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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1348 (W. 271)**

**EXITING THE EUROPEAN UNION, WALES  
ANIMALS, WALES**

**The Trade in Animals and Related Products (Amendment and  
Legislative Functions) and Animal Health (Miscellaneous  
Amendments) (Wales) (EU Exit) Regulations 2022**

*Made* - - - - 15 December 2022

*Coming into force* - - 16 December 2022

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- (a) paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018<sup>(1)</sup>;
- (b) so far as relating to regulation 3(8), by Articles 48(b) and 144(6) of Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>(2)</sup>.

In so far as these Regulations are made in exercise of powers under Articles 48(b) and 144(6) of Regulation (EU) 2017/625, in accordance with Article 144(7), before making these Regulations, the Welsh Ministers have consulted such bodies and persons as appear to the Welsh Ministers to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Welsh Ministers consider appropriate.

In accordance with paragraph 1(8) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before, and approved by, a resolution of Senedd Cymru<sup>(3)</sup>.

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(1) 2018 c. 16. Section 8 and Part 1 of Schedule 2 were amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) EUR 2017/625, amended by S.I. 2020/1481, 2021/429, 809, 1096 and 1443, 2022/621 and 846. See the definition of appropriate authority in Article 3(2A), inserted by S.I. 2020/1481.

(3) The references in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

## PART 1

### Introduction

#### Title, commencement and application

1.—(1) The title of these Regulations is the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022.

(2) These Regulations come into force on 16 December 2022 and apply in relation to Wales.

#### Interpretation

2.—(1) The words and expressions listed in paragraph (2), as used in these Regulations and in the EU Directives modified by Part 5, have the meanings given in paragraph (2).

(2) The words and expressions are—

“Directive 64/432” (“*Cyfarwyddeb 64/432*”) means Council Directive [64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine<sup>(4)</sup> as it had effect immediately before implementation period completion day;

“Directive 88/407” (“*Cyfarwyddeb 88/407*”) means Council Directive [88/407/EEC](#) laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species<sup>(5)</sup> as it had effect immediately before implementation period completion day;

“Directive 89/556” (“*Cyfarwyddeb 89/556*”) means Council Directive [89/556/EEC](#) on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species<sup>(6)</sup> as it had effect immediately before implementation period completion day;

“Directive 90/429” (“*Cyfarwyddeb 90/429*”) means Council Directive [90/429/EEC](#) laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species<sup>(7)</sup> as it had effect immediately before implementation period completion day;

“Directive 91/68” (“*Cyfarwyddeb 91/68*”) means Council Directive [91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals<sup>(8)</sup> as it had effect immediately before implementation period completion day;

“Directive 92/65” (“*Cyfarwyddeb 92/65*”) means Council Directive [92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive [90/425/EEC](#)<sup>(9)</sup> as it had effect immediately before implementation period completion day;

“Directive 92/118” (“*Cyfarwyddeb 92/118*”) means Council Directive [92/118/EEC](#) laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#)<sup>(10)</sup> as it had effect immediately before implementation period completion day;

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(4) OJ P 121, 29.7.1964, p. 1977.

(5) OJ No L 194, 22.7.1988, p. 10.

(6) OJ No L 302, 19.10.1989, p. 1.

(7) OJ No L 224, 18.8.1990, p. 62.

(8) OJ No L 46, 19.2.1991, p. 19.

(9) OJ No L 268, 14.9.1992, p. 54.

(10) OJ No L 62, 15.3.1993, p. 49.

“Directive 2002/99” (“*Cyfarwyddeb 2002/99*”) means Council [Directive 2002/99/EC](#) laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>(11)</sup> as it had effect immediately before implementation period completion day;

“Directive 2004/68” (“*Cyfarwyddeb 2004/68*”) means Council [Directive 2004/68/EC](#) laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals<sup>(12)</sup> as it had effect immediately before implementation period completion day;

“Directive 2009/156” (“*Cyfarwyddeb 2009/156*”) means Council [Directive 2009/156/EC](#) on animal health conditions governing the movement and importation from third countries of equidae<sup>(13)</sup> as it had effect immediately before implementation period completion day;

“Directive 2009/158” (“*Cyfarwyddeb 2009/158*”) means Council [Directive 2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs<sup>(14)</sup> as it had effect immediately before implementation period completion day;

“enactment” (“*deddfiad*”) has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018;

“the Official Controls Regulation” (“*y Rheoliad Rheolaethau Swyddogol*”) means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;

“Regulation (EC) No 178/2002” (“*Rheoliad (EC) Rhif 178/2002*”) means Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(15)</sup>;

“Regulation (EC) No 852/2004” (“*Rheoliad (EC) Rhif 852/2004*”) means Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs<sup>(16)</sup>;

“Regulation (EC) No 853/2004” (“*Rheoliad (EC) Rhif 853/2004*”) means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(17)</sup>;

“Regulation (EC) No 1251/2008” (“*Rheoliad (EC) Rhif 1251/2008*”) means Regulation (EC) No 1251/2008 implementing Council [Directive 2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species<sup>(18)</sup>;

“Regulation (EC) No 1069/2009” (“*Rheoliad (EC) Rhif 1069/2009*”) means 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<sup>(19)</sup>.

(11) OJ No L 18, 23.1.2003, p. 11.

(12) OJ No L 139, 30.4.2004, p. 320.

(13) OJ No L 192, 23.7.2010, p. 1.

(14) OJ No L 343, 22.12.2009, p. 74.

(15) EUR 2002/178, amended by [S.I. 2019/641](#), [2020/1504](#) and [2022/377](#).

(16) EUR 2004/852, amended by [S.I. 2019/642](#) and [2020/1504](#).

(17) EUR 2004/853, amended by [S.I. 2019/640](#) and [1247](#) and [2020/1504](#).

(18) EUR 1251/2008, amended by [S.I. 2020/1388](#) and [1463](#), and [2022/835](#).

(19) EUR 2009/1069, amended by [S.I. 2019/170](#) and [588](#), [2020/1388](#) and [1463](#).

## PART 2

### Amendment of the Trade in Animals and Related Products (Wales) Regulations 2011

#### Amendment of the Trade in Animals and Related Products (Wales) Regulations 2011

**3.**—(1) The Trade in Animals and Related Products (Wales) Regulations 2011(**20**) are amended as follows.

(2) In regulation 2(1), at the beginning of the list of definitions insert—

““the TARP (ALF) (Wales) (EU Exit) Regulations 2022” (“*Rheoliadau'r FACHP (DSD) (Cymru) (Ymadael â'r UE) 2022*”) means the Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022;”.

(3) In regulation 15(3), for sub-paragraph (a) substitute—

“(a) the consignment complies with the requirements of the following, so far as relevant and when read with any other provisions of the legislation referred to below which apply in relation to such requirements—

(i) the legislation listed in regulation 4(2) of the TARP (ALF) (Wales) (EU Exit) Regulations 2022, as modified by Part 5 of those Regulations or by the legislation referred to in paragraphs (ii) and (iii);

(ii) legislation made by the Welsh Ministers, as appropriate authority, under the functions listed in the Schedule to the TARP (ALF) (Wales) (EU Exit) Regulations 2022, where applicable;

(iii) legislation made by the Secretary of State, as appropriate authority in relation to Wales, under the functions listed in the Schedule to the Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022(**21**), where applicable;”.

(4) In regulation 18(3), for “in the relevant legislation listed in Schedule 1” substitute “under regulation 15(3)(a)”.

(5) In regulation 35—

(a) in paragraph (1)—

(i) after “the appropriate enforcement authority”, insert “or the Welsh Ministers”;

(ii) after “that enforcement authority”, insert “or the Welsh Ministers”;

(b) in paragraph (3)—

(i) after “the appropriate enforcement authority”, insert “or the Welsh Ministers”;

(ii) after “that enforcement authority”, insert “or the Welsh Ministers, as appropriate”;

(c) in paragraphs (4), (5) and (6), after “enforcement authority”, in each place where it occurs, insert “or the Welsh Ministers”.

(6) In regulation 38, for “enforcement authority” substitute “Welsh Ministers or the enforcement authority”.

(7) Omit Schedule 1.

(8) In Schedule 3, in paragraph 8—

(a) in the heading and in sub-paragraph (1), for “Invertebrate” substitute “Relevant”;

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**(20)** S.I. 2011/2379 (W.252), amended by S.I. 2018/1216 (W. 249), 2019/463 (W. 111), 2020/44 (W. 5), 177 (W. 38) and 1612 (W. 337) and 2021/847 (W.197), 1094 (W. 260) and 1480 (W. 382).

**(21)** S.I. 2022/1322. See the definition of appropriate authority in regulation 4(2).

- (b) after sub-paragraph (1) insert—
  - “(1A) In this paragraph, “relevant animals” means—
    - (a) animals listed in Schedule 2 to the Animals (Scientific Procedures) Act 1986<sup>(22)</sup>; and
    - (b) invertebrate animals.”;
- (c) for sub-paragraph (2) substitute—
  - “(2) Sub-paragraph (1) does not apply to zebra fish, aquatic molluscs belonging to the phylum *Mollusca* or aquatic crustaceans belonging to the subphylum *Crustacea*.”;
- (d) after sub-paragraph (2) insert—
  - “(3) The reference to educational activities in sub-paragraph (1) does not apply in relation to—
    - (a) vertebrate animals; or
    - (b) honey bees (*Apis mellifera*) or bumble bees (*Bombus* spp).”

## PART 3

### Animal and public health requirements

#### List of animal and public health requirements

4.—(1) Paragraph (2) lists legislation for the purposes of regulations 15(3)(a) and 18(3) of the Trade in Animals.

- (2) The legislation referred to in paragraph (1) is—
  - (a) as regards provisions of EU Directives, the following provisions, as read with Articles 1 and 2 of the Directive in question—
    - (i) Article 14 of, and Annexes A to E to, Directive 64/432;
    - (ii) Articles 8 to 11 of, and Annexes A to C to, Directive 88/407;
    - (iii) Articles 7 to 10 of, and Annexes A and B to, Directive 89/556;
    - (iv) Articles 7 to 12 of, and Annexes A to C to, Directive 90/429;
    - (v) Article 6 of, and Annexes A to D to, Directive 91/68;
    - (vi) Articles 3 to 11, 13, 16 to 18, and 24 of, and Annexes A to D and F to, Directive 92/65;
    - (vii) Articles 3 to 6, 9 and 10, and 13 of, and Annexes 1 and 1A to, Directive 92/118;
    - (viii) Articles 3, 4, 7 and 9 of, and Annexes 1 and 3 to, Directive 2002/99;
    - (ix) Articles 3, 7 and 11 of, and Annexes 1 to 3 to, Directive 2004/68;
    - (x) Articles 4, 5, 11 to 14, 16 and 17 of, and Annexes 1 and 4 to, Directive 2009/156;
    - (xi) Articles 5, 6, 8 to 12, 14 to 19, 22 to 26, and 30 of, and Annexes 1 to 3 to, Directive 2009/158;
  - (b) as regards other instruments—
    - (i) the Aquatic Animal Health (England and Wales) Regulations 2009<sup>(23)</sup>;
    - (ii) Regulation (EC) No 178/2002;

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<sup>(22)</sup> 1986 c. 14.

<sup>(23)</sup> S.I. 2009/463, amended by S.I. 2011/981 and 1043, 2019/1488, 2020/1388 and 2022/835.

- (iii) Regulation (EC) No 852/2004;
- (iv) Regulation (EC) No 853/2004;
- (v) Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene<sup>(24)</sup>;
- (vi) Commission Decision 2007/275 concerning lists of composite products to be subject to controls at border control posts<sup>(25)</sup>;
- (vii) Regulation (EC) No 1251/2008;
- (viii) Regulation (EC) No 1069/2009;
- (ix) Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof<sup>(26)</sup>;
- (x) the Official Controls Regulation.

## PART 4

### Legislative and other functions

#### Provisions containing legislative and other functions

5.—(1) The Schedule contains a list of provisions of EU Directives that confer functions on the appropriate authority, together with any provisions that are to be retained because they are either to be read with a listed provision and are relevant to the exercise of that function, or are connected to the purpose of that function, for the purposes of paragraphs (2) and (3) of this regulation.

(2) The functions conferred by the provisions listed in the Schedule, together with any other provisions listed in the Schedule that may be relevant or connected to the exercise of a listed function, as modified by Part 5 of these Regulations and so far as they relate to consignments to which these Regulations apply—

- (a) are exercisable in relation to Wales by the Welsh Ministers in so far as the functions are within devolved competence;
- (b) are exercisable as if those provisions formed part of the law of England and Wales; and
- (c) are to be treated as a function conferred by these Regulations.

(3) A function is within devolved competence for the purposes of paragraph (2)(a) if it would be within the legislative competence of Senedd Cymru to confer such a function in an Act of Senedd Cymru (assuming, in the case of provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975<sup>(27)</sup>, that such consent was given).

#### Regulation-making procedure

6.—(1) Regulations made by the Welsh Ministers under any of the functions listed in the Schedule are to be made by statutory instrument.

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<sup>(24)</sup> EUR 2005/183, amended by S.I. 2019/654 and 2020/1504.

<sup>(25)</sup> EUD 2007/275, amended by S.I. 2020/1462.

<sup>(26)</sup> EUR 2016/1012, amended by S.I. 2019/117 and 588, and 2020/1388.

<sup>(27)</sup> 1975 c. 26.

(2) A statutory instrument containing regulations made by the Welsh Ministers under any of the functions listed in the Schedule is subject to annulment in pursuance of a resolution of Senedd Cymru.

(3) Regulations made under any of the functions listed in the Schedule may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision, including provision amending, repealing or revoking any enactment;
- (b) make different provision for different purposes.

(4) Before making any regulations under any of the functions listed in the Schedule, the Welsh Ministers must consult—

- (a) such bodies or persons as appear to them to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as they consider appropriate.

## PART 5

### Modifications to EU Directives

#### Modifications to EU Directives

7. Regulations 9 to 19 set out modifications to the EU Directives listed in regulation 4(2)(a) and the Schedule, including modifications to the headings and titles of divisions of those EU Directives where appropriate, for the purposes of—

- (a) regulations 15(3)(a) and 18(3) of the Trade in Animals and Related Products (Wales) Regulations 2011, and
- (b) regulation 5 of these Regulations.

#### Further interpretation

8.—(1) For the purposes of these Regulations, the words and expressions listed in paragraph (2), as used in this Part and in the EU Directives modified by this Part, have the meanings given in paragraph (2).

(2) The words and expressions are—

“the competent authority” has the meaning given in Article 3 of the Official Controls Regulation;

“Directive 2001/89” means Council [Directive 2001/89/EC](#) on Community measures for the control of classical swine fever<sup>(28)</sup> as it had effect immediately before implementation period completion day;

“the Diseases of Poultry Orders” means—

- (i) the Diseases of Poultry (Wales) Order 2003<sup>(29)</sup>;
- (ii) the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006<sup>(30)</sup>;
- (iii) the Avian Influenza (Vaccination) (Wales) (No. 2) Regulations 2006<sup>(31)</sup>;

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(28) OJ No. L 316, 1.12.2001, p. 5.

(29) S.I. 2003/1079 (W. 148), amended by 2006/1762 (W. 184), 2010/618 (W. 60), 2018/1216 (W. 249) and 2021/480 (W. 147).

(30) S.I. 2006/2927 (W. 262), amended by S.I. 2010/618 (W. 60), 2012/3039, 2018/1216 (W. 249), 2019/371 (W. 92) and 463 (W. 111) and 2022/280 (W.81).

(31) S.I. 2006/2932 (W. 265), amended by S.I. 2010/619 (W. 61), 2018/1216 (W. 249) and 2019/371 (W. 92).



“the Foot-and-Mouth Disease Orders” means—

- (i) the Foot-and-Mouth Disease (Wales) Order 2006<sup>(32)</sup>;
- (ii) the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006<sup>(33)</sup>;

“national reference laboratory” means a laboratory designated by the appropriate authority in accordance with Article 100 of the Official Controls Regulation;

“official laboratory” means a laboratory designated by the competent authority in accordance with Article 37 of the Official Controls Regulation;

“Regulation (EC) No 1760/2000” means Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(34)</sup>;

“Regulation (EC) No 1/2005” means Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations<sup>(35)</sup>;

“Regulation (EU) No 206/2010” means Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements<sup>(36)</sup>;

“the TARP (ALF) (Wales) (EU Exit) Regulations 2022” means these Regulations;

“third country” means any country or territory outside the British Islands;

“WOAH” means the World Organisation for Animal Health<sup>(37)</sup>;

“WOAH reference laboratory” means a laboratory that has been officially designated as a WOA reference laboratory by the World Assembly of Delegates of the WOA<sup>(38)</sup>.

(3) For the purposes of these Regulations, in the EU Directives modified by this Part and in the modifications made to the EU Directives in this Part, any reference to one of those EU Directives, unless specified otherwise, is a reference to that Directive as it had effect immediately before implementation period completion day and as modified by this Part.

## Modifications to Directive 64/432

9.—(1) Directive 64/432 is modified as follows.

(2) Article 1 is to be read as if for that Article there were substituted—

“Articles 2, 9, 10 and 14 of, and Annexes A, D and E to, this Directive apply so far as necessary for the purposes of giving effect to provisions which contain references to them in Directives 88/407, 89/556, 90/429, 92/65 and 2009/156, and Regulation (EU) No 206/2010. The provisions of this Directive, to which such reference is made, have effect for those purposes without prejudice to—

- (a) Directive 88/407;
- (b) Directive 90/429;

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(32) S.I. 2006/179 (W. 30), amended by S.I. 2010/618 (W. 60), 2011/2377 (W. 250), 2014/517 (W. 60), 2018/1216 (W. 249), 2019/371 (W. 92) and 463 (W. 111), and 2020/44 (W. 5).

(33) S.I. 2006/180 (W. 31), amended by S.I. 2010/619 (W. 61), 2011/1043 and 2377 (W. 250), 2014/517 (W. 60), 2019/371 (W. 92) and 2020/44 (W. 5).

(34) EUR 2000/1760, amended by S.I. 2019/588, 814 and 822, 2020/1388, 1453 and 1463, and section 34(3)(a) and (b) of the Agriculture Act 2020 (c. 21).

(35) EUR 2005/1, amended by S.I. 2019/588, 802 and 1312, 2020/1481 and 1590 and 2022/846.

(36) EUR 2010/206, amended by S.I. 2019/1225, 2020/1462, 2021/211 and 2022/735.

(37) WOA is an intergovernmental organisation, formerly known as the OIE, set up to improve animal health worldwide and fight infectious animal diseases. Further information can be found here: <https://www.woah.org/en/who-we-are/>.

(38) The World Assembly is the authority for WOA and comprises of 182 delegates from each Member country of WOA. For more information on the World Assembly see here: <https://www.woah.org/en/who-we-are/structure/world-assembly/>. Further details on the procedure for designation of the reference laboratories can be found here: <https://www.woah.org/en/what-we-offer/expertise-network/reference-laboratories/#ui-id-2>.



- (c) Directive 2002/99;
  - (d) the Official Controls Regulation;
  - (e) Regulation (EC) No 1760/2000;
  - (f) Regulation (EC) No 1/2005;
  - (g) Regulation (EC) No 1069/2009;
  - (h) Regulation (EU) No 652/2014 of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material<sup>(39)</sup>;
  - (i) the Foot-and-Mouth Disease Orders;
  - (j) the Pigs (Records, Identification and Movement) (Wales) Order 2011<sup>(40)</sup>;
  - (k) the Diseases of Swine Regulations 2014<sup>(41)</sup>, so far as they relate to the control of swine vesicular disease.”
- (3) Article 2 is to be read as if—
- (a) paragraph 1 were omitted;
  - (b) in paragraph 2—
    - (i) in the words before point (a), “In addition” were omitted;
    - (ii) in point (a), in the definition of “herd”, for “Article 2(b) of Directive 92/102/EEC” there were substituted “article 2 of the Pigs (Records, Identification and Movement) (Wales) Order 2011 as regards swine, and Article 2 of Regulation (EC) No 1760/2000 as regards bovine animals”;
    - (iii) in point (e), in the definition of “officially tuberculosis-free Member State or region of a Member State”, for “Member State”, in each place where it occurs, there were substituted “country”;
    - (iv) in point (g), in the definition of “officially brucellosis-free region”, for “Member State” there were substituted “country”;
    - (v) in point (h), in the definition of “officially brucellosis-free Member State”, for “Member State”, in both places where it occurs, there were substituted “country”;
    - (vi) in point (k), in the definition of “officially enzootic-bovine-leukosis free Member State or region”, for “Member State”, in both places where it occurs, there were substituted “country”;
    - (vii) point (l) were omitted;
    - (viii) in point (m), in the definition of “approved veterinarian”, for “Article 14(3)(B)” there were substituted “Article 14”;
    - (ix) in point (o), in the definition of “assembly centre”—
      - (aa) for “trade” there were substituted “importation into Wales”;
      - (bb) for “for trading purposes” there were substituted “for the purposes of export by the third country of export”;
      - (cc) for “Article 11” there were substituted “Part 5 of Annex 1 to Regulation (EU) No 206/2010”;
    - (x) in point (p), in the definition of “region”—
      - (aa) for “Member State’s” there were substituted “country’s”;

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<sup>(39)</sup> EUR 2014/652, amended by S.I. 2018/1410 and 2020/1388.

<sup>(40)</sup> S.I. 2011/2830 (W. 303), amended by S.I. 2018/632 (W. 118) and 2019/92 (W. 24).

<sup>(41)</sup> S.I. 2014/1894, amended by S.I. 2018/1410.

- (bb) the words from “and includes at least one” to the end of point (p) were omitted;
- (xi) point (q) were omitted.
- (4) Article 9 is to be read as if—
- (a) in paragraph 1—
- (i) for “A Member State which has” there were substituted “The appropriate authority may, by regulations or in accordance with a procedure set out by the appropriate authority by regulations, set out”;
- (ii) for “its territory may submit the said programme to the Commission” there were substituted “Wales”;
- (iii) in the first indent, for “the Member State” there were substituted “Wales”;
- (iv) in the fifth indent, “the results of which must be supplied at least annually to the Commission,” were omitted;
- (b) for paragraph 2 there were substituted—
- “(2) The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out the additional guarantees, general or limited, which may be required for importation into Wales.”;
- (c) paragraph 3 were omitted.
- (5) Article 10 is to be read as if—
- (a) in paragraph 1, for the words from “Where a Member State” to “appropriate supporting documentation, setting out in particular” there were substituted “The matters referred to in paragraph 2 are”;
- (b) for paragraph 2 there were substituted—
- “(2) The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out additional guarantees, general or limited, that are required where it considers that Wales or part of Wales is free from one of the diseases listed in Annex E(2), taking into account the matters specified in paragraph 1.”;
- (c) paragraph 3 were omitted.
- (6) Article 14 is to be read as if for that Article there were substituted—
- “**14.** The approved veterinarians must be under the control of the competent authority and must comply with the following requirements. They must—
- (a) meet the conditions for pursuing the veterinary profession;
- (b) have no financial interest or family connections with the owner of or person responsible for the holding;
- (c) possess particular knowledge in the field of animal health as it applies to animals of the species concerned. This means that they must—
- (i) regularly update their knowledge, especially as regards the relevant health regulations,
- (ii) meet the requirements laid down by the competent authority to ensure the proper functioning of any surveillance network,
- (iii) provide the owner of or person responsible for the holding with information and assistance in order that all steps are taken to ensure that the holding’s animal health status is maintained, particularly on the basis of programmes agreed with the competent authority,

- (iv) ensure compliance with the requirements concerning—
  - (aa) the identification and health certification of the animals of the herd, the animals introduced and those imported;
  - (bb) compulsory reporting of infectious animal diseases and any other risk factor for animal health or welfare, and for human health;
  - (cc) establishing as far as possible the cause of death of animals and where they are to be consigned;
  - (dd) the hygiene conditions of the herd and of the livestock production units.

If the proper functioning of any system of surveillance networks so requires, each country may limit the veterinarians' responsibility to a specific number of holdings or to a specific geographical area.

The competent authority must draw up lists of approved veterinarians and of the approved holdings participating in any surveillance network. If the competent authority finds that a participant in the network no longer fulfils the conditions set out above, it must suspend or withdraw approval, without prejudice to any penalties that may be applied.”

- (7) Article 16 is to be read as if for that Article there were substituted—

- “**16.** The appropriate authority may by regulations—
- (a) modify Annex A and Chapter 1 of Annex D, in particular with regard to their adaptation to technological and scientific developments;
  - (b) modify Annexes B, C, E and Chapter 2 of Annex D; or
  - (c) amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.”

- (8) Annex A is to be read as if—

- (a) in Section 1—
  - (i) in paragraph 1(c), in the second subparagraph, the words from “; except in a Member State” to the end of that subparagraph were omitted;
  - (ii) in paragraph 2(c)—
    - (aa) in the second subparagraph, for “Member State”, in each place where it occurs, there were substituted “country”;
    - (bb) in the third subparagraph, for “Member State” there were substituted “country”;
  - (iii) in paragraph 3A(d)—
    - (aa) “in a Member State” were omitted;
    - (bb) for “enter into intra-Community trade” there were substituted “be traded”;
  - (iv) in paragraph 4, for the words from “in accordance with Article 8,” to “procedure laid down in Article 17” there were substituted “in relation to the occurrence of bovine tuberculosis in the relevant country, the appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, declare a country or part of a country to be officially tuberculosis-free”;
  - (v) in paragraph 4(b), for “Community legislation” there were substituted “legislation in force in Wales”;
  - (vi) in paragraph 5—

- (aa) for “Member State”, in each place where it occurs, there were substituted “country”;
  - (bb) for “Commission” there were substituted “appropriate authority”;
  - (cc) for “in accordance with the procedure laid down in Article 17” there were substituted “in accordance with a procedure set out by the appropriate authority by regulations”;
- (b) in Section 2—
- (i) in paragraph 1(d), for “in accordance with the procedure at Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (ii) in paragraph 2(a), in the second subparagraph, for “Member State”, in each place where it occurs, there were substituted “country”;
  - (iii) in paragraph 2(b), in the first subparagraph, for “in accordance with the procedure at Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (iv) in paragraph 2(b), in the second subparagraph—
    - (aa) for “Member States”, in both places where it occurs, there were substituted “countries”;
    - (bb) for “Member State” there were substituted “country”;
  - (v) in paragraph 2(c), in the second subparagraph, for “under the procedure set out in Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (vi) in paragraph 3A, in the third subparagraph, in point (b), for “under the procedure set out in Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (vii) in paragraph 4(i), in the third indent, for “procedure laid down in Article 17” there were substituted “Veterinary Medicines Regulations 2013(42)”;
  - (viii) in paragraph 6A, in the second subparagraph, for “under the procedure set out in Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (ix) in paragraph 7, in the words before point (a)—
    - (aa) for “Member State”, in both places where it occurs, there were substituted “country”;
    - (bb) for “according to the procedure laid down in Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (x) in paragraph 7(a)—
    - (aa) for “Member State”, in the first two places where it occurs, there were substituted “country”;
    - (bb) the words from “provided that the central competent authority” to the end were omitted;
  - (xi) in paragraph 7(b), for “Community legislation” there were substituted “legislation in force in Wales”;

- (xii) in paragraph 8, in the words before point (a), for “Member State”, in both places where it occurs, there were substituted “country”;
  - (xiii) in paragraph 9—
    - (aa) for “Member State”, in each place where it occurs, there were substituted “country”;
    - (bb) for “Commission”, in both places where it occurs, there were substituted “appropriate authority”;
    - (cc) for “according to the procedure laid down in Article 17 propose that the status be suspended or revoked” there were substituted “in accordance with a procedure set out by the appropriate authority by regulations revoke or suspend the status”;
  - (xiv) in paragraph 10, for “under the procedure laid down in Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”.
- (9) Annex B is to be read as if—
- (a) in point 1, in the fourth subparagraph, for “Fourth Edition, 2000, Chapter 2.3.3 (bovine tuberculosis)” there were substituted “2021 edition(43), Chapter on bovine tuberculosis”;
  - (b) in point 2.1.4.5, for “4<sup>th</sup> Edition 2002” there were substituted “in the 10th edition, 2022(44),”;
  - (c) in point 2.2.5.3.4—
    - (i) for “Community legislation” there were substituted “legislation in force in Wales”;
    - (ii) for “entered into intra-Community trade” there were substituted “allowed to be traded”;
  - (d) in point 2.2.5.3.5, for “Member States” there were substituted “the appropriate authority”;
  - (e) in point 3—
    - (i) for “Member States” there were substituted “the appropriate authority”;
    - (ii) for “4<sup>th</sup> Edition, 2000, Chapter 2.3.3 (bovine tuberculosis)” there were substituted “2021 edition, Chapter on bovine tuberculosis”;
  - (f) in point 4—
    - (i) in the title, “State” were omitted;
    - (ii) in point 4.1—
      - (aa) “State” were omitted;
      - (bb) for “Article 6a” there were substituted “Article 100 of the Official Controls Regulation”;
      - (cc) “respectively in their respective Member States” were omitted.
- (10) Annex C is to be read as if—

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(43) The Manual of Standards for Diagnostic Tests and Vaccines for Terrestrial Animals 2021 is freely accessible online (<https://www.woah.org/en/what-we-do/standards/codes-and-manuals/#ui-id-2>) or available to order in hard copy from the WOAHP online bookshop (at <https://www.woah.org/en/ebookshop/>). The WOAHP’s address is 12, rue de Prony, 75017 Paris, France. A hard copy is also available to view on request from the Virology Department at the offices of the Animal and Plant Health Agency, Weybridge, Woodham Lane, New Haw, Addlestone, Surrey, KT15 3NB.

(44) The European Pharmacopoeia is set of legally binding reference standards for the quality control of medicines adopted in accordance with the Convention on the Elaboration of a European Pharmacopoeia. It is available online or in print version for a subscription fee (see <https://www.edqm.eu/en/european-pharmacopoeia> for links to the subscription services).

- (a) in point 1, in the fourth subparagraph, for “Sixth Edition, 2008, Chapter 2.4.3 (bovine brucellosis), Chapter 2.7.2 (caprine and ovine brucellosis) and Chapter 2.8.5 (porcine brucellosis)” there were substituted “2021 edition, in the relevant Chapters on brucellosis”;
- (b) in point 2.1.5—
  - (i) for “Community” there were substituted “WOAH”;
  - (ii) for “Veterinary Laboratories Agency (VLA), Weybridge” there were substituted “Animal and Plant Health Agency, Weybridge laboratory”;
- (c) in point 2.1.6, “in each Member State” were omitted;
- (d) in point 2.2.1—
  - (i) for “Chapter 1.1.4” there were substituted “the Chapter on bovine brucellosis”;
  - (ii) for “Sixth Edition, 2008” there were substituted “2021 edition,”;
- (e) in point 2.2.3.3, “in accordance with Article 6(1)” were omitted;
- (f) in point 2.7.1—
  - (i) for “Chapter 2.4.3 (bovine brucellosis)” there were substituted “in the Chapter on bovine brucellosis”;
  - (ii) for “Sixth Edition, 2008” there were substituted “2021 edition,”;
- (g) in point 3.1.1(a), for “intra-Community trade” there were substituted “importation into Wales”;
- (h) in point 3.1.2—
  - (i) for “Section C1 of Chapter 2.4.3” there were substituted “the relevant section of the Chapter on bovine brucellosis”;
  - (ii) for “Sixth Edition, 2008” there were substituted “2021 edition,”;
- (i) in point 3.2.1, in the first paragraph, for “intra-Community trade” there were substituted “importation into Wales”;
- (j) in point 3.2.2—
  - (i) for “Section B(2) of Chapter 2.4.3” there were substituted “the relevant section of the Chapter on bovine brucellosis”;
  - (ii) for “Sixth Edition, 2008” there were substituted “2021 edition,”;
- (k) in point 4.1—
  - (i) in the words before point (a), for “Article 6a” there were substituted “Article 100 of the Official Controls Regulation”;
  - (ii) in point (a), “in the Member State” were omitted;
  - (iii) in point (d), “in the Member State” were omitted;
  - (iv) in point (e), for “Community” there were substituted “relevant”.
- (11) Annex D is to be read as if—
  - (a) in Chapter I—
    - (i) in the title, “, Member States and Regions” were omitted;
    - (ii) in Section A, in point (iii), for “Member State” there were substituted “country”;
    - (iii) in Section B, in point (iv), for “Directive [72/462/EEC](#)” there were substituted “Directive 2004/68”;
    - (iv) in Section E, for the words before point (a) there were substituted “On the basis of information supplied in relation to the occurrence of enzootic-bovine-leukosis in the relevant country, the appropriate authority may declare a country, or part of a country,

- to be officially enzootic-bovine-leukosis-free in accordance with a procedure set out by the appropriate authority by regulations, if—”;
- (v) in Section E, in point (b), for “Member State”, in each place where it occurs, there were substituted “country”;
  - (vi) in Section F, in the words before point (a) for “Member State”, in both places where it occurs, there were substituted “country”;
  - (vii) in Section F, in point (a), for “Member State” there were substituted “country”;
  - (viii) in Section F, in point (b)—
    - (aa) for “Member State” there were substituted “country”;
    - (bb) for “Commission” there were substituted “appropriate authority”;
  - (ix) in Section F, in point (d)—
    - (aa) for “Member State”, in both places where it occurs, there were substituted “country”;
    - (bb) for “in accordance with the procedure laid down in Article 17” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (x) in Section G—
    - (aa) for “Member State”, in each place where it occurs, there were substituted “country”;
    - (bb) for “in accordance with the procedure in Article 17”, in both places where it occurs, there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
- (b) in Chapter 2—
- (i) in the second paragraph, for the words from “, which shall be the official EU standard” to the end of that paragraph there were substituted “to be supplied by a WOAH reference laboratory for enzootic-bovine-leukosis”;
  - (ii) in Section A, in point 2—
    - (aa) “State” were omitted;
    - (bb) for “Article 6a” there were substituted “Article 100 of the Official Controls Regulation”;
  - (iii) in Section A, in point 3—
    - (aa) “State” were omitted;
    - (bb) for “Article 6a” there were substituted “Article 100 of the Official Controls Regulation”;
  - (iv) in Section C, in point 3(b), “in accordance with Article 6(2)(c)” were omitted.

### **Modifications to Directive 88/407**

- 10.**—(1) Directive 88/407 is modified as follows.
- (2) Article 1 is to be read as if—
    - (a) in the first paragraph, “intra-Community trade in and” were omitted;
    - (b) in the second paragraph, for “Community and/or national” there were substituted “legislation in force in Wales comprising”.
  - (3) Article 2 is to be read as if—



- (a) in the first sentence, for “Directive 72/462/EEC” there were substituted “Directive 2004/68”;
  - (b) in point (b)—
    - (i) in the first indent, in the definition of “semen collection centre”, “Member State or” were omitted;
    - (ii) in the second indent, in the definition of “semen storage centre”, “Member State or” were omitted;
  - (c) point (c) were omitted;
  - (d) in point (f), in the definition of “country of collection”—
    - (i) “Member State or” were omitted;
    - (ii) for “a Member State” there were substituted “Wales”;
  - (e) in point (g), in the definition of “approved laboratory”, for “in the territory of a Member State or third country” there were substituted “in Wales or a third country”.
- (4) Article 8 is to be read as if—
- (a) in paragraph 1—
    - (i) for “A Member State may authorize importation of semen only” there were substituted “Semen may only be imported”;
    - (ii) for the words from “on a list drawn up” to the end of that paragraph, there were substituted—
 

“on a list set out in legislation in force in Wales .

The appropriate authority may by regulations draw up lists of third countries from which consignments of semen may be imported into Wales.”;
  - (b) in paragraph 2—
    - (i) in point (a), for “the Member States” there were substituted “Wales”;
    - (ii) in point (b), for “mentioned in lists A and B of the International Office of Epizootic Diseases” there were substituted “listed by the WOAHA”;
  - (c) paragraph 3 were omitted.
- (5) Article 9 is to be read as if—
- (a) in paragraph 1—
    - (i) in the words before point (a), for “Member States shall only authorise imports of semen” there were substituted “Consignments of semen may only be imported where they are”;
    - (ii) in point (a)(ii), for “thereof” there were substituted “of Annex A”;
    - (iii) after point (a)(ii) there were inserted—
 

“(iii) laid down in Annex B and paragraphs 2 and 3 of Annex C”;
  - (iv) in point (b), for “the Community” there were substituted “Wales”;
- (b) in paragraph 2—
  - (i) for “the Community” there were substituted “Wales”;
  - (ii) after “be communicated” there were inserted “by that competent authority”;
  - (iii) for “Commission”, in each place where it occurs, there were substituted “appropriate authority”;
  - (iv) for “provide the Member States with” there were substituted “make”;

- (v) “and shall make them” were omitted;
  - (c) in paragraph 3, for “in accordance with the procedure referred to in Article 18(2)” there were substituted “by the appropriate authority by regulations”.
- (6) Article 10 is to be read as if—
- (a) in paragraph 1—
    - (i) for “drawn up in accordance with” there were substituted “referred to in”;
    - (ii) after “Article 8(1)” there were inserted “and must satisfy the relevant conditions laid down in Annex B and paragraph 1 of Annex C”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “the Member States shall not authorize the importation” there were substituted “consignments”;
      - (bb) after “semen from a third country on the list” there were inserted “must not be imported”;
      - (cc) for “in accordance with the procedure referred to in Article 18(2)” there were substituted “by the appropriate authority by regulations”;
    - (ii) in the second subparagraph, in point (a), for “appearing on list A of the International Office of Epizootic Diseases” there were substituted “listed by the WOA”;
  - (c) in paragraph 3—
    - (i) for the words from “It may be decided” to “on a case-by-case basis, to” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations,”;
    - (ii) after “waive these conditions” there were inserted “in relation to a third country”;
    - (iii) for “laid down in accordance with the same procedure” there were substituted “set out in those regulations”;
  - (d) for paragraph 4 there were substituted—

“4. The appropriate authority may not oppose the admission of semen from bulls vaccinated against foot-and-mouth disease. However, where the semen was obtained from a bull which had been vaccinated against foot-and-mouth disease during the 12 month period prior to collection, 5 % of the semen from each collection (with a minimum of five straws) intended for sending to Wales shall be subjected, in an approved laboratory, to a virus isolation test for foot-and-mouth disease, with negative results.”
- (7) Article 11 is to be read as if—
- (a) in paragraph 1—
    - (i) in the first sentence—
      - (aa) for “Member States shall authorize the importation of semen only” there were substituted “Consignments of semen may only be imported”;
      - (bb) for “an animal health certificate” there were substituted “the relevant health certificate, in the form published by the appropriate authority from time to time,”;
    - (ii) in point (a), for the words from “one of the official languages” to the end there were substituted “English and Welsh”;
  - (b) paragraph 2 were omitted.
- (8) Article 17 is to be read as if for that Article there were substituted—

- “17. The appropriate authority may by regulations—
- (a) modify Annex A, in particular to adapt it to advances in technology;
  - (b) modify Annexes B and C; or
  - (c) amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.”
- (9) Annex A is to be read as if, in Chapter 2—
- (a) in point 1(f), in point (i)—
    - (i) in the first paragraph, in the second indent, for “intra-Community trade” there were substituted “importation into Wales”;
    - (ii) in the first paragraph, in the third indent—
      - (aa) for “the subject of intra-Community trade” there were substituted “imported into Wales”;
      - (bb) for the second instance of “intra-Community trade” there were substituted “importation into Wales”;
  - (b) in point 1(f), in point (vii)—
    - (i) for “Member State” there were substituted “third country”;
    - (ii) for “Commission and other Member States” there were substituted “appropriate authority”;
  - (c) in point 2(e), in point (vi)—
    - (i) for “Member State” there were substituted “third country”;
    - (ii) for “Commission and other Member States” there were substituted “appropriate authority”.
- (10) Annex B is to be read as if—
- (a) in Chapter 1—
    - (i) in point 1—
      - (aa) in point (a), for “Member State” there were substituted “third country”;
      - (bb) in point (d)(iv), for “Article 2.3.5.3 of the International Animal Health Code” there were substituted “the Chapter on IBR/IPV in the WOAHTerrestrial Animal Health Code(45), 2021 edition”;
    - (ii) in point 2, for “a laboratory approved by the Member State” there were substituted “an approved laboratory”;
    - (iii) in point 5, the final sentence were omitted;
  - (b) in Chapter 2—
    - (i) in point 2, for “a laboratory approved by the Member State” there were substituted “an approved laboratory”;
    - (ii) in point 3, in both paragraphs, for “the subject of intra-Community trade” there were substituted “imported into Wales”.
- (11) Annex C is to be read as if—

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(45) The Terrestrial Animal Health Code 2021 is freely accessible online (<https://www.woah.org/en/what-we-do/standards/codes-and-manuals/#ui-id-1>) or available to order in hard copy from the WOAHTerrestrial Animal Health Code(45), 2021 edition online bookshop (at <https://www.woah.org/en/ebookshop/>). The WOAHTerrestrial Animal Health Code(45), 2021 edition's address is 12, rue de Prony, 75017 Paris, France. A hard copy version is also available to view on request from the Virology department at the offices of the Animal and Plant Health Agency, Weybridge, Woodham Lane, New Haw, Addlestone, Surrey, KT15 3NB.

- (a) for the title, there were substituted “Conditions which semen imported into Wales must satisfy”;
- (b) in point 3—
  - (i) in the words before point (a), for “for intra-Community trade” there were substituted “intended for importation into Wales”;
  - (ii) in point (b), for “the Member State of destination” there were substituted “Wales”.

### **Modifications to Directive 89/556**

- 11.**—(1) Directive 89/556 is modified as follows.
- (2) Article 1 is to be read as if, in paragraph 1, for “intra-Community trade in and” were omitted.
  - (3) Article 2 is to be read as if—
    - (a) in the first paragraph, for “Directive [72/462/EEC](#)” there were substituted “Directive 2004/68”;
    - (b) in the second paragraph, in point (e), in the definition of “country of collection”—
      - (i) “Member State or” were omitted;
      - (ii) for “a Member State” there were substituted “Wales”;
    - (c) in the second paragraph, point (f) were omitted.
  - (4) Article 7 is to be read as if—
    - (a) in paragraph 1, for the words from “on a list drawn up” to the end, there were substituted—

“on a list set out in legislation in force in Wales.

The appropriate authority may by regulations draw up lists of third countries from which consignments of embryos may be imported into Wales”;
    - (b) in paragraph 2—
      - (i) in point (a), for “the Member States” there were substituted “Wales”;
      - (ii) in point (b), for “mentioned in lists A and B of the International Office of Epizootic Diseases” there were substituted “listed by the WOAH”;
    - (c) paragraph 3 were omitted.
  - (5) Article 8 is to be read as if—
    - (a) in paragraph 1—
      - (i) in the words before point (a), for “Member States shall only authorize imports of embryos” there were substituted “Consignments of embryos may only be imported into Wales where they are”;
      - (ii) in point (b), for “the Community” there were substituted “Wales”;
    - (b) in paragraph 2—
      - (i) for “the Community” there were substituted “Wales”;
      - (ii) after “be communicated” there were inserted “by that competent authority”;
      - (iii) for “Commission”, in each place where it occurs, there were substituted “appropriate authority”;
      - (iv) for “provide the Member States with” there were substituted “make”;
      - (v) “and shall make them” were omitted;
    - (c) in paragraph 3, for “in accordance with the procedure referred to in Article 18(2)” there were substituted “by the appropriate authority by regulations”.

- (6) Article 9 is to be read as if—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) in the words before point (a), for “drawn up in accordance with” there were substituted “referred to in”;
      - (bb) after point (a) there were inserted—
        - “(aa) come from donor animals that satisfy the conditions laid down in Annex B;”;
      - (cc) in point (b), for “in accordance with the procedure laid down in Article 18” there were substituted “by the appropriate authority by regulations”;
    - (ii) in the second subparagraph, in point (a), for “appearing on list A of the International Office of Epizootic Diseases” there were substituted “listed by the WOAH”;
  - (b) in paragraph 2—
    - (i) for “Annexes A and G to Directive 64/432/EEC” there were substituted “Annexes A and D to Directive 64/432”;
    - (ii) for the words from “Under the procedure” to “derogations”, there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, derogate”;
    - (iii) for “may be decided upon” there were substituted “in relation to a third country”.
- (7) Article 10 is to be read as if—
- (a) in paragraph 1—
    - (i) in the opening sentence, for “an animal health certificate” there were substituted “the relevant health certificate, in the form published by the appropriate authority from time to time”;
    - (ii) in point (a), for the words from “the official language” to the end, there were substituted “English and Welsh”;
  - (b) paragraph 2 were omitted.
- (8) Article 16 is to be read as if for the existing text there were substituted—
- “16. the appropriate authority may by regulations modify the Annexes or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.”
- (9) Annex A is to be read as if, in Chapter 2—
- (a) in point 1(h), for “in accordance with the procedure laid down in Article 18” there were substituted “in accordance with a procedure set out by the appropriate authority, by regulations”;
  - (b) in point 1(m), for “In accordance with the procedure laid down in Article 18 a protocol shall be drawn up before the date provided for in Article 20” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, draw up a protocol”;
  - (c) the second paragraph of point 1(m) were omitted;
  - (d) in point 1(n), for “shall be decided in accordance with the procedure laid down in Article 18” there were substituted “may be decided by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”.
- (10) Annex B is to be read as if, in point 1(a), “within Community territory or” were omitted.

## Modifications to Directive 90/429

12.—(1) Directive 90/429 is modified as follows.

(2) Article 1 is to be read as if, in paragraph 1, “intra-Community trade in and” were omitted.

(3) Article 2 is to be read as if, in the first paragraph, for “Article 2 of Directives 64/432/EEC, 72/462/EEC, 80/407/EEC and 90/425/EEC” there were substituted “Article 2 of Directives 64/432, 88/407 and 2004/68, and Article 3 of the Official Controls Regulation”.

(4) Article 7 is to be read as if—

(a) in paragraph 1—

(i) for “A Member State may authorize importation of semen only” there were substituted “Semen may only be imported”;

(ii) for the words “on a list drawn up” to the end there were substituted—

“on a list set out in legislation in force in Wales.

The appropriate authority may by regulations draw up lists of third countries from which consignments of semen may be imported into Wales.”;

(b) in paragraph 2—

(i) in subparagraph (a), for “the Member States” there were substituted “Wales”;

(ii) in subparagraph (b), for “mentioned in lists A and B of the International Office of Epizootic Diseases” there were substituted “listed by the WOAHP”;

(c) paragraph 3 were omitted.

(5) Article 8 is to be read as if—

(a) in paragraph 1—

(i) in the words before point (a), for “Member States shall only authorize imports of semen” there were substituted “Semen may only be imported where it is”;

(ii) in point (b), for “the Community” there were substituted “Wales”;

(b) in paragraph 2—

(i) for “the Community” there were substituted “Wales”;

(ii) after “be communicated” there were inserted “by that competent authority”;

(iii) for “Commission”, in each place where it occurs, there were substituted “appropriate authority”;

(iv) for “provide the Member States with” there were substituted “make”;

(v) “and shall make them” were omitted;

(c) in paragraph 3, for “in accordance with the procedure referred to in Article 18(2)” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”.

(6) Article 9 is to be read as if—

(a) in paragraph 2—

(i) in the first subparagraph—

(aa) “Member States shall not authorize the importation of” were omitted;

(bb) after “third country on the list” there were inserted “must not be imported”;

(cc) for “under the procedure laid down in Article 18” there were substituted “by the appropriate authority by regulations”;

- (ii) in the second subparagraph, in point (a), for “appearing on list A of the International Office of Epizootic Diseases” there were substituted “listed by the WOAHP”;
- (b) in paragraph 3—
  - (i) for “Chapter II and the corresponding Annexes” there were substituted “Annexes A, B and C”;
  - (ii) for the words from “It may be decided” to “on a case-by-case basis, to” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations,”;
  - (iii) after “waive these conditions” there were inserted “in relation to a third country”;
- (c) paragraph 4 were omitted.
- (7) Article 10 is to be read as if—
  - (a) in paragraph 1—
    - (i) for the first sentence there were substituted “Consignments of semen may only be imported on submission of the relevant health certificate, in the form published by the appropriate authority from time to time, drawn up and signed by an official veterinarian of the third country of collection.”;
    - (ii) in point (a), for the words from “one of the official languages” to the end there were substituted “English and Welsh”;
  - (b) paragraph 2 were omitted.
- (8) Article 11 is to be read as if—
  - (a) in paragraph 1, in the first subparagraph—
    - (i) in the words before the first indent—
      - (aa) for “Member States shall ensure that each” there were substituted “Each”;
      - (bb) for “the Community”, in both places where it occurs, there were substituted “Wales”;
      - (cc) for “is subjected” there were substituted “must be subjected”;
    - (ii) in the second indent, for “provided for” there were substituted “referred to”;
    - (iii) in the fourth indent, for “animal” there were substituted “relevant”;
  - (b) in paragraph 1, in the second and third subparagraphs, for “the Community”, in both places where it occurs, there were substituted “Wales”;
  - (c) in paragraph 2, for “Member State of destination” there were substituted “appropriate authority”;
  - (d) paragraph 3 were omitted.
- (9) Article 12 is to be read as if—
  - (a) for “the Community by a Member State” there were substituted “Wales by the appropriate authority”;
  - (b) for “Member State”, in the second place where it occurs, there were substituted “country”.
- (10) Article 17 is to be read as if for that Article there were substituted—
 

“17. The appropriate authority may by regulations modify the Annexes to this Directive or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022 to adapt them to advances in technology.”



(11) Annex A is to be read as if, in Chapter 2, in point 6(g), for “will be established under the procedure laid down in Article 19” there were substituted “may be established by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”.

(12) Annex B is to be read as if—

(a) in Chapter 1, in point 1, in point 1.3—

(i) in the words before point (a), for “relevant Union legislation” there were substituted “relevant legislation in force in Wales”;

(ii) in the fourth subparagraph, for the words from “Annex III to Commission Decision 2008/185/EC” to the end there were substituted “the Chapter on Aujeszky’s disease, in the WOH Manual of Diagnostic Tests and Vaccines for Terrestrial Animals(46), 2021 edition,”;

(b) in Chapter 1, point 7 were omitted;

(c) in Chapter 2, in point 3—

(i) for “the subject of intra-Union trade”, in both places where it occurs, there were substituted “imported into Wales”;

(ii) for “Member State” there were substituted “third country”.

(13) Annex C is to be read as if—

(a) in the heading, for “intra-Union trade” there were substituted “importation into Wales”;

(b) in point 1(e), for “defined under the provisions of Union legislation” there were substituted “subject to animal health controls”;

(c) in point 3—

(i) in the words before point (a), for “intra-Union trade” there were substituted “importation into Wales”;

(ii) in point (b), for “the Member State of destination” there were substituted “Wales”;

(d) in point 4—

(i) for “Member States” there were substituted “The appropriate authority”;

(ii) the second paragraph were omitted.

## **Modifications to Directive 91/68**

13.—(1) Directive 91/68 is modified as follows.

(2) Article 1 is to be read as if for that Article there were substituted—

“Articles 2 and 6 of, and Annexes A, B, C and D to, this Directive only apply so far as necessary for the purposes of giving effect to provisions which contain references to them in Directive 92/65 and Regulation (EU) No 206/2010.”

(3) Article 2 is to be read as if—

(a) in point (a), for “Article 2 of Directive 90/425/EEC and in Article 2 of Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC” there were substituted “Article 3 of the Official Controls Regulation and in Article 2 of Regulation (EC) No 1/2005”;

(b) in point (b)—

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(46) The Manual of Standards for Diagnostic Tests and Vaccines for Terrestrial Animals 2021 is freely accessible online (<https://www.woah.org/en/what-we-do/standards/codes-and-manuals/#ui-id-2>) or available to order in hard copy from the WOH online bookshop (at <https://www.woah.org/en/ebookshop/>). The WOH’s address is 12, rue de Prony, 75017 Paris, France. A hard copy version is also available to view on request from the Virology department at the offices of the Animal and Plant Health Agency, Weybridge, Woodham Lane, New Haw, Addlestone, Surrey, KT15 3NB.

- (i) point (7) were omitted;
  - (ii) in point (10), in the definition of “approved assembly centre”, for “intra-Community trade” there were substituted “importation into Wales”;
  - (iii) points (11) and (12) were omitted;
  - (iv) in point (13), in the definition of “transporter”, for “Article 5 of Directive [91/628/EEC](#)” there were substituted “Article 6 of Regulation [\(EC\) No 1/2005](#)”;
  - (v) in point (14), in the definition of “region”—
    - (aa) for “Member State’s” there were substituted “country’s”;
    - (bb) the words from “and includes at least one” to the end were omitted.
- (4) Article 6 is to be read as if—
- (a) in point (a)(i), in the third indent, for “recognized under the procedure set out in Article 15” there were substituted “authorised for use by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (b) in point (a)(iii), for “intra-Community trade” there were substituted “importation into Wales”;
  - (c) in point (c), in the third indent, for “to be recognized under the procedure laid down in Article 15” there were substituted “approved by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (d) point (d) were omitted.
- (5) Article 7 is to be read as if—
- (a) in paragraph 1—
    - (i) in the words before the first indent—
      - (aa) for “A Member State which has” there were substituted “The appropriate authority may, by regulations or in accordance with a procedure set out by the appropriate authority by regulations, set out”;
      - (bb) “may submit said programme to the Commission” were omitted;
    - (ii) in the first indent, for “the Member State” there were substituted “Wales”;
  - (b) for paragraph 2 there were substituted—

“(2) The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out the additional guarantees, general or limited, which may be required for importation into Wales.”;
  - (c) paragraphs 3 and 4 were omitted.
- (6) Article 8 is to be read as if—
- (a) in paragraph 1—
    - (i) for “Where a Member State considers that its territory or part of its territory”, there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out additional guarantees, general or limited, that are required where it considers that Wales or part of Wales”;
    - (ii) for “it shall present to the Commission appropriate supporting documentation, setting out” there were substituted “taking into account”;
  - (b) paragraphs 2 to 4 were omitted.
- (7) Article 14 is to be read as if for the existing text there were substituted—

“14.—(1) The appropriate authority may by regulations modify Annexes A, B, C and D or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.

(2) The rules for the implementation of this Directive may be prescribed by regulations made by the appropriate authority.”

(8) Annex A is to be read as if—

(a) in Chapter 1, in Section 1—

(i) in point A(1)(b), for “procedure laid down in Article 15 of this Directive” there were substituted “Veterinary Medicines Regulations 2013”;

(ii) in point A(2), for “Member State” there were substituted “country”;

(iii) in point C(2), in the first paragraph—

(aa) for “Member State” there were substituted “country”;

(bb) for “Commission and the other Member States” there were substituted “appropriate authority”;

(iv) in point C(2), in the second paragraph, in the words before point (a), “of the Member State” were omitted;

(v) in point C(2), in the second paragraph, in point (a)—

(aa) for “Member State” there were substituted “country”;

(bb) for “Commission and the other Member States” there were substituted “appropriate authority”;

(vi) in point C(3)—

(aa) for “Commission” there were substituted “appropriate authority”;

(bb) for “under the procedure laid down in Article 15” there were substituted “in accordance with a procedure set out by the appropriate authority by regulations”;

(cc) for “in accordance with the same procedure” there were substituted “in those regulations”;

(b) in Chapter 1, in Section 2—

(i) in the title, for “Member State” there were substituted “country”;

(ii) in the first paragraph—

(aa) for “Member State” there were substituted “country”;

(bb) for “under the procedure laid down in Article 15” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;

(iii) in point (1)(c), “under the procedure set out in Article 15 of this Directive” were omitted;

(iv) in point (2)(i)—

(aa) in the first indent, for “Member State” there were substituted “country”;

(bb) in the second indent, for “Member State” there were substituted “country”;

(cc) in the third indent, for “in accordance with the procedure laid down in Article 15” there were substituted “by the appropriate authority, by regulations”;

(c) in Chapter 2, in point A—

- (i) in point (A)(1)(b), for “procedure laid down in Article 15 of this Directive” there were substituted “Veterinary Medicines Regulations 2013”;
  - (ii) in point (D)(2), “until the date laid down for holdings to qualify as brucellosis-free in accordance with the eradication plans adopted under [Decision 90/242/EEC](#)” were omitted;
  - (iii) in point (D)(2)(a), for “Article 4(1)(a) of this Directive” there were substituted “Regulation (EU) No 206/2010”;
  - (iv) in point (D)(2)(c)(ii), for “in accordance with the procedure laid down in Article 15 of this Directive” there were substituted “under the Veterinary Medicines Regulations 2013”.
- (9) Annex C is to be read as if—
- (a) for “Annex to [Decision 90/242/EEC](#)” there were substituted “Chapter on brucellosis in the WOAH Manual of Diagnostic Tests and Vaccines for Terrestrial Animals, 2021 edition”;
  - (b) for “recognized in accordance with the procedure laid down in Article 15 of this Directive” there were substituted “authorised for use by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
  - (c) after “national” there were inserted “reference”.
- (10) Annex D is to be read as if—
- (a) after “national” there were inserted “reference”;
  - (b) for “Central Veterinary Laboratory, Weybridge, Surrey, United Kingdom” there were substituted “WOAH reference laboratory for brucellosis”.

### **Modifications to Directive 92/65**

- 14.—(1) Directive 92/65 is modified as follows.
- (2) Article 1 is to be read as if—
- (a) in the first paragraph—
    - (i) “trade in and” were omitted;
    - (ii) for “the Community” there were substituted “Wales from third countries”;
    - (iii) for “specific Community acts” there were substituted “legislation”;
  - (b) in the second paragraph, for “Regulation ([EEC](#)) No 3626/82” there were substituted “Council Regulation ([EC](#)) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein<sup>(47)</sup>”;
  - (c) in the third paragraph, for the words from “the national rules” to the end there were substituted “legislation in force in Wales that applies in relation to pet animals”.
- (3) Article 2 is to be read as if—
- (a) paragraph 1(a) were omitted;
  - (b) in paragraph 1(b), in the definition of “animals”, for “Directives [64/432/EEC](#), [90/426/EEC](#), [90/539/EEC](#), [91/67/EEC](#), [91/68/EEC](#), [91/492/EEC](#) and [91/493/EEC](#)” there were substituted “Directives 64/432, 91/68, 2009/156 and 2009/158, and the Aquatic Animal Health (England and Wales) Regulations 2009”;
  - (c) after paragraph 1(d), there were inserted—

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(47) EUR 1997/338, amended by [S.I. 2020/1395](#), [2021/54](#) and [645](#).

- (e) ‘pet animal’ has the meaning given in Article 3 of Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals<sup>(48)</sup>.”;
- (d) in paragraph 2, for “Article 2 of Directives [64/432/EEC](#), [91/67/EEC](#) and [90/529/EEC](#)” there were substituted “Article 2 of Directive 64/432, regulation 3 of the Aquatic Animal Health (England and Wales) Regulations 2009 and Article 2 of Directive 2009/158”.
- (4) The title of Chapter 2 is to be read as if for that title there were substituted “General requirements applicable to imports for the purposes of Articles 16, 17 and 18”.
- (5) Article 3 is to be read as if—
  - (a) in the first paragraph—
    - (i) for “The Member States shall ensure that the trade referred to in Article 1, first paragraph, is not” there were substituted “The importation of animals referred to in Article 16 into Wales must not be”;
    - (ii) for “Community legislation” there were substituted “legislation in force in Wales”;
  - (b) the second paragraph were omitted.
- (6) Article 4 is to be read as if—
  - (a) for the words from the beginning to “Article 12(1) and (3) of this Directive” there were substituted, “For the purposes of applying Article 9 of the Official Controls Regulation, the animals referred to in Articles 5 to 10 of this Directive may, without prejudice to Article 13 and Article 24, only be imported into Wales if they satisfy conditions at least equivalent to those laid down in Articles 5 to 10 and come from holdings or businesses subject to the Official Controls Regulation”;
  - (b) in the first indent, for “Article 3(3) of Directive [90/425/EEC](#)” there were substituted “Articles 9 and 10 of the Official Controls Regulation”;
  - (c) in the second indent—
    - (i) for “competent authority” there were substituted “appropriate authority”;
    - (ii) for “Member State” there were substituted “third country”;
  - (d) in the third indent—
    - (i) after “national measures” there were inserted “in Wales”;
    - (ii) for “a given Member State” there were substituted “Wales”;
    - (iii) for “a decision under Articles 15(2)” there were substituted “a guarantee under Article 15(1)”;
  - (e) in the fourth indent—
    - (i) for “trade” there were substituted “importation into Wales”;
    - (ii) “or a commercial document provided for in Articles 5 to 11” were omitted.
- (7) Article 5 is to be read as if—
  - (a) in paragraph 1—
    - (i) for “Member States shall ensure that trade in” there were substituted “The importation into Wales of”;
    - (ii) for “competent authorities of the Member States” there were substituted “relevant competent authorities”;

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<sup>(48)</sup> EUR 2013/576, amended by [S.I. 2020/1388](#) and [1463](#), [2021/1229](#), [2022/45](#) (W. 108) and [958](#) (W. 204).

- (iii) for “veterinary certificate corresponding to the specimen in Annex E,” there were substituted “health certificate, as provided for in Article 18,”;
- (b) for paragraph 2 there were substituted—
  - “(2) An approved body, institute or centre may acquire, by way of derogation from paragraph 1, apes belonging to an individual if the acquisition is authorised by the appropriate authority.”
- (8) Article 6 is to be read as if—
  - (a) in paragraph A—
    - (i) in the first paragraph—
      - (aa) “Member States shall ensure that” were omitted;
      - (bb) for “Directives [64/432/EEC](#), [90/426/EEC](#) and [91/68/EEC](#)” there were substituted “Directives 64/432, 91/68 and 2009/156”;
      - (cc) for “be the subject of trade only” there were substituted “only be imported into Wales”;
    - (ii) in point (1)(a), for “in accordance with Article 3(1)(c) of Directive [90/425/EEC](#)” there were substituted “appropriately for the species concerned in such a way that the original or transit holding can be traced”;
    - (iii) after point (1)(a), there were inserted—
      - “(aa) must be subject to—
        - (i) an identity check; and
        - (ii) a clinical inspection before departure, within the period of time specified in the health certificate, by an official veterinarian and show no clinical signs of disease;”;
    - (iv) in point (1)(c), for “Directive [85/511/EEC](#) and Article 4a of Directive [64/432/EEC](#)” there were substituted “the Foot-and-Mouth Disease Orders and the Diseases of Swine Regulations 2014”;
    - (v) for point (1)(d) there were substituted—
      - “(d) must not come from a holding, or have been in contact with animals from a holding, which is for animal health reasons subject to a prohibition or other animal health measures affecting the species involved, or is situated in an area subject to such measures or prohibitions, and the holding must be free of any such measures or prohibitions for the period of time before dispatch that is specified in the health certificate;”;
    - (vi) after point (1)(d), there were inserted—
      - “(da) must have been kept at that holding permanently since birth or have remained on the holding for the period of time before dispatch that is specified in the health certificate;
      - (db) must not, at any time between leaving the holding of origin and arriving at destination, have come into contact with cloven-hoofed animals other than animals that have the same health status;”;
    - (vii) for point (1)(e) there were substituted—
      - “(e) must be accompanied by a health certificate as provided for in Article 18, certifying that the following requirements are met—
        - (i) that at the time of examination, the animals do not show any clinical sign of any disease to which they are susceptible, and

- (ii) the animals come from an officially tuberculosis-free, officially brucellosis-free or brucellosis-free herd or holding not subject to swine fever restrictions or from a holding where the animals were subjected with negative results to one or more of the tests laid down in Article 6(2)(b) of Directive 92/65.”;
- (b) in paragraph A, in point (2)—
  - (i) in point (a)—
    - (aa) for “Directive 64/432/EEC or Directive 91/68/EEC” there were substituted “Directive 64/432 or Directive 91/68”;
    - (bb) for “Article 3(2)(c), (d), (f), (g) and (h) of Directive 64/432/EEC or Article 3 of Directive 91/68/EEC” there were substituted “Annex A to Directive 64/432 and Annex A to Directive 91/68”;
  - (ii) in point (c)—
    - (aa) “in accordance with the procedure laid down in Article 26,” were omitted;
    - (bb) after “may be adopted” there were inserted “by the appropriate authority, by regulations”;
  - (iii) after point (c), there were inserted—
    - “(d) animals must—
      - (i) be continuously resident on the holding of origin for at least 30 days, or since birth if the animals are younger than 30 days of age;
      - (ii) not come from a holding into which ungulates have been introduced during at least 21 days prior to dispatch;
      - (iii) not come from a holding into which ungulates imported from a third country have been introduced during at least 30 days prior to dispatch;
      - (iv) not be animals that cannot be marketed in the third country of export for public and animal health reasons;
      - (v) after leaving the holding of origin, be consigned directly to the destination in Wales;
    - (e) by way of derogation from points (d)(ii) and (iii), the animals referred to in those points may be authorised by the appropriate authority for importation into Wales, if they have been completely isolated from all other animals on the holding;
    - (f) by way of derogation from point (d)(v), animals may, after leaving the holding of origin and before arrival at destination in Wales, transit through only one approved assembly centre situated in the third country of origin;
    - (g) without prejudice to any additional guarantees that may be required in accordance with Articles 7 and 8 of Directive 91/68, animals must meet the requirements in—
      - (i) Article 6 of Directive 91/68, and either
      - (ii) Chapter 1.D of Annex A to Directive 91/68, in order to be introduced on to an officially brucellosis-free holding; or
      - (iii) Chapter 2.D of Annex A to Directive 91/68, in order to be introduced on to a brucellosis-free holding.”;



- (c) in paragraph A, in point (3)—
    - (i) in point (a)—
      - (aa) for “prohibition measures” there were substituted “animal health prohibition or restriction measures”;
      - (bb) “in accordance with Article 9a of Directive 64/432/EEC” were omitted;
    - (ii) in point (b), for “any of the restrictions laid down in Directive 80/217/EEC” there were substituted “animal health prohibition or restriction measures”;
    - (iii) in point (c)—
      - (aa) for “Directive 64/432/EEC”, in the first place where it occurs, there were substituted “the Chapter on porcine brucellosis of the WOAH Terrestrial Animal Health Code of the World Organisation, 2021 edition(49)”;
      - (bb) for “Directive 64/432/EEC”, in the second place where it occurs, there were substituted “Directive 2004/68”;
  - (d) in paragraph A, in point (4)—
    - (i) for “in accordance with the procedure laid down in Article 26” there were substituted “by the appropriate authority by regulations”;
    - (ii) the words from “These decisions” to the end were omitted;
  - (e) paragraph B were omitted.
- (9) Article 7 is to be read as if—
- (a) in paragraph A—
    - (i) for the words before point (1) there were substituted “The appropriate authority must ensure that birds other than those referred to in Directive 2009/158, Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof(50) and Commission Decision 2007/25 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community(51) may be imported into Wales only if they meet the following requirements—”;
    - (ii) the second paragraph of point (1)(b) were omitted;
    - (iii) for point (1)(c) there were substituted—
      - “(c) if they have been imported from a third country, have been quarantined or isolated in the holding to which they were taken after they entered the territory of Wales if so required in accordance with the relevant legislation in force in Wales;”;
  - (b) in paragraph A, in point (2)—
    - (i) in the second paragraph of point (a), for “recognized under the procedure provided for in Article 26” there were substituted “may be set out by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations, and”;

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(49) The Terrestrial Animal Health Code 2021 is freely accessible online (<https://www.woah.org/en/what-we-do/standards/codes-and-manuals/#ui-id-1>) or available to order in hard copy from the WOAH online bookshop (at <https://www.woah.org/en/ebookshop/>). The WOAH’s address is 12, rue de Prony, 75017 Paris, France. A hard copy version is also available to view on request from the Virology department at the offices of the Animal and Plant Health Agency, Weybridge, Woodham Lane, New Haw, Addlestone, Surrey, KT15 3NB.

(50) EUR 2013/139, amended by S.I. 2020/1462, 2021/1229 and 2022/735.

(51) EUD 2007/25, amended by S.I. 2020/1462.

- (ii) in the first paragraph of point (b), for “in accordance with Article 3(1)(c) of Directive 90/425/EEC” there were substituted “appropriately in such a way that the original holding, centre or organisation can be traced”;
  - (iii) in the second paragraph of point (b), for “under the procedure provided for in Article 26” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (iv) in point (c), for “commercial document” there were substituted “health certificate, as provided for in Article 18,”;
- (c) paragraph B were omitted.
- (10) Article 8 is to be read as if—
- (a) in the words before point (a)—
    - (i) “Member States shall ensure that” were omitted;
    - (ii) for “the subject of trade” there were substituted “imported into Wales”;
  - (b) in point (a), at the beginning, there were inserted “they”;
  - (c) the third paragraph of point (a) were omitted;
  - (d) in point (b), for the words from “corresponding to the specimen in Annex E” to the end there were substituted “, as provided for in Article 18”;
  - (e) after point (b) there were inserted—

“The requirements applied to bees (*Apis mellifera*), or equivalent requirements, may be applied to bumble bees by the appropriate authority by regulations.”
- (11) Article 9 is to be read as if—
- (a) in paragraph 1, in the words before point (a)—
    - (i) “Member States shall ensure that” were omitted;
    - (ii) for “the subject of trade” there were substituted “imported into Wales”;
  - (b) in paragraph 2—
    - (i) for “Member States which require” there were substituted “Where the appropriate authority requires”;
    - (ii) for “their territory may require animals being sent to them” there were substituted “Wales, it may require animals sent to that territory”;
    - (iii) for “corresponding to the specimen in Annex E,” there were substituted “, as provided for in Article 18, that is”;
    - (iv) the final sentence of the second subparagraph were omitted;
  - (c) in paragraph 3—
    - (i) for “Ireland and the United Kingdom may require the submission of a” there were substituted “The relevant”;
    - (ii) for “guaranteeing” there were substituted “must guarantee”.
- (12) Article 10 is to be read as if—
- (a) in paragraph 1, for “Member States shall ensure that there is a prohibition on trade in mink and foxes which” there were substituted “The importation into Wales of mink and foxes is prohibited where those animals have”;
  - (b) in paragraph 2—
    - (i) in the words before point (a), for “the subject of trade” there were substituted “imported into Wales”;

- (ii) in point (a), for “Article 6 and, where applicable, in Article 7” there were substituted “Article 10(1)(a) to (d) and, where applicable, in Article 12(a)”;
  - (iii) in point (c)—
    - (aa) after “health certificate” there were inserted “, as provided for in Article 18,”;
    - (bb) point (i) were omitted;
  - (c) for paragraph 4 there were substituted—
    - “4. The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974<sup>(52)</sup> applies to all animals covered by this Directive that are susceptible to rabies and cannot be shown to have been born on the holding of origin and kept in captivity since birth, other than dogs, cats and ferrets that comply with paragraph 2.”;
  - (d) paragraphs 5, 6 and 7 were omitted.
- (13) Article 11 is to be read as if—
- (a) in paragraph 1—
    - (i) “The Member States shall ensure that,” were omitted;
    - (ii) for “are the subject of trade” there were substituted “may be imported into Wales”;
  - (b) in paragraph 2, in the fourth indent, for “another Member State by a health certificate corresponding to a specimen to be determined in accordance with the procedure referred to in Article 26” there were substituted “Wales by a health certificate, as provided for in Article 18”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, in the first indent, for “competent authority of the Member State and satisfying the conditions to be established in Annex D(I) in accordance with the procedure referred to in Article 26” there were substituted “the competent authority and satisfying conditions at least equivalent to those established in Annex D(I)”;
    - (ii) in the first subparagraph, in the third indent, for “another Member State by a health certificate corresponding to a specimen to be determined in accordance with the procedure referred to in Article 26” there were substituted “Wales by a health certificate, as provided for in Article 18”.
    - (iii) in the third subparagraph, for “in accordance with the procedure referred to in Article 26” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (d) in paragraph 4—
    - (i) in the first subparagraph, for “competent authority of the Member State concerned” there were substituted “competent authority”;
    - (ii) in the second subparagraph—
      - (aa) “Each Member State shall draw up and keep up to date” were omitted;
      - (bb) for “and shall make it available” there were substituted “must be drawn up, kept up to date, and made available by the appropriate authority”;
      - (cc) “the other Member States and to” were omitted;

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(52) S.I. 1974/2211, amended by S.I. 1997/361, 1984/1182, 1986/2062, 1990/2371, 1993/1813, 1994/1405 and 1716, 1995, 2922, 1999/3443, 2000/1298, 2001/6, 2002/882 and 3135, 2004/828 and 2364, 2011/2883, 2014/3158, 2019/526 and 782, 2020/1388; there are other amending instruments but none are relevant.

- (iii) in the third subparagraph, for “in accordance with the procedure referred to in Article 26” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
- (e) in paragraph 5, in the first subparagraph—
  - (i) “and the specimen health certificates” were omitted;
  - (ii) for “in accordance with the procedure referred to in Article 26” there were substituted “by the appropriate authority, by regulations”;
  - (iii) the last sentence were omitted.
- (14) Article 13 is to be read as if—
  - (a) for paragraph 1 there were substituted—

“1. Consignments of the following animals or germinal products that are imported into Wales from bodies, institutes or centres referred to in Article 17(2)(b) to bodies, institutes or centres that have been approved in Wales in accordance with paragraph 2, must meet the requirement in paragraph 1A—

    - (a) species susceptible to the diseases listed in Annex A;
    - (b) species susceptible to the diseases listed in Annex B, where the appropriate authority applies the guarantee provided for in Articles 14 and 15;
    - (c) semen, ova or embryos of the animals referred to in paragraphs (a) and (b).”;
  - (b) after paragraph 1, there were inserted—

“1A. The relevant consignment must be accompanied during transport by a health certificate, as provided for in Article 18, which must be completed by the official veterinarian and must specify that the animals, semen, ova or embryos come from a body, institute or centre approved in accordance with conditions at least equivalent to those set out in Annex C.”;
  - (c) in paragraph 2—
    - (i) in point (a)—
      - (aa) after “To be approved” there were inserted “in Wales”;
      - (bb) after “institutes or centres shall” there were inserted “comply with the requirements contained in Annex C and”;
      - (cc) “of the Member State” were omitted;
    - (ii) in point (c), for “point 3” there were substituted “point 6”;
    - (iii) in point (d), in the second subparagraph—
      - (aa) “Each Member State shall draw up and keep up to date” were omitted;
      - (bb) for “and shall make it available” there were substituted “must be drawn up, kept up to date, and made available by the appropriate authority”;
      - (cc) “to the other Member States and” were omitted;
    - (iv) in point (d), in the third subparagraph, for “in accordance with the procedure referred to in Article 26” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
    - (v) point (e) were omitted.
- (15) Article 14 is to be read as if—
  - (a) in paragraph 1—
    - (i) in the words before the first indent—

- (aa) for “Where a Member State draws up or has drawn up” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out”;
- (bb) “it may present the programme to the Commission” were omitted;
- (ii) the ninth indent were omitted;
- (b) for paragraph 2, there were substituted—
  - “2. The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out the additional guarantees, general or limited, which may be required for imports into Wales.”;
- (c) paragraph 3 were omitted.
- (16) Article 15 is to be read as if—
  - (a) in paragraph 1—
    - (i) for “Where a Member State considers that its territory or part of its territory” there were substituted “The appropriate authority may by regulations set out additional guarantees, general or limited, that are required where it considers that the territory, or part of the territory, for which it is the appropriate authority”;
    - (ii) for “it shall present to the Commission appropriate supporting documentation, setting out” there were substituted “taking into account”;
  - (b) paragraphs 2 and 3 were omitted.
- (17) The title of Chapter 3 is to be read as if for “the Community” there were substituted “Wales”.
- (18) Article 16 is to be read as if the second and third paragraphs were omitted.
- (19) Article 17 is to be read as if—
  - (a) in paragraph 2—
    - (i) in the words before point (a)—
      - (aa) for “animals and semen” there were substituted “animals, and the semen”;
      - (bb) for “the Community” there were substituted “Wales”;
    - (ii) in point (b), in the words before point (i), for “the health certificate corresponding to a specimen to be drawn up in accordance with the procedure referred to in Article 26” there were substituted “a health certificate, as provided for in Article 18”;
  - (iii) in point (b)(i)—
    - (aa) in the first indent, at the beginning there were inserted “come from countries that”;
    - (bb) in the second indent, after “Annex C” there were inserted “or from registered premises as appropriate”;
  - (iv) in point (b)(ii), in the first paragraph—
    - (aa) “to be” were omitted;
    - (bb) for “in accordance with the procedure referred to in Article 26” there were substituted “established by the appropriate authority by regulations”;
  - (v) in point (b)(ii), the second paragraph, “specimen” were omitted;
- (b) for paragraph 3, there were substituted—
  - “3. The appropriate authority may by regulations—

- (a) establish the list of third countries or parts of third countries able to provide the appropriate authority with guarantees equivalent to those provided for in Chapter 2 in relation to animals, semen, ova and embryos;
- (b) adopt specific animal health requirements, in particular for the protection of Wales from certain exotic diseases, or guarantees equivalent to those provided for in this Directive.

The specific requirements and equivalent guarantees established for third countries in accordance with this paragraph may not be more favourable than those provided for in Chapter 2.

The appropriate authority may also establish a list of approved centres or teams, as referred to in the first indent of paragraph 2 of Article 11 and the first indent of paragraph 3 of that Article, situated in one of the third countries appearing on the list referred to in point (a) of this paragraph and for which the competent authority is able to give the guarantees provided for in Article 11(2) and (3).

The approval of centres or teams must be immediately suspended or withdrawn by the competent authority of the third country where it no longer complies with the conditions referred to in Article 11(2) and (3) and the appropriate authority must be immediately informed.

The appropriate authority must publish any new and updated lists that it receives from the competent authority of the third country, in accordance with the third and fourth subparagraphs, to make them available to the public for information purposes.

The appropriate authority may by regulations adopt detailed rules for the application of the third to fifth subparagraphs.”;

- (c) in paragraph 4—
  - (i) in point (a)—
    - (aa) in the first indent, for “the Community” there were substituted “Wales”;
    - (bb) for the second indent there were substituted—
      - “— pursuant to—
        - (i) Article 7 of Directive 2002/99, in relation to meat from ungulates, rabbit meat, farmed game meat and poultry meat;
        - (ii) Article 7 of Directive 2004/68; or
        - (iii) in the case of other animals covered by this Directive, any decision set out in retained EU direct legislation made under Article 26 of Directive 92/65 for this purpose, as it had effect immediately before implementation period completion day and without modification by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022, or any other decision which may be taken by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations, for this purpose that takes account of their state of health;”;
    - (ii) in point (b), “in accordance with Article 3(2) of Directive 72/462/EEC” were omitted;
  - (d) paragraphs 5 and 6 were omitted.
- (20) Article 18 is to be read as if—

- (a) in paragraph 1—
    - (i) in the words before the first indent—
      - (aa) “Member States shall ensure that the” were omitted;
      - (bb) for “are imported into the Community” there were substituted “may be imported into Wales”;
    - (ii) in the first indent, for “certificate” there were substituted “relevant health certificate, in the form published by the appropriate authority from time to time,”;
    - (iii) the second paragraph of the first indent were omitted;
    - (iv) in the second indent, for “Directives [90/675/EEC](#) and [91/496/EEC](#)” there were substituted “the Official Controls Regulation”;
    - (v) in the third indent—
      - (aa) for “Community territory” there were substituted “Wales”;
      - (bb) for “Directive [91/628/EEC](#)” there were substituted “Council Regulation ([EC](#)) [1/2005](#) on the protection of animals during transport and related operations([53](#))”;
    - (vi) in the fourth indent, for “under the procedure laid down in Article 26” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (b) in paragraph 2, “for which such requirements have not been adopted at Community level” were omitted.
- (21) Article 19 is to be read as if—
- (a) in the words before point (a), for “under the procedure laid down in Article 26” there were substituted “by the appropriate authority by regulations”;
  - (b) in point (a), for “the Community” there were substituted “Wales”;
  - (c) in point (b), “Community” were omitted.
- (22) Article 21 is to be read as if—
- (a) “Any specimens of certificates applicable to trade and” were omitted;
  - (b) for “trade in” there were substituted “import into Wales”;
  - (c) for “under the procedure laid down in Article 26” there were substituted “by the appropriate authority by regulations”.
- (23) Article 22 is to be read as if for that Article there were substituted—
- “**22.** The appropriate authority may by regulations modify the Annexes to this Directive or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.”
- (24) Article 23 is to be read as if for that Article there were substituted—
- “**23.** The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out special requirements if appropriate, by way of derogation from Chapter 2, for the movement of circus and fairground animals, and for the importation into Wales of animals, semen, ova and embryos intended for zoos.”
- (25) Article 24 is to be read as if—
- (a) in paragraph 1—
    - (i) the words from “The Member States shall be” to “territory of the” were omitted;

- (ii) after “territory of a third country” there were inserted “may enter Wales subject”;
  - (b) paragraph 2 is omitted.
- (26) Annex C is to be read as if—
- (a) in point 1—
    - (i) in point (c), after “country” there were inserted “or territory”;
    - (ii) in point (g)—
      - (aa) in point (i), for “Article 14(3)(B) of Directive [64/432/EEC](#)” there were substituted “Article 14 of Directive 64/432”;
      - (bb) in point (ii), in the third indent, for “Community legislation” there were substituted “the relevant legislation in force in Wales”;
      - (cc) in point (iii), for “the Member State concerned” there were substituted “Wales”;
      - (dd) in point (v), for “Community legislation” there were substituted “legislation in force in Wales”;
    - (iii) in point (h), for “Article 5 of Directive [86/609/EEC](#)” there were substituted “the Animals (Scientific Procedures) Act 1986(54)”;
  - (b) in point 4, “, in that Member State or another Member State” were omitted;
  - (c) in point 5—
    - (i) for “a Member State” there were substituted “the appropriate authority”;
    - (ii) for “Community legislation” there were substituted “animal health legislation in force in Wales”;
  - (d) in point 6—
    - (i) in point (b)—
      - (aa) for “Community legislation” there were substituted “legislation in force in Wales”;
      - (bb) for “trade in” there were substituted “the importation of”;
    - (ii) in point (d), for “Commission” there were substituted “appropriate authority”.
- (27) Annex D is to be read as if—
- (a) in Chapter 1, in Section 2, in point 2.2(f), the words from “each Member State” to the end were omitted;
  - (b) in Chapter 2, in Section 1—
    - (i) in point 1.2—
      - (aa) “a Member State or” were omitted;
      - (bb) for “Directive [90/426/EEC](#)” there were substituted “Directive 2009/156”;
    - (ii) in point 1.5, for “Article 12 of Regulation (EC) No [882/2004](#) of the European Parliament and of the Council” there were substituted “Article 37 of the Official Controls Regulation”;
    - (iii) in point 1.8—
      - (aa) for “Article 4 or 5 of Directive [90/426/EEC](#)” there were substituted “Article 4 or 5 of Directive 2009/156”;



- (bb) for “Annex A to Directive 90/426/EEC” there were substituted “Annex 1 to Directive 2009/156”;
  - (c) in Chapter 2, in Section 2—
    - (i) in point 4, for “Member State” there were substituted “country”;
    - (ii) in point 6, after “approved” there were inserted “official”;
    - (iii) in point 8(d), for “Articles 4, 5 and 6 of Directive 91/68/EEC” there were substituted “Article 7 of Directive 2004/68, and Article 6 of and Annex A to, Directive 91/68”;
    - (iv) in point 9—
      - (aa) for “subject to a prohibition on animal health grounds in accordance with Article 4 of Directive 91/68/EEC” there were substituted “, situated in an area which for health reasons is subject to a prohibition or restriction affecting the species involved in accordance with legislation of the relevant third country that is at least equivalent to animal and public health legislation in force in Wales,”;
      - (bb) for “subject for trade” there were substituted “imported”;
      - (cc) for “official veterinarian in accordance with Directive 91/68/EEC” there were substituted “competent authority”;
  - (d) in Chapter 3, in Section 1—
    - (i) in point 1.1, for “Directive 2001/82/EC of the European Parliament and of the Council” there were substituted “the Veterinary Medicines Regulations 2013”;
    - (ii) in point 1.4, in the words before point (a), “to be subject for trade” were omitted;
    - (iii) in point 1.4(a), for “the Member State of destination” there were substituted “Wales”;
  - (e) in Chapter 3, in Section 2—
    - (i) in point 2.2, for the words from “Regulation (EC) No 854/2004” to “human consumption” there were substituted “the Official Controls Regulation”;
    - (ii) in point 6.1—
      - (aa) “to be subject for trade” were omitted;
      - (bb) for “the Member State of destination” there were substituted “Wales”;
  - (f) in Chapter 4—
    - (i) in point 1, for “the relevant Directives on intra-Union trade in” there were substituted “legislation in force in Wales concerning”;
    - (ii) in point 2—
      - (aa) for “Directive 64/432/EEC” there were substituted “Directive 2004/68”;
      - (bb) for “that Directive” there were substituted “Directive 64/432”;
    - (iii) in point 4, in the words before point 4.1, for “Directive 90/426/EEC” there were substituted “Directive 2009/156”.
- (28) Annex F is to be read as if for that Annex there were substituted—

“ANNEX F

Directive 64/432 (concerning the import into Wales of bovine animals and swine).

Directive 88/407 (concerning the import into Wales of deep-frozen semen of domestic animals of the bovine species).

Directive 89/556 (concerning the import into Wales of embryos of domestic animals of the bovine species).

Directive 90/429 (concerning the import into Wales of semen of domestic animals of the porcine species).

Directive 91/68 (concerning the import into Wales of ovine and caprine animals).

Directive 2004/68 (concerning the import into Wales of certain live ungulate animals).

The Aquatic Animal Health (England and Wales) Regulations 2009 (concerning the import into Wales of aquaculture animals and products).

Directive 2009/156 (concerning the import into Wales of equidae).

Directive 2009/158 (concerning the import into Wales of poultry and hatching eggs).”

### **Modifications to Directive 92/118**

**15.**—(1) Directive 92/118 is modified as follows.

(2) Article 1 is to be read as if—

(a) in the first paragraph, for “trade in and imports into the Community of” to the end there were substituted—

“the importation into Wales of—

(a) products of animal origin (including trade samples taken from such products) not subject to—

(i) in respect of animal health, requirements laid down in Directive 2002/99,

(ii) in respect of public health, requirements laid down in Regulation (EC) No 853/2004, and

(b) pathogenic agents.”;

(b) in the second paragraph—

(i) for “nor” there were substituted “and”;

(ii) “trade or” were omitted.

(3) Article 2 is to be read as if—

(a) in paragraph 1—

(i) point (a) were omitted;

(ii) in point (c), in the definition of “serious transmissible disease”, for “all diseases covered by Directive 82/894/EEC” there were substituted “the diseases listed in Annex 1A”;

(iii) in point (d), in the definition of “pathogenic agents”, for “Directive 90/677/EEC” there were substituted “the Veterinary Medicines Regulation 2013”;

(iv) in point (f), in the definition of “processed animal protein intended for human consumption”—

(aa) after “means greaves,” there were inserted “as defined in point 7.6 of Annex 1 to Regulation (EC) 853/2004, and”;

(bb) for “referred to in Article 2(b) of Directive 77/99/EEC” there were substituted “which are treated as “meat products” for the purposes of that Regulation”;

(v) after point (f) there were inserted—

- (g) *establishment* has the meaning given in Article 2 of Regulation (EC) No 852/2004;
    - (h) *holding* means an agricultural establishment or premises of a dealer in which the animals referred to in points 1.2 to 1.8 of Annex 1 to the Official Controls Regulation are held or regularly kept or, in relation to equidae, a holding as defined in Article 2(a) of Directive 2009/156;
    - (i) *placing on the market* has the meaning given in Article 3 of Regulation (EC) No 178/2002.”;
  - (b) in paragraph 2, for “Article 2 of Directives 89/662/EEC, 90/425/EEC and 90/675/EEC” there were substituted “Article 3 of the Official Controls Regulation”.
- (4) Article 3 is to be read as if—
  - (a) the words before the first indent were omitted;
  - (b) in the first indent—
    - (i) “trade in and” were omitted;
    - (ii) for “are not” there were substituted “must not be”;
    - (iii) for “Community legislation” there were substituted “legislation in force in Wales”;
  - (c) in the second indent—
    - (i) for the words from “whose placing on the market” to “Decision 81/651/EEC, of” there were substituted “that is authorised in Wales to be placed on the market may not be imported into Wales, until a decision has been taken on”;
    - (ii) after “focus of disease or” there were inserted “become”;
    - (iii) after “a risk to human health” there were inserted “, including whether any special requirements should be imposed prior to import, in accordance with the first paragraph of Article 15.”;
  - (d) for the third indent there were substituted—

“— the following products of animal origin may not be imported from third countries unless they meet the relevant animal health requirements in this Directive—

    - (i) meat extracts, meat powder and powered rind, treated as “meat products” for the purposes of Regulation (EC) No 853/2004;
    - (ii) rendered animal fat as defined in point 7.5 of Annex I to Regulation (EC) No 853/2004;
    - (iii) greaves as defined in point 7.6 of Annex I to Regulation (EC) No 853/2004;
    - (iv) salted or dried blood, salted or dried blood plasma, treated as “meat products” for the purposes of Regulation (EC) No 853/2004;
    - (v) treated stomachs, bladders and intestines as defined in point 7.9 of Annex I to Regulation (EC) No 853/2004.”
- (5) The title of Chapter 2 is to be read as if for that title there were substituted “Guarantees applicable to imports for the purposes of Article 9”.
- (6) Article 4 is to be read as if—
  - (a) in the words before point (1)—
    - (i) there were omitted “Member States shall take the necessary measures to ensure that, for the purposes of applying Article 4(1) of Directive 89/662/EEC and Article 4(1) (a) of Directive 90/425/EEC,”;

- (ii) for “the particular provisions to be adopted” there were substituted “any provisions adopted”;
  - (iii) for “the subject of trade” there were substituted “imported into Wales”;
- (b) in point (2)(a), in the seventh indent—
  - (i) for “trade” there were substituted “importation into Wales”;
  - (ii) for “commercial document” there were substituted “health certificate, as provided for in Article 10(2)(c).”
- (7) Article 5 is to be read as if—
  - (a) in the first paragraph—
    - (i) “Member States shall ensure that every necessary measure is taken to guarantee that” were omitted;
    - (ii) for “are not dispatched for the purposes of trade” there were substituted “must not be imported into Wales”;
    - (iii) for “movements or trade” there were substituted “imports”;
    - (iv) for “the Member States” there were substituted “Wales”;
    - (v) for “Community legislation” there were substituted “legislation in force in Wales”;
  - (b) in the second paragraph—
    - (i) for “movement” there were substituted “import”;
    - (ii) for “under the procedure laid down in Article 18” there were substituted “by the appropriate authority by regulations”.
- (8) Article 6 is to be read as if for that Article there were substituted—

“6. Importation of pathogenic agents may be subject to rules set out by the appropriate authority by regulations.”
- (9) The title of Chapter 3 is to be read as if for “the Community” there were substituted “Wales”.
- (10) Article 10 is to be read as if—
  - (a) in paragraph 2—
    - (i) in the words before point (a), for “the Community” there were substituted “Wales”;
    - (ii) in point (a), for “to be drawn up and updated in accordance with the procedure provided for in Article 18” there were substituted “authorised by legislation in force in Wales. The appropriate authority may by regulations draw up lists of third countries from which the products covered by this Directive may be imported”;
    - (iii) in point (b)—
      - (aa) “Community” were omitted;
      - (bb) for “the procedure laid down in Article 18” there were substituted “Article 127(3)(e) of the Official Controls Regulation”;
    - (iv) in point (c)—
      - (aa) for “an animal health or public health certificate corresponding to a specimen to be drawn up under the procedure provided for in Article 18” there were substituted “the relevant health certificate, in the form published by the appropriate authority from time to time”;
      - (bb) for “any other” there were substituted “the”;
      - (cc) “recognized under the same procedure” were omitted;
  - (b) in paragraph 3—

- (i) in the words before point (a), for “Under the procedure provided for in Article 18” there were substituted “The appropriate authority may, by regulations set out”;
  - (ii) in point (a)—
    - (aa) “shall be established” were omitted;
    - (bb) for “the Community” there were substituted “Wales”;
    - (cc) the final subparagraph were omitted;
  - (iii) in point (c), “shall be established” were omitted;
  - (c) in paragraph 4, “for “The decisions provided for in paragraphs 2 and 3 must be taken on the basis of evaluation and, if appropriate, the opinion of the Scientific Veterinary Committee,” there were substituted “Any decisions or regulations made under paragraphs 2 and 3 must be made on the basis of an evaluation”;
  - (d) paragraphs 5 and 6 were omitted.
- (11) Article 11 is to be read as if for that Article there were substituted—
- “**11.** The appropriate authority may by regulations stipulate specific animal health requirements for imports into Wales of, and the nature and content of accompanying documents for, products referred to in Annex 1 intended for experimental laboratories.”
- (12) Article 13 is to be read as if—
- (a) in paragraph 1—
    - (i) “Member States may, by issuing an appropriate licence, permit” were omitted;
    - (ii) after “trade samples” there were inserted “may be permitted provided that they are accompanied by an authorisation issued by the appropriate authority”;
  - (b) in paragraph 2—
    - (i) for “licence” there were substituted “authorisation”;
    - (ii) for “Directive 90/675/EEC” there were substituted “the Official Controls Regulation”;
  - (c) paragraph 3 were omitted.
- (13) Article 15 is to be read as if for that Article there were substituted—
- “**15.** The appropriate authority may by regulations adopt any new Annex laying down specific requirements for other products capable of presenting a real risk of spreading serious transmissible diseases or a real risk to human health.
- The appropriate authority may by regulations modify the Annexes where the need arises in compliance with, where applicable, the general principles set out in the second indent of Article 3, or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.”
- (14) Annex 1 is to be read as if—
- (a) in Chapter 2, point A is omitted;
  - (b) in Chapter 5—
    - (i) in the words before point 1, “Trade in and” were omitted;
    - (ii) points 1 and 2 were omitted;
    - (iii) in point 3—
      - (aa) “where imports are concerned,” were omitted;
      - (bb) for “Directive 72/462/EEC” there were substituted “Directive 2002/99”;

- (c) in Chapter 6, in point 1—
  - (i) in the words before point A, “trade in and” were omitted;
  - (ii) point A were omitted;
  - (iii) in point B—
    - (aa) the words before point 1 “as regards imports” were omitted;
    - (bb) in point 1(a), for “Directive [80/215/EEC](#)” there were substituted “Directive 2002/99”;
    - (cc) in point 2, for “inspection” there were substituted “control”;
    - (dd) in point 3, for “for release for free circulation in Community territory of consignments of processed animal protein, to prove” there were substituted “as regards imports into Wales of consignments of processed animal protein, to proving”;
  - (iv) point C were omitted;
- (d) in Chapter 6, in point 2—
  - (i) for “Member States may carry out” there were substituted “Where”;
  - (ii) after “random sampling” there were inserted “has been carried out”;
  - (iii) for “negative. Where during one of these checks” there were substituted “negative, and”;
- (e) in Chapter 6, in point 3—
  - (i) “Member States must keep” were omitted;
  - (ii) after “undergone sampling” there were inserted “must be kept by the appropriate authority”;
- (f) in Chapter 6, in point 4—
  - (i) for “Article 3(3) of Directive [89/662/EEC](#)” there were substituted “Article 51(1)(c) of the Official Controls Regulation”;
  - (ii) for the words from “approved under the procedure” to the end there were substituted “designated as border control posts under Article 59(1) of the Official Controls Regulation”;
- (g) in Chapter 6, in point 5, for the words from “it is either:” to the end there were substituted “control measures must be taken in accordance with Article 66 of the Official Controls Regulation”;
- (h) in Chapter 7, in Section 1—
  - (i) point A were omitted;
  - (ii) in point B(1)—
    - (aa) in the first sentence, “pursuant to Council Directive [72/462/EEC](#)” were omitted;
    - (bb) in the second sentence, for “Directive [91/494/EEC](#)” there were substituted “[Commission Regulation \(EC\) No 798/2008](#) laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements<sup>(55)</sup>”;
  - (iii) in point B(2)—

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(55) EUR 2008/798, amended by [S.I. 2020/1462](#) and [1631, 2021/211](#) and [1454](#) and [2022/735](#).

- (aa) “, including those referred to in Council Directive [77/99/EEC](#)” were omitted;
- (bb) for “Directive [72/462/EEC](#)” there were substituted “Directive 2002/99”;
- (i) in Chapter 7, in Section 3, for “are to be adopted, where necessary, in accordance with the procedure laid down in Article 18” there were substituted “may be set out by the appropriate authority by regulations”;
- (j) in Chapter 9, in point (1)—
  - (i) “Member States shall authorize the importation into the Community of” were omitted;
  - (ii) for “annexed to [Decision 79/542/EEC](#) from which the importation of fresh meat of the species concerned is permitted” there were substituted “referred to in Article 10(2)(a) of this Directive may be imported into Wales”;
- (k) Chapter 11 were omitted;
- (l) after Annex 1, there were inserted—

“ANNEX 1A

SERIOUS TRANSMISSIBLE DISEASES

**A. Diseases of terrestrial animals**

*List A.1—*

- (1) African horse sickness.
- (2) African swine fever.
- (3) Anthrax.
- (4) Avian influenza (HPAI in poultry, captive birds and wild birds and LPAI in poultry and captive birds).
- (5) Bluetongue.
- (6) Bovine spongiform encephalopathy.
- (7) Classical swine fever.
- (8) Contagious bovine pleuropneumonia.
- (9) Dourine.
- (10) Equine encephalomyelitis of the following types—
  - (a) Eastern equine encephalomyelitis;
  - (b) Japanese encephalitis;
  - (c) Venezuelan equine encephalomyelitis;
  - (d) West Nile fever;
  - (e) Western equine encephalomyelitis.
- (11) Equine infectious anaemia.
- (12) Foot-and-mouth disease.
- (13) Glanders.
- (14) Lumpy skin disease.
- (15) Newcastle disease.
- (16) Peste des petits ruminants.

- (17) Infection with rabies virus.
- (18) Rift Valley fever.
- (19) Rinderpest.
- (20) Sheep pox and goat pox.
- (21) Small hive beetle infestation (*Aethina tumida*).
- (22) Swine vesicular disease.
- (23) *Tropilaelaps* infestation of honey bees.
- (24) Vesicular stomatitis.

List A.2—

- (1) Bovine brucellosis.
- (2) Bovine tuberculosis.
- (3) Enzootic bovine leucosis.
- (4) Caprine and ovine brucellosis (excluding *Brucella ovis*).

**B. Diseases of aquaculture animals**

- (1) Epizootic haematopoietic necrosis.
- (2) Infectious haematopoietic necrosis.
- (3) Infectious salmon anaemia (ISA): infection with genotype HPR-deleted of the genus *Isavirus* (ISA V).
- (4) Infection with *Perkinsus marinus*.
- (5) Infection with *Mikrocytos mackini*.
- (6) Infection with *Marteilia refringens*.
- (7) Infection with *Bonamia ostreae*.
- (8) Infection with *Bonamia exitiosa*.
- (9) Koi herpes virus disease.
- (10) Taura syndrome.
- (11) Viral haemorrhagic septicaemia.
- (12) White spot disease.
- (13) Yellowhead disease.”

**Modifications to Directive 2002/99**

- 16.—(1) Directive 2002/99 is modified as follows.
- (2) Article 1 is to be read as if—
    - (a) in the first paragraph, for “and distribution within the Community and the introduction from third countries” there were substituted “and introduction from third countries, for importation into Wales,”;
    - (b) in the second paragraph, for “Directives 89/662/EEC and 97/78/EC and the Directives” there were substituted “the Official Controls Regulation and the legislation”.
  - (3) Article 2 is to be read as if—
    - (a) in the first paragraph, for “Directive 97/78/EC” there were substituted “the Official Controls Regulation”;
    - (b) in point 2, in the definition of “introduction”—



- (i) for the words from “one of the territories listed in Annex I to [Directive 97/78/EC](#)” to the end there were substituted—
  - “Wales to present those goods to Customs on import, in accordance with section 34 of the Taxation (Cross-Border Trade) Act 2018<sup>(56)</sup>, and place them under the control of an HMRC officer for the purpose of—
    - (a) the customs procedures referred to in section 3 of that Act; or
    - (b) where a temporary storage declaration has been made in accordance with regulation 8(2) of the Customs (Import Duty) (EU Exit) Regulations 2018<sup>(57)</sup>—
      - (i) making a Customs declaration in accordance with paragraph 1(1) of Schedule 1 to the Taxation (Cross-Border Trade) Act 2018; or
      - (ii) deciding whether the goods must be exported or destroyed.”;
  - (ii) after point 2, there were inserted—
    - “**2A.** “HMRC officer” has the meaning given in section 37(1) of the Taxation (Cross-Border Trade) Act 2018.”;
  - (iii) points 3 and 4 were omitted.
- (4) The title of Chapter 1 is to be read as if for “WITHIN THE COMMUNITY” there were substituted “INTENDED FOR IMPORTATION INTO WALES.
- (5) Article 3 is to be read as if—
  - (a) in paragraph 1—
    - (i) for “Member States shall” there were substituted “Food business operators must”;
    - (ii) for “, processing and distribution of” there were substituted “and processing of”;
    - (iii) for “within the Community” there were substituted “intended for importation into Wales”;
    - (iv) for “food business operators” there were substituted “they”;
  - (b) in paragraph 2, for “Community legislation” there were substituted “legislation in force in Wales”;
  - (c) in paragraph 3—
    - (i) in point (a), for “the rules” there were substituted “rules equivalent to the legislation”;
    - (ii) in point (c), for “Directive [91/67/EEC](#)” there were substituted “the Aquatic Animal Health (England and Wales) Regulations 2009 and Regulation [\(EC\) No 1251/2008](#)”.
- (6) Article 4 is to be read as if—
  - (a) in paragraph 1—
    - (i) in the words before point (i)—
      - (aa) “Member states may authorise” were omitted;
      - (bb) after “suspected of being infected,” there were inserted “may be authorised”;
    - (ii) in point (iv), for “Member State” there were substituted “competent authority of the third country”;

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<sup>(56)</sup> 2018 c. 22.

<sup>(57)</sup> S.I. 2018/1248, amended by S.I. 2018/1249, 2019/108, 326, 385, 486, 1215 and 1346, 2020/967, 1088, 1234, 1431, 1449, 1491, 1552 and 1629, 2021/478, 697, 830, 1156, 1205, 1347 and 1444, and 2022/271 and 628; there are other amending instruments but none is relevant.

- (iii) in the second subparagraph, for the words from “in accordance with Annexes II and III(1)” to the end there were substituted—
    - “in accordance with—
      - (a) any detailed rules adopted by the appropriate authority by regulations, or
      - (b) where detailed rules are yet to be adopted under point (a), Annex 3 or any relevant detailed rules under any enactment in force in relation to Wales.”;
  - (b) in paragraph 2—
    - (i) for “Directive [91/67/EEC](#)” there were substituted “the Aquatic Animal Health (England and Wales) Regulations 2009 and Regulation [\(EC\) No 1251/2008](#)”;
    - (ii) for the words from “in accordance with further conditions” to the end there were substituted—
      - “in accordance with—
        - (a) any further conditions adopted by the appropriate authority by regulations, or
        - (b) where conditions are yet to be adopted under subparagraph (a), any further conditions set out under any enactment in force in relation to Wales.”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for “in certain situations in accordance with the procedure referred to in Article 12(2)” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations”;
    - (ii) in the second subparagraph—
      - (aa) for “the Community shall” there were substituted “Wales may”;
      - (bb) for “be adopted in accordance with the same procedure” there were substituted “also be adopted by the appropriate authority in accordance with a procedure set out by the appropriate authority in regulations”.
- (7) Article 7 is to be read as if—
- (a) “Member States shall take measures to ensure that” were omitted;
  - (b) for “are” there were substituted “may be”;
  - (c) after “third countries” there were inserted “into Wales”;
  - (d) for “, processing and distribution of” there were substituted “and processing of”;
  - (e) “in the Community” were omitted.
- (8) Article 8 is to be read as if—
- (a) in the heading, for “Community rules” there were substituted “national legislation”;
  - (b) in the words before paragraph 1, for “the following shall be established in accordance with the procedure referred to in Article 12(2)” there were substituted “the requirements in paragraphs 1 to 5 may be established by the appropriate authority by regulations”;
  - (c) in paragraph 1—
    - (i) in the second sentence—
      - (aa) for “a Community” there were substituted “an”;
      - (bb) for “Community legislation” there were substituted “the relevant legislation in force in Wales”;
    - (ii) in the third sentence, in point (c), for “the Community” there were substituted “Wales”;

- (iii) in the third sentence, in point (f)—
    - (aa) “Community” were omitted;
    - (bb) for “Commission” there were substituted “appropriate authority”;
  - (iv) in the third sentence, in point (g), for “the Community” there were substituted “Wales”;
  - (d) paragraph 2 were omitted;
  - (e) in paragraph 3, “shall be established in accordance with the procedure referred to in Article 12(2)” were omitted;
  - (f) in paragraph 4, “shall be established in accordance with the procedure referred to in Article 12(2)” were omitted;
  - (g) in paragraph 5, “, may be established in accordance with the procedure referred to in Article 12(2)” were omitted.
- (9) Article 9 is to be read as if—
- (a) for the title there were substituted “Health certificates”;
  - (b) in paragraph 1—
    - (i) for the words from “A veterinary certificate” to “Annex IV” there were substituted “A relevant health certificate, in the form published by the appropriate authority from time to time, that meets the requirements of Article 3 of Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods(58)”;
    - (ii) for “the Community” there were substituted “Wales”;
  - (c) in paragraph 2—
    - (i) in the words before point (a), for “veterinary” there were substituted “health”;
    - (ii) in point (a), for “the Community legislation” there were substituted “legislation in force in Wales”;
    - (iii) in point (b), for “established in accordance with the procedure referred to in Article 12(2)” there were substituted “established or applied under Article 8(4), or applied by other relevant legislation in force in Wales”;
  - (d) in paragraph 3—
    - (i) for “Documents” there were substituted “Health certificates”;
    - (ii) “Community” were omitted;
    - (iii) after “animal health legislation” there were inserted “in force in relation to Wales”;
  - (e) in paragraph 4—
    - (i) for “In accordance with the procedure referred to in Article 12(2)” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations,”;
    - (ii) in point (a), for “provisions may be made” there were substituted “make provision”;
    - (iii) point (b) were omitted;
    - (iv) in point (c)—
      - (aa) at the beginning of that sentence, there were inserted “establish”;
      - (bb) “may be established” were omitted.

(10) Article 11 is to be read as if for that Article there were substituted—

“11. The appropriate authority may by regulations modify the Annexes or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022 in order to take account in particular of—

- (i) scientific opinions and scientific knowledge, particularly concerning new risk assessments;
- (ii) technical developments; and
- (iii) the setting of safety targets for animal health.”

(11) Annex 1 is to be read as if for that Annex there were substituted—

“ANNEX 1

Diseases of relevance to products of animal origin intended for importation into Wales and for which control measures have been introduced under animal health legislation

| <i>Disease</i>                                     | <i>Legislation</i>  |
|--|---|
| Classical swine fever                              | The Diseases of Swine Regulations 2014 (S.I. 2014/1894), implementing Council Directive 2001/89 on Community measures for the control of classical swine fever  |
| African swine fever                                | The Diseases of Swine Regulations 2014 (S.I. 2014/1894), implementing Council Directive 2002/60/EC laying down specific provisions for the control of African swine fever   |
| Rinderpest (Cattle Plague)                         | The Cattle Plague Order of 1928 (S.I. 1928/206)   |
| Sheep and goat plague (Peste des Petits ruminants) | The Specified Diseases (Notification and Slaughter) Order 1992 (S.I. 1992/3159) and the Specified Diseases (Notification) Order 1996 (S.I. 1996/2628)   |
| Swine vesicular disease                            | The Diseases of Swine Regulations 2014 (S.I. 2014/1894), implementing Council Directive 92/119/EEC introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease  |
| Foot-and-mouth disease                             | The Foot-and-Mouth Disease Orders, implementing Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease  |
| Avian influenza                                    | The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006 (S.I. 2006/2927 (W. 262)) and the Avian Influenza (Preventive Measures) (Wales) Regulations 2006 (S.I. 2006/2803 (W. 242)), implementing Council Directive 2005/94/EC on Community measures for the control of avian influenza |
| Newcastle disease                                  | The Diseases of Poultry Orders, implementing Council Directive 92/66/EEC introducing Community measures for the control of Newcastle disease  |
| Aquaculture diseases                               | The Aquatic Animal Health (England and Wales) Regulations 2009 (S.I. 2009/463) and Regulation (EC) No 1251/2008”.   |

(12) Annex 3 is to be read as if, in the first table concerning meat, in the column entitled “Meat Treatment”, in the eighth row of that table concerning point “(g)”, for “Article 12(2) procedure following an opinion by the relevant Scientific Committee” there were substituted “appropriate authority, in regulations made under Article 4(1)(iv)(a)”.

### **Modifications to Directive 2004/68**

17.—(1) Directive 2004/68 is modified as follows.

(2) Article 1 is to be read as if for “the Community” there were substituted “Wales”.

(3) Article 2 is to be read as if—

- (a) point (a) were omitted;
- (b) in point (b), in the definition of “authorised third country”, for “the Community” there were substituted “Wales”;
- (c) after point (b), there were inserted—
  - “‘border control post’ has the meaning given in Article 3 of the Official Controls Regulation;”;
- (d) in point (c), in the definition of “official veterinarian”, for the words from “shall mean a” to the end there were substituted “has the meaning given in Article 3 of the Official Controls Regulation”.

(4) The title of Chapter 2 is to be read as if for “the Community” there were substituted “Wales”.

(5) Article 3 is to be read as if—

- (a) in paragraph 1—
  - (i) in the first subparagraph, for “the Community” there were substituted “Wales”;
  - (ii) in the first subparagraph, for the words from “or lists to be drawn up” to the end of that sentence there were substituted—
    - “authorised by legislation in force in Wales.
    - The appropriate authority may by regulations draw up lists of third countries from which the animals covered by this Directive may be imported into Wales.”;
  - (iii) in the second subparagraph, for “it may be decided in accordance with the procedure referred to in Article 14(2)” there were substituted “the appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, provide”;
  - (iv) in the third subparagraph, for “the Community” there were substituted “Wales”;

(b) in paragraph 2—

- (i) for “the Community” there were substituted “Wales”;
- (ii) for “in accordance with the procedure referred to in Article 14(2)” there were substituted “by the appropriate authority, in accordance with a procedure set out by the appropriate authority by regulations,”.

(6) Article 4 is to be read as if—

- (a) in point (a), for “the Community” there were substituted “Wales”;
- (b) in point (d), for “the Community” there were substituted “Wales”;
- (c) in point (f), for “Commission and the Member States” there were substituted “appropriate authority”;
- (d) in point (h)—

- (i) “Community” were omitted;
  - (ii) for “Commission” there were substituted “appropriate authority”.
- (7) Article 6 is to be read as if—
- (a) in the title, for “the Community” there were substituted “Wales”;
  - (b) in paragraph 1—
    - (i) in the first sentence—
      - (aa) for “the Community” there were substituted “Wales”;
      - (bb) for “laid down in accordance with the procedure referred to in Article 14(2)” there were substituted “set out by the appropriate authority by regulations”;
    - (ii) in point (d), for “the Community” there were substituted “Wales”;
    - (iii) in point (e), for “intra-Community trade” there were substituted “imports into Wales”;
  - (c) in paragraph 2, for “laid down in Community legislation” there were substituted “set out in legislation in force in Wales”;
  - (d) in paragraph 3, for “Community” there were substituted “appropriate authority”.
- (8) Article 7 is to be read as if—
- (a) in the title, for “the Community” there were substituted “Wales”;
  - (b) in the words before point (a), for “the Community” there were substituted “Wales”;
  - (c) in point (c), for “the Community” there were substituted “Wales”;
  - (d) in point (d)—
    - (i) for “the Community” there were substituted “Wales”;
    - (ii) for “Directive [91/628/EEC](#)” there were substituted “Regulation (EC) No 1/2005”;
  - (e) in point (e)—
    - (i) for “veterinary certificate”, in the first place where it occurs, there were substituted “relevant health certificate, in the form published by the appropriate authority from time to time”;
    - (ii) the words from “and with a specimen” to the end of that sentence were omitted;
    - (iii) for “under the same procedure” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (f) in point (f)—
    - (i) for “the Community” there were substituted “Wales”;
    - (ii) for “an agreed border inspection post” there were substituted “a designated border control post”;
    - (iii) for “Article 4 of Directive [91/496/EEC](#)” there were substituted “Article 47 of the Official Controls Regulation”.
- (9) Article 8 is to be read as if—
- (a) in the words before point (a)—
    - (i) “, including model veterinary certificates,” were omitted;
    - (ii) for “laid down in accordance with the procedure referred to in Article 14(2)” there were substituted “set out by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (b) point (a) were omitted;

- (c) in point (d)—
  - (i) for “the Community”, in both places where it occurs, there were substituted “Wales”;
  - (ii) for “approved Community border inspection posts” there were substituted “designated border control posts”;
- (d) in point (f)—
  - (i) for “an approved Community border inspection post” there were substituted “a designated border control post”;
  - (ii) for “the Community” there were substituted “Wales”.
- (10) Article 9 is to be read as if—
  - (a) “and in accordance with the procedure referred to in Article 14(2),” were omitted;
  - (b) after “conditions may be established” there were inserted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (c) for “the Community” there were substituted “Wales”.
- (11) Article 10 is to be read as if—
  - (a) “and in accordance with the procedure referred to in Article 14(2),” were omitted;
  - (b) after “a specific period may be determined” there were inserted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”.
- (12) Article 11 is to be read as if—
  - (a) in the heading, for “Veterinary” there were substituted “Health”;
  - (b) in paragraph 1—
    - (i) for “veterinary” there were substituted “health”;
    - (ii) for “the Community” there were substituted “Wales”;
  - (c) in paragraph 2—
    - (i) for “veterinary” there were substituted “health”;
    - (ii) for “Community legislation” there were substituted “legislation in force in Wales”;
  - (d) in paragraph 3—
    - (i) for “veterinary” there were substituted “health”;
    - (ii) for “Community legislation” there were substituted “legislation in force in Wales”;
  - (e) in paragraph 4—
    - (i) for “veterinary” there were substituted “health”;
    - (ii) for “in accordance with the procedure referred to in Article 14(2)” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”.
- (13) Article 13 is to be read as if—
  - (a) in paragraph 1—
    - (i) for “in accordance with the procedure referred to in Article 14(2)” there were substituted “by the appropriate authority by regulations”;
    - (ii) points (d) and (e) were omitted;
  - (b) for paragraph 2 there were substituted—
    - “2. The appropriate authority may by regulations—
      - (a) modify the Annexes in order to take account of, in particular—

- (i) scientific opinions and scientific knowledge particularly concerning new risk assessments;
    - (ii) technical developments and amendments to international standards;
    - (iii) the setting of safety targets for animal health;
  - (b) amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.”
- (14) Annex 3 is to be read as if—
- (a) in the title, for “veterinary” there were substituted “health”;
  - (b) in paragraph 1, for “veterinary” there were substituted “health”;
  - (c) in paragraph 2—
    - (i) for “Veterinary” there were substituted “In Wales, health”;
    - (ii) for the words from “the official language or languages” to the end there were substituted “English and Welsh.”;
  - (d) in paragraph 3—
    - (i) for “veterinary” there were substituted “health”;
    - (ii) for “the Community” there were substituted “Wales”;
  - (e) in paragraph 4, for “Veterinary” there were substituted “Health”;
  - (f) in paragraph 5, for “veterinary”, in both places where it occurs, there were substituted “health”;
  - (g) in paragraph 6, for “veterinary” there were substituted “health”.

### **Modifications to Directive 2009/156**

- 18.**—(1) Directive 2009/156 is modified as follows.
- (2) Article 1 is to be read as if “movement between Member States and” were omitted.
- (3) Article 2 is to be read as if—
- (a) in point (c), in the definition of “registered Equidae”, for the words from “as defined in Council Directive [90/427/EEC](#)” to “equidae” there were substituted “as mentioned in Article 2(e) of Regulation (EU) 2015/262(**59**), and”;
  - (b) after point (c), there were inserted—
    - “(ca) ‘unregistered equidae’ means equidae other than those mentioned in point (c);”;
  - (c) in point (d), in the definition of “equidae for slaughter”, “, referred to in Article 7,” were omitted;
  - (d) in point (f), in the definition of “Member State or third country free from African horse sickness”, “Member State or”, in both places where it occurs, were omitted;
  - (e) in point (h), in the definition of “official veterinarian”, “Member State or of a” were omitted;
  - (f) in point (i), in the definition of “temporary admission”, for “Community territory” there were substituted “Wales”;
  - (g) after point (i), there were inserted—

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(59) EUR 2015/262, amended by [S.I. 2019/591](#) and [2020/1388](#).



- “(j) ‘approved marshall centre’ means an assembly centre as defined in Article 2(2)(o) of Directive 64/432;
  - (k) ‘Regulation (EU) 2015/262’ means Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives [90/427/EEC](#) and [2009/156/EC](#) as regards the methods for the identification of equidae;
  - (l) ‘Regulation (EU) 2018/659’ means Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae<sup>(60)</sup>.”
- (4) The title of Chapter 2 is to be read as if for that title there were substituted “General requirements for the purposes of Articles 13(2), 15(a) and 16(1)”.
- (5) In Article 4—
- (a) in paragraph 1—
    - (i) in the second sentence, after “Inspection” there were inserted “of registered equidae”;
    - (ii) for the words from “In the case of registered equidae” to the end, there were substituted “Inspection of all other equidae must be carried out on the day of loading of the animals for dispatch to Wales”;
  - (b) in paragraph 4(a)—
    - (i) in the first subparagraph, for “Directive [90/427/EEC](#)” there were substituted “Regulation (EU) 2015/262”;
    - (ii) in the second subparagraph, for the words from “shall be adopted” to the end there were substituted “is set out in Articles 34 to 36 of Regulation (EU) 2015/262, as from time to time supplemented by any procedures that may be adopted by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (c) in paragraph 4(b), for the words from “accordance with” to the end of that sentence there were substituted “Regulation (EU) 2015/262 and any new methods that may be established by the appropriate authority by regulations”;
  - (d) in paragraph 5, in the second subparagraph, for “Commission” there were substituted “appropriate authority”;
  - (e) in paragraph 6—
    - (i) in the words before point (a), for the words from “Where a Member State draws up” to “from 1 July 2013 for Croatia” there were substituted “The appropriate authority may, by regulations or in accordance with a procedure set out by the appropriate authority by regulations, draw up a voluntary or compulsory programme for a disease to which equidae are susceptible”;
    - (ii) point (h) were omitted;
    - (iii) for the second subparagraph, there were substituted—
 

“The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out any additional guarantees, general or specific, which may be required for importation into Wales.”;
    - (iv) the third subparagraph were omitted.
- (6) In Article 5—
- (a) in paragraph 1, for “Member State” there were substituted “third country”;

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(60) EUR 2018/659, amended by [S.I. 2020/1462](#) and [2022/735](#).

- (b) in paragraph 2, for “Member State” there were substituted “third country”;
  - (c) in paragraph 3, for the words from “specified in” to the end there were substituted “specified in the African Horse Sickness (Wales) Regulations 2013(61).”;
  - (d) in paragraph 4, for “Article 6(1)(d) of Directive 92/35/EEC” there were substituted “the relevant provisions of the legislation referred to in paragraph 3”;
  - (e) in paragraph 5—
    - (i) in the words before point (a), for “Member State” there were substituted “third country”;
    - (ii) in point (a), for “in accordance with the procedure referred to in Article 21(3)” there were substituted “by the appropriate authority by regulations”;
    - (iii) in point (c), for the second subparagraph there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out other monitoring methods.”.
- (7) Article 11 is to be read as if for “the Community” there were substituted “Wales”.
- (8) Article 12 is to be read as if—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “the Community” there were substituted “Wales”;
      - (bb) for the words from “to be drawn up” to the end of that sentence there were substituted “authorised by legislation in force in Wales. The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, draw up lists of third countries from which equidae may be imported.”;
    - (ii) in the second subparagraph, for “in accordance with the procedure referred to in Article 21(2)” there were substituted “by the appropriate authority by regulations”;
    - (iii) in the third subparagraph, “and from the Community” were omitted;
  - (b) in paragraph 2—
    - (i) in point (a), for “the Community” there were substituted “Wales”;
    - (ii) in point (d), for “the Community” there were substituted “Wales”;
    - (iii) in point (f), for “Commission and the Member States” there were substituted “appropriate authority”;
    - (iv) in point (h)—
      - (aa) “Community” were omitted;
      - (bb) for “Commission” there were substituted “appropriate authority”;
  - (c) paragraph 3 were omitted;
  - (d) in paragraph 4, for the words from “shall be established” to the end, there were substituted “may be established by the appropriate authority by regulations or in accordance with a procedure set out by the appropriate authority by regulations.”;
  - (e) in paragraph 5, for the words “may be adopted in accordance with the procedure referred to in Article 21(2)” there were substituted “may be established by the appropriate authority by regulations or in accordance with a procedure set out by the appropriate authority by regulations”.
- (9) Article 13 is to be read as if, in paragraph 2—

- (a) in the words before point (a), for “In accordance with the procedure referred to in Article 21(2) it may be decided” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, provide”;
  - (b) in point (b), for “the Community” there were substituted “Wales”.
- (10) Article 14 is to be read as if for “the Member State of destination” there were substituted “Wales”.
- (11) Article 15 is to be read as if—
- (a) in the words before point (a), for “drawn up in accordance with” there were substituted “referred to in”;
  - (b) in point (a)—
    - (i) after “animal health requirements” there were inserted “in Regulation (EU) 2018/659 or any animal health requirements”;
    - (ii) for “species in question,” there were substituted “species in question and”;
    - (iii) for “in accordance with the procedure referred to in Article 21(2)” there were substituted “by the appropriate authority by regulations”;
  - (c) in point (b)(ii)—
    - (i) in the first paragraph, for “recognised in accordance with the procedure referred to in Article 21(2)” there were substituted “authorised for use in Regulation 2018/659 or by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
    - (ii) for the second paragraph there were substituted—

“The appropriate authority may by regulations set out the categories of male equidae to which this requirement applies.”
- (12) Article 16 is to be read as if—
- (a) in paragraph 1—
    - (i) in the words before point (a), for “health certificate” in the first place where it occurs, there were substituted “relevant health certificate, in the form published by the appropriate authority from time to time,”;
    - (ii) in point (a), for “the Member State of destination” there were substituted “Wales”;
    - (iii) in point (b), for the words from “one of the official” to the end there were substituted “English and Welsh”;
    - (iv) the last sentence were omitted;
  - (b) paragraph 2 were omitted.
- (13) Article 17 is to be read as if—
- (a) in paragraph 1—
    - (i) for “the Member State of destination” there were substituted “Wales”;
    - (ii) “as referred to in Article 7,” were omitted;
    - (iii) for “a period specified in the decisions to be adopted pursuant to Article 15” there were substituted “the period specified in Article 21 of Regulation (EU) 2018/659”;
  - (b) in paragraph 2—
    - (i) for “in accordance with the procedure referred to in Article 21(2)” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
    - (ii) “of the Member State of destination” were omitted.

- (14) Article 19 is to be read as if—
- (a) for the words before point (a), there were substituted “The appropriate authority may by regulations set out a procedure to”;
  - (b) in point (a), for “it may be decided that” there were substituted “determine that”;
  - (c) in point (b)—
    - (i) at the beginning there were inserted “establish that.”;
    - (ii) in both places where it occurs, for “Community territory” there were substituted “Wales”;
    - (iii) “, shall be established” were omitted;
  - (d) in point (c)—
    - (i) at the beginning there were inserted “determine that”;
    - (ii) “shall be determined” were omitted;
  - (e) in point (d)—
    - (i) at the beginning there were inserted “designate”;
    - (ii) for “may be designated and” there were substituted “and provide”;
    - (iii) for “Community” there were substituted “national”;
    - (iv) for “Member States shall be provided for” there were substituted “Wales”.
- (15) Article 20 is to be read as if for the existing text there were substituted—
- “**20.** The appropriate authority may by regulations modify Annexes 1 and 4, or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022.”
- (16) Annex 4 is to be read as if, in Part B—
- (a) in the words before point 1, in the fourth subparagraph, “the European Union Reference Laboratory or” were omitted;
  - (b) in point 2.1, in the first paragraph, the second and third sentences were omitted.

### **Modifications to Directive 2009/158**

- 19.**—(1) Directive 2009/158 is modified as follows.
- (2) Article 1 is to be read as if “intra-Community trade in, and” were omitted.
- (3) Article 2 is to be read as if—
- (a) in the first paragraph, for the words from “and ‘third country’” to the end there were substituted “has the meaning given in Article 3 of the Official Controls Regulation”;
  - (b) in point 11, in the definition of “approved laboratory”, “located in the territory of a Member State,” were omitted;
  - (c) in point 14, in the definition of “outbreak”, for the words from “means an outbreak” to the end there were substituted “means the holding or place situated in the territory of the relevant third country where animals are assembled and where one or more cases has or have been officially confirmed”.
- (4) The title of Chapter 2 is to be read as if for that title there were substituted “ANIMAL HEALTH CONDITIONS RETAINED FOR THE PURPOSE OF SETTING IMPORT REQUIREMENTS IN REGULATIONS MADE UNDER ARTICLE 25(1)(b)”.
- (5) Article 5 is to be read as if—
- (a) for “traded in the Community” there were substituted “imported into Wales”;

(b) point (d) were omitted.

(6) Article 6 is to be read as if, in point (a)(iii), for “Community legislation” there were substituted “animal and public health legislation of the relevant third country”.

(7) Article 8 is to be read as if, in paragraph 1(a)—

(a) in point (i), “Community” were omitted;

(b) in point (iii), in the first indent, for “during the” there were substituted “at the time specified in the health certificate, and in any event not more than”.

(8) Article 10 is to be read as if, in point (a), “Community” were omitted.

(9) Article 11 is to be read as if—

(a) in point (a), for “or for more than” there were substituted “or, where that is not the case, for the time period specified in the health certificate which must be more than”;

(b) in point (d), for “Community legislation” there were substituted “animal and public health legislation of the relevant third country”.

(10) Article 12 is to be read as if, in paragraph 1—

(a) for point (a) there were substituted—

“(a) where it has been held since hatching or, provided the period specified in the health certificate is more than 21 days, for that period;

(ab) where the poultry to be consigned have not been placed in contact with newly arrived poultry during the two weeks preceding consignment;”;

(b) in point (c), for “during the” there were substituted “, at the time specified in the health certificate but in any event not more than”;

(c) in point (d), for “Community legislation” there were substituted “animal and public health legislation of the relevant third country”.

(11) Article 14 is to be read as if—

(a) in paragraph 1, for “intra-Community trade in” there were substituted “imports of”;

(b) in paragraph 2—

(i) in point (a), for “Community” there were substituted “relevant third country”;

(ii) in point (e), for “Community legislation” there were substituted “animal and public health legislation of the relevant third country”.

(12) Article 15 is to be read as if—

(a) in paragraph 1, in the words before point (a)—

(i) for “Member States”, in both places where it occurs, there were substituted “third countries”;

(ii) for “a Member State or region of a Member State” there were substituted “Wales or a region of Wales”;

(b) in paragraph 2—

(i) for the first, second and third subparagraphs there were substituted —

“The appropriate authority may, by regulations or in accordance with a procedure set out by regulations, draw up a programme, as referred to in Article 16(1), for the control of Newcastle disease for the purpose of establishing Newcastle disease non-vaccinating status.

The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out any additional guarantees, general or specific, which may be required for importation into Wales.

Where the appropriate authority considers that a region of Wales has achieved Newcastle disease non-vaccinating status, the appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, determine that Newcastle disease non-vaccinating status has been established.”;

(ii) in the fourth subparagraph—

(aa) in the words before point (a), for “a Member State’s or region’s status as Newcastle disease non-vaccinating” there were substituted “Newcastle disease non-vaccinating status”;

(bb) in point (a), for the words from “except for the compulsory vaccination” to the end there were substituted “except where there is a compulsory vaccination programme for racing pigeons established by the appropriate authority”;

(cc) in point (b), for “in accordance with the procedure referred to in Article 33(2)” there were substituted “by the appropriate authority by regulations”;

(dd) in point (c), for “Article 17(3) of Directive [92/66/EEC](#)” there were substituted “a compulsory vaccination programme established by the appropriate authority”;

(c) in paragraph 3, in the words before point (a)—

(i) for “Commission” there were substituted “appropriate authority”;

(ii) for “in accordance with the procedure referred to in Article 33(2)” there were substituted “in accordance with a procedure set out by the appropriate authority by regulations,”.

(13) Article 16 is to be read as if—

(a) in paragraph 1—

(i) for “Where a Member State draws up or has drawn up” there were substituted “The appropriate authority may, by regulations or in accordance with a procedure set out by the appropriate authority by regulations, draw up”;

(ii) “it may present the programme to the Commission,” were omitted;

(b) for paragraph 2, there were substituted—

“2. The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out any additional guarantees, general or specific, which may be required for importation into Wales.”;

(c) paragraph 3 were omitted.

(14) Article 17 is to be read as if—

(a) in paragraph 1—

(i) in the words before point (a)—

(aa) for “a Member State” there were substituted “the appropriate authority”;

(bb) for “it shall present to the Commission appropriate supporting documentation,” there were substituted “the appropriate authority may, by regulations or in accordance with a procedure set out by the appropriate authority by regulations, draw up a plan”;

(ii) in point (a), for “that Member State” there were substituted “Wales”;

(b) for paragraph 2 there were substituted—

- “2. The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, set out any additional guarantees, general or specific, which may be required for importation into Wales.”;
- (c) paragraph 3 were omitted.
- (15) Article 18 is to be read as if—
- (a) in paragraph 2(b)(i), for “Member State” there were substituted “third country”;
- (b) in paragraph 7, for “competent authority of the Member State” there were substituted “competent authority of the third country”.
- (16) Article 21 is to be read as if—
- (a) for the words from “The Member States of destination” to “one or more Member States” there were substituted “Third countries”;
- (b) after “of dispatch” there were inserted “may be granted by the appropriate authority”;
- (c) for “Article 20” there were substituted “Article 26”.
- (17) Article 22 is to be read as if for “the Community” there were substituted “Wales”.
- (18) Article 23 is to be read as if—
- (a) in paragraph 1, for the words from “on a list drawn up by the Commission” to the end there were substituted—
- “on a list authorised by legislation in Wales.
- The appropriate authority may by regulations draw up lists of third countries from which poultry and hatching eggs covered by this Directive may be imported into Wales.”;
- (b) in paragraph 2—
- (i) in point (a), for “the Member States” there were substituted “Wales”;
- (ii) in point (g), for “Community rules” there were substituted “legislation in force in Wales”;
- (c) paragraph 3 were omitted.
- (19) Article 24 is to be read as if—
- (a) in paragraph 1—
- (i) in point (a), for the words from “and Newcastle disease” to the end there were substituted “and Newcastle disease, as referred to in the Diseases of Poultry Orders, are legally notifiable diseases”;
- (ii) in point (b), for “Directives 2005/94/EC and 92/66/EEC respectively” there were substituted “the Diseases of Poultry Orders”;
- (b) in paragraph 2, for “The Commission may, in accordance with the procedure referred to in Article 33(2), decide” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, determine”.
- (20) Article 25 is to be read as if—
- (a) in paragraph 1—
- (i) in the words before point (a), for “drawn up in accordance with” there were substituted “referred to in”;
- (ii) in point (a), for “in accordance with the procedure referred to in Article 33(2)” there were substituted “by the appropriate authority by regulations”;

- (iii) in point (b), for “in accordance with the procedure referred to in Article 33(2)” there were substituted “by the appropriate authority by regulations”;
  - (b) in paragraph 2, for “In accordance with the procedure referred to in Article 33(2), derogations may be granted” there were substituted “The appropriate authority may by regulations grant derogations”.
- (21) Article 26 is to be read as if—
- (a) in paragraph 1—
    - (i) in the first subparagraph, for “certificate” there were substituted “relevant health certificate, in the form published by the appropriate authority from time to time, that is”;
    - (ii) in point (a), for “the Member State of destination” there were substituted “Wales”;
    - (iii) in point (b), for “the official language or languages of the Member State of destination” there were substituted “English and Welsh”;
    - (iv) in point (e), for “five” there were substituted “ten”;
  - (b) paragraph 2 were omitted.
- (22) Article 28 is to be read as if—
- (a) in paragraph 1, for “The Commission may, in accordance with the procedure referred to in Article 33(3), decide” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, determine”;
  - (b) in paragraph 2, for “The Commission may, in accordance with the procedure referred to in Article 33(2)” there were substituted “The appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations,”.
- (23) Article 29 is to be read as if—
- (a) for “the Commission may, in accordance with the procedure referred to in Article 33(2), decide to permit” there were substituted “the appropriate authority may, in accordance with a procedure set out by the appropriate authority by regulations, permit”;
  - (b) for “shall be drawn up at the same time in accordance with the same procedure” there were substituted “may be prescribed by the appropriate authority, by regulations”.
- (24) Article 30 is to be read as if—
- (a) for “the Member State of destination”, in the first place where it occurs, there were substituted “Wales”;
  - (b) for “in accordance with the procedure referred to in Article 33(3)” there were substituted “by the appropriate authority in accordance with a procedure set out by the appropriate authority by regulations”;
  - (c) “of the Member State of destination” were omitted.
- (25) Article 34 is to be read as if—
- (a) for “Amendments to Annexes I to V” there were substituted “The appropriate authority may by regulations modify Annexes 1 to 3, or amend the modifications made to any Annex to this Directive by Part 5 of the TARP (ALF) (Wales) (EU Exit) Regulations 2022,”;
  - (b) “, shall be decided in accordance with the procedure referred to in Article 33(2)” were omitted.
- (26) Annex 1 is to be read as if—
- (a) “designated in accordance with Article 4” were omitted;



- (b) “in each Member State” were omitted.
- (27) Annex 2 is to be read as if—
- (a) in Chapter 1, in point 1, for “intra-Community trade” there were substituted “importation into Wales”;
- (b) in Chapter 2—
- (i) in point A(2)—
- (aa) in subparagraph (b), in the second indent, “in the Community” were omitted;
- (bb) in subparagraph (e)(ii), for “the same Member State” there were substituted “the relevant third country”;
- (ii) in point B(2)—
- (aa) in subparagraph (b), in the first indent, “Community” were omitted;
- (bb) in subparagraph (e), in the first indent, for “trade within the Union or export to a third country” there were substituted “for importation into Wales”;
- (c) in Chapter 3, in point A(2)(d), for “in the Member State” there were substituted “in the country”.
- (28) Annex 3 is to be read as if—
- (a) in point 1, for “any Member State” there were substituted “the relevant country”;
- (b) in point 2, for “Commission” there were substituted “appropriate authority”;
- (c) in point 3, for “[Directive 2001/82/EC](#) of the European Parliament and of the Council” there were substituted “the Veterinary Medicines Regulations 2013”.

## PART 6

### Amendment of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018

#### **Amendment of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018**

**20.** In regulation 2 of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018(62) (interpretation), for the definition of “third country” substitute—

““third country” (“*trydedd wlad*”) means a country or territory other than the British Islands;”.

15 December 2022

*Lesley Griffiths*  
Minister for Rural Affairs and North Wales, and  
Trefnydd, one of the Welsh Ministers

## SCHEDULE

Regulation 5(1)

### Lists of provisions of EU Directives containing legislative and other functions

1. In Directive 64/432—
  - (a) Article 9(1), together with Annex E(2);
  - (b) Article 9(2);
  - (c) Article 10(2), together with Article 10(1) and Annex E(2);
  - (d) Article 16;
  - (e) in Section 1 of Annex A—
    - (i) paragraph 4;
    - (ii) paragraph 5;
  - (f) in Section 2 of Annex A—
    - (i) paragraph 1(d);
    - (ii) paragraph 2(b);
    - (iii) in paragraph 2(c), the second subparagraph;
    - (iv) in paragraph 3A, point (b) of the third subparagraph;
    - (v) in paragraph 6A, the second subparagraph;
    - (vi) paragraph 7;
    - (vii) paragraph 9;
    - (viii) paragraph 10;
  - (g) in Annex B—
    - (i) point 2.2.5.3.5;
    - (ii) point 3;
  - (h) in Chapter 1 of Annex D—
    - (i) Section E;
    - (ii) Section F(d);
    - (iii) in Section G—
      - (aa) the first paragraph;
      - (bb) the second paragraph.
2. In Directive 88/407—
  - (a) in Article 8(1), the second subparagraph, together with Article 8(2);
  - (b) in Article 9(2), the third subparagraph;
  - (c) Article 9(3);
  - (d) in Article 10(2), the first subparagraph, together with the second subparagraph;
  - (e) Article 10(3);
  - (f) Article 17.
3. In Directive 89/556—
  - (a) in Article 7(1), the second subparagraph, together with Article 7(2);
  - (b) in Article 8(2), the third subparagraph;
  - (c) Article 8(3);

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- (d) in Article 9(1)(b), the first subparagraph, together with the second subparagraph and Article 9(3);
  - (e) Article 9(2);
  - (f) Article 16;
  - (g) in Chapter 2 of Annex A—
    - (i) point 1(h);
    - (ii) point 1(m);
    - (iii) point 1(n).
4. In Directive 90/429—
- (a) in Article 7(1), the second subparagraph, together with Article 7(2);
  - (b) Article 8(2), the third subparagraph;
  - (c) Article 8(3);
  - (d) in Article 9(2), the first subparagraph, together with the second subparagraph;
  - (e) Article 9(3);
  - (f) Article 17;
  - (g) point 6(g) of Chapter 2 of Annex A.
5. In Directive 91/68—
- (a) the third indent of Article 6(a)(i);
  - (b) the third indent of Article 6(c);
  - (c) Article 7(1);
  - (d) Article 7(2);
  - (e) Article 8(1);
  - (f) Article 14(1);
  - (g) Article 14(2);
  - (h) point C(3) of Section 1 of Chapter 1 of Annex A;
  - (i) in Section 2 of Chapter 1 of Annex A—
    - (i) the first paragraph;
    - (ii) the third indent of point 2(i);
  - (j) the first paragraph of Annex C.
6. In Directive 92/65—
- (a) Article 6(A)(2)(c);
  - (b) Article 6(A)(4);
  - (c) in Article 7(A)(2)(a), the second subparagraph;
  - (d) in Article 7(A)(2)(b), the second subparagraph;
  - (e) in Article 8(a), the third subparagraph;
  - (f) in Article 11(3), the third subparagraph;
  - (g) in Article 11(4), the third subparagraph;
  - (h) in Article 11(5), the first subparagraph;
  - (i) in Article 13(2)(d), the third subparagraph;
  - (j) Article 14(1);

- (k) Article 14(2);
  - (l) Article 15(1);
  - (m) in Article 17(2)(b)(ii), the first subparagraph;
  - (n) in Article 17(3), point (a) of the first subparagraph, together with Chapter 2 (*General requirements applicable to imports for the purposes of Articles 16, 17 and 18*);
  - (o) in Article 17(3), point (b) of the first subparagraph;
  - (p) in Article 17(3), the sixth subparagraph;
  - (q) Article 17(4)(a)(iii);
  - (r) the fourth indent of Article 18(1);
  - (s) Article 19(a);
  - (t) Article 19(b);
  - (u) Article 21;
  - (v) Article 22;
  - (w) Article 23.
7. In Directive 92/118—
- (a) in Article 5, the second paragraph;
  - (b) Article 6;
  - (c) in Article 10(2)(a), the second subparagraph, together with Article 10(4) and Chapter 2 (*Guarantees applicable to imports for the purposes of Article 9*);
  - (d) Article 10(3)(a), together with Article 10(4) and Chapter 2;
  - (e) Article 10(3)(c), together with Article 10(4) and Chapter 2;
  - (f) Article 11;
  - (g) in Article 15, the first paragraph;
  - (h) in Article 15, the second paragraph;
  - (i) Section 3 of Chapter 7 of Annex 1.
8. In Directive 2002/99—
- (a) in Article 4(1), paragraph (a) of the second subparagraph;
  - (b) Article 4(2)(a);
  - (c) in Article 4(3), the first subparagraph, together with the second subparagraph;
  - (d) in Article 4(3), the second subparagraph;
  - (e) in Article 8, the first paragraph and the first subparagraph of paragraph 1, together with the second to fourth subparagraphs of paragraph 1;
  - (f) in Article 8, the first paragraph and paragraph 3;
  - (g) in Article 8, the first paragraph and paragraph 4;
  - (h) in Article 8, the first paragraph and the first indent of paragraph 5;
  - (i) in Article 8, the first paragraph and the second indent of paragraph 5;
  - (j) in Article 8, the first paragraph and the third indent of paragraph 5;
  - (k) Article 9(4)(a);
  - (l) Article 9(4)(c);
  - (m) Article 11.

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**9.** In Directive 2004/68—

- (a) in Article 3(1), the second subparagraph, together with Article 4;
- (b) in Article 3(1), the third subparagraph, together with the fourth subparagraph;
- (c) Article 3(2);
- (d) Article 4(h);
- (e) in Article 6(1), the first subparagraph, together with the second subparagraph and Article 6(2) and (3);
- (f) Article 7(e);
- (g) Article 8;
- (h) Article 9;
- (i) in Article 10, the first paragraph, together with the second paragraph;
- (j) Article 11(4);
- (k) Article 13(1)(a);
- (l) Article 13(1)(b);
- (m) Article 13(1)(c);
- (n) Article 13(2).

**10.** In Directive 2009/156—

- (a) in Article 4(4)(a), the second subparagraph;
- (b) Article 4(4)(b);
- (c) in Article 4(6), the first subparagraph;
- (d) in Article 4(6), the second subparagraph;
- (e) in Article 5(5)(c), the second subparagraph;
- (f) in Article 12(1), the first subparagraph, together with Article 12(2) and (3);
- (g) in Article 12(1), the second subparagraph, together with the third subparagraph;
- (h) Article 12(4);
- (i) Article 12(5);
- (j) Article 13(2)(a), together with Article 5(2) and (5);
- (k) Article 13(2)(b);
- (l) in Article 15(a), the first subparagraph, together with the second subparagraph and Chapter 2 (*General requirements for the purposes of Articles 13(2), 15(a) and 16(1)*);
- (m) in Article 15(b)(ii), the first subparagraph;
- (n) in Article 15(b)(ii), the second subparagraph;
- (o) Article 16(1), together with Article 4(4);
- (p) Article 17(2);
- (q) Article 19(a);
- (r) Article 19(b);
- (s) Article 19(c);
- (t) Article 19(d);
- (u) Article 20.

**11.** In Directive 2009/158—

- (a) in Article 15(2), the first subparagraph;
- (b) in Article 15(2), the second subparagraph;
- (c) in Article 15(2), the third subparagraph, together with the fourth subparagraph;
- (d) in Article 15(2), point (b) of the fourth subparagraph;
- (e) Article 15(3);
- (f) Article 16(1);
- (g) Article 16(2);
- (h) Article 17(1);
- (i) Article 17(2);
- (j) Article 21;
- (k) in Article 23(1), the second subparagraph, together with Article 23(2);
- (l) Article 24(2);
- (m) Article 25(1)(a);
- (n) Article 25(1)(b), together with Article 25(2) and Chapter 2 (*Animal health conditions retained for the purpose of setting import requirements in regulations made under Article 25(1)(b)*);
- (o) Article 28(1);
- (p) Article 28(2);
- (q) Article 29, together with Chapter 2;
- (r) in Article 30, the second paragraph;
- (s) Article 34.

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## EXPLANATORY NOTE

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

These Regulations address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union, amend the Trade in Animals and Related Products (Wales) Regulations 2011 ([S.I. 2011/2379](#)) ([W. 252](#)) (“the 2011 Regulations”) and amend the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018 ([S.I. 2018/650](#)) ([W. 122](#)) (“the 2018 Regulations”). The 2011 Regulations require consignments of animals or animal products that are being imported into, or transiting through, Wales to comply with animal and public health requirements of EU Directives, Regulations and Decisions that are set out in Schedule 1 to those Regulations. The 2018 Regulations set out fees payable to the Welsh Ministers for approvals and inspections in the field of animal health.

In Part 2, regulation 3(5) amends regulation 35 and regulation 3(6) amends regulation 38 of the 2011 Regulations to correct minor errors made in previous amendments made under the European Union (Withdrawal) Act 2018.

Regulation 3(8) amends Schedule 3 to the 2011 Regulations in relation to the scope of exemptions from official controls at border control posts for animals intended for scientific purposes.

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Regulation 3(2) to (4) and (7) amends the 2011 Regulations to replace the requirement for compliance with Schedule 1 with a requirement to comply with a new updated list of legislative provisions. The new updated list is set out in regulation 4(2) of these Regulations.

In Part 3, regulation 4 lists the legislative provisions that replace Schedule 1 to the 2011 Regulations and contain the animal and public health requirements for importation into Wales.

In Part 4, regulation 5 introduces the list of functions set out in the Schedule and confers them on the Welsh Ministers as appropriate authority in relation to Wales. Regulation 6 sets out the regulation-making procedure for the exercise of any functions listed in the Schedule that are legislative powers.

In Part 5, regulations 7 to 19 modify the provisions of the EU Directives listed in regulation 4(2) (a) and the functions and associated provisions of those EU Directives listed in the Schedule.

Part 6 amends the 2018 Regulations to correct a minor error made in a previous amendment made under the European Union (Withdrawal) Act 2018.

The Schedule lists the provisions of the EU Directives that contain functions conferred on the Welsh Ministers as appropriate authority, together with any other provisions that are either relevant or connected to the exercise of a listed function.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.