

Department for Environment, Food and Rural Affairs

Consultation on streamlining/updating Provisions of the Animal By-Products (Identification) Regulations 1995

**Appendix A: Key provisions of the Animal By-Products Identification Regulations 1995 (ABPI)**

Key provisions (summarised) of ABPI Regulations 1995:	Is the ABPI provision covered in other legislation?	Government View:
<p><b>1. Staining of ABPs in cold stores, cutting plants, game handling establishments and slaughterhouses (regulation 6)</b></p> <p>This requires occupiers of the above to stain (as defined) ABPI defined “ABPs” without undue delay, or as soon as reasonably possible if they have been stored in a suitable receptacle (lockable and marked) used only for meat unfit for human consumption. ABPs are exempt from staining if they are immediately moved to an approved rendering or incineration plant via a sealed and leak –proof pipe.</p>	<p><b>No</b></p> <p>However, Annex VIII, Chap II, points 1(b) and 4 of Commission Regulation <b>142/2011</b> provides a <b>legal basis</b> for transfer of provision Animal By-Products (Enforcement)(England) Regulations 2011 (ABPEE) (or retaining in the ABPI). Notably, point 4 allows Member States to establish systems or lay down rules for the marking of ABPs originating and remaining in their territory provided this does not conflict with the GTH marking requirements in Chap V of Annex VIII.</p>	<p><b>RETAIN</b></p> <p>Provision not currently required by any other EU or national legislation although Commission Regulation <b>142/2011</b> gives legal basis to include in national legislation. Risk that fraudulent diversion of ABPs to food/feed chains (with increased threat to public/animal health) would increase if provision revoked.</p>
<p><b>2. Sterilisation /staining of ABPs in ABP premises (regulation 7)</b></p> <p>This requires occupiers of collection centres (receiving fallen stock for feeding to hounds, zoos etc) to stain (as defined) any ABPI defined “ABPs” immediately after skinning or eviscerating the carcase or (if brought in already eviscerated) after cutting it up. The provision states that the ABPs are exempt from staining if they are immediately removed to an approved rendering or incineration plant via a sealed and leak –proof pipe.</p>	<p><b>Yes</b></p> <p>Under EU Regulation <b>142/2011</b>, Annex VI, Ch. II, Section 1, Paragraph 4 (a), (b) and (c). However, this does not require a particular black dye – there may be other (cheaper) ones available that have a similar effect and for which provision could be made.</p>	<p><b>REVOKE</b></p> <p>This provision is now adequately covered by EU Regulation <b>142/2011</b> (Annex VI, Chap II, Section 1 paragraph 4 (a) – (c))</p>
<p><b>3. Meaning of “Animal By-Product” (regulation 3)</b></p> <p>This narrows down the definition of ABPs essentially to certain Category 2 material and Category 3 “unfit meat” under Regulation <b>1069/2009</b>. Specifically, it <u>includes</u> any part/whole carcase not intended for human consumption which has (a) been spoiled so risks human/animal health (b) contains residues which risk human/animal health or (c) which derives from an animal which has: died; been killed at knackery; been killed other than in a slaughter house; is stillborn/unborn; been killed for</p>	<p><b>Yes</b></p> <p>Regulation <b>1069/2009</b> (Arts 3(1) and 8-10) defines ABPs in their broadest sense as being parts of an animal that are not intended for human consumption and then splits them into 3 risk categories.</p> <p>(NB: at present whole carcasses (other than whole poultry carcasses which are either dead on arrival or rejected during ante/post mortem inspection at the</p>	<p><b>REVOKE</b></p> <p>Would no longer be needed if transferred to <b>ABPEE</b>. Instead of defining what is an ABP, specify which Category 2/3 ABPs in Articles 9 and 10 of Regulation <b>1069/2009</b> should be stained – drafting issue for</p>

<p>disease control; shown disease signs during ante/ post mortem; not had post mortem as per Hygiene regulations.</p> <p>The definition also <u>includes</u> certain products under paragraph 1, Schedule 8 of the TSE Regulations 2010. It specifically <u>excludes</u>: animal excreta; catering waste; meat cooked at knackers yards to feed animals not intended for human consumption (e.g. hounds) (Regulation 5 gives further exemptions.)</p>	<p>slaughterhouse) are exempt from the staining/sterilisation requirements of the ABPI – see regulation 4.)</p>	<p>any new SI</p>
<p><b>4. Segregation of ABPs (in regulation 9 (1) and (2))</b></p> <p>This bans the storage of any ABPI defined “ABP” in the same room as any product intended for human consumption. However this does not apply if the ABPs are stored in a suitable receptacle (lockable and marked) that is only used for meat unfit for human consumption.</p>	<p><b>Yes</b></p> <p>Hygiene requirements are set out in Regulation EC No. <b>853/2004</b> (Article 4 and Annex III - see Chap II of Sections 1 and 2 regarding separate lockable facilities for the storage of detained meat and meat declared unfit for human consumption). Regulation <b>852/2004</b> (Annex II, Chapters VI and IX) also applies.</p> <p>(N.B. Cold stores operated by genuine retail outlets and those involved <u>only</u> with transport/storage for retail are excluded from Regulation <b>853/2004</b>. These are called distribution centres and are subject to <b>852/2004</b> only.)</p> <p>Separation from food for human consumption is covered by Regulations <b>1069/2009</b> (Art 26) and <b>142/2011</b> (Annex IX, Chap II) covers storage as per Art 24(1)(h) of <b>1069/2009</b>. Notably Section 2, point 2 of Chap II requires separate storage of ABPs <i>from other goods</i> and in such a way as to prevent spread of disease.</p>	<p><b>REVOKE</b></p> <p>These provisions are covered adequately by EU Regulations <b>852/2004</b> (Annex II, Chapters VI and IX); <b>853/2004</b> (Article 4 and also Annex III: Section 1, Chap II paragraph 5 and Section 2, Chap II, paragraph 5); and <b>142/2011</b> (Annex IX, Chap II).</p>
<p><b>5. Storage and labelling of ABPs (regulation 9(3)(a)–(e))</b></p> <p>This bans the storage of ABPI defined “ABPs” in any part of any cold store, cutting plant, game-handling establishment or slaughter house unless it is placed in a suitably identified receptacle. It also sets out the information that must be included on labels used to identify receptacles used for the storage of ABPs in those premises.</p>	<p><b>Yes</b></p> <p>Regulation <b>142/2011</b>, Annex VIII, Chap II, point 2 covers identification/ storage of ABPs.</p> <p>Annex II, Chapter VI of Regulation <b>852/2004</b> also applies. Regulation <b>853/2004</b> only covers marking/ labelling of food products for placing on the market (i.e. for human consumption) not ABPs</p>	<p><b>REVOKE</b></p> <p>This provision is already covered by EU Regulations <b>852/2004</b> (Annex II, Chap VI) and <b>142/2011</b> (Annex VIII, Chap II, point 2)</p>