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## EXPLANATORY NOTE

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

These Regulations revoke and re-enact with changes the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005 (S.I.2005/666). The principal changes are to regulations 5, 17, 48 and 49 (see below), and to Schedules 1 and 3, which have been revised in order to implement Community instruments that have come into force since the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005 were made.

The 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). Commission Decision [2002/349/EC](#) (laying down the list of products to be examined at border inspection posts under Council Directive [97/78/EC](#)) (OJ No. L121, 8.5.2002, p. 6) specifies the products of animal origin to which the Directive applies— 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 — from third countries.

The products to which the Regulations apply (defined in regulation 2) must comply with the requirements listed, by reference to the relevant Community legislation, in Schedule 1.

Regulation 4 provides for exemptions from Parts 3 to 9 of the Regulations. Regulation 4(7) provides that Part 3, with the exception of regulation 25, and Parts 4 to 9 do not apply to products intended for personal use that comply with the conditions laid down in that regulation.

Regulation 5 defines the authorities that enforce the Regulations. Usually, these will be port health authorities, who appoint official veterinary surgeons and official fish inspectors to conduct veterinary checks at each border inspection post in their area (regulation 6). Regulation 5 has been revised to include the provision that the Commissioners for Her Majesty's Revenue and Customs enforce regulation 16 at points of entry other than border inspection posts. A further revision at regulation 5(4) amends enforcement provisions in relation to illegally imported products found inland so that local authority enforcement officers who are not authorised officers under the Regulations can take hold of any products of animal origin they suspect of having been illegally imported until an authorised officer can take charge of it. Regulation 5(9) creates a new offence relating to the unlawful disclosure of information received from Her Majesty's Revenue and Customs.

Regulations 7, 8, 9 and 11 confer the necessary enforcement powers on the enforcement authorities. Regulation 13 has been revised to enable the approval of Border Inspection Posts to be suspended in part (previously only a full suspension of approval was permitted).

Part 3 establishes the inspection system that will apply to products in general. The bringing into Wales of products that do not comply with the Schedule 1 requirements is prohibited, unless they are being transported across Wales (regulation 15). Products must be brought in 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). Regulation 17 has been revised in order to bring requirements for pre-notification of imported consignments to Border Inspection Posts into line with Commission Regulation 136/2004 laying down procedures for veterinary checks at Community Border Inspection Posts on products imported from third countries. Regulations 21 to 28 deal with products that are rejected at inspection, are brought in illegally, or present a risk to animal health or public health.

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

Parts 4 to 8 lay down special provisions that 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). Regulations 48 and 49 are new provisions, which implement procedures for the direct movement of consignments, intended as food for passengers or crew, that do not meet EU import requirements from Border Inspection Posts to ships operating internationally.

Part 9 deals with the calculation and payment of charges for the veterinary checks provided for in the Regulations; Part 10 confers on the National Assembly and the Food Standards Agency power to prohibit the bringing of products into Wales from non-EEA countries in which there is an outbreak of animal disease; Part 11 establishes offences and penalties; Part 12 deals with the service of notices and with notification of decisions; and Part 13 provides that certain existing provisions do not apply to products to which these Regulations apply, and revokes the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005. Part I of Schedule 3 has been amended in relation to Salmonella testing to enable Border Inspection Posts to charge for such tests carried out in accordance with Community legislation.

A regulatory appraisal of the effect which this instrument will have on the costs of business has been prepared and copies can be obtained from the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.