
WELSH STATUTORY INSTRUMENTS

2018 No. 968

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

PART 1

General Provisions

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^{M1};

“Commission Decision 2007/411/EC” (“*Penderfyniad y Comisiwn 2007/411/EC*”) means Commission Decision 2007/411/EC^{M2} 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 EU TSE 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^{M3}, and is an establishment that is approved or conditionally approved as such by the Food Standards Agency^{M4}[^{F1}under Article 148(3) of Regulation (EU) 2017/625], or operating as such under Article 4(5) of Regulation (EC) No 853/2004, pending such approval;

“the EU TSE Regulation” (“*Rheoliad TSE yr UE*”) means Regulation (EC) No 999/2001^{M5} 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^{M6} 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^{M7} 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^{M8} 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^{M9} 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^{M10} 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 (EC) No 852/2004^{M11} of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004;

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“Regulation (EC) No 1069/2009” (“*Rheoliad (EC) Rhif 1069/2009*”) means Regulation (EC) No 1069/2009^{M12} 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^{M13};

[^{F3}“Regulation (EU) 2017/625” (“*Rheoliad (EU) 2017/625*”) means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products^{M14};

“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 [^{F4}under Article 148(3) of Regulation (EU) 2017/625];

“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.

Textual Amendments

- F1** Words in reg. 2(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **28(2)(a)**
- F2** Words in reg. 2(1) omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **28(2)(c)**
- F3** Words in reg. 2(1) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **28(2)(d)**
- F4** Words in reg. 2(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **28(2)(b)**

Marginal Citations

- M1** [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 \(W. 60\)](#).
- M2** OJ No L 155, 15.6.2007, p. 74.
- M3** 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).
- M4** Established by the [Food Standards Act 1999 \(c. 28\)](#).
- M5** 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).
- M6** 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).
- M7** 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).
- M8** 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).
- M9** 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).
- M10** 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).
- M11** OJ No L 139, 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).
- M12** 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).
- M13** 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).

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018, Section 2. (See end of Document for details)

M14 OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

Changes to legislation:

There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018, Section 2.