CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 976 (Cy.135)

AMAETHYDDIAETH, CYMRU

Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) (Diwygio) 2003

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) 2002 (O.S. 2002/1387 (Cy.136), fel y'u diwygiwyd gan O.S. 2002/3011 (Cy.282) ac O.S. 2002/3239 (Cy.307)) ('y prif Reoliadau') sy'n gweithredu Cyfarwyddeb y Cyngor 97/78/EC sy'n gosod yr egwyddorion sy'n llywodraethu trefnu gwiriadau milfeddygol ar gynhyrchion sy'n dod i'r Gymuned o drydydd gwledydd (OJ Rhif. L24, 30.1.98, t.9).

Mae rheoliad 5 yn mewnosod rheoliad 12A newydd yn y prif Reoliadau sy'n darparu y caiff Cynulliad Cenedlaethol Cymru, Comisiynwyr y Tollau Tramor a Chartref ("y Comisiynwyr"), unrhyw awdurdod lleol a'r Asiantaeth Safonau Bwyd gyfnewid gwybodaeth ymysg ei gilydd a rhannu gwybodaeth gydag awdurdodau gorfodi yn Lloegr, Gogledd Iwerddon a'r Alban.

Mae rheoliad 6 yn gwneud mân newid drafftio i reoliad 13 o'r prif Reoliadau.

Mae rheoliad 7 yn rhoi rheoliad newydd yn lle rheoliad 16 o'r prif Reoliadau. Mae'r rheoliad 16 newydd yn darparu bod y gwaharddiad ar gyflwyno cynhyrchion sy'n deillio o anifeiliaid i Gymru (ac eithrio wrth fannau archwilio ar y ffin) yn cael ei orfodi yn y pwyntiau mynediad gan y Comisiynwyr yn hytrach na chan yr awdurdodau lleol.

Mae rheoliad 8 yn diwygio rheoliad 28 o'r prif

NATIONAL ASSEMBLY FOR WALES

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AGRICULTURE, WALES

The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002 (S.I. 2002/1387 (W.136), as amended by S.I. 2002/3011 (W.282) and S.I. 2002/3239 (W.307)) ('the principal Regulations') which implement Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ No. L24, 30.1.98, p.9).

Regulation 5 inserts a new regulation 12A into the principal Regulations which provides that the National Assembly for Wales, the Commissioners of Customs and Excise ('the Commissioners'), any local authority and the Food Standards Agency may exchange information amongst themselves and share information with enforcement authorities in England, Northern Ireland and Scotland.

Regulation 6 makes a minor drafting change to regulation 13 of the principal Regulations.

Regulation 7 substitutes a new regulation for regulation 16 of the principal Regulations. The new regulations 16 provides that the prohibition on the introduction into Wales of products of animal origin (except at border inspection posts) is enforced at points of entry by the Commissioners instead of the local authority.

Regulation 8 amends regulation 28 of the principal

Reoliadau i ddarparu y caiff y Comisiynwyr godi tâl am y costau wrth ailddosbarthu neu ddifetha cynnyrch neu lwyth ar y person y cyflwynwyd hysbysiad atafaelu iddo.

Mae Arfarniad Rheoliadol wedi'i baratoi ac mae ar gael ar wefan Cynulliad Cenedlaethol Cymru (www.cymru.gov.uk). Gellir cael copïau oddi wrth Lywodraeth Cynulliad Cymru, Yr Is-adran Iechyd Anifeiliaid, Adeiladau'r Goron, Parc Cathays, Caerdydd, CF10 3NQ.

Regulations to provide that the Commissioners may charge the costs of re-dispatching or destroying a product or consignment to the person on whom a notification of seizure has been served.

A regulatory appraisal has been prepared and is available on the National Assembly for Wales website (www.wales.gov.uk). Copies may be obtained from the Welsh Assembly Government, Animal Health Division, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL

2003 Rhif 976 (Cy.135)

AMAETHYDDIAETH, CYMRU

Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) (Diwygio) 2003

Wedi'u gwneud	*1 Ebrill 2003*
Yn dod i rym	*11 Ebrill 2003*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi (**a**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**b**) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno, yn gwneud y Rheoliadau canlynol:

Teitl, cychwyn a chymhwyso

1. Enw'r rheoliadau hyn yw Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) (Diwygio) 2003; maent yn gymwys mewn perthynas â Chymru ac yn dod i rym ar 11 Ebrill 2003.

Diwygio Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) 2002

2. Diwygir Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) 2002(**c**) yn unol â'r Rheoliadau hyn.

Diwygio rheoliad 2

3.-(1) Diwygir rheoliad 2(1) yn unol â'r rheoliad hwn -

(2) Ar ôl y diffiniad o "the Customs Code", mewnosodir y diffiniad canlynol--

> ""customs officer" means an officer as defined by section 1(1) of the Customs and Excise Management Act 1979(**ch**) (a person

(a) O.S. 1999/2788.

(b) 1972 p. 68.

(c) O.S. 2002/1387 (Cy.136), fel y'i diwygiwyd gan O.S. 2002/3011 (Cy. 282), a 2002/3230 (Cy. 307).

(ch) 1979 p. 2.

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2003 No. 976 (W.135)

AGRICULTURE, WALES

The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2003

Made	*1st April 2003*
Coming into force	*11th April 2003*

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, makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2003; they apply in relation to Wales and come into force on 11th April 2003.

Amendments to the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002

2. The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002(**c**) are amended in accordance with these Regulations.

Amendments to regulation 2

3.-(1) Regulation 2(1) is amended in accordance with this regulation -

(2) After the definition of "the Customs Code", the following definition is inserted -

> ""customs officer" means an officer as defined by section 1(1) of the Customs and Excise Management Act 1979(**d**) (a person

(a) S.I. 1999/2788.

(b) 1972 c. 68.

(c) S.I. 2002/1387 (W.136), as amended by S.I. 2002/3011 (W.282) and 2002/3230 (W.307).

(d) 1979 c. 2.

commissioned by the Commissioners);"; a

(3) Ar ôl y diffiniad o "physical check" mewnosodir y diffiniad canlynol --

""point of entry" means any place where goods are subject to customs supervision under Articles 37 and 38 of the Customs Code, other than a border inspection post;".

Diwygio rheoliad 4

4. Mewnosodir y geiriau "subject to regulation 16," ar ddechrau rheoliad 4(c).

Mewnosod rheoliad 12A

5. Ar ôl rheoliad 12, mewnosodir y rheoliad canlynol-

"Exchange of Information

12A. (1) For the purposes of the execution or enforcement of these Regulations, the National Assembly for Wales, the Commissioners, any local authority and the Agency may exchange amongst themselves, any information received by them in the execution or enforcement of these Regulations.

(2) The National Assembly, the Commissioners, any local authority and the Agency may share information received by them in the execution or enforcement of these Regulations with the enforcement agencies in England, Northern Ireland and Scotland for the purposes of enforcing the legislation on the introduction of products of animal origin from third countries in England, Northern Ireland and Scotland respectively.

(3) Paragraphs (1) and (2) are without prejudice to any other power of the National Assembly, the Commissioners, any local authority and the Agency to disclose information.".

Diwygio rheoliad 13

6. Yn rheoliad 13(1)(b), rhoddir y geiriau "or in Commission Decision 2001/812/EC" yn lle "or the Annex to Commission Decision 2001/812/EC".

Amnewid rheoliad 16

7. Rhoddir y rheoliad canlynol yn lle rheoliad 16 -

"Prohibition on introduction of products except at border inspection posts

16.-(1) No product shall be introduced into Wales from a third country except at a border inspection post designated and approved for veterinary checks on that product.

(2) No Article 9 product, the border inspection post of introduction of which is outside the United Kingdom, and the border inspection post of

commissioned by the Commissioners);"; and

(3) After the definition of "physical check" the following definition is inserted -

""point of entry" means any place where goods are subject to customs supervision under Articles 37 and 38 of the Customs Code, other than a border inspection post;".

Amendment to regulation 4

4. The words "subject to regulation 16," are inserted at the beginning of regulation 4(c).

Insertion of regulation 12A

5. After regulation 12, the following regulation is inserted -

"Exchange of Information

12A.-(1) For the purposes of the execution or enforcement of these Regulations, the National Assembly for Wales, the Commissioners, any local authority and the Agency may exchange amongst themselves, any information received by them in the execution or enforcement of these Regulations.

(2) The National Assembly, the Commissioners, any local authority and the Agency may share information received by them in the execution or enforcement of these Regulations with the enforcement agencies in England, Northern Ireland and Scotland for the purposes of enforcing the legislation on the introduction of products of animal origin from third countries in England, Northern Ireland and Scotland respectively.

(3) Paragraphs (1) and (2) are without prejudice to any other power of the National Assembly, the Commissioners, any local authority and the Agency to disclose information.".

Amendment to regulation 13

6. In regulation 13(1)(b), the words "or in Commission Decision 2001/812/EC" are substituted for "or the Annex to Commission Decision 2001/812/EC".

Substitution of regulation 16

7. The following regulation is substituted for regulation 16 -

"Prohibition on introduction of products except at border inspection posts

16.-(1) No product shall be introduced into Wales from a third country except at a border inspection post designated and approved for veterinary checks on that product.

(2) No Article 9 product, the border inspection post of introduction of which is outside the United Kingdom, and the border inspection post of

destination of which is in Wales, shall be introduced into Wales except at a border inspection post designated and approved for veterinary checks on that product.

(3) This regulation shall be enforced--

(a) at points of entry by the Commissioners;

(b) at premises referred to in regulation 4(b) by the Agency; and

(c) at any other place by the local authority.

(4) In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product which he or she considers may have been introduced in breach of this regulation, he or she must notify a customs officer and detain the consignment or product until a customs officer takes charge of it.

(5) For the purposes of the application of the Customs and Excise Management Act 1979 to products introduced in contravention of this regulation, the time of introduction shall be the time of importation in accordance with with section 5 of that Act.".

Diwygio rheoliad 28

8.-(1) Yn lle paragraff 1 o reoliad 28, rhoddir y paragraff canlynol -

"(1) The person responsible for the product or consignment concerned or, where a notice has been served on the person appearing to have charge of the product or consignment, the owner of the product or consignment, or the person on whom a notification of seizure pursuant to the Customs and Excise Management Act 1979 has been served, must pay on demand the costs of storing, transporting, redispatching, disposing of and destroying any product or consignment redispatched or destroyed pursuant to regulation 21, 24, 25 or 26 or any powers exercised under the Customs and Excise Management Act 1979 in the enforcement of regulation 16.".

(2) Yn rheoliad 28(2), rhoddir y geiriau "an official veterinary surgeon, an authorised officer, the National Assembly, a local authority, the Agency or the Commissioners" yn lle "an official veterinary surgeon, an authorised officer, the National Assembly, a local authority or the Agency".

Diwygio Rhan I o Atodlen 6

9. Yn Rhan I o Atodlen 6 rhoddir y geiriau "16 (Prohibition of introduction of products except at border inspection posts)" yn lle "16 (Introduction of products at border inspection posts)".

destination of which is in Wales, shall be introduced into Wales except at a border inspection post designated and approved for veterinary checks on that product.

(3) This regulation shall be enforced --

(a) at points of entry by the Commissioners;

(b) at premises referred to in regulation 4(b) by the Agency; and

(c) at any other place by the local authority.

(4) In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product which he or she considers may have been introduced in breach of this regulation, he or she must notify a customs officer and detain the consignment or product until a customs officer takes charge of it.

(5) For the purposes of the application of the Customs and Excise Management Act 1979 to products introduced in contravention of this regulation, the time of introduction shall be the time of importation in accordance with with section 5 of that Act.".

Amendments to regulation 28

8.-(1) For paragraph 1 of regulation 28, the following paragraph is substituted -

"(1) The person responsible for the product or consignment concerned or, where a notice has been served on the person appearing to have charge of the product or consignment, the owner of the product or consignment, or the person on whom a notification of seizure pursuant to the Customs and Excise Management Act 1979 has been served, must pay on demand the costs of storing, transporting, re-dispatching, disposing of and destroying any product or consignment re-dispatched or destroyed pursuant to regulation 21, 24, 25 or 26 or any powers exercised under the Customs and Excise Management Act 1979 in the enforcement of regulation 16.".

(2) In regulation 28(2), the words "an official veterinary surgeon, an authorised officer, the National Assembly, a local authority, the Agency or the Commissioners" are substituted for "an official veterinary surgeon, an authorised officer, the National Assembly, a local authority or the Agency".

Amendment to Part I of Schedule 6

9. In Part I of Schedule 6 the words "16 (Prohibition of introduction of products except at border inspection posts)" are substituted for "16 (Introduction of products at border inspection posts)".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru	Signed on behalf of the National Assembly for Wales
1 Ebrill 2003	1st April 2003

D.Elis-Thomas

Llywydd y Cynulliad Cenedlaethol	Presiding Officer

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