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## EXPLANATORY NOTE

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

These TSE Regulations make provision in Wales, otherwise than in relation to trade, for—

- (a) the administration and enforcement of the following directly applicable Community legislation (“the Community TSE Regulation and Community Transitional Measures”)—
- Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No. L147, 31.5.2001, p.1) (“the Community TSE Regulation”);
  - Commission Regulation (EC) No. 1248/2001 of 22 June 2001 amending Annexes III, X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies (OJ No. L173, 27.6.2001, p.12);
  - Commission Regulation (EC) No. 1326/2001 of 29 June 2001 laying down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation (OJ No. L177, 30.6.2001, p.61); and
  - Commission Regulation (EC) No. 270/2002 of 14 February 2002 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissible spongiform encephalopathies and amending Regulation (EC) No. 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof (OJ No. L45, 15.2.2002, p.4); and
- (b) continuing the implementation of Council Decision 2000/766/EC (OJ No. L306, 7.12.2000, p.32) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein, and Commission Decision 2001/9/EC (OJ No. L2, 5.1.2001, p.32) concerning control measures required for the implementation of Council Decision 2000/766/EC, in accordance with Article 1(2) of Commission Regulation (EC) No. 1326/2001.

The Regulations come into force on 27 May 2002.

Part I of these Regulations contain introductory provisions. These include the application provisions of regulation 2 and the interpretation provisions of regulation 3. (Provision as respects Wales for the administration and enforcement of the Community TSE Regulation and the Community Transitional Measures in relation to trade is intended to be made by a separate instrument.)

Part II of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to TSE monitoring. These are provisions for TSE monitoring, movement prohibitions and restrictions of TSE susceptible animals; slaughter of TSE susceptible animals at slaughterhouses and at other premises; retention and seizure of carcasses etc. of TSE susceptible animals; provision for compensation; and provision for notifications.

*Status: This is the original version (as it was originally made).*

Part III of these Regulations makes provision in relation to animal feeding. It continues the implementation of Council Decision [2000/766/EC](#) (OJ No. L306, 7.12.2000, p.32) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein, and Commission Decision [2001/9/EC](#) (OJ No. L2, 5.1.2001, p.32) concerning control measures required for the implementation of Council Decision [2000/766/EC](#), in accordance with Article 1(2) of Commission Regulation (EC) No. [1326/2001](#). Article 1(2) of Commission Regulation (EC) No. [1326/2001](#), and section C of Annex XI to the Community TSE Regulation (added by Article 3(3) of, and Annex IV to, Commission Regulation (EC) No. [1326/2001](#)) provide that this Council Decision and Commission Decision remain in force. The implementation of these Decisions was previously provided by the Processed Animal Protein (Wales) Regulations 2001, revoked in part by these Regulations. Part III also includes provisions dealing with matters arising out of and related to these Decisions, including provisions relating to feeding ruminants with mammalian protein and livestock with mammalian meat and bone meal.

Part IV of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to specified risk material. These are prohibitions on the removal, collection or disposal of specified risk material except at licensed premises; provisions for licensing of premises for the removal, collection or disposal of specified risk material; prohibitions on the sale of specified risk material for human consumption; prohibitions relating to mechanically recovered meat and pithing; provisions for the separation of live animals and products of animal origin in premises which use specified risk material in production and live animals in or intended for research; prohibitions on feeding specified risk material to animals; provisions relating to transport and storage of specified risk material; requirements to make and keep records; requirements for cleansing and disinfection; powers of inspectors; provisions relating to compliance with notices, suspension and revocation of licences; appeals against suspension and revocation of licences; and offences.

Part V of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to control and eradication of TSE. These are provisions for notifications of animals suspected of being affected by a TSE; measures with respect to animals suspected of being affected by a TSE; movement prohibitions and restrictions of animals suspected of being affected by a TSE; slaughter of animals suspected of being affected by a TSE; retention and seizure of carcasses etc. of TSE susceptible animals; provisions for compensation; prohibitions in respect of the sale or supply of milk from affected or suspected animals and requirements for cleansing and disinfection.

Part VI of these Regulations makes provision in relation to placing on the market of first generation progeny of, and semen, embryos and ova derived from, certain animals. Part VI also makes provision for the continued implementation of Council Decision [98/256/EC](#) (OJ No. L113, 15.4.98, p.32), concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision [94/474/EC](#) and repealing Decision [96/239/EC](#), in relation to offspring of bovine animals. An offspring for this purpose is any bovine animal born to a dam which is affected or suspected of being affected with BSE when it gave birth to the animal or which subsequently becomes affected or suspected of being affected with BSE. Council Decision [98/256/EC](#) remains in force as a transitional measure by virtue of Article 1(1) of Commission Regulation (EC) No. [1326/2001](#) and section D of Annex XI to the Community TSE Regulation (added by Article 3(3) of, and Annex IV to, Commission Regulation (EC) No. [1326/2001](#)). The implementation of Council Decision [98/256/EC](#) in relation to offspring animals was previously provided by the Offspring Slaughter Regulations 1998, S.I.1998/3070, revoked by these Regulations.

Part VII of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to sampling and laboratory methods.

Part VIII of these Regulations makes further provision for offences and penalties and provides for enforcement of the Regulations.

Part IX of these Regulations contains supplementary provisions for service of notices and other documents, amendments and revocations and savings.

A Regulatory Appraisal has been prepared in respect of these Regulations and is available from the National Assembly for Wales, Agricultural and Rural Development Department, Cathays Park, Cardiff CF10 3NQ.