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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1835 (W.159)**

**FOOD, WALES**

**The Bovine Products (Restriction on Placing on the Market) (Wales) (No. 2) (Amendment) Regulations 2007**

<i>Made</i>	- - - -	<i>26 June 2007</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>26 June 2007</i>
<i>Coming into force</i>	- -	<i>27 June 2007</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972<sup>(1)</sup>.

The Welsh Ministers have been designated for the purposes of that section in relation to measures in the veterinary field for the protection of public health<sup>(2)</sup>.

**Title and commencement**

1. The title of these Regulations is the Bovine Products (Restriction on Placing on the Market) (Wales) (No. 2) (Amendment) Regulations 2007 and come into force on 27 June 2007.

**Amendments to the Bovine Products (Restriction on Placing on the Market) (Wales) (No. 2) Regulations 2005**

2.—(1) The Bovine Products (Restriction on Placing on the Market) (Wales) (No. 2) Regulations 2005<sup>(3)</sup> are amended in accordance with paragraphs (2) to (4).

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

(a) the following definitions of certain Community instruments are substituted for the definitions of the Community instruments appearing immediately after the definition of “cutting up”—

““Decision 2007/411”, “Directive 2004/41”, “Regulation 999/2001”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, Regulation 2075/2005”, “Regulation

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(1) 1972 c. 68.

(2) S.I. 2003/1246. By virtue of section 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.

(3) S.I. 2005/3296 W.254

2076/2005”, “Regulation 575/2006”, “Regulation 1664/2006”, “Regulation 1665/2006”, Regulation 1666/2006”, “Regulation 1791/2006” and “Regulation 1923/2006” have the meanings respectively given to them in the Schedule;” and

(b) the phrase “Decision 2007/411” is substituted for the phrase “Decision 2005/598” appearing in the combined definition of “material” and “product”.

(3) In paragraph (4)(b) of regulation 5 (inspection and seizure of suspected products) the word “regulation” is substituted for the word “section”.

(4) For the Schedule (definitions of Community legislation) there is substituted the Schedule set out in the Schedule to these Regulations.

*Gwenda Thomas*

Under authority of the Minister for Health and  
Social Services, one of the Welsh Ministers.

26 June 2007

THE SCHEDULE

Regulation 2(4)

SCHEDULE SUBSTITUTED FOR THE SCHEDULE TO THE BOVINE PRODUCTS  
(RESTRICTION ON PLACING ON THE MARKET) (WALES) (NO. 2) REGULATIONS 2005

“THE SCHEDULE

Regulation 2(1)

DEFINITIONS OF COMMUNITY LEGISLATION

“Decision 2007/411” means Commission Decision [2007/411/EC](#) prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. [999/2001](#) and repealing Commission Decision [2005/598/EC](#)(4) ;

“Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(5);

“Regulation 999/2001” means Regulation (EC) No. [999/2001](#) of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(6) as last amended by Regulation [1923/2006](#);

“Regulation 178/2002” means Regulation (EC) No. [178/2002](#) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(7) as last amended by Regulation [575/2006](#);

“Regulation 852/2004” means Regulation (EC) No. [852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs(8) as read with Regulation [2073/2005](#);

“Regulation 853/2004” means Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(9) as last amended by Regulation [1791/2006](#) and as read with Directive [2004/41](#), Regulation [1688/2005](#), Regulation [2074/2005](#) and Regulation [2076/2005](#);

“Regulation 854/2004” means 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(10) as last amended by Regulation [1791/2006](#) and as read with Directive [2004/41](#), Regulation [2074/2005](#), Regulation [2075/2005](#) and Regulation [2076/2005](#);

“Regulation 882/2004” means Regulation (EC) No. [882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with

(4) OJ No. L155, 15.6.2007, p.74.

(5) OJ No. L157, 30.4.2004, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(6) OJ No. L147, 31.5.2001, p.1.

(7) OJ No. L31, 1.2.2002, p.1.

(8) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. [852/2004](#) is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3).

(9) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. [853/2004](#) is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22).

(10) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. [854/2004](#) is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83).

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feed and food law, animal health and animal welfare rules(11) as last amended by Regulation 1791/2006 and as read with Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(12);

“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(13);

“Regulation 2074/2005” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(14) as amended by Regulation 1664/2006;

“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for Trichinella in meat(15) as amended by Regulation 1665/2006;

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(16) as amended by Regulation 1666/2006;

“Regulation 575/2006” means Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority(17);

“Regulation 1664/2006” means Commission Regulation (EC) No. 1664/2006 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(18);

“Regulation 1665/2006” means Commission Regulation (EC) No. 1665/2006 amending Regulation (EC) No. 2975/2005 laying down specific rules on official controls for Trichinella in meat(19);

“Regulation 1666/2006” means Commission Regulation (EC) No. 1666/2006 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2006, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council(20);

(11) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1).

(12) OJ No. L271, 15.10.2005, p.17.

(13) OJ No. L338, 22.12.2005, p.1, as read with the corrigenda at OJ No. L278, 10.10.2006, p.32 and OJ No. L283, 14.10.2006, p.62.

(14) OJ No. L338, 22.12.2005, p.27.

(15) OJ No. L338, 22.12.2005, p.60.

(16) OJ No. L338, 22.12.2005, p.83.

(17) OJ No. L100, 8.4.2006, p.3.

(18) OJ No. L320, 18.11.2006, p.13.

(19) OJ No. L320, 18.11.2006, p.46.

(20) OJ No. L320, 18.11.2006, P.47.

“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania<sup>(21)</sup>); and

“Regulation 1923/2006” means Regulation (EC) No. 1923/2006 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>(22)</sup>.”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Bovine Products (Restriction on Placing on the Market) (Wales) (No. 2) Regulations 2005 (S.I.2005/3296 W. 254) by—

- (a) updating the definitions of certain Community instruments that are referred to in those Regulations (*regulation 2(2)(a) and (4)*);
- (b) substituting a reference to the Commission Decision that has repealed and replaced an earlier Commission Decision for the reference to that earlier Decision that appears in those Regulations (*regulation 2(2)(b)*); and
- (c) correcting a drafting error in those Regulations (*regulation 2(3)*).

2. The Bovine Products (Restriction on Placing on the Market) (Wales) (No. 2) Regulations 2005 gave effect in relation to Wales to Article 1.1 of Commission Decision 205/598/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 (OJ No. L204, 5.8.2005, p.22). Article 1.1 of Commission Decision 2005/598/EC provided that certain products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 could not be placed on the market.

3. Commission Decision 2005/598/EC has now been repealed and replaced by Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Commission Decision 2005/598/EC (OJ No. L155, 15.6.2007, p.74).

4. Article 1.1 of Commission Decision 2007/411/EC is in identical terms to Article 1.1 of Commission Decision 2005/598/EC and the Bovine Products (Restrictions on Placing on the Market) (Wales) (No. 2) Regulations 2005 as amended by these Regulations give effect in relation to Wales to Article 1.1 of Commission Decision 2007/411/EC.

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(21) OJ No. L363, 20.12.2006, p.1.

(22) OJ No. L404, 30.12.2006, p.1.

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5. A full regulatory assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.