

## **EUROPEAN COMMUNITIES (MAMMALIAN ANIMAL WASTE) REGULATIONS 1998**

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. 97/735/EC1 of 21 October 1997, hereby make the following Regulations:—  
1O.J. No. L 294 of 28.10.1997, p. 7.

### REG 1

1. (1) These Regulations may be cited as the European Communities (Mammalian Animal Waste) Regulations, 1998.
- (2) These Regulations shall come into operation on the 12th day of January, 1998.

### REG 2

2. (1) In these Regulations—  
"the 1996 Decision" means Commission Decision No. 96/449/EC2 of 18 July 1996;  
2O.J. No. L 184 of 24.7.1996, p. 43.  
"authorised officer" means a person who, for the time being, stands appointed under Regulation 7 of these Regulations or an inspector;  
"the Commission Decision" means Commission Decision No. 97/735/EC of 21 October 1997;  
"the Council Directive" means Council Directive No. 92/118/EEC3 of 17 December 1992, as last amended by Council Directive No. 96/90/EC4 of 17 December 1996;  
3O.J. No. L 62 of 15.3.1993, p. 49.  
4O.J. No. L 13 of 16.1.1997, p. 24.  
"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.
- (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.
- (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.

### REG 3

3. (1) A person shall not export or attempt to export processed mammalian animal waste to which the 1996 Decision applies unless it has been processed in accordance with the parameters laid down in the Annex to the 1996 Decision.

(2) 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 Annex to the 1996 Decision.

(3) This Regulation shall not apply to the products listed in Article 1, paragraph (2), of the 1996 Decision.

### REG 4

4. (1) A person shall not—

(a) export or attempt to export to another Member State, or  
(b) import or attempt to import from another Member State, processed animal protein intended for animal consumption as defined by the Council Directive unless the commercial document referred to in Article 13 of Council Directive No. 90/667/EEC of 27 November 1990 relating to the animal protein concerned conforms to the model laid down in Annex I to the Commission Decision.

50.J. No. L 363 of 27.12.1990, p. 51

(2) A person shall not —

(a) export or attempt to export to another Member State, or  
(b) import or attempt to import from another Member State, mammalian animal protein intended for animal consumption as defined by the Council Directive which has been processed in accordance with the parameters laid down in the Annex to the 1996 Decision unless

—  
(i) the commercial document relating to the animal protein concerned conforms to the model laid down in Annex I to the Commission Decision, and

(ii) the animal protein is accompanied by an official declaration relating to the protein concerned which conforms to the model laid down in Annex II to the Commission Decision and which has been signed —

(aa) in the case of exports, by an inspector, or

(bb) in the case of imports, by an official veterinarian of the Member State of despatch.

(3) The provisions of paragraph (2) of this Regulation shall not apply to mixtures and products listed in Article 1, paragraph (2), of the 1996 Decision.

## REG 5

5. (1) Notwithstanding the provisions of Regulation 3, paragraph (1), the Minister may authorise the export to another Member State of processed mammalian animal waste which has not been processed in accordance with the parameters laid down in the Annex to the 1996 Decision—

(a) for the purposes of incineration or use as fuel, or

(b) until 31 March 1998, for the purpose of further processing by a process which achieves the parameters laid down in the Annex to the 1996 Decision,

where he is satisfied that the competent authority in the Member State of destination has authorised receipt of the animal waste concerned.

(2) Processed mammalian animal waste referred to in paragraph (1) shall not be exported to another Member State unless —

(a) where it is destined for incineration or use as fuel, it is —

(i) accompanied by an official certificate relating to the waste concerned which —

(aa) conforms to the model laid down in Annex III to the Commission Decision, and

(bb) has been signed by an inspector, and

(ii) transported in containers bearing the words laid down in Article 4, paragraph (2), point (b), first indent, of the Commission Decision in the languages referred to in that indent;

(b) where it is destined for further processing, it is —

(i) accompanied by an official certificate relating to the waste concerned which —

(aa) conforms to the model laid down in Annex IV to the Commission Decision, and

(bb) has been signed by an inspector, and

(ii) transported in containers bearing the words laid down in Article 4, paragraph (2), point (b), second indent, of the Commission Decision in the languages referred to in that indent.

(3) Processed mammalian animal waste referred to in paragraph (1) shall not be exported to another Member State unless —

(a) it is transported in accordance with Article 4, paragraph (2) point (c), of the Commission Decision, and

(b) it is consigned only to establishments listed pursuant to Article 3 or Article 4, paragraph (2), point (d), of the Commission Decision.

## REG 6

6. (1) Processed mammalian animal waste referred to in Regulation 5, paragraph (1), shall not be imported from another Member State—

(a) other than to an establishment in the State which has been listed pursuant to Article 3 or Article 4, paragraph (2), point (d), of the Commission Decision, and

(b) other than for the purposes provided for in Article 4,

paragraph (1), of the Commission Decision.

(2) The Minister may require in writing any person at an establishment referred to in paragraph (1)(a) to keep records in such form as he may deem necessary for the purposes of Article 4, paragraph (2), point (h), of the Commission Decision and, where he does so, it shall be a requirement of these Regulations to keep records in the form so specified.

#### REG 7

7. (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.

#### REG 8

8. (1) An authorised officer may, for the purposes of these Regulations or them 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.

#### REG 9

9. (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.

#### REG 10

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

#### REG 11

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

(a) 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,

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

GIVEN under my Official Seal, this 8th day of January, 1998.

Joe Walsh,

Minister for Agriculture and Food.