
WELSH STATUTORY INSTRUMENTS

2018 No. 968

**The Transmissible Spongiform
Encephalopathies (Wales) Regulations 2018**

PART 1

General Provisions

Title, application and commencement

1.—(1) The title of these Regulations is the Transmissible Spongiform Encephalopathies (Wales) Regulations 2018.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 1 October 2018.

Interpretation

2.—(1) In these Regulations—

“bovine animal” (“*anifail buchol*”) includes bison and buffalo (including water buffalo);

“BSE” (“*BSE*”) means bovine spongiform encephalopathy;

“cattle passport” (“*pasbort gwartheg*”) has the same meaning as in the Cattle Identification (Wales) Regulations 2007(1);

“Commission Decision 2007/411/EC” (“*Penderfyniad y Comisiwn 2007/411/EC*”) means Commission Decision 2007/411/EC(2) prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in the EUTSE Regulation;

“compound feed” (“*bwyd anifeiliaid cyfansawdd*”) means a mixture of at least two feed materials, whether or not containing feed additives, for oral animal-feeding in the form of complete or complementary feed;

“cutting plant” (“*safle torri*”) has the meaning given to it in paragraph 1.17 of Annex I to Regulation (EC) No 853/2004(3), and is an establishment that is approved or conditionally approved as such by the Food Standards Agency(4) under Article 31(2) of Regulation (EC) No 882/2004(5), or operating as such under Article 4(5) of Regulation (EC) No 853/2004, pending such approval;

(1) S.I. 2007/842 (W. 74), as amended by S.I. 2007/3004 (W. 260), S.I. 2013/821 (W. 97) and S.I. 2014/517 (W. 60).

(2) OJ No L 155, 15.6.2007, p. 74.

(3) OJ No L 139, 30.04.2004, p. 55, as last amended by Commission Regulation (EU) No 1981/2017 (OJ No L 285, 1.11.2017, p. 10).

(4) Established by the Food Standards Act 1999 (c. 28).

(5) OJ No L 165, 30.4.2004, p. 1, as last amended by Commission Regulation (EU) No 2018/455 (OJ No L 77, 20.3.2018, p. 4).

“the EU TSE Regulation” (“*Rheoliad TSE yr UE*”) means Regulation (EC) No 999/2001(6) of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as read with—

- (a) Commission Decision 2007/411/EC;
- (b) Commission Decision 2007/453/EC(7) establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk; and
- (c) Commission Decision 2009/719/EC(8) authorising certain Member States to revise their annual BSE monitoring programme;

“inspector” (“*arolygydd*”) means an inspector appointed under regulation 13, and “veterinary inspector” (“*arolygydd milfeddygol*”) means a veterinary surgeon appointed by the Welsh Ministers as an inspector;

“local authority” (“*awdurdod lleol*”) means in relation to an area the county council or county borough council for that area;

“offal” (“*offal*”) has the meaning given to it in point 1.11 of Annex I to Regulation (EC) No 853/2004;

“premises” (“*mangre*”) includes—

- (a) domestic premises if they are being used for any purpose in connection with the EU TSE Regulation or these Regulations;
- (b) land and outbuildings;
- (c) a slaughterhouse;
- (d) a cutting plant;
- (e) a place that is, for the purposes of point 4.1(a) of Annex V, another place of slaughter; and
- (f) any vehicle, container or structure (moveable or otherwise);

“Regulation (EC) No 853/2004” (“*Rheoliad (EC) Rhif 853/2004*”) means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin, as read with—

- (a) Directive 2004/41/EC(9) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption;
- (b) Commission Regulation (EC) No 1688/2005(10) implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs; and
- (c) Commission Regulation (EC) No 2074/2005(11) laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council derogating from Regulation

(6) OJ No L 147, 31.5.2001, p. 1, as last amended by Commission Regulation (EU) No 2018/969 (OJ No L 174, 10.7.2018, p. 12).

(7) OJ No L 172, 30.6.2007, p. 84, as last amended by Commission Implementing Decision 2017/1396/EU (OJ No L 197, 28.7.2017, p. 9).

(8) OJ No L 256, 29.9.2009, p. 35, as last amended by Commission Implementing Decision 2016/851/EU (OJ No L 141, 28.5.2016, p. 131).

(9) OJ No L 157, 30.4.2004, p. 33. The revised text of Directive 2004/41/EC is set out in a Corrigendum (OJ No L 195, 2.6.2004, p. 12).

(10) OJ No L 271, 15.10.2005, p. 17, as last amended by Commission Implementing Regulation (EU) No 1223/2011 (OJ No L 314, 29.11.2011, p. 12).

(11) OJ No L 338, 22.12.2005, p. 27, as last amended by Commission Regulation (EU) No 2017/1973 (OJ No L 281, 31.10.2017, p. 21).

(EC) No 852/2004⁽¹²⁾ of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004;

“Regulation (EC) No 882/2004” (“*Rheoliad (EC) Rhif 882/2004*”) means Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, as read with Commission Regulation (EC) No 2074/2005 and Commission Regulation (EC) No 2076/2005;

“Regulation (EC) No 1069/2009” (“*Rheoliad (EC) Rhif 1069/2009*”) means Regulation (EC) No 1069/2009⁽¹³⁾ of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption, as implemented by Commission Regulation (EU) No 142/2011⁽¹⁴⁾;

“slaughterhouse” (“*lladd-dy*”) has the meaning given to it in paragraph 1.16 of Annex I to Regulation (EC) No 853/2004, and is an establishment that is approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No 882/2004;

“specified risk material” (“*deunydd risg penodedig*”) means the tissues specified in Annex V of the EU TSE Regulation, and unless otherwise indicated, it does not include products containing or derived from those tissues;

“third country” (“*trydedd wlad*”) means any country which is not a member of the European Union;

“trained person” (“*person wedi ei hyfforddi*”) means any person who—

- (a) has received training to take samples from dead bovine animals, and
- (b) the site operator is satisfied is competent to carry out such sampling;

“TSE” (“*TSE*”) means transmissible spongiform encephalopathy;

“the TSE requirements” (“*y gofynion TSE*”) means those requirements of the EU TSE Regulation set out in regulation 5 and Schedule 1.

(2) Expressions that are not defined in these Regulations and occur in the EU TSE Regulation have the same meaning in these Regulations as they have for the purposes of the EU TSE Regulation.

(3) References in these Regulations to Articles or Annexes are to Articles and Annexes in the EU TSE Regulation unless stated otherwise.

Appointment of competent authority

3. The Welsh Ministers are the competent authority for the purposes of the EU TSE Regulation except as otherwise specified in these Regulations.

Animals intended for research

4.—(1) The provisions of Schedules 2 to 8 do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under this regulation by the Welsh Ministers.

(2) If a bovine, ovine or caprine animal kept in research premises or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No 1069/2009, and failure to do so is an offence.

⁽¹²⁾ OJ No L139, 30.4.2004, p. 1, as last amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council (OJ No L 87 31.3.2009, p. 109).

⁽¹³⁾ OJ No L 300, 14.11.2009, p. 1, as last amended by Council Regulation (EU) No 1385/2013 (OJ No L 354, 28.12.2013, p. 86).

⁽¹⁴⁾ OJ L 54, 26.2.2011, p. 1, as last amended by Commission Regulation (EU) No 1262/2017 (OJ No L 182, 13.7.2017, p. 34).

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