WELSH STATUTORY INSTRUMENTS

2007 No. 3518 (W.310)

ANIMALS, WALES

ANIMAL HEALTH

The Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007

Made - - - -	*6.20p.m. on 13 December 2007*
Laid before the National Assembly for Wales - -	*14 December 2007*
Coming into force - -	*6.30p.m. on 13 December 2007*

The Welsh Ministers are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the Common Agricultural Policy of the European Community.

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972.

PART 1

General provisions

Title, application, commencement and cessation

1. These Regulations —

(c) are entitled the Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007;

(d) apply in relation to Wales;

(e) come into force at 6.30p.m. on 13 December 2007; and

(f) cease to have effect on 31 December 2007.

Interpretation

2. In these Regulations—

(**1**) S. I. 2005/2766. By virtue of sections 59(1) and 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

(**2**) 1972 c. 68.

"the Decision" means Commission Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom(**3**);

"export" includes consigning for export;

"inspector" means a person appointed as an inspector or a veterinary inspector for the purposes of the Animal Health Act 1981(**4**) or the Animals and Animal Products (Import and Export) (Wales) Regulations 2006(**5**), or a person authorised by the Welsh Ministers, local authority or Food Standards Agency to be an authorised officer or official veterinary surgeon for the purposes of the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007(**6**) or the Products of Animal Origin (Import and Export) Regulations 1996(**7**);

"local authority" means in relation to an area the council or county borough council for that area;

"premises" includes any land, building or other place.

PART 2

Export Restrictions

Export of live animals

3.—(1) No person may export any live animal of the bovine, ovine, caprine or porcine species or any other biungulate from the areas specified in the Schedule.

(2) No person may export any biungulate to another member State from Wales unless—

(a) at least three days before export the Welsh Ministers have notified that member State; and

(b) in the case of—

(i) bovine, ovine, caprine or porcine animals, the health certificate accompanying the animals bears the following words—

"Animals conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.";

(ii) other biungulates, the health certificate accompanying the animals bears the following words—

"Live biungulates conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.".

Export of semen, ova and embryos

4.—(1) No person may export semen, ova or embryos of animals of the bovine, ovine, caprine or porcine species or other biungulates produced in or brought into the areas specified in the Schedule.

(2) The prohibition in paragraph (1) does not apply in relation to—

(a) semen, ova or embryos produced before 15th July 2007;

(**3**) OJNo. L210, 10.8.2007, p. 36 as last amended by the Commission Decision of 13 December 2007 amending Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom (not yet published in the Official Journal).
(**4**) 1981 c. 22
(**5**) S.I.2006/1536 (W.153).
(**6**) S. I. 2007/376 (W.36).
(**7**) S. I. 1996/3124.

(b) frozen bovine semen imported into the United Kingdom in accordance with the conditions laid down in Council Directive 88/407/EEC 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(**8**), which since introduction into the United Kingdom have been stored and transported separately from semen, ova or embryos not eligible for export;

(c) bovine embryos imported into the United Kingdom in accordance with the conditions laid down in Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(**9**), which since introduction into the United Kingdom have been stored and transported separately from semen, ova or embryos not eligible for export;

(d) porcine semen imported into the United Kingdom in accordance with the conditions laid down in Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(**10**), which since introduction into the United Kingdom have been stored and transported separately from semen, ova or embryos not eligible for export; or

(e) frozen ovine or caprine semen or frozen ovine or caprine embryos imported into the United Kingdom in accordance with the conditions laid down in Council Directive 92/65/EEC laying down the 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(**11**), which since introduction into the United Kingdom have been stored and transported separately from semen, ova or embryos not eligible for export.

(3) The health certificate accompanying frozen bovine semen exported to another member State from Wales must bear the following words—

"Frozen bovine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.".

(4) The health certificate accompanying bovine embryos exported to another member State from Wales must bear the following words—

"Bovine embryos conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.".

(5) The health certificate accompanying ovine or caprine semen exported to another member State from Wales must bear the following words—

"Frozen ovine/caprine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.".

(6) The health certificate accompanying ovine or caprine embryos exported to another member State from Wales must bear the following words—

"Frozen ovine/caprine embryos conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.".

(7) The health certificate accompanying porcine semen exported to another member State from Wales must bear the following words—

(**8**) OJ No. L194, 22.7.1988, p. 10 as last amended by the Act of Accession of Austria, Finland and Sweden.
(**9**) OJ No. L302, 19.10.1989, p.11 as last amended by Act of Accession of Austria, Finland and Sweden.
(**10**) OJ No. L224, 18.08.1990, p. 62 as last amended by Council Decision 2001/36/EC.
(**11**) OJ No. L268, 14.09.1992, p.54 as last amended by Council Decision 2007/265/EC.

"Frozen porcine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.".

Offers to dispatch or export

5. No person may offer to export, or accept orders for the export of, anything prohibited from being exported by these Regulations, whether on the internet or otherwise.

PART 3

Administration and enforcement

Powers of inspectors

6.—(1) An inspector may, on producing, if required to do so, some duly authenticated document showing his or her authority, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector may carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

(a) detain any vehicle, vessel, container or anything which he or she reasonably suspects to contain animals or products controlled by these Regulations and intended for export for as long as is reasonably necessary to determine whether the consignment complies with the conditions for export;

(b) search any premises;

(c) carry out inspections of any processes used for the marking or identification of animals, any premises or any installation;

(d) examine documentary or data processing material relevant to the checks carried out under these Regulations, including any import or export manifest; and

(e) take with him or her a representative of the European Commission acting for the purposes of the Decision.

Powers of officers of Revenue and Customs

7. An Officer of Revenue and Customs may detain any vehicle, vessel, container or anything which the officer reasonably suspects to contain animals or products controlled by these Regulations for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.

Illegal consignments of products

8.—(1) This regulation has effect when an inspector, on reasonable grounds, suspects that anything other than live animals is intended to be exported in contravention of these Regulations.

(2) The inspector may seize it and remove it in order to have it dealt with by a justice of the peace.

(3) If anything is seized under this regulation, the inspector must inform the person appearing to the inspector to be in charge of the consignment of the inspector's intention to have it dealt with by a justice of the peace, and—