WELSH STATUTORY INSTRUMENTS

# 2007 No. 2477 (W.212)

# ANIMALS, WALES

ANIMAL HEALTH

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

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| *Made - - - -* | *24 August 2007* |
| *Laid before the National Assembly for Wales - -* | *28 August 2007* |
| *Coming into force - -* | *11.00 p.m. on 24 August 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 Foot-and Mouth Disease (Export Restrictions) (Wales) Regulations 2007;

(b) apply in relation to Wales;

(c) come into force at 11 p.m. on 24 August 2007; and

(d) cease to have effect on 15 September 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**) as amended by Commission Decision 2007/588/EC(**4**);

"export" includes consigning for export;

"inspector" means a person appointed as an inspector for the purposes of the Animal Health Act 1981(**5**) or the Animals and Animal Products (Import and Export) (Wales) Regulations 2006(**6**), 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(**7**) or the Products of Animal Origin (Import and Export) Regulations 1996(**8**);

"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 county council or county borough council for that area;

"surveillance zone" means the surveillance zone resulting from the following declarations under articles 5(4), 34(2) and 38(5) of the Foot and Mouth Disease (England) Order 2006(**9**):

(a) the declaration of a protection zone, a surveillance zone and a restricted zone made at 9.30 p.m. on 4 August 2007 (as amended by declarations made at 10 p.m. on 4 August 2007 and at 5.30 p.m. on 16 August 2007);

(b) the declaration of a protection zone and surveillance zone made at 1.50 p.m. on 5 August 2007;

(c) the declaration of a protection zone and surveillance zone made at 11.55 a.m. on 7 August 2007;

(d) the declaration of a protection zone and surveillance zone made at 5.55 p.m. on 9 August 2007; and

(e) the declaration merging the protection zone and surveillance zone made at 11.45 a.m. on 24 August 2007(**10**).

(2) A notice under these Regulations shall 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 shall 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) is reasonably of the opinion that the provisions of these Regulations are not being complied with.

(**3**) OJ No. L210, 10.8.2007, p 36.
(**4**) OJ No. L220, 25.8.2007
(**5**) 1981 c. 22.
(**6**) S.I.2006/1536 (W.153).
(**7**) S. I. 2007/376 (W.36).
(**8**) S. I. 1996/3124.
(**9**) S.I. 2006/182
(**10**) The zone is described at http://defraweb/animalh/diseases/fmd/pdf/declaration-pz-sz-rz230807.pdf

**Export and movement 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 the surveillance zone.

(2) By way of derogation from paragraph (1), the Welsh Ministers may authorise the export of those animals originating outside the surveillance zone if the animals travelled through that zone on main roads and railway lines pursuant to paragraph (4) and the requirements relating to export in paragraph (3) are complied with.

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

(a) in the case of bovine, porcine, ovine and caprine 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 the surveillance zone 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**

**5.**—(1) No person may export any meat from animals of the bovine, ovine, caprine or porcine species or other biungulate coming from the surveillance zone or obtained from animals originating in that zone.

(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(**11**).

(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(**12**), provided that—

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

(b) the meat complies with either of the following conditions—

(i) it was obtained before 15 July 2007, or

(ii) it is derived from animals reared for at least 90 days prior to slaughter outside the surveillance zone and slaughtered outside the surveillance zone or, in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed, outside the surveillance zone.

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

(4) The prohibition in paragraph (1) does not apply in relation to fresh meat obtained from an approved cutting plant situated in the surveillance zone 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

(e) the fresh meat is clearly identified, and has been transported and stored separately from meat which 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(**13**), or in accordance with Commission Decision 2001/304/EC on the marking and use of certain animal products(**14**).

(7) Fresh meat obtained from animals reared outside the surveillance zone and transported directly and under official control in sealed means of transport to an approved slaughterhouse situated in the surveillance zone, may be placed on the market in the surveillance zone 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 which is not eligible for export.

**Export of meat products**

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

(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 the surveillance zone 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 either—

(i) made from meats described in regulation 5(3)(b); or

(ii) 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.

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

(3) Meat products consigned 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 13.

(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**

**7.**—(1) No person may export milk produced or prepared in the surveillance zone.

(2) The prohibition in paragraph (1) does not apply to milk produced from animals kept in the surveillance zone 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(**15**), 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 or is intended for feeding to animals of species susceptible to foot-and-mouth disease.

(3) The prohibition in paragraph (1) does not apply to milk prepared in an approved establishment situated in the surveillance zone 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 the surveillance zone ;

(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 the surveillance zone not eligible for export; and

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

(4) Milk consigned 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 which 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 13, 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.

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