragraph 4;
- b must come from establishments or plants approved or registered by the competent authority of the third country of origin and listed by that authority for that purpose; and
- c must be accompanied at the point of entry into <sup>[F12]</sup>Great Britain] where the veterinary checks take place by documentation such as a commercial document or a health certificate and where appropriate by a declaration, which corresponds to a model laid down pursuant to <sup>[F13]</sup>Article 42(3)].

<sup>F14</sup> ...

4 <sup>[F15]</sup>The appropriate authority may, by regulations, specify the third countries or parts of third countries from which animal by-products or derived products may be imported or transit through Great Britain.

In deciding whether to specify a third country or part of a third country in regulations made under the first subparagraph, the appropriate authority must, in particular, take into account]:

- a the legislation of the third country;
- b the organisation of the competent authority and its inspection services in the third country, the powers of those services, the supervision to which they are subject, and their authority to monitor effectively the application of their legislation;
- c the actual health conditions applied to the production, manufacture, handling, storage and dispatch of products of animal origin intended for <sup>[F16]</sup>Great Britain];
- d the assurances the third country can give regarding compliance with the relevant health conditions;
- e experience of marketing the product from the third country and the results of import checks carried out;
- f the result of any <sup>[F17]</sup>inspections by the competent authority] in the third country;
- g the health status of the livestock, other domestic animals and wildlife in the third country, having particular regard to exotic animal diseases and any aspects of the general health situation in the country which might pose a risk to public or animal health in the <sup>[F18]</sup>United Kingdom];
- h the regularity and speed with which the third country supplies information about the existence of infectious animal diseases in its territory, in particular the diseases listed in the Terrestrial Animal Health Code and the Aquatic Animal Health Code of the World Organisation for Animal Health;
- i the regulations on the prevention and control of infectious animal diseases in force in the third country and their implementation, including rules on imports from other third countries.

The lists of establishments or plants referred to in point (b) of the second subparagraph of paragraph 3 shall be kept up to date and communicated to the <sup>[F19]</sup>appropriate authority] and made available to the public.

### Textual Amendments

- F1** Words in Art. 41(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(20)(a)(i)**
- F2** Words in Art. 41(1)(a) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(a)(i)(aa)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 41(1)(a) 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(20)(a)(ii)**
- F4** Words in Art. 41(1)(b) inserted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(a)(i)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F5** 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)**
- F6** Word in Art. 41(1)(b) 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(20)(a)(iii)**
- F7** Words in Art. 41(1)(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(20)(a)(iv)**
- F8** Art. 41(1)(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(20)(a)(v)**
- F9** Words in Art. 41(1) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(a)(ii)** (with reg. 12) (as amended by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in Art. 41(2)(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(20)(b)**
- F11** Words in Art. 41(3) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 41(3)(c) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(ii)(aa)** (with reg. 12) (as substituted by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in Art. 41(3)(c) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(ii)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 41(3)(c) omitted (31.12.2020) by virtue of The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(b)(iii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 41(4) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(i)** (with reg. 12) (as amended by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(iii)(aa)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F16** Words in Art. 41(4)(c) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(ii)** (with reg. 12), (as substituted by S.I. 2020/1463, regs. 1(2)(a), **6(5)(d)(iii)(bb)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F17** Words in Art. 41(4)(f) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(iii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 41(4)(g) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(22)(c)(iv)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 41(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(20)(c)**

*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, CHAPTER III. (See end of Document for details)*

## Article 42

### Implementing measures

1 <sup>[F20]</sup>The appropriate authority may, by regulations, make such provision as the appropriate authority considers necessary or expedient to implement Article 41 and regulations made under this paragraph] may exclude animal by-products or derived products manufactured in certain establishments or plants from import or transit in order to protect public or animal health <sup>F21</sup>....

2 <sup>[F22]</sup>The appropriate authority may, by regulations, make provision with respect to the implementation of Article 41 relating to the following matters]:

- a conditions for the import and transit of Category 1 and Category 2 materials and for products derived therefrom;
- b restrictions regarding public or animal health applicable to imported Category 3 material or products derived therefrom which may be laid down by reference to <sup>[F23]</sup>lists of third countries or parts of third countries identified in the Implementing Regulation or in regulations made under] Article 41(4) or for other public or animal health purposes;
- c conditions for the manufacture of animal by-products or derived products in establishments or plants in third countries; such conditions may include the arrangements for controls of such establishments or plants by the competent authority concerned and may exempt certain types of establishments or plants handling animal by-products or derived products from approval or registration as referred to in point (b) of the second subparagraph of Article 41(3); and

<sup>[F24]</sup>d the conditions under which it can be stated that consignments of animal by-products or derived products have been collected or manufactured in accordance with the requirements of this Regulation;]

<sup>F25</sup>...

<sup>[F26]</sup>3. The appropriate authority may make available or publish, in such manner as appears to the appropriate authority to be appropriate, from time to time, models for health certificates, commercial documents and declarations which are to accompany consignments of animal by-products or derived products.]

#### Textual Amendments

- F20** Words in Art. 42(1) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(23)(a)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 42(1) omitted (31.12.2020) by virtue of The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(23)(a)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 42(2) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(23)(b)(i)(aa)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 42(2)(b) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(23)(b)(i)(bb)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Art. 42(2)(d) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(23)(b)(i)(cc)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 42(2) omitted (31.12.2020) by virtue of The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(23)(b)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Art. 42(3) inserted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **8(23)(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, CHAPTER III. (See end of Document for details)

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## Article 43

### Export

1 The export of animal by-products and derived products destined for incineration or landfill shall be prohibited.

2 The export of animal by-products and derived products to third countries which are not members of the OECD for use in a biogas or composting plant shall be prohibited.

3 Category 1 material, Category 2 material and products derived therefrom shall only be exported for purposes other than those referred to in paragraphs 1 and 2 provided that [<sup>F27</sup>the export takes place in accordance with the rules relating to export in Article 25(4) of the Implementing Regulation and in any regulations made by the appropriate authority under the second subparagraph.]

[<sup>F28</sup>The appropriate authority may, by regulations, impose requirements and otherwise regulate the export of Category 1 and 2 material and products derived from such material for purposes other than those referred to in paragraphs 1 and 2.]

4 Article 12 of Regulation (EC) No 178/2002 concerning food and feed exported from [<sup>F29</sup>Great Britain] shall apply mutatis mutandis to the export of Category 3 material or products derived therefrom in compliance with this Regulation.

5 By way of derogation from paragraphs 3 and 4, the export of:

- a specified risk material shall take place only in accordance with Regulation (EC) No 999/2001;
- b animal by-products or derived products mixed or contaminated with any waste listed as hazardous in Decision 2000/532/EC shall take place only subject to the requirements of Regulation (EC) No 1013/2006.

#### Textual Amendments

- F27** Words in Art. 43(3) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(24)(a)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 43(3) substituted (31.12.2020) by [The Animals \(Legislative Functions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/588\)](#), regs. 1, **8(24)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 43(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(21)**

**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, CHAPTER III.