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WELSH STATUTORY INSTRUMENTS

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**2002 No. 3230**

**The Products of Animal Origin (Third Country Imports)  
(Wales) (Amendment) (No.2) Regulations 2002**

**Title, commencement and application**

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Wales) (Amendment) (No.2) Regulations 2002; they apply in relation to Wales and come into force on 1st January 2003.

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

2.—(1) The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002(1) are amended in accordance with this regulation.

(2) For regulation 3 there shall be substituted—

**“Exemptions for trade samples**

3. These Regulations do not apply to products introduced into Wales from a third country with the previous written authorisation of the National Assembly as trade samples, for exhibition or for particular studies or analyses.

**Other exemptions**

3A.—(1) Part III, with the exception of regulations 15, 21 and 25, and parts IV to IX do not apply in the circumstances set out in this regulation.

(2) Meat, meat products, milk and milk products from Greenland, the Faroe Islands, the Republic of Iceland, the Principality of Andorra, San Marino, Liechtenstein, Switzerland, Estonia, Lithuania, Latvia, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Malta and the Republic of Cyprus may be introduced into Wales in the personal luggage of a traveller which are intended for his or her personal consumption, taking into account the nature of the product and the quantity of it that could reasonably be consumed by an individual.

(3) Powdered infant milk, infant food, and special foods required for medical reasons containing meat, meat products, milk, or milk products may be introduced into Wales from a third country not specified in paragraph (2) if they—

- (a) are carried in the personal luggage of a traveller and are intended for his or her personal use or consumption, taking into account the nature of the product and the quantity of it that could reasonably be consumed by an individual;
- (b) do not require refrigeration before opening;
- (c) are packaged proprietary brand products for direct sale to the final consumer; and

(d) are contained in unbroken packaging.

(4) Products which are not covered by paragraph (2) and (3) may be introduced into Wales if they are in the personal luggage of a traveller and intended for his personal consumption or if they are sent by post or carrier and addressed to a private individual in Wales otherwise than by way of trade or as a trade sample and if—

- (a) they are not meat, meat products, milk or milk products;
- (b) their total weight does not exceed one kilogram; and
- (c) they either come from a third country or part of a third country which satisfies the conditions laid down in paragraph (5) or have undergone heat treatment in a hermetically sealed container to an  $F_0$  value of 3.00 or more.

(5) The conditions referred to in paragraph (4)(c) are that the third country or part of a third country—

- (a) appears on a list of third countries or parts of third countries from which Member States shall authorise the importation of the product or products concerned, established by a Community instrument in force on 1st January 2003; and
- (b) is not one from which importation of the product or products concerned is prohibited by any Community instrument in force on that date.

(6) In this regulation “meat”, “meat products”, “milk” and “milk products” mean products of those types covered by the Directives listed in Schedule 3 and “meat” includes meat preparations.”.

(3) In paragraph (3) of regulation 53 the words, “or, where the charge was paid to the Agency, by the Secretary of State for Health,” are omitted.

(4) The following paragraph is inserted after paragraph (4) of regulation 53—

“(5) Where there is an appeal under paragraph (3), the independent person referred to in that paragraph shall consult with the National Assembly or the Agency, as the case may be, and, if then satisfied that the amount of the charge is unreasonable, shall so inform the National Assembly or the Agency, who shall recalculate the amount of the charge in accordance with any directions given by the independent person and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.”.

(5) In Regulations 63(1) for the words “except the products referred to in regulation 3(1) and (2)” there shall be substituted the words “except the products referred to in regulations 3 and 3A”.

(6) For Schedule 2 there shall be substituted the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

23rd December 2002

*Mike German*  
Assembly Deputy First Minister