

S.I. No. 62/1998 — European Communities (Processing of Mammalian Animal Waste) Regulations, 1998

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I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Commission Decision No. 96/449/EC¹ of 18 July 1996, hereby make the following Regulations:—

¹O.J. No. L 184 of 24.7.1996, p. 43.

1. (1) These Regulations may be cited as the European Communities (Processing of Mammalian Animal Waste) Regulations, 1998.

(2) These Regulations shall come into operation on the 16th day of March, 1998.

2. (1) In these Regulations—

"authorised officer" means a person who, for the time being, stands appointed under Regulation 8 of these Regulations or an inspector;

"the Commission Decision" means Commission Decision No. 96/449/EC of 18 July 1996;

"the Council Directive" means Council Directive No. 90/667/EEC² of 27 November 1990 as last amended by Council Directive No. 92/118/EEC³ of 17 December 1992;

²O.J. No. L 363 of 27.12.1990, p. 51.

³O.J. No. L 62 of 15.3.1993, p. 49.

"export" means export from the State;

"import" means import into the State;

"inspector" means an inspector within the meaning of the Diseases of Animals Act, 1966 (No. 6 of 1966);

"the Minister" means the Minister for Agriculture and Food;

"sell" includes supply without remuneration.

(2) In these Regulations —

(a) a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to some other provision is intended;

(b) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it appears that reference to some other provision is intended;

(c) a reference to a Schedule is to a Schedule to these Regulations.

(3) A word or expression that is used in these Regulations and is also used in the Commission Decision has, unless the contrary intention appears, the meaning in these Regulations that it has in the Commission Decision.

3. The provisions of Regulation 4 shall not apply to:

(a) (i) the processing of low risk material within the meaning of the Council Directive for the production of pet food;

(ii) feed for animals subject to the derogations provided for in Article 7 (ii) and (iii) of

the Council Directive, in particular, for fur animals;

(iii) gelatin;

(iv) hides and skins, hooves, horns, hair;

(v) glands and organs for pharmaceutical use;

(vi) blood and blood products;

(vii) milk and milk products;

(viii) rendered fats;

(ix) bones fit for human consumption;

(b) products derived from mammalian animal waste in relation to which it can be assured by the owner or person in charge of such products, to the satisfaction of the Minister, that they will not enter any food or feed chain.

4. (1) A person shall not process any mammalian animal waste unless it is processed in accordance with the parameters laid down in the Schedule.

(2) A person shall not sell or supply for sale any mammalian animal waste unless it has been processed in accordance with the parameters laid down in the Schedule.

(3) A person shall not use mammalian animal waste for feeding to animals or poultry unless it has been processed in accordance with the parameters laid down in the Schedule.

(4) A person shall not import or attempt to import processed mammalian animal waste unless it has been processed in accordance with the parameters laid down in the Schedule.

(5) A person shall not export or attempt to export processed mammalian animal waste unless it has been processed in accordance with the parameters laid down in the Schedule.

5. Notwithstanding the provisions of Regulation 4, the Minister may authorise in writing—

(a) the processing of mammalian animal waste by a method which does not achieve the parameters set out in the Schedule if he is satisfied that such processing is preceded or followed by a process which achieves the parameters set out in the Schedule;

(b) the supply of mammalian animal waste or any resulting proteinaceous material for burial, incineration, burning as a fuel or a similar method which ensures safe disposal.

6. (1) The Minister may for the purposes of Regulation 4, authorise a plant for the processing of mammalian animal waste where he is satisfied that such plant is operating in accordance with the conditions set out in the Schedule and has been validated, to the satisfaction of the Minister, according to the procedures defined by the Scientific Veterinary Committee.

(2) The Minister may attach conditions, as he sees fit, to an authorisation granted under this Regulation, or subsequently, and, may amend or revoke a condition attached to the authorisation and shall notify the owner or person in charge of the plant in writing of the conditions, amendment or revocation concerned.

(3) The Minister may, if he is satisfied that the relevant provisions of these Regulations are not being complied with in relation to a plant, refuse to authorise the plant and shall notify the owner or person in charge of the plant in writing of the refusal and the reasons for such refusal.

(4) In the event of continued non compliance with these Regulations or failure by the owner or person in charge of the authorised plant to take the measures required under these Regulations the Minister may either temporarily suspend or revoke the authorisation.

(5) The Minister shall not —

(a) revoke or suspend the authorisation given under this Regulation, or

(b) refuse to authorise a plant on foot of an application, without —

(i) notifying the holder of, or applicant for, the authorisation his intention to revoke or suspend or refuse the authorisation, as the case may be;

(ii) specifying the reason for the intended revocation or suspension or refusal, as the

case may be; and

(iii) affording the holder of, or the applicant for, the authorisation an opportunity of making representations of having representations made on his behalf within 14 days, to the Minister in relation to the proposed revocation or suspension or refusal, as the case may be.

(6) The Minister may restore the authorisation, if such authorisation has been suspended in accordance with paragraph (4), where —

(a) the owner or person in charge of the suspended plant has rectified the shortcomings notified to him by the Minister,

(b) the Minister is satisfied that the suspended plant has been shown to be operating in accordance with the conditions set out in the Schedule and to have been validated according to the procedures defined by the Scientific Veterinary Committee, and

(c) the Minister is satisfied that the suspended plant will fully comply with the requirements of these Regulations.

7. A person who is for the time being the owner or person in charge of a plant authorised by the Minister in accordance with Regulation 6 shall ensure that records of the residence time, temperature, pressure and particle size of mammalian animal waste processed at that plant are maintained for examination, upon request, by an authorised officer for a period of at least five years.

8. (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of these Regulations.

(2) An authorised officer, when exercising any power conferred on him by these Regulations, shall, if so requested by any person affected, produce evidence in writing of his appointment as an authorised officer or inspector.

9. (1) An authorised officer may, for the purposes of these Regulations or the Commission Decision—

(a) at all reasonable times, enter any premises or place, and any vehicle, wagon, vessel or other means of transport (other than any premises, place or means of transport consisting of a dwelling or other than so much thereof as consists of a dwelling) where he reasonably suspects that any product or document which he considers should be examined or inspected for the purposes of his functions under these Regulations is to be found,

(b) there or at any other place, examine and inspect any product or document,

(c) take, without payment of compensation, such samples of any product at the premises or place or on or in the means of transport as he may reasonably require for the purposes of his functions under these Regulations and carry out or have carried out on the samples such analyses, examinations, checks and inspections as he considers necessary or expedient for the purposes of such functions,

(d) there or at any other place, carry out or have carried out such examinations, checks and inspections of the premises, place or means of transport and any equipment, machinery or plant and any product found there as he reasonably considers necessary or expedient for the purposes of such functions,

(e) require any person at the premises or place or on or in the means of transport and the owner or person in charge thereof and any person employed in connection therewith to give to him such information and to produce to him such books, certificates, documents and other records, including any records required to be kept by these Regulations, within the power or procurement of the person as he may reasonably require for the purposes of his functions under these Regulations,

(f) examine and take copies of, or of extracts from, any such records as aforesaid,

(g) seize and detain anything found there which he reasonably believes to be evidence of an offence under these Regulations.

(2) A person shall not, in purported compliance with a requirement under paragraph (1) (e) above, give information to an authorised officer that he knows to be false or misleading in a material respect.

10. (1) A person who contravenes a provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding six months or to both.

(2) A person shall not obstruct or impede an authorised officer in the due exercise of any of the functions of the officer under these Regulations.

(3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

11. An offence under these Regulations may be prosecuted by the Minister.

12. These Regulations are in addition to and not in substitution for—

(a) the European Communities (Disposal, Processing and Placing on the Market of Animal By-products) Regulations, 1994 (S.I. No. 257 of 1994),

(b) the European Communities (Importation of Bovine Animals and Products obtained from Bovine Animals from the United Kingdom) Regulations, 1996 (S.I. No. 87 of 1996), as amended,

(c) the Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 1997 (S.I. No. 80 of 1997),

(d) the European Communities (Mammalian Animal Waste) Regulations, 1998 (S.I. No. 2 of 1998).

SCHEDULE

The minimum parameters for the processing of mammalian animal waste, excluding fats, are :

Maximum Particle Size	50 mm
Temperature	> 133 degrees centigrade
Time	20 minutes
Pressure (Absolute)	3 bar.

Processing may be carried out in a batch or continuous system.

GIVEN under my Official Seal, this 6th day of March, 1998.

Joe Walsh,

Minister for Agriculture and Food.

EXPLANATORY NOTE

These Regulations implement Commission Decision No. 96/449/EC of 18 July 1996 concerning heat treatment for the processing of animal protein with a view to the inactivation of spongiform encephalopathy agents.

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