WELSH STATUTORY INSTRUMENTS

2007 No. 2385 (W. 196)

ANIMALS, WALES

ANIMAL HEALTH

The Import and Export Restrictions (Foot-And-Mouth Disease) (No 2) (Wales) Regulations 2007

Made - - - -	*3.30 pm on 13 August 2007*
Laid before the National Assembly for Wales - -	*13 August 2007*
Coming into force - -	*3.45 pm on 13 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. The title of these Regulations is the Import and Export Restrictions (Foot-and-Mouth Disease) (No 2) (Wales) Regulations 2007; they apply in relation to Wales and come into force at 3.45 pm on 13 August 2007 and cease to have effect on 25 August 2007.

Interpretation

2.—(1) In these Regulations—

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

"the Decision" means Commission Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom and repealing Decision 2007/552/EC(**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.
(**3**) OJ No L. 210, 10.8.2007, p.36.

"dispatch" means dispatch from a place within the restricted area to a place outside the restricted area and includes consigning for dispatch;

"export" means export outside Great Britain and includes consigning for export;

"inspector" means a person appointed by the Welsh Ministers or a local authority to be an inspector (including, in the case of appointment by the Welsh Ministers, a veterinary inspector) or otherwise authorised by the Welsh Ministers for the purposes of these Regulations, the Animal Health Act 1981(**4**), the Animals and Animal Products (Import and Export) (Wales) Regulations 2006(**5**), the Products of Animal Origin (Third Country Imports) (Wales)Regulations 2007(**6**) and 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 county council or county borough council for that area;

"restricted area" means Great Britain.

(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 are not being complied with.

Importation of live animals

4. No person may import any live animal of species susceptible to foot-and-mouth disease into Wales from another Member State.

Dispatch 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 dispatch of biungulate animals originating outside the restricted area if the animals travelled through that area on main roads and railway lines.

(3) The Welsh Ministers may only authorise the dispatch of the biungulate animals originating outside the restricted area to another Member State if at least three days before dispatch they have notified the destination Member State, and—

(**4**) 1981 c. 22.
(**5**) S.I. 2006/1536 (W153).
(**6**) SI 2007/376 (W.36)
(**7**) SI 1996/3124

(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"; and

(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".

Dispatch of fresh meat, minced meat, mechanically separated meat and meat preparations

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

(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 not eligible, in accordance with the Decision, for dispatch outside the areas listed in Annex 1; 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 restricted area and slaughtered outside the restricted area or, in the case of meat obtained from wild game of species susceptible to foot and mouth disease, killed, outside the restricted area.

(4) The prohibition in paragraph (1) does not apply in relation to fresh meat obtained from an approved cutting plant situated in the restricted area 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 1 to Annex 1 of Regulation(EC) No 854/2004;

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

(e) The fresh meat is clearly identified, transported and stored separately from meat which is not eligible for dispatch

(**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

(5) Meat consigned 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".

Dispatch of meat products

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

(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 not eligible for dispatch, provided that the meat products—

(a) are clearly identified;

(b) bear the health mark in accordance with Chapter III of Section 1 of Annex I to Regulation (EC) No 854/2004/EC; and

(c) are either—

(i) made from meats described in regulation 6(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 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption(**10**).

(3) Meat products consigned to another Member State must be accompanied by a certificate from an official veterinarian 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 which comply with paragraph (2), and which 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.

Dispatch of milk

8.—(1) No person may dispatch milk.

(2) The prohibition in paragraph (1) does not apply to milk produced from animals kept in the restricted area which 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(**11**), 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.

(**10**) OJ No L18, 23.1.2003,p11
(**11**) OJ No. L306, 22.11.2003, p. 1 as last amended by Directive 2006/104/EC.

(3) The prohibition in paragraph (1) does not apply to milk prepared in an approved establishment situated in the restricted area 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 restricted area

(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 which are not eligible for dispatch; and

(d) transport of raw milk from holdings situated outside the restricted area to the establishment is carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the restricted area 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 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 which conforms with the requirements of paragraph (2) (a) or (b) and which 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.

Dispatch of dairy products

9.—(1) No person may dispatch dairy products.

(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

(c) for export to a third country where import conditions permit such products to be subject to treatment other than laid down in regulation 8(2) which ensures the inactivation of the foot-and-mouth disease virus.

(3) The prohibition in paragraph (1) does not apply to dairy products intended for human consumption—

(a) produced from milk of a controlled pH less than 7.0 and subject to a heat treatment at a temperature of at least 72°C for at least 15 seconds, on the understanding that such treatment is not necessary for finished products, the ingredients of which comply with the respective animal health conditions laid down in these Regulations; or

(b) produced from raw milk of bovine, ovine or caprine animals which have been resident for at least 30 days on a holding situated, within the restricted area, in the centre of a circle of at least 10 km radius where no outbreak of foot-and-mouth disease has occurred during the 30 days prior to the date of production of the raw milk, and which are subject to a maturation or ripening process of at least 90 days during which the pH is lowered below