
WELSH STATUTORY INSTRUMENTS

2011 No. 2379

**The Trade in Animals and Related
Products (Wales) Regulations 2011**

PART 3

Importation from a third country

Scope of this Part

9. This Part applies in relation to the importation into Wales from a country outside the European Union of any animal or product specified in Commission Decision [2007/275/EC](#), including a situation where the ultimate destination is outside Wales.

Meaning of “CVED”

10. “CVED” (“*DMMG*”) means the Common Veterinary Entry Document specified in—

- (a) Commission Regulation [\(EC\) No. 136/2004](#) laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries⁽¹⁾; and
- (b) Commission Regulation [\(EC\) No. 282/2004](#) introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community⁽²⁾.

Border inspection post

11.—(1) A border inspection post is a port or airport approved as such by the European Commission⁽³⁾.

(2) If at any time the Welsh Ministers or the local authority where the border inspection post is situated is of the opinion that any part of the inspection facilities at the border inspection post no longer complies with the requirements for approval, the Welsh Ministers or the local authority may serve a notice on the operator—

- (a) specifying the breach;
- (b) providing a time limit within which the conditions must be complied with; and
- (c) prohibiting the use of that part of the facilities until the conditions of the approval are complied with.

(3) If the notice is not complied with the Welsh Ministers may suspend the approval in relation to that part of the inspection facilities.

(4) If the operator of a border inspection post is in serious breach of the requirements for a border inspection post set out in Annex II to Council Directive [97/78/EC](#) (laying down the principles governing the organisation of veterinary checks on products entering the Community from third

(1) OJ No. L 21, 28.1.2004, p. 11 as last amended by Commission Regulation [\(EC\) No 206/2009](#) (OJ No. L 77, 24.3.2009, p. 1).

(2) OJ No. L 49, 19.2.2004, p. 11 as last amended by Commission Regulation [\(EC\) No 585/2004](#) (OJ No. L 91, 30.3.2004, p. 17).

(3) The Commission periodically publishes lists of border inspection posts.

countries(4)) or the conditions of the approval, and in particular if the operation of the border inspection post creates a risk to human or animal health, the Welsh Ministers must suspend its approval and must inform the Commission and the other member States of the suspension and the reason.

Appointment of official veterinary surgeons and official fish inspectors

12.—(1) The Welsh Ministers must appoint suitably trained veterinary surgeons to be official veterinary surgeons for any border inspection post authorised to import animals.

(2) The local authority for an area with a border inspection post authorised to import products must appoint suitably trained veterinary surgeons to be official veterinary surgeons for that post.

(3) The appointment under paragraph (2) may be made by the Welsh Ministers rather than the local authority if the approval for the border inspection post only permits the importation of animal by-products.

(4) If the approval for the border inspection post permits the importation of any product (other than snails) for human consumption listed in Chapter 3 of Annex I to Commission Decision [2007/275/EC](#) the county or county borough council may appoint suitably trained environmental health officers to be official fish inspectors for that post in relation to fish and fishery products, and that inspector has all the powers of an official veterinary surgeon in relation to those products.

Place of importation

13. No animal or product may be brought into Wales other than at a border inspection post designated for that animal or product.

Notification of importation

14.—(1) The person responsible for a consignment of animals the person responsible for a consignment must notify its arrival to the border inspection post at least one working day before it is due to arrive.

(2) The person responsible for a consignment of products must notify its arrival to the border inspection post before the consignment is unloaded from the means of transport that brought it to Wales.

(3) The notification must be made by submitting the CVED with Part I completed.

(4) In the case of transshipment of products to another member State the person responsible for the consignment must notify the official veterinary surgeon at the border inspection post of arrival at the time of arrival, of—

- (a) the estimated time of unloading of the consignment;
- (b) the border inspection post at which it will be checked;
- (c) the location of the consignment; and
- (d) the estimated time of departure.

Procedure on importation

15.—(1) When the consignment has been unloaded, the person responsible for the consignment must without reasonable delay arrange for it, together with the documentation specified for that consignment in the relevant legislation in Schedule 1, to be presented at the border inspection post inspection facilities to enable—

(4) OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive [2006/104/EC](#) (OJ No. L 363, 20.12.2006, p. 352).

- (a) the checks required by Article 4 of Council Directive [97/78/EC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries,
 - (b) the checks required by Article 4 of Council Directive [91/496/EEC](#) laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries⁽⁵⁾, or
 - (c) the official controls referred to in Article 14(1) of 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⁽⁶⁾, to be carried out.
- (2) The official veterinary surgeon may serve on the person responsible for the consignment a notice specifying a reasonable time at which the consignment must be presented for inspection, and that person must comply with such a notice.
- (3) The official veterinary surgeon must carry out all necessary checks and controls specified in paragraph (1) and must only issue a CVED permitting entry if—
- (a) the consignment complies with the requirements relating to it in the relevant instrument in Schedule 1;
 - (b) the importation is not prohibited under paragraph (4); and
 - (c) the correct fee for the checks has been or will be paid.
- (4) In particular, in the case of live animals the official veterinary surgeon must not issue a CVED permitting entry if—
- (a) animals are from a territory or part of a territory of a third country not included in the lists drawn up in accordance with legislation of the European Union for the species concerned or from which imports are prohibited under that legislation;
 - (b) animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health, or any other reason provided for in legislation of the European Union;
 - (c) the exporting third country has not complied with the requirements provided for in legislation of the European Union;
 - (d) the animals are not in a fit state to continue their journey;
 - (e) the veterinary certificate or document accompanying animals does not meet the requirements of legislation of the European Union relating to importation.
- (5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon must not issue a CVED unless importation has been authorised in writing under this paragraph by the Welsh Ministers. The Welsh Ministers may only grant an authorisation if satisfied that the consignment does not pose a risk to human or animal health, or to the animal health status of the United Kingdom.
- (6) The official veterinary surgeon must keep the original certificate accompanying the consignment for three years (except that, if the consignment is refused the official veterinary surgeon must stamp it accordingly, return the original to the importer and keep a copy of it for three years).

(5) OJ No. L 268, 24.9.1991, p. 56 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

(6) OJ No. L 165, 30.4.2004, p. 1 as last amended by Commission Regulation (EU) No 208/2011 (OJ No. L 58, 3.3.2011, p. 29).

Removal from the border inspection post

16.—(1) No person may remove a consignment from the border inspection post unless it is accompanied by a CVED issued by the official veterinary surgeon and the movement is in accordance with the CVED.

(2) The person transporting it from the border inspection post must ensure that it is transported to the destination specified in the CVED accompanied by its CVED.

(3) This does not apply if the consignment is removed from the border inspection post under the authority of the official veterinary surgeon.

Channelling

17. In the case of a product, if box 30, 31, 33 or 34 of the CVED requires a consignment to be taken to a specific destination in the European Union—

- (a) the movement must be under customs supervision if this is specified in the CVED; and
- (b) on arrival, the occupier of the premises of consignment must immediately notify the Welsh Ministers of its arrival.

Destination outside the United Kingdom

18.—(1) This regulation relates to a consignment brought into Wales but intended for an ultimate destination outside the United Kingdom.

(2) In the case of an animal consigned to a destination outside the European Union, the person notifying its arrival must provide documentary evidence that the country of destination will accept the animal, and the official veterinary surgeon at the border inspection post may refuse to accept the animal if this is not provided.

(3) In the case of products a consignment intended for a destination outside the United Kingdom brought into a border inspection post may be taken directly from the border inspection post (in the case of an airport this must be by air, and in the case of a sea port this must be by sea) to a destination outside the United Kingdom without a CVED, if it does not remain at the border inspection post more than 12 hours (in the case of an airport) or seven days (in the case of a sea port)

(4) But if the consignment is intended to be sent to a destination in the European Union, and the importation of the product into the European Union is not permitted, the official veterinary surgeon must reject the consignment.

Unchecked consignments

19. The enforcement authority must seize any consignment—

- (a) brought into Wales other than through a border inspection post approved for that animal or product;
- (b) removed from a border inspection post without a CVED or the authority of the official veterinary surgeon at the border inspection post; or
- (c) transported from the border inspection post to a destination other than that specified in the CVED.

Action following failure of checks or seizure — products

20.—(1) In the case of a product, if the checks at a border inspection post show that the consignment does not satisfy the conditions in the instrument in Schedule 1 relating to that product, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the person responsible for the consignment, must—

- (a) permit the use of the consignment as animal by-products in accordance with Regulation (EC) No. 1069/2009 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⁽⁷⁾ provided there is no risk to human or animal health;
 - (b) where health conditions permit, require the person in charge of the consignment to redispach the product outside the European Union from the same border inspection post to a destination agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days; or
 - (c) if the person responsible for the consignment gives immediate agreement, redispach is impossible or the 60-day time limit has elapsed, destroy the products.
- (2) Pending redispach or confirmation of the reasons for rejection, the person responsible for the consignment must store the consignment under the supervision of the enforcement authority at the expense of the person responsible for the consignment.
- (3) If a consignment of products is seized outside a border inspection post under regulation 19 the enforcement authority must—
- (a) dispose of the consignment as Category 1 material in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; or
 - (b) act in accordance with sub-paragraph (b) or (c) of paragraph (1) of this regulation.

Consignments of products likely to constitute a risk to animal or human health

21. If veterinary checks at a border inspection post indicate that a consignment of products is likely to constitute a danger to animal or human health, the official veterinary surgeon must immediately seize and destroy it at the expense of the person responsible for it.

Serious or repeated infringements and breach of maximum residue limits

22.—(1) If veterinary checks in any member State reveal that products entering the European Union from a particular third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, this regulation applies to the next ten consignments brought into Wales from that third country, part of a third country or establishment.

(2) The official veterinary surgeon must carry out a physical check on the product, and take samples and have them analysed.

(3) The person responsible for the consignment must lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.

Action following failure of checks or seizure — animals

23.—(1) If the checks at a border inspection post show that an animal does not satisfy the conditions in the legislation in Schedule 1 relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the importer or the importer's representative, must—

- (a) shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or

(7) OJ No. L 300, 14.11.2009, p.1 as last amended by Council Directive 2010/63/EU (OJ No. L 276, 20.10.2010, p.4).

- (c) where animal health or welfare requirements so allow redispach it, within a time limit to be set by the official veterinary surgeon, outside the European Union.
- (2) If redispach is impossible, in particular for welfare reasons, the official veterinary surgeon may arrange for the slaughter of the animal.
- (3) If an animal is seized under regulation 19 the enforcement authority must isolate it and, following examination of the animal, either—
 - (a) release the animal from restriction; or
 - (b) require the animal to be slaughtered or re-exported outside the European Union.
- (4) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the slaughter value of the animal after deduction of these costs.

Appeals

24. Any person who is aggrieved by a decision referred to in regulation 20 or 23 may appeal within one month of the decision to a Magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980(8) applies to the proceedings.

Additional requirements in specific cases

25. Part 2 of Schedule 2 makes additional requirements for specific cases.

Exclusions

26. The provisions of this Part do not apply in the cases specified in Schedule 3.

Re-importation of products

- 27.—(1) An official veterinary surgeon at a border inspection post must authorise the re-importation of a consignment of products that originated in the European Union and was refused by a third country, if the consignment is accompanied—
- (a) by the original certificate or a copy authenticated by the competent authority which issued the certificate accompanying the consignment, together with details of the reasons for refusal and a guarantee that the conditions governing the storage and transport of the consignment have been observed, stating that the products in the consignment have not undergone any handling; or
 - (b) in the case of sealed containers, by a certificate from the carrier stating that the content has not been handled or unloaded.
- (2) The official veterinary surgeon must carry out a documentary and identity check and if necessary a physical check.
- (3) The importer must either—
- (a) transport the consignment directly to the establishment of origin in the member State where the certificate was issued, in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border inspection post so that the seals will be broken whenever the container is opened, or
 - (b) destroy the consignment as animal by-products.

(8) 1980 c. 43.

Admission of products into warehouses

28. No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in a free zone, a free warehouse (as defined in Title IV chapter 3 section 1 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code⁽⁹⁾) or a customs warehouse.

(9) OJ No. L 302, 19.10.92, p. 1 as last amended by Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p.1).