
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement for Wales Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJNo. L24, 30.1.98, p.9). The Directive applies to products of animal origin — meat, fish (including shellfish), milk and products made from these, together with egg products and a large number of animal by-products, including casings, skins, bones and blood. When read with Annex I to the Agreement on the European Economic Area (OJ No. L1, 3.1.94, p.3, as amended) the Directive requires that products of animal origin which enter the European Economic Area must undergo specified veterinary checks at border inspection posts to ensure that they comply with requirements laid down by Community legislation for the protection of animal and public health.

The products to which the Regulations apply are defined in regulation 2(1) and Schedule 3 and the requirements with which they must comply are listed, by reference to the relevant Community legislation, in Schedule 2. Small quantities of products intended for personal use, and trade samples and products intended for exhibition or study or analysis are exempt from all but a few of the Regulations (regulation 3).

Regulation 4 defines the authorities who will enforce the Regulations. Usually these will be port health authorities, which must appoint official veterinary surgeons and official fish inspectors to conduct veterinary checks at each border inspection post in their area (regulation 6). Regulations 7, 8 and 9 confer the necessary enforcement powers.

Part III establishes the inspection system which will apply to the generality of products. The introduction into Wales of products which do not comply with the Schedule 2 requirements is prohibited, unless they are being transported across Wales (regulation 15). Products must be introduced at border inspection posts, advance notice of their introduction must be given, and they must be made available for inspection, together with required documentation, at a border inspection post (regulations 16 to 19). Regulations 21 to 28 deal with products which are rejected at inspection, are introduced illegally, or present a risk to animal or public health.

Parts IV to VIII lay down special provisions which apply to particular categories of product (on-board catering supplies, products intended for free circulation in the Community, products in transit across Wales, products intended for warehousing under particular customs regimes, and products exported from the Community and then returned to it).

Part IX deals with the calculation and payment of charges for the veterinary checks provided for in the Regulations; Part X confers on the National Assembly and the Food Standards Agency power to prohibit the introduction of products into Wales from non-EEA countries in which there is an outbreak of animal disease; Part XI establishes offences and penalties; and Part XII deals with the form and service of notices and with notification of decisions.

The provisions of the Products of Animal Origin (Import and Export) Regulations 1996 (S.I.1996/3124, as amended) which apply to products imported from third countries are disapplied in relation to Wales (regulation 63(2)).

A Regulatory Impact Assessment has been prepared on an UK basis and placed in the Libraries of the National Assembly and of each House of Parliament, together with a Transposition Note setting out how the main elements of Directive 97/78/EC are implemented in these Regulations. Copies may be obtained from the Animal Health Division of the Welsh Assembly Government, Cathays Park, Cardiff.