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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2379 (W.252)**

**ANIMALS, WALES**

**The Trade in Animals and Related  
Products (Wales) Regulations 2011**

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| <i>Made</i>  | - - - - | <i>28 September 2011</i> |
| <i>Laid before the National<br/>Assembly for Wales</i> | - -     | <i>28 September 2011</i> |
| <i>Coming into force</i>                               | - -     | <i>19 October 2011</i>   |

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of making Regulations under section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in that section and it appears to the Welsh Ministers that it is expedient for the references to the European instruments in Schedule 1 to these Regulations to be construed as references to those instruments as amended from time to time.

In accordance with section 56(1) of the Finance Act 1973<sup>(3)</sup>, the Treasury consent to the making of these Regulations.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

**PART 1**

**Introduction**

**Title, application and commencement**

1. The title of these Regulations is the Trade in Animals and Related Products (Wales) Regulations 2011. They apply in relation to Wales and come into force on 19 October 2011.

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(1) S.I.2010/2690.

(2) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(3) 1973 c. 51 The Welsh Ministers may exercise this power by virtue of section 59(5) of the Government of Wales Act 2006 (c. 32).

**Interpretation****2.—(1)** In these Regulations—

“animal” (“*anifail*”) means an animal of any kind, including a bird, fish or invertebrate;

“enforcement authority” (“*awdurdod gorfodi*”) has the meaning given in regulation 31;

“genetic material” (“*deunydd genetig*”) means hatching eggs and animal semen, ova or embryos;

“local authority” (“*awdurdod lleol*”) means in relation to an area, the county or county borough council for that area;

“port health authority” (“*awdurdod iechyd porthladd*”) means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984, a port health authority for that district constituted by order under section 2(4) of that Act;

“product” (“*cynnyrch*”) means a product listed in Annex I to Commission Decision [2007/275/EC](#)(4) (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives [91/496/EEC](#)(5) and [97/78/EC](#)(6) and, in addition, hay and straw.

(2) All references in Schedule 1 to European Union instruments are references to those instruments as amended from time to time.

**Exceptions for pet animals**

**3.—(1)** These Regulations do not apply in relation to pets accompanied by and under the responsibility of a natural person, where—

(a) the movement is not the subject of a commercial transaction; and

(b) (in the case of cats, dogs and ferrets) not more than five animals in total are travelling with the person.

(2) In this regulation “pet” (“*anifail anwes*”) means any animal of a species listed in Annex I to Regulation (EC) No. [998/2003](#) (on the animal health requirements applicable to the non-commercial movement of pet animals(7)).

**International agreements**

**4.** Trade with Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is treated as trade between member States for the purposes of these Regulations.

**PART 2****Movement between member States****Movement of animals and genetic material between member States**

**5.—(1)** No animal or genetic material may be consigned to another member State, or brought into Wales from another member State, unless it is accompanied by the completed, signed health certificate required for that animal or genetic material in the relevant instrument in Schedule 1.

(4) OJ No L 076, 13.3.2007, p. 56.

(5) OJ No L268, 24.9.1991, p. 56 as last amended by Council Directive [2008/73/EC](#) (OJ No L 219, 14.8.2008, p.40).

(6) OJ No. L 116, 4.5.2007, p. 9.

(7) OJ No. L 146, 13.6.2003, p. 1 as last amended by Regulation (EU) No 438/2010 (OJ No. L 132, 29.5.2010, p. 3).

- (2) The consignee of an incoming consignment must keep the certificate for at least three years.

#### **Preparation of a health certificate**

6.—(1) In order to prepare a health certificate for the consignment of an animal or genetic material to another member State, the person intending to despatch the consignment must apply to the Welsh Ministers for a uniquely numbered certificate.

(2) The certificate must then be completed by a person authorised to do so by the Welsh Ministers, in accordance with the instructions sent by the Welsh Ministers with the certificate.

(3) The person completing the certificate must ensure that the conditions specified in the certificate are fulfilled and that all necessary examinations have been carried out.

(4) If everything is in order the person must sign the certificate.

(5) No person may sign a certificate unless authorised by the Welsh Ministers.

(6) No person may sign a certificate knowing it to be false, or not believing it to be true.

#### **Notification of movement of animals and genetic material between member States**

7.—(1) No animal or genetic material may be consigned to another member State unless the consignor has notified the competent authority of the member State of destination, at least 24 hours in advance of the intended arrival of the consignment and using the Traces system established under Commission Decision [2004/292/EC](#) (on the introduction of the Traces system<sup>(8)</sup>).

(2) No animal or genetic material (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#)) may be brought into Wales from another member State unless the person bringing in the consignment has notified the Welsh Ministers, at least 24 hours in advance of the intended arrival of consignment<sup>(9)</sup>.

#### **Additional requirements in specific cases**

8. Part 1 of Schedule 2 makes additional requirements for specific cases.

## **PART 3**

### **Importation from a third country**

#### **Scope of this Part**

9. This Part applies in relation to the importation into Wales from a country outside the European Union of any animal or product specified in Commission Decision [2007/275/EC](#), including a situation where the ultimate destination is outside Wales.

#### **Meaning of “CVED”**

10. “CVED” (“*DMMG*”) means the Common Veterinary Entry Document specified in—

- (a) Commission Regulation [\(EC\) No. 136/2004](#) laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries<sup>(10)</sup>; and

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<sup>(8)</sup> OJ No. L 94, 31.3.2004, p. 63 as last amended by Commission Decision [2005/515/EC](#) (OJ No. L 187, 19.7.2005, p. 29).

<sup>(9)</sup> OJ No. L 224, 18.8.1990, p. 55 as last amended by Council Directive [2008/73/EC](#) (OJ No. 219, 14.8.2008, p. 40).

<sup>(10)</sup> OJ No. L 21, 28.1.2004, p. 11 as last amended by Commission Regulation [\(EC\) No 206/2009](#) (OJ No. L 77, 24.3.2009, p. 1).

- (b) Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community(11).

### **Border inspection post**

11.—(1) A border inspection post is a port or airport approved as such by the European Commission(12).

(2) If at any time the Welsh Ministers or the local authority where the border inspection post is situated is of the opinion that any part of the inspection facilities at the border inspection post no longer complies with the requirements for approval, the Welsh Ministers or the local authority may serve a notice on the operator—

- (a) specifying the breach;
- (b) providing a time limit within which the conditions must be complied with; and
- (c) prohibiting the use of that part of the facilities until the conditions of the approval are complied with.

(3) If the notice is not complied with the Welsh Ministers may suspend the approval in relation to that part of the inspection facilities.

(4) If the operator of a border inspection post is in serious breach of the requirements for a border inspection post set out in Annex II to Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(13)) or the conditions of the approval, and in particular if the operation of the border inspection post creates a risk to human or animal health, the Welsh Ministers must suspend its approval and must inform the Commission and the other member States of the suspension and the reason.

### **Appointment of official veterinary surgeons and official fish inspectors**

12.—(1) The Welsh Ministers must appoint suitably trained veterinary surgeons to be official veterinary surgeons for any border inspection post authorised to import animals.

(2) The local authority for an area with a border inspection post authorised to import products must appoint suitably trained veterinary surgeons to be official veterinary surgeons for that post.

(3) The appointment under paragraph (2) may be made by the Welsh Ministers rather than the local authority if the approval for the border inspection post only permits the importation of animal by-products.

(4) If the approval for the border inspection post permits the importation of any product (other than snails) for human consumption listed in Chapter 3 of Annex I to Commission Decision 2007/275/EC the county or county borough council may appoint suitably trained environmental health officers to be official fish inspectors for that post in relation to fish and fishery products, and that inspector has all the powers of an official veterinary surgeon in relation to those products.

### **Place of importation**

13. No animal or product may be brought into Wales other than at a border inspection post designated for that animal or product.

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(11) OJ No. L 49, 19.2.2004, p. 11 as last amended by Commission Regulation (EC) No 585/2004 (OJ No. L 91, 30.3.2004, p. 17).

(12) The Commission periodically publishes lists of border inspection posts.

(13) OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive 2006/104/EC (OJ No. L 363, 20.12.2006, p. 352).

### **Notification of importation**

14.—(1) The person responsible for a consignment of animals the person responsible for a consignment must notify its arrival to the border inspection post at least one working day before it is due to arrive.

(2) The person responsible for a consignment of products must notify its arrival to the border inspection post before the consignment is unloaded from the means of transport that brought it to Wales.

(3) The notification must be made by submitting the CVED with Part I completed.

(4) In the case of transshipment of products to another member State the person responsible for the consignment must notify the official veterinary surgeon at the border inspection post of arrival at the time of arrival, of—

- (a) the estimated time of unloading of the consignment;
- (b) the border inspection post at which it will be checked;
- (c) the location of the consignment; and
- (d) the estimated time of departure.

### **Procedure on importation**

15.—(1) When the consignment has been unloaded, the person responsible for the consignment must without reasonable delay arrange for it, together with the documentation specified for that consignment in the relevant legislation in Schedule 1, to be presented at the border inspection post inspection facilities to enable—

- (a) the checks required by Article 4 of Council Directive [97/78/EC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries,
- (b) the checks required by Article 4 of Council Directive [91/496/EEC](#) laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries<sup>(14)</sup>, or
- (c) the official controls referred to in Article 14(1) of Regulation [\(EC\) No. 882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>(15)</sup>, to be carried out.

(2) The official veterinary surgeon may serve on the person responsible for the consignment a notice specifying a reasonable time at which the consignment must be presented for inspection, and that person must comply with such a notice.

(3) The official veterinary surgeon must carry out all necessary checks and controls specified in paragraph (1) and must only issue a CVED permitting entry if—

- (a) the consignment complies with the requirements relating to it in the relevant instrument in Schedule 1;
- (b) the importation is not prohibited under paragraph (4); and
- (c) the correct fee for the checks has been or will be paid.

(4) In particular, in the case of live animals the official veterinary surgeon must not issue a CVED permitting entry if—

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<sup>(14)</sup> OJ No. L 268, 24.9.1991, p. 56 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

<sup>(15)</sup> OJ No. L 165, 30.4.2004, p. 1 as last amended by Commission Regulation (EU) No 208/2011 (OJ No. L 58, 3.3.2011, p. 29).

- (a) animals are from a territory or part of a territory of a third country not included in the lists drawn up in accordance with legislation of the European Union for the species concerned or from which imports are prohibited under that legislation;
- (b) animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health, or any other reason provided for in legislation of the European Union;
- (c) the exporting third country has not complied with the requirements provided for in legislation of the European Union;
- (d) the animals are not in a fit state to continue their journey;
- (e) the veterinary certificate or document accompanying animals does not meet the requirements of legislation of the European Union relating to importation.

(5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon must not issue a CVED unless importation has been authorised in writing under this paragraph by the Welsh Ministers. The Welsh Ministers may only grant an authorisation if satisfied that the consignment does not pose a risk to human or animal health, or to the animal health status of the United Kingdom.

(6) The official veterinary surgeon must keep the original certificate accompanying the consignment for three years (except that, if the consignment is refused the official veterinary surgeon must stamp it accordingly, return the original to the importer and keep a copy of it for three years).

#### **Removal from the border inspection post**

**16.**—(1) No person may remove a consignment from the border inspection post unless it is accompanied by a CVED issued by the official veterinary surgeon and the movement is in accordance with the CVED.

(2) The person transporting it from the border inspection post must ensure that it is transported to the destination specified in the CVED accompanied by its CVED.

(3) This does not apply if the consignment is removed from the border inspection post under the authority of the official veterinary surgeon.

#### **Channelling**

**17.** In the case of a product, if box 30, 31, 33 or 34 of the CVED requires a consignment to be taken to a specific destination in the European Union—

- (a) the movement must be under customs supervision if this is specified in the CVED; and
- (b) on arrival, the occupier of the premises of consignment must immediately notify the Welsh Ministers of its arrival.

#### **Destination outside the United Kingdom**

**18.**—(1) This regulation relates to a consignment brought into Wales but intended for an ultimate destination outside the United Kingdom.

(2) In the case of an animal consigned to a destination outside the European Union, the person notifying its arrival must provide documentary evidence that the country of destination will accept the animal, and the official veterinary surgeon at the border inspection post may refuse to accept the animal if this is not provided.

(3) In the case of products a consignment intended for a destination outside the United Kingdom brought into a border inspection post may be taken directly from the border inspection post (in the case of an airport this must be by air, and in the case of a sea port this must be by sea) to a destination

outside the United Kingdom without a CVED, if it does not remain at the border inspection post more than 12 hours (in the case of an airport) or seven days (in the case of a sea port)

(4) But if the consignment is intended to be sent to a destination in the European Union, and the importation of the product into the European Union is not permitted, the official veterinary surgeon must reject the consignment.

### **Unchecked consignments**

**19.** The enforcement authority must seize any consignment—

- (a) brought into Wales other than through a border inspection post approved for that animal or product;
- (b) removed from a border inspection post without a CVED or the authority of the official veterinary surgeon at the border inspection post; or
- (c) transported from the border inspection post to a destination other than that specified in the CVED.

### **Action following failure of checks or seizure — products**

**20.—(1)** In the case of a product, if the checks at a border inspection post show that the consignment does not satisfy the conditions in the instrument in Schedule 1 relating to that product, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the person responsible for the consignment, must—

- (a) permit the use of the consignment as animal by-products in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption<sup>(16)</sup> provided there is no risk to human or animal health;
- (b) where health conditions permit, require the person in charge of the consignment to redispach the product outside the European Union from the same border inspection post to a destination agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days; or
- (c) if the person responsible for the consignment gives immediate agreement, redispach is impossible or the 60-day time limit has elapsed, destroy the products.

(2) Pending redispach or confirmation of the reasons for rejection, the person responsible for the consignment must store the consignment under the supervision of the enforcement authority at the expense of the person responsible for the consignment.

(3) If a consignment of products is seized outside a border inspection post under regulation 19 the enforcement authority must—

- (a) dispose of the consignment as Category 1 material in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; or
- (b) act in accordance with sub-paragraph (b) or (c) of paragraph (1) of this regulation.

### **Consignments of products likely to constitute a risk to animal or human health**

**21.** If veterinary checks at a border inspection post indicate that a consignment of products is likely to constitute a danger to animal or human health, the official veterinary surgeon must immediately seize and destroy it at the expense of the person responsible for it.

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<sup>(16)</sup> OJ No. L 300, 14.11.2009, p.1 as last amended by Council Directive 2010/63/EU (OJ No. L 276, 20.10.2010, p.4).

### **Serious or repeated infringements and breach of maximum residue limits**

**22.**—(1) If veterinary checks in any member State reveal that products entering the European Union from a particular third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, this regulation applies to the next ten consignments brought into Wales from that third country, part of a third country or establishment.

(2) The official veterinary surgeon must carry out a physical check on the product, and take samples and have them analysed.

(3) The person responsible for the consignment must lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.

### **Action following failure of checks or seizure — animals**

**23.**—(1) If the checks at a border inspection post show that an animal does not satisfy the conditions in the legislation in Schedule 1 relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the importer or the importer's representative, must—

- (a) shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
- (c) where animal health or welfare requirements so allow redispach it, within a time limit to be set by the official veterinary surgeon, outside the European Union.

(2) If redispach is impossible, in particular for welfare reasons, the official veterinary surgeon may arrange for the slaughter of the animal.

(3) If an animal is seized under regulation 19 the enforcement authority must isolate it and, following examination of the animal, either—

- (a) release the animal from restriction; or
- (b) require the animal to be slaughtered or re-exported outside the European Union.

(4) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the slaughter value of the animal after deduction of these costs.

### **Appeals**

**24.** Any person who is aggrieved by a decision referred to in regulation 20 or 23 may appeal within one month of the decision to a Magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980(17) applies to the proceedings.

### **Additional requirements in specific cases**

**25.** Part 2 of Schedule 2 makes additional requirements for specific cases.

### **Exclusions**

**26.** The provisions of this Part do not apply in the cases specified in Schedule 3.

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(17) 1980 c. 43.



### **Re-importation of products**

**27.**—(1) An official veterinary surgeon at a border inspection post must authorise the re-importation of a consignment of products that originated in the European Union and was refused by a third country, if the consignment is accompanied—

- (a) by the original certificate or a copy authenticated by the competent authority which issued the certificate accompanying the consignment, together with details of the reasons for refusal and a guarantee that the conditions governing the storage and transport of the consignment have been observed, stating that the products in the consignment have not undergone any handling; or
- (b) in the case of sealed containers, by a certificate from the carrier stating that the content has not been handled or unloaded.

(2) The official veterinary surgeon must carry out a documentary and identity check and if necessary a physical check.

(3) The importer must either—

- (a) transport the consignment directly to the establishment of origin in the member State where the certificate was issued, in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border inspection post so that the seals will be broken whenever the container is opened, or
- (b) destroy the consignment as animal by-products.

### **Admission of products into warehouses**

**28.** No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in a free zone, a free warehouse (as defined in Title IV chapter 3 section 1 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code(18)) or a customs warehouse.

## **PART 4**

### **Safeguard measures**

#### **Safeguard measures**

**29.**—(1) This regulation applies where the Welsh Ministers or the Food Standards Agency have reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance outside the United Kingdom liable to present a serious threat to human or animal health.

(2) The Welsh Ministers or the Food Standard Agency may by written declaration suspend, or impose conditions upon, the entry into Wales of any animal, product or genetic material from the whole or any part of the country concerned.

(3) The declaration must be published in such manner as the Welsh Ministers or the Food Standards Agency thinks fit.

(4) No person may bring anything into Wales in breach of such declaration.

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(18) OJ No. L 302, 19.10.92, p. 1 as last amended by Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p.1).

## PART 5

### Administration

#### Notifications and authorisations

**30.** Any notification or authorisation must be in writing, may be subject to conditions and may be amended, suspended or revoked by further notice in writing at any time.

#### Enforcement authorities

**31.** In these Regulations the enforcement authorities are local authorities and port health authorities.

#### Enforcement

**32.**—(1) At a border inspection post these Regulations are enforced—

- (a) in relation to animals by the Welsh Ministers; and
- (b) in relation to products by the local authority.

(2) Outside a border inspection post, in relation to animals they are enforced by the local authority.

(3) Outside a border inspection post, in relation to products they are enforced by—

- (a) the local authority; or
- (b) by the Food Standards Agency at any cutting plant, game-handling establishment or slaughterhouse, or premises at which the Agency enforces the Food Hygiene (Wales) Regulations 2006(19).

(4) In addition, in relation to products they are enforced by a general customs official in any place (other than the inspection facilities in a border inspection post) where goods are subject to customs supervision by that official under Articles 37 and 38 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code.

(5) The Welsh Ministers may direct, in relation to cases of a particular description or a particular case, that the Welsh Ministers may discharge any duty imposed on a local authority under this regulation.

(6) An officer of an enforcement authority who, when exercising any statutory function, discovers at any place under customs supervision a product that may have been brought in in breach of these Regulations must notify a general customs official and detain the consignment or product until such officer takes charge of it.

#### Powers of entry

**33.**—(1) An authorised officer of the Welsh Ministers or an enforcement authority may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing these Regulations; and in these Regulations “premises” (“*mangre*”) includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft.

(2) The officer may be accompanied by such other persons as the officer considers necessary, including any representative of the European Commission.

(3) Admission to any premises used only as a private dwellinghouse may not be demanded as of right unless the entry is in accordance with a warrant granted under this regulation.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for any purpose in paragraph (1) and that either—

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by signed warrant authorise an authorised officer to enter the premises, if need be by reasonable force.

(5) A warrant granted under this regulation continues in force for one month.

(6) An officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

### **Powers of authorised officers**

**34.** An authorised officer of the Welsh Ministers or an enforcement authority may—

- (a) inspect and examine any animal;
- (b) inspect any product, or genetic material, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with it;
- (c) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (d) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records; and may require any computer records to be produced in a form in which they may be taken away;
- (e) seize and retain anything required as evidence in proceedings under these Regulations;
- (f) open any bundle, package, packing case, or item of personal luggage, or require any person in possession of or accompanying the same to open it and inspect the contents;
- (g) take samples of any animal or product for laboratory tests, for checking against any relevant document relating to the animal or product or otherwise for checking compliance with these Regulations or any condition of import enforced by these Regulations.

### **Consignments from another member State constituting a risk to health**

**35.—**(1) If an animal or genetic material brought in from another member State constitutes a serious risk to human or animal health or comes from a region contaminated by an epizootic disease, an officer of the Welsh Ministers may serve a notice on the person appearing to be in charge of the animal or genetic material requiring that person—

- (a) to detain and isolate—
  - (i) the animals;
  - (ii) any animals with which they have been in contact; and
  - (iii) the genetic material;

and take such further action as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or

- (b) without delay, to slaughter an animal, or, in the case of genetic material, destroy it, in accordance with such conditions as may be specified in the notice.

(2) An officer of the Welsh Ministers who knows or suspects that animals or genetic material do not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), may, if animal health

and welfare considerations so permit, give the person in charge of the consignment or the person appearing to be in charge of those animals or genetic material by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(20), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation;
- (b) slaughtering the animals or destroying the genetic material in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals or genetic material to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the officer may not serve such a notice unless—

- (a) the officer has given the person in charge of the consignment a notice requiring the production of the required documentation within seven days and to detain the consignment in accordance with the terms of the notice; and
- (b) the required documentation has not been produced within that time.

(4) If a notice served under this regulation is not complied with an inspector may seize any animal or genetic material to which it relates, and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.

### **Obstruction**

**36.** No person may—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give any person acting in execution of these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information knowing it to be false or misleading.

### **Exchange of information**

**37.**—(1) The Commissioners of Her Majesty's Revenue and Customs, a general customs official and any enforcement authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in England, Scotland and Northern Ireland for the purposes of this Part or the equivalent legislation in those jurisdictions.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners, any general customs official or any enforcement authority to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners or a general customs official under paragraph (1) if—

- (a) the information relates to a person whose identity—
  - (i) is specified in the disclosure; or
  - (ii) can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and
- (c) the Commissioners have not given their prior consent to the disclosure.

**Fees**

**38.** The Welsh Ministers may charge a reasonable fee in relation to any activity relating to trade between member States in animals or genetic material under these Regulations, and the consignor's representative and the person in charge of the animal or the genetic material are jointly and severally liable for that fee<sup>(21)</sup>.

**Offences**

**39.** Breach of the following provisions is an offence—

| <i>Provision</i> | <i>Description of the offence</i>   |
|------------------|---|
| regulation 5(1)  | Consigning an animal or genetic material without a health certificate                   |
| regulation 5(2)  | Failing to keep a certificate for at least three years                                  |
| regulation 6(5)  | Signing a certificate without being authorised by the Welsh Ministers                   |
| regulation 6(6)  | Signing a certificate knowing it to be false, or not believing it to be true            |
| regulation 7     | Notification  |
| regulation 13    | Importation other than at a border inspection post                                      |
| regulation 14    | Notification  |
| regulation 15(1) | Failing to present a consignment for inspection   |
| regulation 15(2) | Failing to comply with a notice   |
| regulation 16(1) | Removal from a border inspection post without a CVED                                    |
| regulation 16(2) | Failing to transport a consignment to the place specified in the CVED                   |
| regulation 17    | Movement other than under Customs supervision and failure to notify the Welsh Ministers |
| regulation 28    | Bringing a non-compliant product into a warehouse etc.                                  |
| regulation 29(2) | Bringing in an animal or product in breach of a declaration                             |
| regulation 36    | Obstruction   |
| regulation 37(3) | Disclosure of information   |
| Schedule 2:      |   |
| paragraph 5(1)   | Trading in apes   |

<sup>(21)</sup> Fees relating to imports from third countries are established under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ No L 165, 30.4.2004, p. 1).

| <i>Provision</i>          | <i>Description of the offence</i>                               |
|---------------------------|---|
| paragraph 6(2)            | Keeping records   |
| paragraph 6(3)            | Notification of movement  |
| paragraph 7               | Movement of animal by-products                                  |
| paragraph 8(2)            | Slaughter of animals  |
| paragraph 8(3)            | Keeping animals at their place of destination                   |
| paragraph 9(2)            | Transport of birds to approved quarantine facilities or centres |
| paragraph 9(3)            | Release of birds from quarantine                                |
| paragraph 11              | Use of a certificate relating to ships' stores                  |
| Schedule 3 paragraph 4(3) | Destruction or redispach in accordance with the authorisation   |

### **Offences by bodies corporate**

**40.**—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation “director” (“*cyfarwyddwr*”), in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Offences by partnerships and unincorporated associations**

**41.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925<sup>(22)</sup> and Schedule 3 to the Magistrates' Courts Act 1980<sup>(23)</sup> apply in relation to the partnership or association as they apply in relation to a body corporate.

(22) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 5; subsection (5) was repealed by the Magistrates' Court Act 1952, section 132, Schedule 6.

(23) 1980 c. 43. Sub-paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a), and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).

(3) A fine imposed on a partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “partner” (“*partner*”) includes a person purporting to act as a partner.

(5) Where an offence under these Regulations committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(6) For these purposes, “officer” (“*swyddog*”) means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

### Penalties

**42.**—(1) A person guilty of an offence of disclosure in breach of regulation 37(3) (disclosure of information) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, to imprisonment for a term not exceeding three months, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.

(2) A person guilty of any other offence under these Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

### Revocations

**43.**—(1) The following are revoked—

- (a) the Products of Animal Origin (Import and Export) Regulations 1996 insofar as they relate to Wales(**24**);
  - (b) the Fresh Meat (Import Conditions) Regulations 1996 insofar as they relate to Wales(**25**);
  - (c) the Products of Animal Origin (Import and Export) (Amendment) Regulations 1997 insofar as they relate to Wales(**26**);
  - (d) the Animals and Animal Products (Import and Export) (Wales) Regulations 2006(**27**);
  - (e) the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007(**28**).
- (2) Schedule 4 makes amendments consequential to these Regulations.

28 September 2011

*John Griffiths*  
Minister for Environment and Sustainable  
Development, one of the Welsh Ministers

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(24) S. I. 1996/3124.

(25) S. I. 1996/3125.

(26) S. I. 1997/3023.

(27) S. I. 2006/1536 (W. 153).

(28) S. I. 2007/376 (W. 36).



## SCHEDULE 1

Regulations 5 and 15

## European Union legislation

| <i>EU legislation</i>   | <i>Subject</i>  |
|---|---|
| Council Directive <a href="#">64/432/EEC</a> on animal health problems affecting intra-Community trade in bovine animals and swine <b>(29)</b>  | Bovine animals and swine                              |
| Council Directive <a href="#">88/407/EEC</a> laying down the animal health requirements applicable to intra-Community trade in and imports of deep frozen semen of domestic animals of the bovine species <b>(30)</b>   | Bovine semen  |
| Council Directive <a href="#">89/556/EEC</a> on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species <b>(31)</b>   | Fresh bovine embryos                                  |
| Council Directive <a href="#">90/429/EEC</a> laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species <b>(32)</b>  | Porcine semen   |
| Council Directive <a href="#">91/68/EEC</a> on animal health conditions governing intra-Community trade in ovine and caprine animals <b>(33)</b>  | Sheep and goats                                       |
| Council Directive <a href="#">92/65/EEC</a> laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC <b>(34)</b>   | Other animals and products specified in the Directive |
| Council Directive <a href="#">92/118/EEC</a> laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive <a href="#">89/662/EEC</a> and, as regards pathogens, to Directive <a href="#">90/425/EEC</a> <b>(35)</b> | Miscellaneous products                                |

(29) OJ No. L 121, 29.7.64, p. 1977 as last amended by Commission Decision 2009/976/EU (OJ No. L 336, 18.12.2009, p. 36).

(30) OJ No. L 194, 22.7.1988, p. 10 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

(31) OJ No. L 302, 19.10.1989, p. 1 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

(32) OJ No. L 224, 18.8.1990, p. 62 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

(33) OJ No. L 46, 19.2.1991, p. 19 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

(34) OJ No. L 268, 14.9.1992, p. 54 as last amended by Commission Regulation (EU) No 684/2010 (OJ No. L 293, 11.11.2010, p. 62).

(35) OJ No. L 62, 15.3.1993, p. 49 as last amended by Directive [2004/41/EC](#) of the European Parliament and the Council (OJ No L 195, 2.6.2004 p.12).



| <i>EU legislation</i>   | <i>Subject</i>  |
|---|---|
| Council Directive <a href="#">96/23/EC</a> on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives <a href="#">85/358/EEC</a> and <a href="#">86/469/EEC</a> and Decisions <a href="#">89/187/EEC</a> and <a href="#">91/664/EEC</a> ( <a href="#">36</a> ) | Residues  |
| Regulation (EC) No <a href="#">178/2002</a> laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety( <a href="#">37</a> )   | Animal products for human consumption                                   |
| Council Directive <a href="#">2002/99/EC</a> laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption( <a href="#">38</a> )   | Animal products for human consumption                                   |
| Council Directive <a href="#">2004/68/EC</a> laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals( <a href="#">39</a> )  | Certain live ungulate animals including bovine, ovine, caprine, porcine |
| Commission Regulation (EC) No. <a href="#">136/2004</a> laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries( <a href="#">40</a> )   | Hay and straw   |
| Regulation (EC) No. <a href="#">852/2004</a> of the European Parliament and of the Council on the hygiene of foodstuffs( <a href="#">41</a> )   | Animal products for human consumption                                   |
| Regulation (EC) No. <a href="#">853/2004</a> of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin( <a href="#">42</a> )   | Animal products for human consumption                                   |
| Regulation (EC) No. <a href="#">854/2004</a> of the European Parliament and the Council laying down specific hygiene rules for the organisation of official controls on products of animal origin intended for human consumption ( <a href="#">43</a> )   | Animal products for human consumption                                   |

(36) OJ No. L 125, 23.5.1996, p. 10 as last amended by Regulation (EC) No. [596/2009](#) of the European Parliament and of the Council (OJ No. L 188, 18.7.2009, p. 14).

(37) OJ No. L 31, 1.2.2002, p. 1 as last amended by Regulation (EC) No. [596/2009](#) of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p.14).

(38) OJ No. L 18, 23.1.2003, p. 11.

(39) OJ No. L 139, 30.4.2004, p. 321.

(40) OJ No. L 21, 28.1.2004, p. 11 as last amended by Regulation (EC) No. [596/2009](#) of the European Parliament and of the Council.

(41) OJ No. L 139, 30.4.2004, p. 1 as last amended by Regulation (EC) No. [219/2009](#) of the European Parliament and of the Council (OJ No. L 87, 31.3.2009, p. 109).

(42) OJ No. L 139, 30.4.2004, p. 55 as last amended by Commission Regulation (EU) [150/2011](#) (OJ No. L 46, 19.2.2011, p. 14).

(43) OJ No. L 139, 30.4.2004, p. 206 as last amended by Commission Regulation (EU) No [151/2011](#) (OJ No. L 46, 19.2.2011, p. 17).

*Status: This is the original version (as it was originally made).*

| <i>EU legislation</i>   | <i>Subject</i>  |
|---|---|
| Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(44) | Official controls on feed, food, animal health and animal welfare |
| Council Regulation (EC) No. 183/2005 laying down requirements for feed hygiene(45)  | Animal feed   |
| Commission Decision 2007/275 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC(46)                                       | Composite products  |
| Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(47)                                 | Aquatic animals   |
| Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae(48)  | Equidae   |
| Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(49)  | Poultry and hatching eggs   |
| Regulation (EC) No. 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed(50)   | Animal feed   |
| Council Regulation (EC) No. 1069/2009 laying down the health rules as regards animal by-products and derived products not intended for human consumption (51)   | Animal by-products  |

(44) OJ No. L 165, 30.4.2004, p. 1 as last amended by Commission Regulation (EU) No 208/2011 (OJ No L 583.3.2011 p.29).

(45) OJ No. L 35, 8.2.2005, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council (OJ No L 87, 31.3.2009, p. 109).

(46) OJ No. L 116, 4.5.2007, p. 9.

(47) OJ No. L 328, 24.11.2006, p. 14 as last amended by Commission Directive 2008/53/EC (OJ No. L 117, 1.5.2008, p. 27).

(48) OJ No. L 192, 23.7.2010, p. 1.

(49) OJ No. L 343, 22.12.2009, p. 74 as amended by Commission Decision 2011/214/EU (OJ No. L90, 6.4.2011, p. 27).

(50) OJ No. L 229, 1.9.2009, p. 1 as last amended by Commission Regulation (EU) No 939/2010 (OJ No. L 277, 21.10.2010, p. 4).

(51) OJ No. L 300, 14.11.2009, p.1 as last amended by Directive 2010/63/EU of the European Parliament and of the Council (OJ No. L 276, 20.10.2010, p. 33).

## SCHEDULE 2

Regulations 8 and 25

### Specific requirements for individual cases

## PART 1

### Additional requirements for trade between member States

#### Dealers in cattle, sheep, pigs or goats

1.—(1) The Welsh Ministers may authorise premises to operate as an assembly centre or dealer's premises in accordance with Council Directive [64/432/EEC](#) (in the case of cattle and pigs) or Council Directive [91/68/EEC](#) (in the case of sheep and goats).

(2) The authorisation must specify the dealer or operator authorised to operate the premises.

(3) The Welsh Ministers must be satisfied that the dealer or operator will operate the premises in accordance with Council Directive [64/432/EEC](#) or Council Directive [91/68/EEC](#).

#### Transport of cattle, pigs, sheep or goats

2.—(1) Any person transporting cattle, pigs, sheep or goats between member States must comply with this paragraph.

(2) The transporter must be approved for the purpose by the Welsh Ministers.

(3) The transporter must, for each vehicle used for the transport of those animals, keep a register containing the following information;

- (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
- (b) places and dates of delivery, and the name or business name and address of the consignee;
- (c) species and number of animals carried;
- (d) date and place of disinfection; and
- (e) the unique identifying number of accompanying health certificates.

(4) The register must be kept for at least three years.

(5) The transporter must ensure that the means of transport is constructed in such a way that animal faeces, litter or feed cannot leak or fall out of the vehicle.

(6) The transporter must give a written undertaking to the Welsh Ministers stating that—

- (a) in the case of cattle or pigs, Council Directive [64/432/EEC](#), and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with;
- (b) in the case of sheep or goats, Council Directive [91/68/EEC](#), and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with; and
- (c) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.

#### Horses

3. Registered equidae and equidae for breeding and production covered by a bi-lateral agreement made under Article 6 of Council Directive [2009/156/EC](#) on animal health conditions governing

the movement and importation from third countries of equidae may move between member states without a health attestation or a health certificate.

### **Poultry Health Scheme**

4. For the purposes of Articles 2 and 6 of, and Annex II to, Council Directive [2009/158/EC](#) (which establishes a poultry health scheme relating to trade between member States)—

- (a) the approval of establishments and laboratories is granted by the Welsh Ministers;
- (b) an annual inspection of an approved establishment must be carried out by a veterinary surgeon appointed for the purpose by the Welsh Ministers for the establishment to remain on the register.

### **Approvals for the Balai Directive**

5.—(1) No person may trade in apes (*simiae* and *prosimiae*) other than between a centre approved by the Welsh Ministers and a centre approved by the competent authority for the other member State in accordance with Article 5 of Council Directive [92/65/EEC](#) (“the Balai Directive”).

(2) A body seeking approval to use the different health provisions set out in Article 13 of the Balai Directive must be approved by the Welsh Ministers.

(3) The Welsh Ministers must suspend, withdraw or restore approvals in sub-paragraph (1) or (2) in the circumstances set out in point 3 of Annex C to that Directive.

(4) The Welsh Ministers must approve a body authorised to engage in trade between member States in semen, ova and embryos in accordance with Article 11 of the Balai Directive if the body meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(5) By way of derogation from sub-paragraph (1), the Welsh Ministers may authorise in writing a body approved under this paragraph to acquire an ape (*simiae* and *prosimiae*) belonging to an individual.

### **Circuses**

6.—(1) The Welsh Ministers are the competent authority for the purposes of Commission Regulation [\(EC\) No. 1739/2005](#) laying down animal health requirements for the movement of circus animals between member States<sup>(52)</sup>.

(2) No person may contravene Article 8 of that Commission Regulation (keeping of records).

(3) Notwithstanding regulation 5(1) of these Regulations, no person may contravene Article 10(1) of that Commission Regulation (notification of movement).

### **Animal by-products**

7. Animal by-products to which Article 48 of Regulation [\(EC\) No. 1069/2009](#) apply may only be consigned to another member State, or brought into Wales from another member State, in accordance with that Article.

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(52) OJ No. L 279, 22.10.2005, p. 47.

## PART 2

### Additional provisions relating to imports from third countries

#### Arrival at premises of destination

8.—(1) This paragraph applies to elephants and to cattle, pigs, sheep, goats and all other animals of the taxa Artiodactyla, and their crossbreeds.

(2) Animals intended for immediate slaughter must be conveyed without delay from the border inspection post to the slaughterhouse of destination and slaughtered within five working days.

(3) In any other case the animals must be taken without delay from the border inspection post to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).

#### Imported birds

9.—(1) The Welsh Ministers are the competent authority for Commission Regulation (EC) No. 318/2007 laying down animal health conditions and quarantine requirements for imports of certain birds into the Community(53).

(2) An importer must comply with Article 7 (transport of birds) of that Regulation.

(3) No person may release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

#### Horses

10. When a horse is imported from a third country under Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses(54), the official veterinary surgeon must return the health certificate to the person accompanying the horse, and make a record of the certificate.

#### Ships stores

11. A product that does not comply with import requirements and is sent from a border inspection post to a ship must be accompanied by the certificate referred to in the instrument in Schedule 1 relating to that product, and the master of the vessel must confirm delivery of the product by signing the certificate specified in Commission Decision 2000/571/EC (laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport(55)) and returning it as soon as is reasonably practicable to the official veterinary surgeon at the border inspection post.

#### Charges for veterinary checks from New Zealand

12. The charge for veterinary checks carried out on a consignment from New Zealand is 1.5 euro for each tonne of the consignment, subject to a minimum of 30 euro and a maximum of 350 euro, save that where the actual cost of the veterinary checks carried out on a consignment exceeds 350 euro, the amount of the charge is the actual cost.

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(53) OJ No. L 84, 24.3.2007, p. 7 as last amended by Commission Regulation (EU) No 239/2010 (OJ No. L 75, 23.3.2010, p. 18).

(54) OJ No. L 130, 15.5.1992, p. 67 as last amended by Commission Decision 2010/463/EU (OJ No. L 220, 21.8.2010, p. 74).

(55) OJ No. L 240, 23.9.2000, p. 14.

## SCHEDULE 3

Regulation 26

## Cases to which Part 3 does not apply

**Disapplication of Part 3**

1. Part 3 of these Regulations does not apply in the cases set out in this Schedule.

**Case 1: Personal imports and small consignments**

2. The products of animal origin specified in Article 2 of Commission Regulation (EC) No 206/2009 on the introduction into the Community of personal consignments of products of animal origin<sup>(56)</sup>.

**Case 2: International means of transport**

3. Products on board means of transport operating internationally that are intended for consumption by the crew and passengers and that are either—

- (a) not unloaded;
- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as they are unloaded.

**Case 3: Trade samples and samples for particular study or analysis**

4.—(1) Products sent as trade samples or intended for exhibitions provided that they are not intended to be marketed and have been authorised in advance for that purpose by the Welsh Ministers.

(2) Products intended for particular studies or analyses provided that such products are not intended for human consumption and have been authorised in advance for that purpose by the Welsh Ministers.

(3) When the exhibition is finished or when the particular studies or analyses have been carried out, these products, with the exception of the quantities used for the analyses, must be destroyed or redispached as specified in the import authorisation.

(4) This case does not apply in relation to any product controlled under Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (the rules for those products are laid down in that Regulation).

**Case 4: Consignments cleared in another member State**

5. Consignments of animals and products that have been presented to a border inspection post in another member State or another part of the United Kingdom and have been cleared for free circulation.

**Case 5: Composite products**

6.—(1) Composite products and foodstuffs listed in Annex II to Commission Decision 2007/275/EC.

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(56) OJ No. L 77, 24.3.2009, p. 1.

(2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are—

- (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
- (b) clearly identified as intended for human consumption;
- (c) securely packaged or sealed in clean containers; and
- (d) accompanied by a commercial document and labelled in an official language of a member State, so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

#### **Case 6: Animals subject to rabies control**

7. Animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974<sup>(57)</sup> and imported in accordance with a licence under that Order.

### SCHEDULE 4

Regulation 43

#### Consequential amendments

#### **Amendment to the Bluetongue (Wales) Regulations 2008**

1. After regulation 19 of the Bluetongue (Wales) Regulations 2008<sup>(58)</sup> insert—

### **“PART 3A**

#### **Exports**

**19A.**—(1) A person must not export any animal, semen, ovum or embryo to a third country unless it complies with Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.

(2) An inspector who has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this regulation may by notice served on that person, that person’s representative or the person appearing to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such places as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.

(3) If a notice served under paragraph (2) is not complied with, an inspector may seize any animal or thing to which it relates and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.”.

<sup>(57)</sup> S.I. 1974/2211 to which there are amendments not relevant to these Regulations.

<sup>(58)</sup> S.I. 2008/1090 (W.116).

## **Amendment to the Importation of Animal Products and Poultry Products Order 1980**

2. The Importation of Animal Products and Poultry Products Order 1980(59), insofar as it relates to Wales, is amended by inserting after article 1—

### **“Scope**

1A. This Order does not apply in relation to any importation in relation to which the Trade in Animals and Related Products (Wales) Regulations 2011 apply.”

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and replace the eight sets of Regulations specified in regulation 43.

They establish a system for trade between member States in live animals and genetic material (Part 2) and for the importation of live animals, genetic material and products of animal origin from outside the European Union (Part 3).

The European Union legislation required to be complied with before animals or goods can be released from control at the port of importation (the “border inspection post”) is listed in Schedule 1.

As before, the Welsh Ministers are empowered (in Part 4) to prohibit importation into Wales of any animal or product in the event of a disease outbreak outside the United Kingdom.

The Regulations are enforced by the Welsh Ministers, port health authorities, local authorities and the United Kingdom Border Agency in the circumstances set out in regulation 32.

The Regulations establish various offences, punishable on summary conviction by a fine up to the statutory maximum or on conviction on indictment by an unlimited fine (or in the case of disclosure relating to customs information imprisonment for up to three months).

A regulatory impact assessment has not been produced for this instrument as no new impact on the private, voluntary or public sectors is foreseen.

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(59) S.I. 1980/14 to which there are amendments not relevant to these Regulations.