WELSH STATUTORY INSTRUMENTS

2007 No. 3296 (W.291)

ANIMALS, WALES

ANIMAL HEALTH

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

Made - - - -	*6.10 p.m. on 20 November 2007*
Laid before the National Assembly for Wales - -	*21 November 2007*
Coming into force - -	*6.25 p.m. on 20 November 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.—(1) These Regulations—

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

(b) apply in relation to Wales;

(c) come into force at 6.25 p.m. on 20 November 2007; and

(d) subject to paragraph (2), cease to have effect on 31 December 2007.

(2) Regulations 5 to 9 and 11 to 14 cease to have effect on 15 December 2007.

(**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.

Interpretation

2. In these Regulations—

"approved" means approved for the purposes of these Regulations in accordance with regulation 17;

"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**);

"HACCP" means Hazard Analysis at Critical Control Points, which is a system in which the critical points of the manufacturing process have been identified, assessments have been made of the potential risks at those points, and necessary steps have been taken to minimise those risks;

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

"official veterinarian" means a veterinarian who is qualified in accordance with Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**8**) to act in such a capacity and is appointed by the Food Standards Agency;

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

"slaughter", in relation to an animal, means causing the death of the animal by bleeding; and

"veterinary inspector" means a veterinary inspector appointed by the Welsh Ministers for the purposes of the Animal Health Act 1981.

PART 2

Import and export restrictions

Movement of live animals

3.—(1) No person may move any live animal of the bovine, ovine, caprine or porcine species or any other biungulate from the areas specified in Schedule 1 to the areas specified in Schedule 2 or vice versa.

(2) The prohibition in paragraph (1) does not apply to live animals from the areas specified in Schedule 2 that are moved to premises in the areas specified in Schedule 1 providing that the animals are moved under a licence issued in accordance with regulation 18.

(**3**) OJ No. L210, 10.8.2007, p. 36 as last amended by Commission Decision of 19 November 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.
(**8**) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) and that Regulation was last amended by Council Regulation (EC) No. 1791/2006.

(3) The prohibition in paragraph (1) does not apply to live animals from the areas specified in Schedule 1 that are moved to areas in Schedule 2, providing that the animals—

(a) are moved under a licence issued in accordance with regulation 18; and

(b) the animals show no clinical signs of foot-and-mouth disease immediately prior to loading.

(4) The prohibition in paragraph (1) does not apply to the direct transit on main roads or railway lines of live animals through the areas specified in Schedule 1 or Schedule 2 without stops, other than stops required by traffic conditions, under a licence issued in accordance with regulation 18.

Export of live animals

4.—(1) No person may export any live animal of the bovine, ovine, caprine or porcine species or any other biungulate from Great Britain.

(2) By way of derogation from paragraph (1), a person may export animals originating outside Great Britain if—

(a) the animals were moved in direct transit on main roads or railway lines through any area in Schedule 1 or 2 without stops, other than those required by traffic conditions; and

(b) the requirements in paragraph (3)(a) and (b) are complied with.

(3) No person may export any biungulate to another member State from Wales without the prior authorisation of the Welsh Ministers 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 fresh meat, minced meat, mechanically separated meat and meat preparations

5.—(1) No person may export meat from animals of the bovine, ovine, caprine or porcine species or other biungulates coming from, or obtained from animals originating in, an area specified in Schedule 1.

(2) In this regulation, "meat" includes fresh meat, minced meat, mechanically separated meat and meat preparations as defined in points 1.10, 1.13, 1.14 or 1.15 of Annex 1 to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**9**).

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

(a) meat obtained before 15 July 2007;

(b) meat derived from animals reared for at least the 90 days prior to slaughter (or since birth, if less than 90 days of age) and slaughtered outside Great Britain, or in the case of meat

(**9**) OJ No. L139, 30.4.2004, p. 55.

obtained from wild game of a species susceptible to foot-and-mouth disease, killed outside Great Britain;

(c) meat from domestic ungulates of a species susceptible to foot-and-mouth disease that complies with the conditions in Schedule 4, and is derived from animals that—

(i) were kept on premises situated within the areas specified in the relevant columns of Schedule 3 where there has been no outbreak of foot-and-mouth disease for at least the 90 days prior to slaughter (or since birth, if less than 90 days of age);

(ii) during the 21 days prior to transport to the approved slaughterhouse, remained under the supervision of the Welsh Ministers on a premises complying with Schedule 5;

(iii) were transported to the approved slaughterhouse under the control of the Welsh Ministers in a means of transport that was cleansed and disinfected before loading at the premises described in sub-paragraph (c)(ii); and

(iv) were slaughtered less than 24 hours after arrival at the approved slaughterhouse separately from animals the meat of which is not eligible for export;

(d) meat from farmed game of a species susceptible to foot-and-mouth disease that complies with the conditions in Schedule 4, and is derived from animals—

(i) that were kept on premises situated within the areas specified in the relevant columns of Schedule 3 where there has been no outbreak of foot-and-mouth disease for at least the 90 days prior to slaughter (or since birth, if less than 90 days of age);

(ii) that, during the 21 days prior to on-farm slaughtering, remained under the supervision of the Welsh Ministers on an approved premises complying with Schedule 5; and

(iii) any carcase of which was transported to the approved slaughterhouse under the control of the Welsh Ministers in a means of transport that was cleansed and disinfected before loading at the premises described in sub-paragraph (d)(ii);

(e) fresh meat obtained from bovine, ovine, caprine or porcine species or any other biungulates reared outside the areas specified in Schedule 1 and transported, under a licence issued pursuant to regulation 18, directly and under the control of the Welsh Ministers to an approved slaughterhouse provided that—

(i) the slaughterhouse is situated in an area specified in Schedule 1;

(ii) the animals are slaughtered immediately, and in any event, within 24 hours of arrival at the slaughterhouse;

(iii) the slaughterhouse is operated under strict veterinary control; and

(iv) the fresh meat is clearly identified, and transported and stored separately from meat which is not eligible for export; or

(f) fresh meat obtained from an approved cutting plant situated in any area specified in Schedule 1 if—

(i) only fresh meat described in sub-paragraphs (a) to (e) is processed in the cutting plant in any one day;

(ii) cleansing and disinfection has been carried out after processing any meat not described in sub-paragraphs (a) to (e);

(iii) the cutting plant is operated under strict veterinary control; and

(iv) the fresh meat is clearly identified, and has been transported and stored separately from meat that is not eligible for export.

(4) Any person consigning an animal to a slaughterhouse to produce meat intended for export in accordance with sub-paragraph (c) or (d) of paragraph (3) must provide a written declaration

that it complies with each of the conditions contained in that sub-paragraph and ensure that such declaration accompanies the animal consigned.

(5) Meat specified in paragraph (3) intended for export must bear a health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**10**).

(6) Meat exported to another member State from Wales must be accompanied by an official certificate which bears the following words—

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

Marking meat not eligible for export

6. Meat not eligible for export to another member State must be marked in accordance with the second subparagraph of Article 4(1) of Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption(**11**), or in accordance with Commission Decision 2001/304/EC on the marking and use of certain animal products(**12**).

Export of meat products

7.—(1) No person may export meat products, including treated stomachs, bladders and intestines, of animals of the bovine, ovine, caprine or porcine species or other biungulates coming from, or prepared using meat obtained from such animals originating in, the areas specified in Schedule 1.

(2) The prohibition in paragraph (1) does not apply to meat products that have been transported and stored since the date of production separately from other meat products that are not eligible for export, provided that the meat products—

(a) are clearly identified;

(b) bear the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004; and

(c) are made from meat—

(i) described in regulation 5(3); or

(ii) that has undergone at least one of the relevant treatments laid down for foot-and-mouth disease in Part 1 of Annex III to Directive 2002/99/EC.

(3) Meat products exported to another member State from Wales must be accompanied by an official certificate which bears the following words—

> "Meat products (including treated stomachs, bladders and intestines) 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) Paragraph (3) does not apply to meat products that comply with paragraph (2) and have been processed in an establishment operating HACCP and an auditable standard operating procedure that ensures that standards for treatment are met and recorded, if compliance with paragraph (2)(c)(ii) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14.

(**10**) OJ No. L139, 30.4.2004, p. 206 as last amended by Regulation (EC) No. 1791/2006 (OJ No.L363, 20.12.2006, p.1)
(**11**) OJ No. L18, 23.1.2003, p. 11.
(**12**) OJ No.L104, 13.4.2001, p. 6.