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WELSH STATUTORY INSTRUMENTS

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**2019 No. 569**

**The Animals and Animal Products (Examination for Residues  
and Maximum Residue Limits) (Wales) Regulations 2019**

**PART 3**

**Sampling and Analysis**

**Procurement of samples**

**13.** An authorised officer may—

- (a) take a sample of any article or substance which is found by that officer on or in any premises which the officer is authorised to enter and which the officer has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations; and
- (b) take a sample from any animal, whether or not intended for human consumption, which is found by that officer on or in any such premises.

**Primary analysis of official samples**

**14.—**(1) An official sample is to be submitted for analysis at an approved laboratory and dealt with in accordance with paragraph (2) or (3).

(2) Except where the official sample is of a kind described in paragraph (3), part of that sample is to be subjected to a primary analysis and the remainder is to be retained for any reference analysis.

(3) Where the official sample contains the remains of any solid implant or injection site, the analyst is to prepare an extract of such implant or injection site and subject part of that extract to a primary analysis and retain the remainder of the extract for any reference analysis.

**Results of primary analysis**

**15.—**(1) Where the primary analysis shows that an official sample, or in the case of such a sample containing the remains of a solid implant or injection site, such remains of a solid implant or injection site, contains—

- (a) an unauthorised substance;
- (b) a substance which an analyst reasonably suspects may be an unauthorised substance;
- (c) in the case of a sample taken from an animal or batch of animals, its excrement or body fluids or from its tissues, an authorised substance at a concentration which is notified to the analyst by an authorised officer as one which causes the officer reasonably to suspect that an animal product derived from that animal or batch of animals may contain an authorised substance at a concentration exceeding the relevant maximum residue limit; or
- (d) in the case of a sample taken from any animal product, an authorised substance at a concentration exceeding the relevant maximum residue limit,

the analyst is to record that information in a primary analysis certificate and provide a copy of that certificate to an authorised officer who is then to give that copy to the relevant person.

(2) Where the primary analysis does not show anything requiring a primary analysis certificate to be given under paragraph (1), the analyst is to notify an authorised officer of that fact and the authorised officer is to then notify the relevant person.

(3) For the purposes of this regulation and regulations 16 and 17, “relevant person” means the owner of the premises where the sample was taken or, where another person is the owner of the animal, animal product or other article or substance from which the sample was taken, whichever one of them the authorised officer considers appropriate.

### Reference analysis

**16.**—(1) The finding specified in the primary analysis certificate is to be referred by an authorised officer to an approved laboratory for a reference analysis together with the remainder of the official sample retained by the analyst in accordance with regulation 14(2) or 14(3), as appropriate, if—

- (a) the finding shows that the official sample, whether or not an extract of any solid implant or injection site, contains a substance which is specified under the heading “Group A” in Annex 1 to Council Directive 96/23; or
- (b) an authorised officer in any event so decides.

(2) The analyst is to record the results of the reference analysis in a reference analysis certificate and provide a copy of that certificate to an authorised officer who is to then give a copy to the relevant person.

(3) The relevant person may, on the basis of a contradictory analysis and by notice in writing served on an authorised officer, challenge the finding specified in a primary analysis certificate in relation to an official sample at any time before that sample, or part thereof, is referred for a reference analysis.

(4) Where, in accordance with paragraph (3), the relevant person challenges the finding specified in a primary analysis certificate that person is liable for the costs of any reference analysis which confirms the finding specified in that certificate.

### Notification to analyst

**17.**—(1) An authorised officer who submits to an approved laboratory a sample for primary analysis is to inform the analyst of that approved laboratory of the name and address of the relevant person.

(2) An authorised officer who refers to an approved laboratory a finding specified in a primary analysis is to inform the analyst of that approved laboratory of the name and address of the relevant person.

### Methods of analysis

**18.** The analysis of an official sample must be carried out in accordance with methods authorised by Commission [Decision 2002/657/EC](#) implementing Council [Directive 96/23/EC](#) concerning the performance of analytical methods and the interpretation of results<sup>(1)</sup>.

### Certificates of analysis

**19.**—(1) Any certificate given by an analyst under these Regulations—

- (a) must be signed by the analyst; and

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(1) OJ No L221, 17.8.2002, p. 8, as last amended by Commission [Decision 2004/25/EC](#) (OJ No L6, 10.1.2004, p. 38).

- (b) must specify the name of the authorised officer who submitted the sample for analysis and—
  - (i) if that officer is an officer of an enforcement authority, the name and address of the enforcement authority of which that person is an officer, or
  - (ii) if that officer is not the officer of an enforcement authority, the name and address of the organisation for which that officer works.
- (2) In any proceedings under these Regulations, the production by one of the parties—
  - (a) of a document purporting to be a certificate given by an analyst under paragraph (1); or
  - (b) of a document supplied to that party by the other party as being a copy of such a certificate,is sufficient evidence of the facts stated in it unless, in a case falling within sub-paragraph (a), the other party requires the analyst to be called as a witness.

### **Animal inspections**

- 20.**—(1) An authorised officer may, by giving written notice, require—
- (a) the detention of an animal or a batch of animals in the place where the animal or the batch of animals is located; or
  - (b) the removal to, and the detention at, another place of an animal or batch of animals,
- in order to carry out an inspection.
- (2) An inspection under paragraph (1) is to be undertaken to ascertain whether—
- (a) any animal contains any unauthorised substance or a residue of any other substance which the authorised officer reasonably suspects may result in any animal product derived from the animal containing an unauthorised substance or a Table 1 substance at a concentration exceeding the maximum residue limit; or
  - (b) any withdrawal period has expired.
- (3) Where detention alone is required, the notice is to be served on the owner of the premises where the animal or batch of animals is located.
- (4) Where removal and detention elsewhere is required the notice is to be served on the owner of the premises where the animal or batch of animals is located unless another person is the owner of the animal or batch of animals, in which case the authorised officer is to serve the notice on whichever one of them the officer considers appropriate.

### **Examination of an animal or batch of animals**

- 21.**—(1) If it appears to an authorised officer, as a result of an inspection carried out for the purposes referred to in regulation 20, that any animal or batch of animals may contain an unauthorised substance or a residue of an authorised substance which the officer reasonably suspects may result in any animal product derived from that animal or batch of animals containing an authorised substance at a concentration exceeding the relevant maximum residue limit or that the withdrawal period in relation to any animal has not expired, an authorised officer has the powers specified in paragraph (2) in relation to such an animal or batch of animals.
- (2) An authorised officer may—
- (a) give notice in writing to the owner of the animal or batch of animals that, until the notice is withdrawn by a further notice in writing—
    - (i) no commercial operations are to be carried out with respect to the animal or batch of animals;

- (ii) the animal or batch of animals is not to be moved from the place where it then is or is not to be so moved except to a place specified in the notice; and
- (iii) no animal, other than as permitted by paragraph (ii), is to be moved from the farm of origin except as specified in the notice;
- (b) subject the animal or batch of animals to such examinations for the presence of substances or residues as the authorised officer may reasonably consider to be necessary;
- (c) paint, stamp, clip, tag or otherwise mark, or cause to be marked, the animal or batch of animals in order to identify it for the purposes of these Regulations.

### **Notice on completion of examination**

**22.**—(1) On completion of an examination specified in regulation 21(2)(b), an authorised officer is to give notice in writing to the owner of the animal or batch of animals in accordance with the following paragraphs of this regulation.

(2) Where such an examination shows that an animal or batch of animals does not contain any unauthorised substance or the residue of any authorised substance at a concentration likely to result in any animal product derived from that animal or batch of animals having a concentration of the substance exceeding the relevant maximum residue limit or where an authorised officer considers that such an examination is unnecessary, the notice is to so declare and is to provide for the withdrawal of any notice served on the owner of the animal or batch of animals under regulation 21(2)(a) in so far as it relates to that animal or batch of animals.

(3) Where the examination shows that an animal or batch of animals contains a prohibited substance, an unlicensed substance or a Table 2 substance the notice is to so declare, is to specify the result of the examination and is to require the owner of the animal or batch of animals to slaughter the animal or batch of animals, or to cause it to be slaughtered, within such a period and in accordance with such requirements as may be specified in the notice.

(4) Where the examination shows that an animal or batch of animals contains a concentration of an authorised substance which an authorised officer reasonably suspects may result in any animal product derived from that animal or batch of animals having a concentration of that substance exceeding the relevant maximum residue limit, the notice is to so declare, is to specify the result of the examination and, subject to regulation 12, is to prohibit the slaughter of that animal or batch of animals for human consumption.

(5) A notice given in accordance with paragraph (4) prohibiting the slaughter of any animal or batch of animals may at any time be withdrawn by a further notice in writing given by an authorised officer to the owner of the animal or batch of animals; and a notice given in accordance with paragraph (4) is to be so withdrawn as soon as an authorised officer is satisfied that the animal or batch of animals does not contain a concentration of an authorised substance which may result in any animal product derived from the animal or batch of animals having a concentration of that substance exceeding the relevant maximum residue limit.

(6) If any person on whom a notice has been served under paragraph (3) fails to comply with the requirements of the notice relating to the slaughter of an animal or batch of animals, an authorised officer may, without prejudice to any proceedings arising out of such default, slaughter, or cause to be slaughtered, that animal or batch of animals.

(7) The enforcement authority may make a charge of an amount equal to the amount of expenses reasonably incurred by the authorised officer in the exercise of the powers conferred on the officer under—

- (a) regulation 21(2), if paragraph (3) or (4) applies; or
- (b) paragraph (6).

(8) The charge referred to in paragraph (7) is payable by the person in default and is recoverable by the enforcement authority.