

## SCHEDULE 2

Regulation 28

### Consequential Amendments

#### **The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**

1. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(1) insofar as they relate to Wales are amended as follows.

2. In regulation 2 (exemption from registration)—

(a) in paragraph (1)(i), for the words “Article 7(1) or 7(2)” substitute “Article 21(1) to (3)”; and

(b) in paragraph (2), for the definition of “the Community Regulation” substitute—

““ the Community Regulation” means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

#### **The Controlled Waste Regulations 1992**

3. The Controlled Waste Regulations 1992(2) are amended insofar as they relate to Wales as follows.

4. In regulation 7 (waste not to be treated as industrial or commercial waste)—

(a) in paragraph (3), for the words “Article 7(1) or 7(2)” substitute “Article 21(1) to (3)”; and

(b) for paragraph (4) substitute—

“(4) In this regulation—

(a) “the Community Regulation” means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

(b) “animal by-products” has the same meaning as in Article 3(1) of the Community Regulation.”.

#### **The Waste Management Licensing Regulations 1994**

5. The Waste Management Licensing Regulations 1994(3) are amended insofar as they relate to Wales as follows.

6. In regulation 20 (registration of brokers), for paragraph (9) substitute—

“(9) In this regulation—

(a) “the Community Regulation” means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

(b) “animal by-products” has the same meaning as in Article 3(1) of the Community Regulation.”.

(1) S.I.1991/1624, amended by S.I. 2006/937; there are other amending instruments but none is relevant.

(2) S.I. 1992/588, amended by S.I. 2006/937; there are other amending instruments but none is relevant.

(3) S.I. 1994/1056, amended by S.I. 2006/937; there are other amending instruments but none is relevant.

## The Animal By-Products (Identification) Regulations 1995

7. The Animal By-Products (Identification) Regulations 1995<sup>(4)</sup> are amended insofar as they relate to Wales as follows.

8. In regulation 2(1) (interpretation)—

(a) for the definition of “approved incineration plant” substitute—

““approved incineration plant” means an incineration plant which is approved under Article 24(1)(b) of the Community Regulation;”;

(b) for the definition of “approved rendering plant” substitute—

““approved rendering plant” means a Category 2 processing plant which is approved under Article 24(1)(a) of the Community Regulation;”;

(c) for the definition of “the Community Regulation” substitute—

““the Community Regulation” means 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);” and

(d) for the definition of “specified bovine offal” substitute—

““specified risk material” has the meaning given in Article 3(18) of the Community Regulation;”.

9. For regulation 4(b) (scope) substitute—

“(b) affect the operation of the Animal By-Products (Enforcement) (Wales) Regulations 2011 or any order made, or having effect, under the Animal Health Act 1981.”.

10. In regulation 5 (exemptions)—

(a) in paragraph (1)(f), for the words “specified bovine offal” substitute “specified risk material”;

(b) in paragraph (2)(c), for the words “the 2003 Regulations” substitute “the Community Regulation”; and

(c) in paragraph (2)(d), for the words “the 2003 Regulations” substitute “the Community Regulation”.

11. In regulation 9(3) (storage and packaging of animal by-products)—

(a) in paragraph (3)(d), for the words “Article 2.1(c)” substitute “Article 9”; and

(b) in paragraph (3)(e), for the words “Article 2.1(d)” substitute “Article 10”.

## The Products of Animal Origin (Import and Export) Regulations 1996

12. The Products of Animal Origin (Import and Export) Regulations 1996<sup>(5)</sup> are amended insofar as they relate to Wales as follows.

13. In regulation 1(2) (interpretation)—

(a) in the definition of “product of animal origin”, in sub-paragraph (f) for the words “Directive 90/667” substitute “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”;

(b) after the definition of “Regulation 1274/91” insert—

(4) S.I. 1995/614, relevant amending instruments are S.I. 1995/1955, 2002/1619, 2003/1484.

(5) S.I. 1996/3124, amended by S.I. 2006/2407; there are other amending instruments but none is relevant.

““Regulation (EU) No. 1069/2009” means Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

“Regulation (EU) No. 142/2011” means 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.”.

**14.** In regulation 10 (exports to other member states), after each reference to “Directive 92/118” insert “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”.

**15.** In regulation 11(1) (registration of certain establishments which produce, process or store products of animal origin)—

- (a) after each reference to “Directive 92/118” insert “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”; and
- (b) in sub-paragraph (a), for “15 of Schedule 3, under Directive 90/667” substitute “ 16 of Schedule 3”.

**16.** In regulation 12(1) (notification of certain establishments which supply or store products of animal origin)—

- (a) after each reference to “Directive 92/118” insert “Regulation (EU) No. 1069/2009 or Regulation (EU) No. 142/2011”; and
- (b) in sub-paragraph (a), for “15 of Schedule 3, under Directive 90/667” substitute “ 16 of Schedule 3”.

**17.** In Schedule 3 (community measures relevant to intra-community trade)—

- (a) at the end of the title to paragraph 12, insert “and also not subject to Regulation (EU) No. 1069/2009 and Regulation (EU) No. 142/2011”; and
- (b) after paragraph 15 (wild game), insert—

#### **“Animal By-Products**

**16.** Regulation (EU) No. 1069/2009 and Regulation (EU) No. 142/2011.”.

### **The Foot-and-Mouth Disease (Wales) Order 2006**

**18.** The Foot-and-Mouth Disease (Wales) Order 2006(6) is amended as follows.

**19.** In article 2(1) (interpretation) after the definition of “public highway” insert—

““Regulation (EU) No. 1069/2009” means Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

“Regulation (EU) No. 142/2011” means 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;”.

**20.** In article 26 (slaughter; control of faecal material), in paragraph (2)(b) for the words “point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption, as amended,” substitute “ Articles 15 and 32 of Regulation (EU) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”.

**21.** In article 27(2)(c) (slaughter: isolation of things liable to spread disease) for “Regulation (EC) No. 1774/2002, as amended” substitute “Regulation (EU) No. 1069/2009”.

**22.** In Schedule 4 (measures applicable in respect of protection zones and surveillance zones)—

- (a) in paragraph 20(4) (transport, treatment and spreading of dung and manure produced in a protection zone) for the words “point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “Articles 15 and 32 of Regulation (EU) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to Regulation (EU) No. 142/2011”; and
- (b) in paragraph 33(4) (transport, treatment and spreading of dung and manure produced in a surveillance zone), for the words “point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “Articles 15 and 32 of Regulation (EU) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to Regulation (EU) No. 142/2011”.

**23.** In Schedule 5 (treatments to ensure the destruction of disease virus)—

- (a) in paragraph 2 (hides and skins), for the words “ article 20 of and points A(2)(c) or (d) of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “Article 36 of Regulation (EU) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011”;
- (b) in paragraph 3 (wool, ruminant hair and pig bristles), for the words “article 20 of and point A(1) of Chapter VIII to Regulation (EC) No. 1774/2002, as amended” substitute “Article 36 of Regulation (EU) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011”;
- (c) in paragraph 5 (blood and blood products), for the words “point B(3)(e)(ii) of Chapter IV of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “point 2(b)(ii) of Chapter IV of Annex XIII to Regulation (EU) No. 142/2011”;
- (d) in paragraph 6 (lard and rendered fats), for the words “point B(2)(d)(iv) of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002, as amended” substitute “point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011”;
- (e) in paragraph 7 (petfood and dog chews), for the words “points B(2), (3) or (4) of Chapter II of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “Chapter II of Annex XIII to Regulation (EU) No. 142/2011”; and
- (f) in paragraph 8 (game trophies of ungulates), for the words “points A(1), (3), or (4) of Chapter VII of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “Chapter VI of Annex XIII to Regulation (EU) No. 142/2011”.

### **The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006**

24. The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006<sup>(7)</sup> is amended as follows.

25. In Part 3 of the Schedule (measures applicable in respect of a vaccination zone), in paragraph 18 (transport, treatment and distribution of dung and manure), for sub-paragraph (4) substitute—

“(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with—

- (a) Articles 15 and 32 of Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation); and
- (b) Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 to 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.”.

### **The Animals and Animal Products (Import and Export) (Wales) Regulations 2006**

26. The Animals and Animal Products (Import and Export) (Wales) Regulations 2006<sup>(8)</sup> are amended as follows.

27. In Part 1 of Schedule 3 (intra-community trade: legislation and additional requirements), for paragraph 7 (animal waste) substitute—

#### **“Animal by-products**

7.—(1) Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation).

(2) 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.”.

### **The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007**

28. The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007<sup>(9)</sup> are amended as follows.

29. In regulation 2(1) (interpretation), after the definition of “Regulation (EC) No. 136/2004” insert—

““Regulation (EU) No 1069/2009” means Regulation (EU) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products

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(7) S.I. 2006/180 (W.31).

(8) S.I. 2006/1536 (W.153), as amended.

(9) S.I. No 2007/376 (W.36), as amended.

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and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

“Regulation (EU) No 142/2011” means 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;”.

- 30.** In regulation 4 (exemption for authorised products and personal imports)—
- (a) in paragraph (1), at the end, insert “other than products to which Article 17 of Regulation (EU) No. 1069/2009 and Articles 11(2) and 12(2) of Regulation (EU) No. 142/2011 apply”;
  - (b) in paragraph (4)(b) for the words “Regulation (EC) No. 1774/2002 and the Animal By-Products (Wales) Regulations 2006” substitute “Regulation (EU) No. 1069/2009 and the Animal By-Products (Enforcement) (Wales) Regulations 2011”; and
  - (c) in paragraph (5)(b) for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 31.** In regulation 5(1)(a) (enforcement authorities and exchange of information), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 32.** In regulation 6(1)(a) (appointment of official veterinary surgeons and official fish inspectors), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 33.** In regulation 21 (products which fail veterinary checks)—
- (a) in paragraph (3)(b), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”; and
  - (b) in paragraph (5)(b), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 34.** In regulation 22 (treatment as animal by-products)—
- (a) in paragraph (1), for the words “regulation 26 of the Animal By-Products (Wales) Regulations 2006” substitute “Articles 17 and 18 of Regulation (EU) No. 1069/2009 and Articles 11(2), 12(2) and 14 of Regulation (EU) No. 142/2011”; and
  - (b) in paragraph (3), for the words ““regulation 26 of the Animal By-Products (Wales) Regulations 2006” substitute “Articles 17 and 18 of Regulation (EU) No. 1069/2009”.
- 35.** In regulation 24(4) (consignments and products illegally brought in), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 36.** In regulation 43(1)(b) (disposal of returned transit products), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.
- 37.** In Schedule 1(import conditions), in Part VIII, for paragraph 11 substitute—
- “(11) Regulation (EU) No. 1069/2009 and Regulation (EU) No. 142/2011.”.

### **The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006**

- 38.** The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006(10) is amended as follows.
- 39.** In article 2 (interpretation)—

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(10) S.I. No 2006/3309 (W.299) as amended.

(a) in the definition of “bird by-product”, for the words “Articles 4, 5 or 6 of Regulation (EC) No 1774/2002”, substitute “Articles 8, 9 or 10 of Regulation (EU) No. 1069/2009”; and

(b) for the definition of “Regulation (EC) No. 1774/2002” substitute—

““Regulation (EU) No 1069/2009” means Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);” and

(c) after the definition as inserted by sub-paragraph (b) insert—

““Regulation (EU) No 142/2011” means 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;”.

**40.** In article 3(6) (licences, notices and designations under this Order), for sub-paragraph (c) substitute—

“(c) the following plants if approved under Article 24 of Regulation (EU) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants.”.

**41.** In article 14 (restrictions on the movement of bird by-products)—

(a) for paragraph (2) substitute—

“(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

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- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
  - (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
  - (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
  - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
  - (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
  - (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 and which complies with Chapter II of Annex XIII;
  - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;
  - (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
  - (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
  - (o) those by-products which are transported to designated plants within article 3(6) (c) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
  - (p) those products which are transported to users or collection centres authorised and registered in accordance with Articles 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
  - (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
  - (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.”;
- (b) in paragraph (3), for the words “Annex V to Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011”; and
- (c) in paragraph (4), for the words “Chapter X of Annex II to Regulation (EC) No. 1774/2002” substitute “Chapter III of Annex VIII to Regulation (EU) No. 142/2011”.

### **The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006**

**42.** The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006<sup>(11)</sup> is amended as follows.

**43.** In article 2 (interpretation)—

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<sup>(11)</sup> S.I. No 2006/3310 (W.300) as amended.



- (a) in the definition of “bird by-product” for the words “Articles 4, 5 or 6 of Regulation (EC) No. 1774/2002” substitute Articles 8, 9 or 10 of Regulation (EU) No. 1069/2009”; and
- (b) for the definition of “Regulation (EC) No. 1774/2002” substitute—

““Regulation (EU) No. 1069/2009” means Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”;
- (c) after the definition as inserted by sub-paragraph (b) insert—

““Regulation (EU) No. 142/2011” means 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;”.

**44. In article 13(1)(designation of premises to which things may be moved), for sub-paragraph (c) substitute—**

- “(c) the following plants if approved under Article 24 of Regulation (EU) No. 1069/2009—
  - (i) incineration plants;
  - (ii) co-incineration plants;
  - (iii) processing plants;
  - (iv) biogas plants;
  - (v) composting plants;
  - (vi) petfood plants.”.

**45. In Schedule 1 (measures applicable in respect of a wild bird control area)—**

- (a) for paragraph 13(2)(restriction on the movement of bird by-products or products derived from bird by-products from premises in a wild bird control area) substitute—

“(2) A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—

  - (a) processed animal protein within the meaning of paragraph 5 of Annex 1 to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
  - (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
  - (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
  - (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
  - (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

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- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
  - (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
  - (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
  - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
  - (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
  - (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 and which complies with Chapter II of Annex XIII;
  - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;
  - (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
  - (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
  - (o) those by-products which are transported to designated plants within article 13(1)(c), processing plants for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
  - (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
  - (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
  - (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.”;
- (b) in paragraph 13(3), for the words “Annex V to Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011”;
  - (c) in paragraph 13(5), for the words “Chapter X of Annex II to Regulation (EC) No. 1774/2002” substitute “Chapter III of Annex VIII to Regulation (EU) No. 142/2011”;
  - (d) in paragraph 14(a), (prohibition on movement of poultry manure) for “1774/2002” substitute “1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”;
  - (e) in paragraph 15(a), (prohibition on the spread of poultry manure) for “1774/2002” substitute “1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”.

### **The Cattle Identification (Wales) Regulations 2007**

46. The Cattle Identification (Wales) Regulations 2007<sup>(12)</sup> are amended as follows.

47. For paragraph 3(3) of Part 1 of Schedule 3 (lost cattle passports and replacements) substitute—

“(3) If the Welsh Ministers do not provide a replacement, the animal to which it relates must not be moved off a holding except (under the authority of a licence granted by the Welsh Ministers) to—

- (a) to a plant approved under Article 24(1)(a), (b), (c) or (h) of 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation); or
- (b) a registered collection centre which complies with Section 1 of Chapter II of Annex VI of 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.”.

### **The Animal Gatherings (Wales) Order 2010**

48. The Animal Gatherings (Wales) Order 2010<sup>(13)</sup> is amended as follows.

49. In regulation 8(2) (destruction, treatment or disposal of feeding stuffs and other materials), for the words “Animal By-Products (Wales) Regulations 2006” substitute “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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation)”.

### **The Environmental Permitting (Wales and Wales) Regulations 2010**

50. The Environmental Permitting (Wales and Wales) Regulations 2010<sup>(14)</sup> are amended insofar as they relate to Wales as follows.

51. In regulation 2(1) (interpretation: general), after the definition of “regulated facility” insert—

““Regulation (EU) No 1069/2009” means Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

52. In paragraph 1 of Section 5.1 of Chapter 5 of Part 2 of Schedule 1 (interpretation of Section 5.1), in the definition of “excluded plant”, for sub-paragraph (a)(vii) substitute—

“(a) (vii) animal carcasses as regulated by Regulation (EU) No 1069/2009;”.

53. In the table in paragraph T13(2) of Section 2 of Chapter 3 of Part 1 of Schedule 3 (treatment of waste), in the third entry (200199) for the words “the Animal By-Products Regulations” substitute “Regulation (EU) No. 1069/2009”.

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(12) S.I. 2007/842 (W.74).

(13) S.I. No 2010/900 (W.93).

(14) S.I. 2010/675, amended by S.I. 2010/2172; there are other amending instruments but none is relevant.

**54.** In paragraph T22 of Section 2 of Chapter 3 of Part 1 of Schedule 3 (treatment of animal by-product waste at a collection centre), for sub-paragraph (4) substitute—

“(4) In this paragraph—

- (a) “animal by-product” has the same meaning in Article 3(1) of Regulation (EU) No. 1069/2009;
- (b) “collection centre” has the same meaning in paragraph 53 of Annex 1 to 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.”.

### **The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008**

**55.** The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008(15) are amended as follows.

**56.** In regulation 2(1) (interpretation), insert before the definition of “slaughterhouse”—

““Regulation (EU) No 1069/2009” means Regulation (EU) 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 repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

**57.** In regulation 4(2), (exception for research) for the words “Regulation (EC) No 1774/2002” substitute “Regulation (EU) No 1069/2009”.

**58.** In paragraph 3(2)(d) of Schedule 6 (feeding stuffs), for the words “the Animal By-Products (Wales) Regulations 2006” substitute “Regulation (EU) No 1069/2009”.

**59.** In paragraph 18(1)(a) of Schedule 6 (feeding stuffs), for the words “Regulation (EC) No. 1774/2002” substitute “Regulation (EU) No. 1069/2009”.

### **The Waste (England and Wales) Regulations 2011**

**60.** The Waste (England and Wales) Regulations 2011, on coming into force, are amended insofar as they relate to Wales as follows.

**61.** In Schedule 3 (amendments to the Environmental Permitting (Wales and Wales) Regulations 2010, in paragraph 8(a), for paragraph (iii) substitute—

- (iii) in the third entry (200199), omit the words “but excluding foods covered by Regulation (EU) No. 1069/2009;”.

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(15) S.I. 2008/3154 (W.282).