

To: Approved slaughterhouses, cutting plants and game handling establishments in England, Wales and Scotland

cc: LVs, Local Authorities in England, Scotland and Wales and FSA (NI), DARD (NI) for information

Date 1 September 2011

Dear Food Business Operator

RESPONSIBILITIES OF FOOD BUSINESS OPERATORS EXPORTING CATEGORY 3 ANIMAL BY-PRODUCTS (ABP) TO THIRD COUNTRIES

We are writing to you to remind you of your obligations when exporting category 3 animal by-products to third countries (e.g. poultry feet, lamb heads, etc).

Exports of category 3 ABP to non EU countries are in principle permitted under EU law. Article 43 of EU Regulation 1069/2009 on animal by-products, which covers the conditions for export to third countries of animal by-products, states that Article 12 of Regulation 178/2002 concerning food and feed exported from the EU shall also apply in the same way to the export of category 3 material under Regulation 1069/2009. Regulation 178/2002 requires that this material must comply with the conditions of food law in the EU unless the importing third country lays down other conditions. Operators should therefore first seek to verify with the authorities of third countries to which they wish to export category 3 ABP whether they impose conditions on their import.

Under the Animal By-Products (Enforcement) Regulations 2011, which enforce the EU legislation, where such conditions are set down it is an offence if the export does not take place in accordance with those conditions. Where the importing country requires official export health certification to accompany such exports, the operator should approach the Animal Health Veterinary Laboratories Agency (see contact details below) for negotiation and issue of such certificates.

Contact for export certification

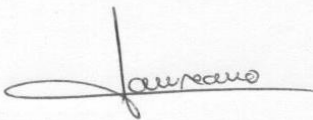
Specialist Service Centre – Exports, Carlisle Exports
Hadrian House
Wavell Drive
Rosehill Ind Estate
Carlisle
CA1 2TB
Email: centralops.carlisle@animalhealth.gsi.gov.uk
Tel: 01228 403600
Fax: 01228 591900

Where official health certification is not required, operators should keep a record of contact having been made with the third country along with any response, and be able to demonstrate that any conditions which have been laid down are being complied with. A record of such contact should be made available to GB enforcement authorities upon request.

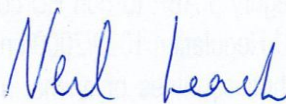
In the event that no conditions are laid down by the importing country, the operator may export the category 3 ABP at his or her own risk to the third country, provided Regulation 1069/2009 is complied with up to the point of export from the EU. This requires the ABP to be identified, packaged, transported and labelled in compliance with ABP Regulations 1069/2009 and 142/2011. In particular, prior to all movements within the EU the material must be collected and transported in sealed new packaging or covered leak-proof containers or vehicles, at appropriate temperature conditions, labelled "not for human consumption" and accompanied at all times with a commercial document which meets the requirements of those Regulations. It is an offence under the Animal By-Products (Enforcement) Regulations 2011 if an operator does not comply with these requirements.

Businesses with specific queries may want to seek further advice from their Official Veterinarian or Lead Veterinarian.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Laureano', with a long horizontal flourish extending to the right.

Laureano García-Muñoz
Veterinary Manager
Food Standards Agency

A handwritten signature in blue ink, appearing to read 'Neil Leach', written in a cursive style.

Neil Leach
Animal By-Products Policy Adviser
Defra