

[^{F1}SCHEDULE 5

Regulation 26(2)

Application of, derogations from, and modifications to, Part 3 in relation to territories subject to special transitional import arrangements

Textual Amendments

- F1** Sch. 5 inserted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **32**

PART 1

Introductory

Application

1. This Schedule applies to products and live animals that originate from—
 - (a) a territory subject to special transitional import arrangements; or
 - (b) a third country other than a territory subject to special transitional import arrangements where, before importation into Wales, the products or live animals concerned—
 - (i) have been presented to a member State border control post recognised by the Welsh Ministers;
 - (ii) are accompanied by a CHED which has been completed to the satisfaction of the relevant authority; and
 - (iii) have been pre-notified.

Interpretation

2. For the purposes of this Schedule—

“pre-notified” (“*rhaghysbysu*”) means notified using the appropriate computerised information management system;

“relevant goods” (“*nwyddau perthnasol*”) means products and live animals falling within paragraph 1;

“territory subject to special transitional import arrangements” (“*tiriogaeth sy’n ddarostyngedig i drefniadau mewnforio trosiannol arbennig*”) means—
 - (a) an EU member State;
 - (b) the Faroe Islands;
 - (c) Greenland;
 - (d) Iceland;
 - (e) Liechtenstein;
 - (f) Norway;
 - (g) Switzerland;

“working day” (“*diwrnod gwaith*”) means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971.

Status: Point in time view as at 29/09/2021.

Changes to legislation: There are currently no known outstanding effects for the *The Trade in Animals and Related Products (Wales) Regulations 2011, SCHEDULE 5.* (See end of Document for details)

Application of, derogations from, and modifications to, Part 3 of these Regulations

3. The provisions of Part 3 of these Regulations apply to relevant goods with the derogations and modifications specified in Part 2 of this Schedule.

PART 2

Derogations from, and modifications to, Part 3 of these Regulations

Derogation from regulation 13: place of importation

4.—(1) Regulation 13 does not apply to relevant goods.

(2) Relevant goods are not required to enter Wales through a border control post and may enter Wales through any point of entry.

Derogation from regulation 14: timing of notification of importation

5.—(1) Regulation 14 does not apply to relevant goods.

(2) From 1 January 2021, relevant goods of the following descriptions must be pre-notified at least one working day before the expected time of arrival at a point of entry into Wales—

- (a) live animals;
- (b) germinal products;
- (c) animal by-products comprising—
 - (i) Category 1 material;
 - (ii) Category 2 material;
 - (iii) processed animal protein derived from Category 3 material,
 - (iv) but where the importer can provide evidence of a logistical constraint preventing such notification, that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.

(3) From [^{F2}1 January 2022], relevant goods consisting of products of animal origin must be pre-notified at least one working day before the expected time of arrival at a point of entry into Wales; but where the importer can provide evidence of a logistical constraint preventing such notification, that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.

(4) For the purposes of this paragraph—

- (a) “Category 1 material”, “Category 2 material” and “Category 3 material” have the meanings given in Articles 8 to 10 of Regulation (EC) No 1069/2009;
- (b) “processed animal protein” has the meaning given in point 5 of Annex 1 to Commission Regulation (EU) No 142/2011.

Textual Amendments

F2 Words in Sch. 5 para. 5(3) substituted (29.9.2021) by *The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No. 3) Regulations 2021 (S.I. 2021/1094)*, regs. 1(2), 2(2)(a)

Derogation from regulation 15: procedure on importation

- 6.—(1) Regulation 15 does not apply to relevant goods but—
- (a) official controls must take place at the place of destination indicated in the relevant accompanying importation documentation on a random or risk basis, and in accordance with regulation 29 and 35;
 - (b) from 1 January 2021, relevant goods consisting of—
 - (i) live animals or germinal products may not be imported into Wales unless they are accompanied by the appropriate health certificate for third country imports, in the form published by the Welsh Ministers or the Secretary of State;
 - (ii) products of animal origin and animal by-products must be accompanied by relevant commercial documents which at least identify the premises of origin and destination, and contain a description of the product and the quantity of the product; and

^{F3}(c)

(2) The documents described in sub-paragraph (1)(b) ^{F4}... must accompany the consignment of the relevant goods concerned to its place of destination.

Textual Amendments

- F3** Sch. 5 para. 6(1)(c) omitted (29.9.2021) by virtue of [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) \(No. 3\) Regulations 2021 \(S.I. 2021/1094\)](#), regs. 1(2), **2(2)(b)(i)**
- F4** Words in Sch. 5 para. 6(2) omitted (29.9.2021) by virtue of [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) \(No. 3\) Regulations 2021 \(S.I. 2021/1094\)](#), regs. 1(2), **2(2)(b)(ii)**

Derogation from regulation 19(a): unchecked consignments

7. Regulation 19(a) does not apply to relevant goods which have entered Wales through a point of entry other than a border control post in accordance with this Schedule.

Modification of regulation 20: action following failure of checks or seizure - products

8. Regulation 20 applies as if—
- (a) in paragraph (1), after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5”;
 - (b) in paragraph (3)(b)—
 - (i) “from the same border control post” were omitted;
 - (ii) for “at the border control post” there were substituted “into Wales”.

Modification of regulation 23: action following failure of checks or seizure - animals

9. Regulation 23 applies as if, in paragraph (1), after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5”.

Derogation from regulation 27: re-importation of animals and products

10.—(1) Regulation 27 does not apply in the circumstances described in sub-paragraph (2).

(2) Products and live animals that originate from Wales and which have been rejected from entering the European Union at a European Union border control post are not required to re-enter Wales through a Welsh border control post if—

Status: Point in time view as at 29/09/2021.

Changes to legislation: There are currently no known outstanding effects for the *The Trade in Animals and Related Products (Wales) Regulations 2011, SCHEDULE 5.* (See end of Document for details)

- (a) in the case of products and live animals that are not high risk, notification of the re-entry has been given to the Welsh Ministers or the Food Standards Agency;
 - (b) in the case of products and live animals that are high risk, the re-entry has been authorised in writing by the Welsh Ministers or the Food Standards Agency before the re-entry is to take place.
- (3) In this paragraph, “high risk” means the products or live animals are suspected of constituting a serious risk to human or animal health or animal welfare.

PART 3

Additional rules in relation to relevant goods consisting of live animals

Live animals

11.—(1) This paragraph applies in relation to relevant goods consisting of live animals.

(2) The live animals must remain under restricted movement at the place of destination indicated in the health certificate until the completed and signed health certificate has been uploaded to the appropriate computerised information management system.

(3) The person responsible for the transportation of the live animals to the place of destination must be in possession of the appropriate authorisation in accordance with Council Regulation [\(EC\) No 1/2005](#).]

Status:

Point in time view as at 29/09/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Trade in Animals and Related Products (Wales) Regulations 2011, SCHEDULE 5.