WELSH STATUTORY INSTRUMENTS

2005 No. 1158 (W.75)

ANIMALS, WALES
ANIMAL HEALTH

The Animals and Animal Products (Import and Export) (Wales) Regulations 2005

Made - - - -	*12 April 2005*
Coming into force - -	*30 April 2005*

The National Assembly for Wales, being 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, in exercise of the powers conferred on it by that section, makes the following Regulations—

PART 1

Introduction

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Wales) Regulations 2005; they apply in relation to Wales and come into force on 30 April 2005.

(2) In these Regulations —

any expressions used have the meaning they bear in—

(a) Council Directive 90/425/EEC (concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the single market)(**3**); and

(b) Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries)(**4**),

both of which have been amended by the legislation listed in Schedule 1;

(**1**) S.I. 1999/2788.
(**2**) 1972 c. 68.
(**3**) OJ No. L224, 18.8.90, p. 29, as amended by and as read with the provisions listed in Schedule 1.
(**4**) OJ No. L268, 24.9.91, p. 56, as amended by and as read with the provisions listed in Schedule 1.

"assembly centre" ("*canolfan gynnull*") means holdings, collection centres and markets at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which are used in the course of intra-Community trade, and which are approved by the National Assembly in accordance with regulation 12;

"border inspection post" ("*safle arolygu ar y ffin*") means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

"dealer" ("*masnachwr*") means —

(c) in the case of cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who within 30 days of purchasing animals resells or relocates them to other premises not within his or her ownership; and

(d) in the case of sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who within 29 days of purchasing animals resells or relocates them to other premises or directly to a slaughterhouse not within his or her ownership;

"European international instruments" ("*offerynnau rhyngwladol Ewropeaidd*") means —

(a) the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland(**5**);

(b) the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation(**6**);

(c) the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded(**7**); and

(d) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(**8**);

"herd" ("*buches*", "*cenfaint*", "*geifre*" a "*gre*") or "flock" ("*diadell*" neu "*haid*") means a group of animals kept as an epidemiological unit;

"inspector" ("*arolygydd*") means a person appointed to be an inspector for the purposes of these Regulations by the National Assembly or a local authority, and when used in relation to a person so appointed by the National Assembly includes a veterinary inspector;

"local authority" ("*awdurdod lleol*") means in respect of a county or county borough the council of that county or county borough;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"place of destination" ("*cyrchfan*") means the address or addresses to which the consignment is consigned by the consignor;

(**5**) OJ No. L73, Special Edition, 27.3.72.
(**6**) OJ No. L1, 3.1.94, p. 1.
(**7**) OJ No. C241, 29.8.94, p. 21, as amended by OJ No. L12, 1.1.95, p. 1.
(**8**) OJ No. L236, 23.9.03, p. 33.

"required consignment documentation" ("*dogfennau traddodi gofynnol*") means any certificates or other documents that are required by these Regulations to accompany the consignment;

"veterinary inspector" ("*arolygydd milfeddygol*") means a person appointed as a veterinary inspector by the National Assembly.

(3) A notice, approval or declaration under these Regulations must be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Exception

2.—(1) Subject to paragraph (2), these Regulations do not apply to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

(2) Where any person is accompanying and has under his or her responsibility more than five pets travelling together which —

(a) are each of a species listed in Annex I to Regulation (EC) No. 998/2003(**9**); and

(b) come from a third country other than one listed in section 2 of part B of Annex II to Regulation (EC) No. 998/2003,

these Regulations apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is not the subject of a commercial transaction.

Enforcement

3.—(1) Except where otherwise expressly provided, these Regulations must be enforced by the local authority.

(2) The National Assembly may direct, in relation to cases of a particular description, or a particular case, that it, and not the local authority, must discharge any duty imposed on a local authority under paragraph (1).

PART 2

Intra-Community Trade

Application of Part 2

4. This Part applies to trade between member States in live animals and animal products that are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC (concerning the animal health conditions governing the placing on the market of aquaculture animals and products)(**10**).

Exports

5.—(1) A person must not export or consign for export to another member State any animal or animal product controlled under one or more of the instruments in Part I of Schedule 3 unless—

(a) it complies with the relevant provisions of those instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;

(**9**) OJ No. L146, 13.6.2003, p. 1, as amended by Commission Regulation (EC) No. 592/2004 (OJ No. L94, 31.3.2004, p. 7).
(**10**) OJ No. L46, 19.2.91, p. 1, as amended by and as read with the provisions listed in paragraph 8(1) of Part I of Schedule 3.

(b) when required by such instrument, it is accompanied by —

(i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or

(ii) any other document required by the instrument;

(c) when required by such instrument, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the instrument; and

(d) if the animal is acquired through or transits an assembly centre, that centre has been approved by the National Assembly in accordance with regulation 12 for the purposes of intra-Community trade and complies with the provisions of Article 11 of Council Directive 64/432/EEC(**11**).

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation the inspector may by notice served on the consignor, the consignor's representative or the person appearing to the inspector to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with, an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) A person must not export to another member State any animal to which the provisions of Article 6, 7, 9 or 10 of Council Directive 92/65/EEC (laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive 90/425/EEC)(**12**) apply unless the animal originates from —

(a) a holding that has been registered with the National Assembly and the owner or person in charge of that holding has given to the National Assembly undertakings in accordance with Article 4 of Council Directive 92/65/EEC; or

(b) a body, institute or centre that has been approved by the National Assembly in accordance with regulation 9(1) and that conforms with the requirements of Annex C to Council Directive 92/65/EEC.

(5) A person must not export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of Directive 90/539/EEC (on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs)(**13**) applies unless they originate from an establishment that —

(a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the National Assembly in accordance with Schedule 4 to these Regulations (such an establishment is to be considered an approved establishment for the purposes of Article 6(1)(a) of Directive 90/539/EEC); and

(b) conforms with the requirements of Annex II to Directive 90/539/EEC.

Imports

6.—(1) A person must not import from another member State (either for entry into the UK or by way of transit to another member State) any animal or animal product subject to an instrument

(**11**) OJ No. L109, 25.4.97, p. 1, as amended by and as read with the provisions listed in paragraph 1 of Part I of Schedule 3.
(**12**) OJ No. L268, 14.9.92, p.54, as amended by and as read with the provisions listed in paragraph 10 of Part I of Schedule 3.
(**13**) OJ No. L303, 30.10.90, p. 6, as amended by and as read with the provisions listed in paragraph 6 of Part I of Schedule 3.

in Part I of Schedule 3 unless it complies with the relevant provisions of that instrument (subject to any derogations specified in that Part) and with any additional requirements specified in that Part.

(2) Where an animal subject to an instrument in Part I of Schedule 3 is imported from another member State (either for entry into the UK or by way of transit to another member State), the importer, and the person in charge of the animal, if different, must comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves Wales , as the case may be.

(3) Where cattle, pigs, sheep or goats are imported from another member State for slaughter in Wales and are taken to an assembly centre, the importer must ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there, in the case of sheep and goats within 5 days of their arrival at the assembly centre, and in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(4) Where an animal to which paragraph (3) relates is not slaughtered within the specified period, an inspector may, by notice served on the person appearing to him or her to be in charge of the animal, require the animal to be slaughtered as may be specified in the notice.

(5) Where an animal is imported from another member State for slaughter, other than an animal taken to an assembly centre, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by notice served on the person appearing to him or her to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(6) If a notice served under either paragraph (4) or (5) is not complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

Transport of animals and animal products

7.—(1) A person must not transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive 90/425/EEC.

(2) A person must not deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him or her by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to him or her to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 3 have effect, and any failure to comply with those provisions may lead to the amendment, suspension or revocation of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997(**14**) in accordance with Schedule 9 to that Order.

Dealers

8.—(1) Dealers in cattle, pigs, sheep or goats, engaging in intra-Community trade must comply with Part III of Schedule 3.

(**14**) S.I. 1997/1480, to which there are amendments not relevant to these Regulations.