

This document is intended to provide practical guidance on butchers' ABP material. It is a not legally binding interpretation of the legislation.

FAQS FOR BUTCHERS ABP MATERIAL

1. What exactly is allowed under Article 2(2)(i) of Regulation (EC) No. 1069/2009 (hereafter 1069/2009) in relation to raw pet food?

Article 2(2)(i) of 1069/2009 provides that the ABP Regulations do not apply to raw pet food originating from retail shops, where the cutting and storage are performed solely for the purpose of supplying the consumer directly on the spot. This product is outside the scope of the regulation. (If there are unusually high volumes of material involved this should be noted).

'Raw petfood' means petfood containing certain Category 3 material which has not undergone any preserving process other than chilling or freezing.

Note: Under no circumstances can SRM be given to pets.

2. Can a Butcher supply raw petfood to as many pet owners as he/she likes and use this as his/her main method of disposal to manage his/her ABP material?

The Regulations do not specify a maximum number of pet owners to which this product can be supplied. However, the product must be category 3 material which must comply with the definition of petfood as stated in Annex 1 of Regulation (EU) 142/2011 (hereafter 142/2011)

3. If a premises is producing less than 20kg of ABP material have EHOs any input whatsoever in how the material is disposed of?

As per article 19(1)(d) of 1069/2009 and chapter IV of Annex VI of 142/2011, the agreed volume, in this case 20kg per week of Category 2 or 3 material which does not pose a risk can be disposed of by means other than burning and burial under official supervision. There is a requirement under this derogation for regular checks to be carried out, including checks on the records kept by operators, to ensure compliance.

4. Can a butcher with less than 20kg ABP material (e.g. out of date sausages, trimmings etc.) dispose of this material to landfill?

Provided the Category 3 material is in compliance with Article 10 (f) of Regulation (EC) 1069/2009 and chapter IV of Annex VI of 142/2011 it can be disposed of to landfill under the ABP Regulations. The operator must ensure that no other legislation or regulation is contravened in so doing.

5. If a butcher is disposing of trimmings to dogs and the total ABP material disposed of to a number of customers is still less than 20kg is there an issue with this?

The retail premises can supply raw petfood directly on the spot to the consumer in accordance with Article 2(2)(i) of 1069/2009. The regulation does not specify a volume limit in this regard.

6. If a quantity of Category 3 material e.g. pre-packaged sausages, rashers are being sent from a shop back to a supplier – is that allowed?

Yes. The supplier is required to dispose of the material in accordance with 1069/2009

7. If a premises is mincing trimmings, vacuum packing and selling it as “raw petfood” – is this acceptable?

This is acceptable once cutting and storage are performed solely for the purpose of supplying the consumer directly on the spot as set out in Article 2(2)(i) of 1069/2009

8. Can a butcher’s shop with an off-site slaughterhouse return the category 3 material to the slaughterhouse for disposal? If so does he need to become a registered haulier?

Such returns may only be made where both the shop(s) and the slaughterhouse are under the ownership and control of one food business operator (FBO). Any operator transporting ABP must be registered as an ABP haulier under article 23 of 1069/2009.

9. Where a butcher shop and abattoir are under the same ownership but on different sites and the ABP from the butcher is returned to that abattoir is there a requirement for documentation to be held by the butcher shop?

Yes. A Commercial Document must be produced at least in quadruplicate (one original and three copies). The original must accompany the consignment to the consignee and be retained by the receiver. The consignor must retain one copy and the carrier the other. In the case of the final copy, the receiver must acknowledge receipt of the consignment by endorsing it and returning it to the consignor. Article 21 of Regulation (EC) No. 1069/2009 and chapter III, Annex VIII of 142/2011 refer. Trader Notice 01/2015 provides further details and can be found on the DAFM website.

10. Where an operator is both a transporter of ABPs and a receiver can they just hold the commercial documentation at head office rather than returning them from the receiving end to the sender?

See above, the final copy must be returned to the sender.

11. Can Category 3 material be placed in frozen storage while awaiting disposal – this is often a more cost effective method for some small butchers? This may be necessary where a business only produces small quantities of Category 3 material.

This is acceptable provided that it takes place on the retail premises and does not breach approval under the hygiene regulations. The Category 3 material must be clearly labeled and kept separate from food as per Article 21(6)(c) of 1069/2009 and Annex VIII of 142/2011.

12. Can several butcher shops in the one area use an off-site communal storage area - if so do all butchers need to be licensed as hauliers?

Yes, but the storage area handling the ABPs would require approval by DAFM as an intermediate plant under Article 24(i) of 1069/2009. Any operator transporting ABP must be registered as an ABP haulier under article 23 of 1069/2009.