WELSH STATUTORY INSTRUMENTS

2007 No. 2710 (W. 225)

ANIMALS, WALES

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (No.3) (Wales) Regulations 2007

Made - - - -	*13 September 2007*
Laid before the National Assembly for Wales - -	*14 September 2007*
Coming into force - -	*8 p.m. on 13 September 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 vested in them by section 2(2) of the European Communities Act 1972.

Title, application, commencement and cessation

1. These Regulations—

(a) are entitled The Import and Export Restrictions (Foot-and-Mouth Disease) (No.3) (Wales) Regulations 2007;

(b) apply in relation to Wales;

(c) come into force at 8 p.m. on 13 September 2007; and

(d) cease to have effect on 15 October 2007.

Interpretation

2.—(1) In these Regulations—

"approved" means approved for the purposes of these Regulations in accordance with regulation 3;

(**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**);

"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; and

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

(2) A notice under these Regulations must be in writing, may be subject to conditions and may be amended or revoked by further notice in writing at any time.

Approvals

3.—(1) The Welsh Ministers or a local authority may approve establishments or cutting plants for the purposes of these Regulations if they are satisfied that the occupier will comply with the conditions of these Regulations.

(2) Any approval must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice at any time, and in particular may be suspended or revoked if the Welsh Ministers (or in the case of an approval granted by the local authority, that local authority) are reasonably of the opinion that the provisions of these Regulations or any conditions of approval are not being complied with.

Importation of live animals

4. 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

5.—(1) No person may dispatch any live animal of the bovine, ovine, caprine or porcine species or any other biungulate.

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

(3) No person may export any biungulate animal to another member State unless at least three days before export the Welsh Ministers have notified that member State; and—

(**3**) OJ No. L210, 10.8.2007, p 36 as last amended by Commission Decision 2007/608/EC.
(**4**) 1981 c. 22.
(**5**) S.I.2006/1536 (W.153).
(**6**) S. I. 2006/1376 (W.36).
(**7**) S. I. 1996/3124.

(a) in the case of 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

(b) in the case of any 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 and sale of meat not eligible for export

6.—(1) No person may export any meat from animals of the bovine, ovine, caprine or porcine species or other biungulate coming from Great Britain or obtained from animals originating in Great Britain.

(2) In this regulation, the reference to "meat" includes fresh meat, minced meat, mechanically separated meat and meat preparations as defined in points 1.10, 1.13, 1.14 and 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(**8**).

(3) The prohibition in paragraph (1) does not apply in relation to meat bearing 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(**9**), provided that—

(a) the meat is clearly identified, and has been transported and stored since the date of production separately from meat from Great Britain not eligible for export; and

(b) the meat—

(i) was obtained before 15 July 2007, or

(ii) is 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.

(4) The prohibition in paragraph (1) does not apply in relation to fresh meat obtained from an approved cutting plant situated in Great Britain if—

(a) only fresh meat as described in paragraph (3)(b) is processed in the cutting plant in any one day;

(b) cleansing and disinfection is carried out after processing any meat not meeting the requirement in sub-paragraph (a);

(c) all meat bears the health mark in accordance with Chapter III of Section I to Annex I of Regulation (EC) No 854/2004;

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

(**8**) OJ No. L139, 30.4.2004, p. 55.
(**9**) OJ No. L139, 30.4.2004, p. 206 as last amended by Regulation (EC) No. 1791/2006.

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

(5) Meat exported to another member State must be accompanied by an official certificate from 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".

(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(**10**), or in accordance with Commission Decision 2001/304/EC on the marking and use of certain animal products(**11**).

(7) 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—

(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 meats—

(i) described in regulation 6(3)(b); 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.

(**10**) OJ No. L18, 23.1.2003, p 11.
(**11**) OJ No.L104, 13.4.2001, p 6.

(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(**12**), 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—

(a) all milk used in the establishment has either—

(i) been treated in accordance with paragraph (2); or

(ii) has been obtained from animals reared and milked outside Great Britain;

(b) the establishment must be operated under strict veterinary control;

(c) the milk is clearly identified and transported and stored separately from milk and dairy products from Great Britain not eligible for export; and

(d) transport of raw milk from holdings situated outside Great Britain to the establishment in Great Britain is carried out in vehicles that were cleansed and disinfected prior to operation and had no subsequent contact with holdings in Great Britain keeping animals of species susceptible to foot-and-mouth disease.

(4) Milk exported to another member State must be accompanied by an official certificate which bears the following words—

"Milk 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) Paragraph (4) does not apply to milk that complies with the requirements of paragraph (2)(a) or (b) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14, and has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) does not apply to milk that conforms with the requirements of paragraph (2)(a) or (b) and that has been heat treated in hermetically sealed containers so as to ensure that it is shelf stable provided that the commercial document accompanying the consignment states the heat treatment applied.

Export of dairy products

9.—(1) No person may export dairy products produced or prepared in Great Britain.

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

(a) produced before 15 July 2007;

(b) prepared from milk complying with the provisions in regulation 8(2) or (3); or

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