



NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 659 (W.34)

ANIMALS, WALES

ANIMAL HEALTH

The Import and Export Restrictions (Foot-And-Mouth Disease) (Wales) Regulations 2001

Made 2nd March 2001 at 8.30 p.m.

Coming into force 2nd March 2001 at 11.00 p.m.

The National Assembly for Wales, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that section, and of all other powers enabling it in that behalf, makes the following Regulations:

Title, commencement and extent and cessation

1.-(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2001; they apply to Wales and come into force on 2nd March 2001 at 11.00 p.m.

(2) These Regulations shall apply until midnight on 9th March 2001.

Interpretation

2. In these Regulations, unless the context otherwise requires-

“the Decision” means Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/145/EC (c);

“export” means export outside the British Islands;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the National Assembly for Wales, by the Minister or by a local authority, and includes a veterinary inspector;

“local authority” means a county council or a county borough council in Wales;

“meat products” means meat products as defined in Article 2 of Council Directive 77/99/EEC on health problems affecting the production and marketing of meat products and certain other products of animal origin (d);

(a) By virtue of the European Communities (Designation) (No.3) Order (S.I 1999/2788).

(b) 1972 c. 68.

(c) OJ No. L62, 2.3.2001, p.22.

(d) OJ No. L26, 31.1.1977, p. 85 as last amended by Directive 92/45/EEC (OJ No. L268, 14.9.1992, p. 35).

“Minister” means the Minister of Agriculture, Fisheries and Food;

“milk” and “milk products” have the meaning given in Article 2 of Council Directive 92/46/EC (laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products(a));

“National Assembly” means the National Assembly for Wales; and

“veterinary inspector” means a person appointed as a veterinary inspector by the National Assembly or by the Minister.

Import and export of live animals

3.-(1) No person shall export any live animal of the bovine, ovine, caprine or porcine species or any other biungulate.

(2) By way of derogation from the preceding paragraph, the National Assembly may by licence in writing authorise the export of biungulate animals originating outside the United Kingdom if the animals travelled through the United Kingdom in direct and uninterrupted transit on main roads or by rail or sea.

(3) No person shall import any live animal of species susceptible to foot and mouth disease into Wales from another member State.

Export of fresh meat

4.-(1) No person shall export any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate.

(2) The prohibition in paragraph (1) shall not apply in relation to-

- (a) fresh meat obtained before 1st February 2001 provided that the meat is clearly identified and since that date has been transported and stored separately from meat which is not destined for dispatch outside the United Kingdom;
- (b) fresh meat obtained from cutting plants situated in the United Kingdom under the following conditions-
 - (i) the only meat processed in the establishment is fresh meat described in sub-paragraph (a) or fresh meat from animals reared outside the United Kingdom, transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter;
 - (ii) all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on animal health problems affecting intra-Community trade in fresh meat(b));
 - (iii) the plant is operated under strict veterinary control;
 - (iv) the meat is clearly identified and transported and stored separately from meat which is not destined for export.

(3) Meat consigned to another member State shall be accompanied by a certificate issued by a veterinary inspector which bears the following words-

“Meat conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of meat products

5.-(1) No person shall export meat products of animals of the bovine, ovine, caprine or porcine species or any other biungulate coming from the United Kingdom.

(2) The prohibition in paragraph (1) shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC (on animal health problems affecting intra-Community trade in meat products (c)), or to meat products as defined in Council Directive 77/99/EEC which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

(a) OJ No. L268, 14.9.92, p.1 as last amended by Council Directive 94/71/EC (OJ No. L368, 31.12.94, p. 33).

(b) OJ No.121, 27.9.1964, p.2012/64; Directive updated by Directive 91/497/EEC (OJ No L268, 24.9.1991, p. 69) as last amended by Directive 95/23/EC (OJ No. L243, 11.10.1995, p. 7).

(c) OJ No. L47, 21.2.1980, p. 4.

- (3) The prohibition in paragraph (1) shall not apply to-
- (a) meat products prepared from meat derived from biungulate animals slaughtered before 1st February 2001 provided that the meat products are clearly identified and since that date have been transported and stored separately from meat products which are not destined for other member States;
 - (b) meat products prepared in establishments under the following conditions-
 - (i) all fresh meat used in the establishment must be from animals reared outside the United Kingdom, transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter;
 - (ii) all meat products used in the final product must conform to the conditions in sub-paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the United Kingdom;
 - (iii) all meat products must bear the health mark in accordance with Chapter VII of Annex A to Directive 77/99/EEC;
 - (iv) the establishment must be operated under strict veterinary control;
 - (v) the meat products must be clearly identified and transported and stored separately from meat and other meat products which are not destined for export.
- (4) Meat products consigned to another member State shall be accompanied by a certificate issued by a veterinary inspector which bears the following words-
- “Meat products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- (5) Derogating from the provisions in paragraph (4) it shall be sufficient in the case of meat products which conform to the requirements of paragraph (2) and are consigned in hermetically sealed containers that compliance with the conditions required for the treatment laid down in paragraph (2) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 11.

Export of milk

- 6.-(1) No person shall export milk for human or non-human consumption.
- (2) The prohibition in paragraph (1) shall not apply in relation to milk which has been subjected to at least -
- (a) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive 92/118/EEC (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 1989/662/EEC and, as regards pathogens, to Directive 1990/425/EEC(a)) followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
 - (b) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive 92/118/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.
- (3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in establishments situated in the United Kingdom under the following conditions-
- (a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals outside the United Kingdom;
 - (b) the establishment must be operated under strict veterinary control;
 - (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for export;
 - (d) transport of raw milk from outside the United Kingdom to the establishment must be carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the United Kingdom keeping animals of species susceptible to foot-and-mouth disease.
- (4) Milk consigned to another member State shall be accompanied by a certificate issued by a veterinary inspector which bears the following words-
- “Milk conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(a) OJ No. L62, 15.3.1993, p. 49.

(5) Derogating from the provisions of paragraph (4), it shall be sufficient in the case of milk which conforms to the requirements of paragraph (2) and is consigned in hermetically sealed containers or has been processed in an automated production system which ensures that standards for treatment are met and recorded that compliance with the conditions required for the treatment laid down in paragraph (2) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 11.

Export of milk products

7.-(1) No person shall export milk products for human or non-human consumption.

(2) The prohibition in paragraph (1) shall not apply in relation to -

- (a) milk products produced before 1st February 2001;
- (b) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 6;
- (c) milk products subjected to heat treatment at a temperature of at least 71.7oC for 15 seconds or an equivalent treatment, on the understanding that such treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations.

(3) The prohibitions described in paragraph (1) shall not apply to milk products prepared in establishments under the following conditions-

- (a) all milk used in the establishment will either conform to the conditions of regulation 6(2) or be obtained from animals outside the United Kingdom;
- (b) all milk products used in the final product will either conform to the conditions of paragraph (2) or be made from milk obtained from animals outside the United Kingdom;
- (c) the establishment shall be under strict veterinary control; and
- (d) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for export.

(4) Milk products consigned to another member State shall be accompanied by a certificate issued by a veterinary inspector which bears the following words-

“Milk products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(5) Derogating from the provisions of paragraph (4), it shall be sufficient in the case of milk products which conform to the requirements of paragraph (2) and are consigned in hermetically sealed containers or have been processed in an automated production system which ensures that standards for treatment are met and recorded that compliance with the conditions laid down in paragraph (2) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 11.

Export of semen, etc.

8.-(1) No person shall export semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates.

(2) The prohibition in paragraph (1) shall not apply in relation to frozen bovine semen and embryos produced before 1st February 2001.

(3) The health certificate provided for in Council Directive 88/407/EEC (laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species (a)) accompanying frozen bovine semen consigned to another member State shall bear the following words-

“Frozen bovine semen conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(4) The health certificate provided for in Council Directive 89/556/EEC (on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(b)) accompanying bovine embryos consigned to other member State shall bear the following words-

“Bovine embryos conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning

(a) OJ L194, 22.7.1988, p. 10.

(b) OJ L302, 19.10.1989, p.11.

certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of hides and skins

9.-(1) No person shall export hides and skins of animals of the bovine, ovine, caprine and porcine species and other biungulates.

(2) The prohibition in paragraph (1) shall not apply in relation to hides and skins which were produced before 1st February 2001 or which conform to the requirements of paragraph 1(A) indents 2 to 5 or paragraph 1(B), indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 1989/662/EEC and, as regards pathogens, to Directive 1990/425/EEC(a)). Care must be taken to separate effectively treated hides and skins from untreated hides and skins.

(3) The hides and skins must be accompanied by a certificate stating-
“Hides and skins conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(4) Derogating from the provisions in paragraph (3) it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1A indents 2 to 5 of Chapter 3 of Annex 1 to Council Directive 92/118/EEC to be accompanied by a commercial document stating compliance with the conditions required for the treatment laid down in paragraph 1(A) indents 2 to 5 of Chapter 3 of Annex I to Council Directive 92/118/EEC.

(5) Derogating from the provisions in paragraph (3) it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1(B) indents 3 and 4 of Chapter 3 to Annex I to Council Directive 92/118/EEC that compliance with the conditions required for the treatment laid down in paragraph 1(B) indents 3 and 4 of Chapter 3 of Annex I to Council Directive 92/118/EEC is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 11.

Export of animal products

10.-(1) No person shall send animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations produced after 1st February 2001.

- (2) The prohibition in paragraph (1) shall not apply in relation to-
- (a) animal products which have been subjected to-
 - (i) heat treatment in a hermetically sealed container with a Fo value of 3,00 or more; or
 - (ii) heat treatment in which the centre temperature is raised to at least 70°C;
 - (b) blood and blood products as defined in Chapter 7 of Annex I to Council Directive 92/118/EEC which have been subjected to -
 - (i) heat treatment at a temperature of 65°C for at least three hours followed by an effectiveness check; or
 - (ii) irradiation at 2.5 megarads or gamma rays followed by an effectiveness check; or
 - (iii) change of pH to pH5 or lower for at least two hours, followed by an effectiveness check;
 - (c) lard and rendered fats which have been subject to the heat treatment prescribed in paragraph 2(A) of chapter 9 of Annex I to Council Directive 92/118/EEC;
 - (d) animal casings to which the provisions of paragraph B Chapter 2 of Annex I to Council Directive 92/118/EEC apply adapted as necessary to suit the case;
 - (e) unprocessed sheep wool and ruminant hair which is securely enclosed in packaging and dry;
 - (f) semi-moist and dried petfood conforming to the requirements of paragraph 2 and 3 respectively of Chapter 4 of Annex I to Council Directive 92/118/EEC;
 - (g) composite products which are not subject to further treatment containing products of animal origin on the understanding that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations.

(3) The animal products must be accompanied by a certificate stating-

“Animal products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(a) OJ No. L62, 15.3.1993, p. 49.

Endorsement of commercial documents

11-(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it an official certificate prepared by the National Assembly stating that the production process has been audited and found in accordance with these Regulations and suitable to destroy the foot-and-mouth disease virus and provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

(2) The certificate shall bear a reference to the Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

Powers of inspectors

12-(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of the Decision, and in particular may-

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (c) take with him a representative of the European Commission acting for the purposes of the Decision.

Illegal consignments

13-(1) Where an inspector knows or suspects that animals or animal products are intended for export and do not comply with the requirements of these Regulations he may by notice served on the person in charge of those animals or products require that person at his own expense-

- (a) without delay to detain the animals or animal products, and any animals or products which have been in contact with them, at 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; or
- (b) in the case of animals, without delay to slaughter and destroy them, or cause them to be slaughtered and destroyed, or, in the case of animal products, without delay to destroy them or cause them to be destroyed, in accordance with such conditions as may be specified in the notice.

(2) In the case of any notice served under this regulation not being complied with, an inspector may seize or cause to be seized any animals or animal products to which it relates and arrange for the requirements of the notice to be complied with at the expense of the person on whom it was served.

Obstruction

14-(1) No person shall-

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by bodies corporate

15-(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of-

- (a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

16-(1)A person contravening any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under regulation 14(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable-

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Enforcement

17. These Regulations shall be enforced by the Minister or the local authority.

Revocation

18. The Export Restrictions (Foot-and-Mouth Disease) Regulations 2001 (a) are revoked in so far as they apply in relation to Wales.

Delegation

19. The functions exercisable by the National Assembly under these Regulations shall be exercisable by the First Secretary on behalf of the National Assembly.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998
(b)

2 March 2001 at 8:30 p.m.

D. Elis Thomas

The Presiding Officer of
the National Assembly

(a) S. I. 2001/498.

(b) 1998 c.38.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations implement in Wales restrictions on imports and exports of certain animals and animal products in accordance with Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/145/EC (OJ No. L62, 2.3.2001, p.22).

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