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## EXPLANATORY NOTE

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

These Regulations amend the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008 (S.I.2008/3154 (W.282)) which enforce Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No L 147, 31.5.2001, p.1) as amended.

Regulation 2 (interpretation) is amended to include a reference to Commission Decision 2008/908/EC authorising certain Member States to review their annual B.S.E monitoring programme (OJ No L 327, 5.12.2008, p.24) in the definition of “Community TSE Regulation” (regulation 3).

Regulation 20 (enforcement) is amended to make the Food Standards Agency the enforcement authority in respect of offences of placing products on the market (regulation 4).

Schedule 2 (TSE monitoring) is amended to place a duty on those in possession of fallen bovine stock to deliver or arrange for the delivery of carcasses to an approved sampling site for brain stem sampling. Those collecting and delivering the carcasses of the fallen stock are required to ensure that they are delivered to an approved sampling site. Failure to comply with these provisions is an offence.

Schedule 2 is also amended to create new offences of destroying a carcass to which these provisions apply before it has been sampled and of failing to retain carcasses prior to obtaining a negative test result and to make provision for the approval of sampling sites by the Welsh Ministers (regulation 5).

A substituted Schedule 8 (restrictions on placing on the market and export) makes it an offence to place on the market and export live bovine animals born or reared in the United Kingdom before 1 August 1996 and products derived from them (other than milk or hides) to other Member States and to third countries (regulation 7).

Offences are punishable in accordance with regulation 18 of the 2008 Regulations by—

- (a) on summary conviction, a fine not exceeding the statutory maximum or imprisonment for a term of three months or both, or
- (b) on conviction on indictment, a fine or imprisonment for a term not exceeding two years or both.

A regulatory impact assessment on the effect of this instrument on the costs of business has been prepared and is available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.