

[^{F1}SCHEDULE 5

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 2

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

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;
 - ^{F2}(ii)
- [from 31st January 2024—
- ^{F3}(ba) (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.]

^{F4}(c)

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- [^{F5}(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—
 - (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) [^{F6}and (ba)]^{F7}... must accompany the consignment of the relevant goods concerned to its place of destination.]
- [^{F8}(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;

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- (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

- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**

Changes to legislation:

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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)