WELSH STATUTORY INSTRUMENTS

2007 No. 3140 (W. 266)

ANIMALS, WALES

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (No.6) (Wales) Regulations 2007

Made - - - -	*6:45 p.m. on 31 October 2007*
Laid before the National Assembly for Wales - -	*1 November 2007*
Coming into force - -	*8 p.m. on 31 October 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—

(a) are entitled The Import and Export Restrictions (Foot-and-Mouth Disease) (No.6) (Wales) Regulations 2007;

(b) apply in relation to Wales;

(c) come into force at 8 p.m. on 31 October 2007; and

(d) 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 18;

"the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs;

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

"dispatch" means dispatch from a place within Great Britain to a place outside Great Britain and includes consigning for dispatch;

"export" includes consigning for export;

"inspector" means a person appointed as an 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; and

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

PART 2

Import and export restrictions

Import of live animals

3. No person may import any live animal of the bovine, ovine, caprine or porcine species or any other biungulate into Wales from another member State.

Dispatch and movement of live animals

4.—(1) No person may dispatch live animals of the bovine, ovine, caprine or porcine species or any other biungulates.

(**3**) OJ No. L210, 10.8.2007, p. 36 as last amended by Commission Decision 2007/709/EC, OJ L 287, 01.11.2007.
(**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.

(2) By way of derogation from paragraph (1), a person may export animals originating outside Great Britain if the animals travelled through Great Britain on main roads and railway lines and the requirements in paragraph (3) are complied with.

(3) No person may export biungulate animals to another member State without the prior authorisation of the Welsh Ministers—

(a) unless at least three days before export the Welsh Ministers has 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."; or

(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.".

(4) No person may move any biungulate through Great Britain except on main roads or railway lines.

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 Great Britain or obtained from animals originating in Great Britain.

(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 90 days prior to slaughter outside Great Britain and slaughtered outside Great Britain, or in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed outside Great Britain;

(c) meat obtained from wild game—

(i) that was killed in an area specified in the relevant column of Schedule 1 where there has been no outbreak of foot-and-mouth disease for at least the 90 days preceding the death, and is at least 20 km from the areas of Great Britain not specified in Schedule 1; and

(ii) complies with paragraphs 2 and 3(c) of Schedule 2;

(d) meat from domestic bovine, ovine, caprine or porcine animals or farmed game of a species susceptible to foot-and-mouth disease that complies with the conditions in Schedule 2, and is derived from an animal that—

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

(i) was kept on holdings situated within the areas specified in the relevant columns of Schedule 1 where there has been no outbreak of foot-and-mouth disease for at least the 90 days prior to slaughter;

(ii) during the 21 days prior to transport to the approved slaughterhouse, or in the case of farmed game prior to the date of on-farm slaughtering, remained under the supervision of the Welsh Ministers on a holding complying with Schedule 3;

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

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

(e) fresh meat obtained from an approved cutting plant situated in Great Britain if—

(i) only fresh meat described in sub-paragraphs (a) to (d) 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 (d);

(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 from Great Britain 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 (3)(d) must provide a written declaration that it complies with each of the conditions contained in that 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 specified in paragraph (3) intended for export to another member State must be accompanied by an official certificate produced by an official veterinarian 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.—(1) 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**).

(2) Fresh meat obtained from animals reared outside Great Britain and transported directly and under official control in sealed means of transport to an approved slaughterhouse situated in Great Britain, may be placed on the market in Wales if—

(**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.

(a) the meat is marked in accordance with the second subparagraph of Article 4(1) of Directive 2002/99/EC or in accordance with Decision 2001/304/EC;

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

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

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 Great Britain or prepared using meat obtained from such animals originating in Great Britain.

(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 from Great Britain 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 have 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 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.

(5) Paragraph (3) does not apply to meat products heat treated in accordance with paragraph (2)(c)(ii) stored in hermetically sealed containers so as to ensure that they are shelf stable, if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of milk

8.—(1) No person may export milk produced or prepared in Great Britain.

(2) The prohibition in paragraph (1) does not apply to milk produced from animals kept in Great Britain that has been subjected to at least a treatment in accordance with—

(a) Part A of Annex IX to Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease(**13**), if the milk is intended for human consumption; or

(b) Part B of Annex IX to Directive 2003/85/EC, if the milk is not intended for human consumption.

(3) The prohibition in paragraph (1) does not apply to milk prepared in an approved establishment situated in Great Britain under the following conditions—

(**13**) OJ No. L306, 22.11.2003, p. 1 as last amended by Directive 2006/104/EC.