

[^{F1}SCHEDULE 5

Regulation 26(2)

Application of, derogations from, and modifications to, Part 3 in relation to territories subject to special transitional import arrangements

Textual Amendments

- F1** Sch. 5 inserted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), 32

PART 1

Introductory

Application

1. This Schedule applies to products and live animals that originate from—
 - (a) a territory subject to special transitional import arrangements; or
 - (b) a third country other than a territory subject to special transitional import arrangements where, before importation into Wales, the products or live animals concerned—
 - (i) have been presented to a member State border control post recognised by the Welsh Ministers;
 - (ii) are accompanied by a CHED which has been completed to the satisfaction of the relevant authority; and
 - (iii) have been pre-notified.

Interpretation

2. For the purposes of this Schedule—

“pre-notified” (“*rhaghysbysu*”) means notified using the appropriate computerised information management system;

“relevant goods” (“*nwyddau perthnasol*”) means products and live animals falling within paragraph 1;

“territory subject to special transitional import arrangements” (“*tiriogaeth sy’n ddarostyngedig i drefniadau mewnforio trosiannol arbennig*”) means—
 - (a) an EU member State;
 - (b) the Faroe Islands;
 - (c) Greenland;
 - (d) Iceland;
 - (e) Liechtenstein;
 - (f) Norway;
 - (g) Switzerland;

“working day” (“*diwrnod gwaith*”) means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971.

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Application of, derogations from, and modifications to, Part 3 of these Regulations

3. The provisions of Part 3 of these Regulations apply to relevant goods with the derogations and modifications specified in Part 2 of this Schedule.

PART 2

Derogations from, and modifications to, Part 3 of these Regulations

Derogation from regulation 13: place of importation

4.—(1) Regulation 13 does not apply to relevant goods.

(2) Relevant goods are not required to enter Wales through a border control post and may enter Wales through any point of entry.

Derogation from regulation 14: timing of notification of importation

5.—(1) Regulation 14 does not apply to relevant goods.

(2) From 1 January 2021, relevant goods of the following descriptions must be pre-notified at least one working day before the expected time of arrival at a point of entry into Wales—

- (a) live animals;
- (b) germinal products;
- (c) animal by-products comprising—
 - (i) Category 1 material;
 - (ii) Category 2 material;
 - (iii) processed animal protein derived from Category 3 material,
 - (iv) but where the importer can provide evidence of a logistical constraint preventing such notification, that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.

(3) [^{F2}Subject to sub-paragraph (3A), from 1 January 2022], relevant goods consisting of products of animal origin [^{F3}or animal by-products not already covered by sub-paragraph (2)(c)] must be pre-notified at least one working day before the expected time of arrival at a point of entry into Wales; but where the importer can provide evidence of a logistical constraint preventing such notification, that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.

[
^{F4}(3A) Sub-paragraph (3) does not apply to relevant goods which—

- (a) are within the scope of Article 7 or Article 10 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market; ^{F5}...

^{F5}(b)

^{F6}(3B)]

[

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^{F7}(3C) In relation to the relevant goods referred to in sub-paragraph (3) entering Wales from the Republic of Ireland on or after 31st January 2024, the requirement that the goods be pre-notified before entry does not apply where the condition in sub-paragraph (3D) is met.

(3D) The condition is that the goods are qualifying Northern Ireland goods that, in the course of passing from Northern Ireland into Wales, have passed through the Republic of Ireland and have not passed through any other country or territory.]

(4) For the purposes of this paragraph—

- (a) “Category 1 material”, “Category 2 material” and “Category 3 material” have the meanings given in Articles 8 to 10 of Regulation (EC) No 1069/2009;
- (b) “processed animal protein” has the meaning given in point 5 of Annex 1 to Commission Regulation (EU) No 142/2011.

^{F8}(c) “qualifying Northern Ireland goods” has the meaning given by regulation 3 of the Definition of Qualifying Northern Ireland Goods (EU Exit) Regulations 2020.]

Textual Amendments

- F2** Words in Sch. 5 para. 5(3) substituted (30.12.2021) by The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1480), regs. 1(2), **2(2)(a)(i)**
- F3** Words in Sch. 5 para. 5(3) inserted (30.12.2021) by The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1480), regs. 1(2), **2(2)(a)(ii)**
- F4** Sch. 5 para. 5(3A)(3B) inserted (30.12.2021) by The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1480), regs. 1(2), **2(2)(b)**
- F5** Sch. 5 para. 5(3A)(b) and word omitted (31.1.2024) by virtue of The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(a)(i)**
- F6** Sch. 5 para. 5(3B) omitted (31.1.2024) by virtue of The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(a)(ii)**
- F7** Sch. 5 para. 5(3C)(3D) inserted (31.1.2024) by The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(a)(iii)**
- F8** Sch. 5 para. 5(4)(c) inserted (31.1.2024) by The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(a)(iv)**

Derogation from regulation 15: procedure on importation

6.—(1) Regulation 15 does not apply to relevant goods but—

- (a) official controls must take place at the place of destination indicated in the relevant accompanying importation documentation on a random or risk basis, and in accordance with regulation 29 and 35;
- (b) from 1 January 2021, relevant goods consisting of—
 - (i) live animals or germinal products may not be imported into Wales unless they are accompanied by the appropriate health certificate for third country imports, in the form published by the Welsh Ministers or the Secretary of State;

^{F9}(ii)

[from 31st January 2024—

^{F10}(ba)

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- (i) relevant goods consisting of products of animal origin may not be imported into Great Britain at any place in Wales unless they are accompanied by—
 - (aa) the appropriate health certificate for third country imports in the form published by the Welsh Ministers or the Secretary of State from time to time; or
 - (bb) where they meet the conditions in sub-paragraph (1A) or are listed in sub-paragraph (1B), relevant commercial documents which at least identify the premises of origin and destination and contain a description of the product and the quantity of the product; and
- (ii) relevant goods consisting of animal by-products or derived products may not be imported into Great Britain at any place in Wales unless they are accompanied by—
 - (aa) in the case of goods listed in column 1 of the table in Schedule 6 which are stated in the health certificate to be intended for the use (or use of a kind) mentioned in relation to those goods in column 2 of that table, the appropriate health certificate for third country imports in the form published by the Welsh Ministers or the Secretary of State from time to time; or
 - (bb) in any other case, relevant commercial documents which at least identify the premises of origin and destination and contain a description of the product and the quantity of the product.]

^{F11}(c)

^{F12}(1A) The conditions referred to in sub-paragraph (1)(ba)(i)(bb) are that they—

- (a) are shelf-stable at ambient temperature;
- (b) are securely packaged or sealed in clean containers; and
- (c) are not one of the following categories of goods—
 - (i) infant formula;
 - (ii) follow-on formula;
 - (iii) baby food;
 - (iv) food for special medical purposes;
 - (v) beeswax;
 - (vi) pollen;
 - (vii) propolis;
 - (viii) royal jelly; or
 - (ix) products derived from live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods.

(1B) The products referred to in sub-paragraph (1)(ba)(i)(bb) are—

- (a) composite products listed in a document published by the Secretary of State under Article 3(1)(a) of Commission Decision 2007/275 or referred to in Article 4 of that Decision, except for products listed in sub-paragraph (1A)(c)(i) to (iv) and (ix);
- (b) dairy products or colostrum-based products that have been subject to a heat treatment referred to in point 2(1) of Chapter 2, Section 9 of Annex 3 to Regulation 853/2004, except for fresh milk and the products listed in sub-paragraph (1A)(c)(i) to (iv);
- (c) fresh fishery products or prepared fishery products that are—

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- (i) from wild freshwater or seawater animals of species other than of the *Scombridae*, *Clupeidae*, *Engraulidae*, *Coryfenidae*, *Pomatomidae*, or *Scombresosidae* families, and
 - (ii) either not live or non-viable;
 - (d) gelatine;
 - (e) collagen;
 - (f) highly refined products of animal origin;
 - (g) honey;
 - (h) rendered animal fat;
 - (i) greaves.]
- (2) The documents described in sub-paragraph (1)(b) [^{F13}and (ba)]^{F14}... must accompany the consignment of the relevant goods concerned to its place of destination.
- [^{F15}(3) in this paragraph—
- (a) “colostrum-based product” has the meaning given in point 2 of Section 9 of Annex 3 to Regulation 853/2004;
 - (b) “collagen”, “dairy product”, “fishery product”, “fresh fishery products”, “gelatine” “greaves”, “prepared fishery products” and “rendered animal fat” have the meanings given in Annex 1 to Regulation (EC) 853/2004;
 - (c) “highly refined products of animal origin” means the products listed in point 1 of Section 16 of Annex 3 to Regulation 853/2004;
 - (d) “infant formula”, “follow-on formula”, “baby food” and “food for special medical purposes” have the meanings given in Article 2 of Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control;
 - (e) “non-viable” means they would no longer be able to survive as living animals if returned to the environment from which they were obtained;
 - (f) Regulation 853/2004 means Regulation (EC) 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin;
 - (g) “shelf-stable at ambient temperature” means they are not required to be transported or stored at controlled temperatures.]

Textual Amendments

- F9** Sch. 5 para. 6(1)(b)(ii) omitted (31.1.2024) by virtue of The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(b)(i)**
- F10** Sch. 5 para. 6(1)(ba) inserted (31.1.2024) by The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(b)(ii)**
- F11** Sch. 5 para. 6(1)(c) omitted (29.9.2021) by virtue of The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No. 3) Regulations 2021 (S.I. 2021/1094), regs. 1(2), **2(2)(b)(i)**
- F12** Sch. 5 para. 6(1A)(1B) inserted (31.1.2024) by The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(c)**
- F13** Words in Sch. 5 para. 6(2) inserted (31.1.2024) by The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(d)**
- F14** Words in Sch. 5 para. 6(2) omitted (29.9.2021) by virtue of The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No. 3) Regulations 2021 (S.I. 2021/1094), regs. 1(2), **2(2)(b)(ii)**

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F15 Sch. 5 para. 6(3) inserted (31.1.2024) by The Official Controls (Extension of Transitional Periods) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/20), regs. 1(1), **6(3)(e)**

Derogation from regulation 19(a): unchecked consignments

7. Regulation 19(a) does not apply to relevant goods which have entered Wales through a point of entry other than a border control post in accordance with this Schedule.

Modification of regulation 20: action following failure of checks or seizure - products

8. Regulation 20 applies as if—

[^{F16}(a) in paragraph (1)—

- (i) for “the checks at a border control post” there were substituted “checks”;
- (ii) after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5];

(b) in paragraph (3)(b)—

- (i) “from the same border control post” were omitted;
- (ii) for “at the border control post” there were substituted “into Wales”.

Textual Amendments

F16 Sch. 5 para. 8(a) substituted (30.12.2021) by The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1480), regs. 1(2), **2(3)**

[^{F17}Modification of regulation 23: action following failure of checks or seizure - animals

9. Regulation 23 applies as if, in paragraph (1)—

- (a) for “the checks at a border control post” there were substituted “checks”;
- (b) after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5,]

Textual Amendments

F17 Sch. 5 para. 9 substituted (30.12.2021) by The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1480), regs. 1(2), **2(4)**

Derogation from regulation 27: re-importation of animals and products

10.—(1) Regulation 27 does not apply in the circumstances described in sub-paragraph (2).

(2) Products and live animals that originate from Wales and which have been rejected from entering the European Union at a European Union border control post are not required to re-enter Wales through a Welsh border control post if—

- (a) in the case of products and live animals that are not high risk, notification of the re-entry has been given to the Welsh Ministers or the Food Standards Agency;
- (b) in the case of products and live animals that are high risk, the re-entry has been authorised in writing by the Welsh Ministers or the Food Standards Agency before the re-entry is to take place.

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(3) In this paragraph, “high risk” means the products or live animals are suspected of constituting a serious risk to human or animal health or animal welfare.

PART 3

Additional rules in relation to relevant goods consisting of live animals

Live animals

11.—(1) This paragraph applies in relation to relevant goods consisting of live animals.

(2) The live animals must remain under restricted movement at the place of destination indicated in the health certificate until the completed and signed health certificate has been uploaded to the appropriate computerised information management system.

(3) The person responsible for the transportation of the live animals to the place of destination must be in possession of the appropriate authorisation in accordance with Council Regulation ([EC](#)) No 1/2005.]

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 5 para. 5(4)(c) inserted by [S.I. 2024/20 reg. 7\(3\)\(a\)\(iv\)](#)
- Sch. 5 para. 5(3) inserted by [S.I. 2024/20 reg. 7\(3\)\(e\)](#)
- Sch. 5 para. 5(3A)(b) and word omitted by [S.I. 2024/20 reg. 7\(3\)\(a\)\(i\)](#)
- Sch. 5 para. 5(3B) omitted by [S.I. 2024/20 reg. 7\(3\)\(a\)\(ii\)](#)
- Sch. 5 para. 5(2)-(3A) omitted by [S.I. 2024/541 reg. 14\(4\)\(b\)\(ii\)](#) (Amendment to English text only)
- Sch. 5 para. 5(4)(a) omitted by [S.I. 2024/541 reg. 14\(4\)\(b\)\(iv\)](#) (Amendment to English text only)
- Sch. 5 para. 5(4)(b) omitted by [S.I. 2024/541 reg. 14\(4\)\(b\)\(iv\)](#) (Amendment to English text only)
- Sch. 5 para. 5(2)-(3A) omitted by [S.I. 2024/541 reg. 15\(4\)\(b\)\(ii\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(4)(a) omitted by [S.I. 2024/541 reg. 15\(4\)\(b\)\(iv\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(4)(b) omitted by [S.I. 2024/541 reg. 15\(4\)\(b\)\(iv\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 4 substituted by [S.I. 2024/541 reg. 14\(4\)\(a\)](#) (Amendment to English text only)
- Sch. 5 para. 5(1) substituted by [S.I. 2024/541 reg. 14\(4\)\(b\)\(i\)](#) (Amendment to English text only)
- Sch. 5 para. 8 substituted by [S.I. 2024/541 reg. 14\(4\)\(e\)](#) (Amendment to English text only)
- Sch. 5 para. 4 substituted by [S.I. 2024/541 reg. 15\(4\)\(a\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(1) substituted by [S.I. 2024/541 reg. 15\(4\)\(b\)\(i\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 8 substituted by [S.I. 2024/541 reg. 15\(4\)\(e\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(2) words inserted by [S.I. 2024/20 reg. 7\(3\)\(d\)](#)
- Sch. 5 para. 5(3C) words substituted by [S.I. 2024/541 reg. 14\(4\)\(b\)\(iii\)](#) (Amendment to English text only)
- Sch. 5 para. 5(3C) words substituted by [S.I. 2024/541 reg. 15\(4\)\(b\)\(iii\)](#) (Amendment to Welsh text only)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 5(1A) inserted by [S.I. 2019/597 reg. 3\(21\)\(e\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)
- Sch. 2 para. 5(1B) inserted by [S.I. 2019/597 reg. 3\(21\)\(e\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)
- Sch. 3 para. 9 inserted by [S.I. 2024/541 reg. 14\(3\)](#) (Amendment to English text only)
- Sch. 3 para. 9 inserted by [S.I. 2024/541 reg. 15\(3\)\(a\)](#) (Amendment to Welsh text only)

- Sch. 5 para. 7(1) Sch. 5 para. 7 renumbered as Sch. 5 para. 7(1) by [S.I. 2024/541 reg. 14\(4\)\(d\)\(i\)](#) (Amendment to English text only)
- Sch. 5 para. 7(1) Sch. 5 para. 7 renumbered as Sch. 5 para. 7(1) by [S.I. 2024/541 reg. 15\(4\)\(d\)\(i\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(3C)(3CH) inserted by [S.I. 2024/20 reg. 7\(3\)\(a\)\(iii\)](#)
- Sch. 5 para. 5(6)para. 5(1)(ba) inserted by [S.I. 2024/20 reg. 7\(3\)\(b\)\(ii\)](#)
- Sch. 5 para. 5(1A)(1B) inserted by [S.I. 2024/20 reg. 7\(3\)\(c\)](#)
- Sch. 5 para. 6(3)(za) inserted by [S.I. 2024/541 reg. 14\(4\)\(c\)\(ii\)](#) (Amendment to English text only)
- Sch. 5 para. 7(2)(3) inserted by [S.I. 2024/541 reg. 14\(4\)\(d\)\(iii\)](#) (Amendment to English text only)
- Sch. 5 para. 6(3)(za) inserted by [S.I. 2024/541 reg. 15\(4\)\(c\)\(ii\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 7(2)(3) inserted by [S.I. 2024/541 reg. 15\(4\)\(d\)\(iii\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(6)para. 5(1)(b)(ii) omitted by [S.I. 2024/20 reg. 7\(3\)\(b\)\(i\)](#)
- Sch. 5 para. 6(1)(a)-(ad) substituted for Sch. 5 para. 6(1)(a) by [S.I. 2024/541 reg. 14\(4\)\(c\)\(i\)](#) (Amendment to English text only)
- Sch. 5 para. 6(1)(a)-(ad) substituted for Sch. 5 para. 6(1)(a) by [S.I. 2024/541 reg. 15\(4\)\(c\)\(i\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 7(1) words inserted by [S.I. 2024/541 reg. 14\(4\)\(d\)\(ii\)](#) (Amendment to English text only)
- Sch. 5 para. 7(1) words inserted by [S.I. 2024/541 reg. 15\(4\)\(d\)\(ii\)](#) (Amendment to Welsh text only)
- reg. 15(1A) inserted by [S.I. 2019/597 reg. 3\(11\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)
- reg. 15(1B) inserted by [S.I. 2019/597 reg. 3\(11\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)