WELSH STATUTORY INSTRUMENTS

2002 No. 2325 (W.232)

AGRICULTURE, WALES

The Bovines and Bovine Products (Trade) (Amendment) (Wales) (No. 2) Regulations 2002

Made - - - -	*10th September 2002*
Coming into force - -	*11th September 2002*

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 makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) (Amendment) (Wales) (No. 2) Regulations 2002; they apply to Wales only and come into force on 11th September 2002.

Amendment of the Bovines and Bovine Products (Trade) Regulations 1999

2.—(1) The Bovines and Bovine Products (Trade) Regulations 1999(**3**) are amended as respects Wales in accordance with the following provisions of this regulation.

(2) In regulation 2 (1) (interpretation)—

(a) the definition of "bovine embryo" is revoked;

(b) the following definition is inserted immediately after the definition of "establishment"—

> ""export approved establishment" means an establishment approved as such under regulation 12 below;"; and

(c) the definition of "export dedicated establishment" is revoked.

(3) In regulation 3(1)(a) (trade in live animals, bovine embryos, mammalian meat and bone meal and related products) the words "or bovine embryo" are revoked.

(4) After regulation 5 there is inserted the following regulation—

(**1**) S.I. 1999/2788.
(**2**) 1972 c. 68.
(**3**) S.I. 1999/1103, amended by S.I. 1999/1554, S.I. 2000/656 and S.I. 2002/1174.

"**Offers to despatch**

5A. No person shall offer to despatch, consign, or accept orders for the despatch, or consignment of anything prohibited from being despatched or consigned by these Regulations."

(5) In regulation 10 (approval of establishments for the slaughter of DBES eligible animals and preparation of DBES goods)—

(a) for paragraph 3(c) there is substituted the following paragraph—

"that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleansed and disinfected after such use."; and

(b) in paragraph 3(e)(i) for the words "export dedicated establishment" there is substituted the words "export approved establishment".

(6) In regulation 12 (approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES and ECHS goods and foreign origin bovine by-products)—

(a) in paragraph (2)(a)(i) for the words "export dedicated establishment" there are substituted the words "export approved establishment";

(b) in paragraph (2)(a)(i) for the words "export dedicated establishments" there are substituted the words "export approved establishments";

(c) paragraph 2(a)(ii) is revoked;

(d) paragraph (3)(a) is revoked;

(e) paragraph 3(b) is revoked;

(f) paragraph (3)(c)(i) is revoked;

(g) in paragraph (3)(c)(ii) the word "that" is inserted at the beginning of the paragraph and the words "and procedures must have been put in place to prevent entry onto the premises of bovine products which are not eligible for despatch abroad other than DBES goods destined for placing on the market in the United Kingdom" are revoked;

(h) in paragraphs 3(c) and (d) the words "in respect of an export dedicated establishment" are revoked;

(i) in paragraph 3(d) for the words "to these Regulations" there are substituted the following "or 3 to these Regulations or both as appropriate";

(j) paragraph 3(e) is revoked;

(k) in paragraph 4 for the words "export dedicated establishment or an application for approval of an establishment which is not an export dedicated establishment" there are substituted the following "export approved establishment for the preparation of DBES goods or an application for an export approved establishment for the preparation of foreign origin export eligible goods".

(7) In regulation 13 (requirements imposed on the operator of an establishment approved under regulation 12)—

(a) in paragraphs 2(b) and 4(c) for the words "export dedicated establishment" there are substituted the words "export approved establishment";

(b) in paragraph 2(b) for the words "to these Regulations" there are substituted the following "or 3 to these Regulations or both as appropriate";

(c) paragraph 2(c) is revoked.

(8) In regulation 17 (seizure of illegal goods)—

(a) for paragraph (7) there is substituted the following paragraph—

"(7) Where the justice of the peace, on the basis of such evidence as he or she considers to be appropriate in the circumstances is satisfied that a consignment is illegal, but is also satisfied that there is no relevant risk in respect of the consignment if it is returned to the owner, he or she shall order—

(a) the consignment to be returned to the owner; and

(b) any expenses reasonably incurred in connection with storage of the consignment to be defrayed by the owner of the consignment.";

(b) After paragraph (7) there is inserted the following paragraph—

"(7A) Subject to paragraph (7B) below, where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraphs (6) or (7), the body who appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector.

(7B) Paragraph (7A) shall not apply if the notice was served because the consignment was not accompanied by the correct documentation or certificate and the consignment was detained until the correct documentation or certificate was provided.".

(9) For Schedules 1 to 3 there is substituted the following schedules—

"**SCHEDULE 1** Regulation 10 (3)(d)

Required methods of operation for DBES slaughterhouses

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
1. Slaughterhouse management must agree with the supervising Official Veterinary Surgeon dedicated time periods ("DBES periods") when only DBES eligible animals will be slaughtered. No bovine animals, which are not DBES eligible, may be slaughtered during DBES periods.		
2. All bovine animals slaughtered during DBES periods must have been confirmed by official checks before slaughter as being DBES eligible animals.		
3. Before a DBES period can start after non-DBES production, the slaughter hall must first be cleansed and disinfected.		
4. There must be a system at the establishment to ensure that after slaughter DBES meat is traceable		

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
back to the DBES eligible animal from which it is derived or, in the case of offal which is intended for export, is traceable back to the batch of DBES eligible animals from which it is derived.		
5. There must be a system for recording all DBES eligible animals slaughtered and outgoing DBES fresh meat which ensures that it is possible to cross check consignments entering and leaving the establishment.		
6. All carcasses of DBES eligible animals must have individual numbers correlated with the eartag number and must be marked with an additional distinct mark in the form prescribed in Schedule 5 to The Bovines and Bovine Products (Trade) Regulations 1999 after the meat has been passed fit for human consumption following post mortem inspection.		
7. The additional mark may only be applied to carcasses during DBES periods.		
8. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals, may be ordered only with the authorisation of a veterinary inspector.		
9. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing the additional mark and official seals must be delivered into the control of an inspector in accordance with Regulation 11(7) of The Bovines and Bovine Products (Trade) Regulations 1999 and maintained		

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
and applied under the control of an inspector. **10.** Carcases of DBES eligible animals bearing the additional mark must be despatched to export approved establishments except for carcases of such animals aged under 9 months which may also be despatched abroad. All carcases must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is not used at the same time for the carriage of any other meat derived from a bovine animal and sealed with an official seal. Where carcases of DBES eligible animals are destined for placing on the market in the UK they should not bear the additional mark. Where such a mark is present it shall be cancelled or removed from the goods at the time that the goods leave the establishment. **11.** Outside of DBES periods, carcasses of DBES eligible animals must be stored separately from carcasses of non-DBES eligible animals in cold store chambers, which are locked under seal so that goods cannot be added or removed without breaking the seal. During DBES periods, carcasses of non-DBES eligible animals must be stored separately from carcasses of DBES eligible animals in cold store chambers, which are locked under seal so that goods cannot be added or removed without breaking the seal.		