

Welsh Statutory Instrument 2002 No. 3230 (W.307)

The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) (No.2) Regulations 2002

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STATUTORY INSTRUMENTS

2002 No. 3230 (W.307)

AGRICULTURE, WALES

The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) (No.2) Regulations 2002

Made

23rd December 2002

Coming into force

1st January 2003

The National Assembly for Wales being designated^[1] for the purposes of section 2(2) of

the European Communities Act 1972^[2] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Wales) (Amendment) (No.2) Regulations 2002; they apply in relation to Wales and come into force on 1st January 2003.

Amendments to the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002

2. - (1) The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002^[3] are amended in accordance with this regulation.

(2) For regulation 3 there shall be substituted -

" Exemptions for trade samples

3. These Regulations do not apply to products introduced into Wales from a third country with the previous written authorisation of the National Assembly as trade samples, for exhibition or for particular studies or analyses.

Other exemptions

3A. - (1) Part III, with the exception of regulations 15, 21 and 25, and parts IV to IX do not apply in the circumstances set out in this regulation.

(2) Meat, meat products, milk and milk products from Greenland, the Faroe Islands, the Republic of Iceland, the Principality of Andorra, San Marino, Liechtenstein, Switzerland, Estonia, Lithuania, Latvia, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Malta and the Republic of Cyprus may be introduced into Wales in the personal luggage of a traveller which are intended for his or her personal consumption, taking into account the nature of the product and the quantity of it that could reasonably be consumed by an individual.

(3) Powdered infant milk, infant food, and special foods required for medical reasons containing meat, meat products, milk, or milk products may be introduced into Wales from a third country not specified in paragraph (2) if they -

(a) are carried in the personal luggage of a traveller and are intended for his or her personal use or consumption, taking into account the nature of the product and the quantity of it that could reasonably be consumed by an individual;

(b) do not require refrigeration before opening;

(c) are packaged proprietary brand products for direct sale to the final consumer; and

(d) are contained in unbroken packaging.

(4) Products which are not covered by paragraph (2) and (3) may be introduced into Wales if they are in the personal luggage of a traveller and intended for his personal consumption or if they are sent by post or carrier and addressed to a private individual in Wales otherwise than by way of trade or as a trade sample and if -

(a) they are not meat, meat products, milk or milk products;

(b) their total weight does not exceed one kilogram; and

(c) they either come from a third country or part of a third country which satisfies the conditions laid down in paragraph (5) or have undergone heat treatment in a hermetically sealed container to an F_0 value of 3.00 or more.

(5) The conditions referred to in paragraph (4)(c) are that the third country or part of a third country -

(a) appears on a list of third countries or parts of third countries from which Member States shall authorise the importation of the product or products concerned, established by a Community instrument in force on 1st January 2003; and

(b) is not one from which importation of the product or products concerned is prohibited by any Community instrument in force on that date.

(6) In this regulation "meat", "meat products", "milk" and "milk products" mean products of those types covered by the Directives listed in Schedule 3 and "meat" includes meat preparations."

(3) In paragraph (3) of regulation 53 the words, "or, where the charge was paid to the Agency, by the Secretary of State for Health," are omitted.

(4) The following paragraph is inserted after paragraph (4) of regulation 53 -

" (5) Where there is an appeal under paragraph (3), the independent person referred to in that paragraph shall consult with the National Assembly or the Agency, as the case may be, and, if then satisfied that the amount of the charge is unreasonable, shall so inform the National Assembly or the Agency, who shall recalculate the amount of the charge in accordance with any directions given by the independent person and repay to the person who has paid the charge the difference between the original charge and the recalculated charge."

(5) In Regulations 63(1) for the words "except the products referred to in regulation 3(1) and (2)" there shall be substituted the words "except the products referred to in regulations 3 and 3A".

(6) For Schedule 2 there shall be substituted the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998^[4].

Mike German
Assembly Deputy First Minister

23rd December 2002

SCHEDULE

Regulation 2(6)

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SCHEDULE 2

Regulation 2(1)

PART I

PROVISIONS COMMON TO SEVERAL CATEGORIES OF PRODUCT

A.

Maximum residue limits and contaminants

1. Council Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (OJ No. L224, 18.8.90, p.1) as last amended by Commission Regulation (EC) No. 77/2002 (OJ No. L16, 18.1.2002, p.9).

2. Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 1985/358/EEC and 1986/469/EEC and Decisions 1989/187/EEC and 1991/664/EEC (OJ No. L125, 23.5.96, p. 10).

3. Commission Decision 2000/159/EC on the provisional approval of residue plans of third countries according to Council Directive 96/23/EC (OJ No. L51, 24.2.2000, p.30), as last amended by Commission Decision 2002/336/EC (OJ No. L116, 3.5.2002, p.51).

4. Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs (OJ No. L77, 16.3.2001, p.1) as last amended by Commission Regulation (EC) No. 563/2002 (OJ No. L86, 3.4.2002, p.5).

B.

Transmissible spongiform encephalopathies

5. Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein (OJ No. L306, 7.12.2000, p.32).

6. Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control, and eradication of certain transmissible spongiform encephalopathies (OJ No. L147, 31.5.2001, p.1) as last amended by Commission Regulation (EC) No. 270/2002 (OJ No. L45, 15.2.2002, p.41).

C.

Protective measures - multiple products

Brazil

7. Commission Decision 2002/794/EC (OJ No. L276, 12.10.2002, p. 66).

Thailand

8. Commission Decision 2002/251/EC (OJ No. L84, 28.3.2002, p.77).

Ukraine

9. Commission Decision 2002/805/EC (OJ No. L278, 16.10.2002, p. 24).

PART II

FRESH MEAT OF BOVINE, OVINE AND CAPRINE ANIMALS AND SWINE

A.

General Provisions

10. Council Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat (OJ No. L121, 29.7.64, p. 2012/64) as amended and updated by Council Directive 91/497/EC (OJ No. L268, 24.9.91, p.69) and last amended by Council Directive 95/23/EC (OJ No. L243, 11.10.95, p.7).

11. Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat and meat products from third countries (OJ No. L302, 31.12.72, p.28) as last amended by Council Regulation (EC) No. 1452/2001 (OJ No. L198, 21.7.2001, p.11).

12. Council Directive 77/96/EEC on the examination for *trichinae* (*trichinella spiralis*) upon importation from third countries of fresh meat from domestic swine (OJ No. L26, 31.1.77, p.67), as last amended by Council Directive 94/59/EC (OJ No. L315, 8.12.94, p.18).

B.

Third countries from which fresh meat may be imported

Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorize imports of bovine animals, swine, equidae, sheep and goats fresh meat and meat products (OJ No. L146, 14.6.79, p.15) as last amended by Commission Decision 2001/731/EC (OJ No. L274, 17.10.2001, p.22).

C.

Third country establishments from which fresh meat may be imported

13. Commission Decision 95/408/EC on conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs (OJ No. L243, 11.10.95, p.17) as last amended by Commission Decision 2001/4/EC (OJ No. L2, 5.1.2001, p.21).

14. Argentina

Commission Decision 81/91/EEC (OJ No. L58, 5.3.81, p.39), as amended by Commission Decision 86/392/EEC (OJ No. L228, 14.8.86, p.44).

15. Australia

Commission Decision 83/384/EEC (OJ No. L222, 13.01.83, p.36), as amended by Commission Decision 86/389/EEC (OJ No. L228, 14.8.86, p.34).

16. Botswana

Commission Decision 83/243/EEC (OJ No. L129, 19.5.83, p.70).

17. Brazil

Commission Decision 81/713/EEC of 28th July 1981 (OJ No. L257, 10.9.81, p.28), as last amended by Commission Decision 89/282/EEC (OJ No. L110, 21.4.89, p.54).

18. Bulgaria

Commission Decision 87/735/EEC (OJ No. L311, 8.11.82, p.16).

19. Canada

Commission Decision 87/258/EEC (OJ No. L121, 9.5.87, p.50).

20. Chile

Commission Decision 87/124/EEC (OJ No. L51, 20.2.87, p.41).

21. Croatia

Commission Decision 93/26/EEC (OJ No. L16, 25.1.93, p.24).

22. Czech Republic

Commission Decision 93/546/EEC (OJ No. L266, 27.10.93, p.31).

23. Greenland

Commission Decision 85/539/EEC (OJ No. L334, 12.12.85, p.25).

24. Hungary

Commission Decision 82/733/EEC (OJ No. L311, 8.11.82, p.10), as amended by Commission Decision 86/245/EEC (OJ No. L163, 19.6.86, p.49).

25. Iceland

Commission Decision 84/24/EEC (OJ No. L20, 25.1.84, p.21).

26. Former Yugoslav Republic of Macedonia

Commission Decision 95/45/EC (OJ No. L51, 8.3.95, p.13).

27. Lithuania

Commission Decision 2001/827/EC (OJ No. L308, 27.11.2001, p.39).

28. Madagascar

Commission Decision 90/165/EEC (OJ No. L91, 6.4.90, p.34).

29. Malta

Commission Decision 87/548/EEC (OJ No. L327, 18.11.87, p.28).

30. Mexico

Commission Decision 87/424/EEC (OJ No. L228, 15.8.87, p.43).

31. Morocco

Commission Decision 86/65/EEC (OJ No. L72, 15.3.86, p.40).

32. Namibia

Commission Decision 90/432/EEC (OJ No. L223, 18.8.90, p.19).

33. New Zealand

Commission Decision 83/402/EEC (OJ No. L223, 24.8.83, p.24), as amended by
Commission Decision 86/432/EEC (OJ No. L253, 5.9.86, p.28).

34. Paraguay

Commission Decision 83/423/EEC (OJ No. L238, 27.8.83, p.39).

35. Poland

Commission Decision 84/28/EEC (OJ No. L21, 26.1.84, p.42), as amended by Commission
Decision 86/252/EEC (OJ No. L165, 21.6.86, p.43).

36. Romania

Commission Decision 83/218/EEC (OJ No. L121, 7.5.83, p.23), as amended by
Commission Decision 86/289/EEC (OJ No. L182, 5.7.86, p.25).

37. Slovak Republic

Commission Decision 93/547/EEC (OJ No. L266, 27.10.93, p.33).

38. Slovenia

Commission Decision 93/27/EEC (OJ No. L16, 25.1.93, p.26).

39. South Africa

Commission Decision 82/913/EEC (OJ No. L381, 31.12.82, p.28), as amended by
Commission Decision 90/433/EEC (OJ No. L223, 18.8.90, p.21).

40. Swaziland

Commission Decision 82/814/EEC (OJ No. L343, 4.12.82, p.24).

41. Switzerland

Commission Decision 82/734/EEC (OJ No. L311, 8.11.82, p.13), as last amended by
Commission Decision 92/2/EEC (OJ No. L1, 4.1.92, p.22).

42. United States of America

Commission Decision 87/257/EEC (OJ No. L121, 9.5.87, p.46), as amended by
Commission Decision 2000/138/EC (OJ No. L46, 18.2.00, p.36).

43. Uruguay

Commission Decision 81/92/EEC (OJ No. L58, 5.3.81, p.43), as amended by Commission
Decision 86/485/EEC (OJ No. L282, 3.10.86, p.31).

44. Federal Republic of Yugoslavia

Commission Decision 98/8/EEC (OJ No. L2, 6.1.98, p.12).

45. Zimbabwe

Commission Decision 85/473/EEC (OJ No. L278, 18.10.85, p.35).

D.

Health certification requirements

46. Argentina, Brazil, Chile, Columbia, Paraguay and Uruguay

Commission Decision 93/402/EEC (OJ No. L179, 22.7.93, p.11), as last amended by
Commission Decision 2002/908/EC (OJ No. L313, 16.11.2002, p.34).

47. Australia

Commission Decision 80/801/EEC (OJ No. L234, 5.9.80, p.41), as amended by
Commission Decision 81/662/EEC (OJ No. L237, 22.8.81, p.33).

48. Belize

Commission Decision 84/292/EEC (OJ No. L144, 30.5.84, p.10).

49. Botswana, Madagascar, Morocco, Namibia, South Africa, Swaziland and Zimbabwe

Commission Decision 1999/283/EC (OJ No. L110, 28.4.99, p.16) as last amended by Commission Decision 2002/646/EC (OJ No. L211, 7.8.02, p.23).

50. Albania, Bosnia-Herzegovina, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Former Yugoslav Republic of Macedonia, Poland, Romania, Russia, Slovak Republic, Slovenia and Federal Republic of Yugoslavia

Commission Decision 98/371/EC (OJ No. L170, 16.6.98, p.16) as last amended by Commission Decision 2002/940/EC (OJ No. L325, 30.11.2002, p.40).

51. Canada

Commission Decision 80/804/EEC (OJ No. L236, 9.9.80, p.25) as amended by Commission Decision 98/91/EC (OJ No. L18, 23.1.98, p.27).

52. Costa Rica

Commission Decision 81/887/EEC (OJ No. L324, 12.11.81, p.25).

53. Cuba

Commission Decision 86/72/EEC (OJ No. L76, 21.3.86, p.47).

54. Cyprus

Commission Decision 86/463/EEC (OJ No. L271, 23.9.86, p.23).

55. The Falkland Islands

Commission Decision 98/625/EC (OJ No. L299, 10.11.98, p.30).

56. Greenland

Commission Decision 86/117/EEC (OJ No. L99, 15.4.86, p.26).

57. Guatemala

Commission Decision 82/414/EEC (OJ No. L182, 26.6.82, p.27).

58. Honduras

Commission Decision 89/221/EEC (OJ No. L92, 5.4.89, p.16).

59. Iceland

Commission Decision 83/84/EEC (OJ No. L56, 3.3.83, p.26).

60. Malta

Commission Decision 84/294/EEC (OJ No. L144, 30.5.84, p.17).

61. Mexico

Commission Decision 83/380/EEC (OJ No. L222, 13.8.83, p.27).

62. New Caledonia

Commission Decision 2001/745/EC (OJ No. L278, 23.10.01, p.37).

63. New Zealand

Commission Decision 80/805/EEC (OJ No. L236, 9.9.80, p.28), as amended by Commission Decision 81/662/EEC (OJ No. L237, 22.8.81, p.33).

64. Panama

Commission Decision 86/63/EEC (OJ No. L72, 15.3.86, p.36).

65. Switzerland

Commission Decision 81/526/EEC (OJ No. L196, 18.7.81, p.19) as last amended by Commission Decision 94/667/EC (OJ No. L260, 8.10.94, p.32).

66. Turkey

Commission Decision 90/445/EEC (OJ No. L228, 22.8.90, p.28).

67. United States of America

Commission Decision 82/426/EEC (OJ No. L186, 30.6.82, p.54) as amended by Commission Decision 85/164/EEC (OJ No. L63, 2.3. 85, p.26).

E.

Third countries/Regions from which fresh imports of meat are prohibited

68. Albania

Commission Decision 89/197/EEC (OJ No. L73, 17.3.89, p.53).

69. Nicaragua

Commission Decision 92/280/EC (OJ No. L144, 26.5.92, p.21).

PART III

MEAT PRODUCTS

A.

General Provisions

70. Council Directive 72/462/EEC (See Part II, Section A, No. 2 above).

71. Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products (OJ No. L26, 31.1.77, p.85) as amended and updated by Council Directive 1992/5/EEC (OJ No. L57, 2.3. 92, p.1) and last amended by Council Directive 97/76/EC (OJ No. L10, 16.1. 98, p.25).

72. Council Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products (OJ No. L47, 21.2. 80, p.4) as last amended by Council Directive 91/687/EEC (OJ No. L377, 31.12. 91, p.16).

B.

Third countries from which meat products may be imported

73. Council Decision 79/542/EEC (see Part II, section B above).

74. Commission Decision 97/222/EEC laying down the list of third countries from which the Member States authorise the importation of meat products (OJ. No. L89, 4.4.97, p.39) as last amended by Commission Decision 2002/464/EC (OJ No. L161, 19.6.2002, p.16).

C.

Third country establishments from which meat products may be imported:

75. Commission Decision 95/408/EC (see Part II, section C, No. 1 above).

76. Argentina

Commission Decision 86/414/EC (OJ No L237, 23.8.86, p.36)

as amended by Commission Decision 97/397/EC (OJ No. L165, 24.6.97, p.13).

77. Botswana

Commission Decision 94/465/EC (OJ No. L190, 26.7.94, p.25).

78. Brazil

Commission Decision 87/119/EC (OJ No. L49, 18.2.87, p.37) as amended by Commission Decision 95/236/EC (OJ No. L156, 7.7.95, p.85).

79. Czech Republic

Commission Decision 97/299/EC (OJ No. L124, 16.5.97, p.50).

80. Namibia

Commission Decision 95/427/EC (OJ No. L254, 24.10.95, p.28).

81. Uruguay

Commission Decision 86/473/EEC (OJ No. L279, 30.9.86, p.53) as amended by Commission Decision 96/466/EC (OJ No. L192, 2.8.96, p.25).

82. Zimbabwe

Commission Decision 94/40/EC (OJ No. L 22, 27.1.94, p.50).

83. Miscellaneous third countries

Commission Decision 97/365/EC (OJ No. L154, 12.6.97, p.41) as last amended by Commission Decision 2001/826/EC (OJ No. L308, 27.11.2001, p.37).

84. Miscellaneous third countries

Commission Decision 97/569/EC (OJ No. L234, 26.8.97, p.16)

as last amended by Commission Decision 2002/671/EC (OJ No. L228, 24.8.2002, p. 25).

D.

Health Certification Requirements

85. Commission Decision 97/221/EC (OJ No. L89, 4.4.97, p.32) (meat products in general).

86. Commission Decision 97/41/EC (OJ No. L17, 21.1.97, p.34) (poultry meat, farmed game meat, wild game meat and rabbit meat).

PART IV

MILK, HEAT-TREATED MILK AND MILK BASED PRODUCTS

A.

General

87. Council Directive 92/46/EEC laying down the health rules for the production and

placing on the market of raw milk, heat treated milk and milk-based products (OJ No. L268, 14.9.92, p.1), as last amended by Council Directive 94/71/EC (OJ No. L368, 31.12.94, p.33).

88. Commission Decision 95/343/EC providing for the specimens of the health certificate for the importation from third countries of heat-treated milk, milk-based products and raw milk for human consumption intended to be accepted at a collection centre, standardisation centre, treatment establishment or processing establishment (OJ No. L200, 24.8.95, p.52) as last amended by Commission Decision 97/115/EC (OJ No. L42, 13.2.97, p.16).

89. Commission Decision 95/342/EC on treatment of milk and milk-based products from third countries or parts of third countries where there is a risk of foot-and-mouth disease (OJ No. L200, 24.8.95, p.50).

B.

Third countries from which milk, etc. may be imported

Commission Decision 95/340/EC (OJ No. L200, 24.8.95, p.38) as last amended by Commission Decision 2001/743/EC (OJ No. L278, 23.10.2001, p.32).

C.

Third country establishments from which milk, etc. may be imported

90. Commission Decision 95/408/EC (see part II, section C, no.1 above).

91. Commission Decision 97/252/EC (OJ No. L101, 18.4.97, p.46) as last amended by Commission Decision 2002/527/EC (OJ No. L170, 29.6.02, p.86).

PART V

FRESH POULTRY-MEAT

A.

General

92. Council Directive 71/118/EEC on health problems affecting trade in fresh poultry meat (OJ No. L55, 8.3.71, p.23), as amended and updated by Council Directive 92/116/EEC (OJ No. L62, 15.3.93, p.1) and last amended by Council Directive 97/79/EC (OJ No. L24, 30.1.98, p.31).

93. Council Directive 91/494/EEC on animal health conditions governing intra-community trade in and imports from third countries of fresh poultry meat (OJ No. L268, 24.9.91, p.35), as last amended by Council Directive 1999/89/EC (OJ No. L300, 23.11.99, p.17).

B.

Third Countries from which fresh poultry meat may be imported

Commission Decision 94/85/EC (OJ No. L44, 17.2.94, p.31) as last amended by Commission Decision 2001/733/EC (OJ No. L275, 18.10.2001, p.17).

C.

Third Country establishments from which fresh poultry meat may be imported.

94. Commission Decision 95/408/EC (see part II, section C, No. 1 above).

95. Commission Decision 97/4/EC (OJ No. L2, 4.1.97, p.6) as last amended by Commission Decision 2001/400/EC (OJ No. L140, 24.5.01, p.70).

D.

Health Certification Requirements

Commission Decision 94/984/EC (OJ No. L378, 31.12.94, p.11) as last amended by Commission Decision 2002/477/EC (OJ No. L164, 22.6.2002, p.39).

PART VI

WILD GAME MEAT

A.

General

96. Council Directive 92/45 on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat (OJ No. L268, 14.9.92, p.35) as last amended by Council Directive 97/79/EC (OJ No. L24, 30.1.98, p.31).

97. Commission Decision 2000/585/EC laying down animal and public health conditions and veterinary certifications for import of wild and farmed game meat and rabbit meat from third countries and repealing Commission Decisions 97/217/EC, 97/218/EC, 97/219/EC and 97/220/EC (OJ No. L251, 6.10.2000, p.1) as last amended by Commission Decision 2002/646/EC (OJ No. L211, 7.8.2002, p.23).

B.

Third Country establishments from which game meat may be imported

98. Commission Decision 95/408/EC (see part II, section C, No. 1 above).

99. Commission Decision 97/468/EC (OJ No. L199, 26.7.97, p.62) as last amended by Commission Decision 2002/672/EC (OJ No. L228, 24.8.02, p.26).

PART VII

MINCED MEAT AND MEAT PREPARATIONS

A.

General

Council Directive 94/65/EC laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ No. L368, 31.12.94, p.10).

B.

Health Certification requirements

Commission Decision 2000/572/EC (OJ No. L240, 23.9.2000, p.19).

C.

Third Country Establishments from which minced meat and meat preparations may be imported

100. Commission Decision 95/408/EC (see part II, section C, No. 1 above).

101. Commission Decision 1999/710/EC (OJ No. L281, 4.11.1999, p.82) as last amended by Commission Decision 2002/920/EC (OJ No. L321, 26.11.2002, p.49).

PART VIII

MISCELLANEOUS PRODUCTS

A.

General

102. Council Directive 92/118/EEC laying down animal 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 (1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (OJ No. L62, 15.3.93, p. 49) as last amended by Commission Decision Council Directive 2002/33/EC (OJ No. L315, 19.11.2002, p.14).

103. Council Directive 91/495/EEC concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat (OJ No. L268, 24.9.91, p.41), as last amended by Council Directive 94/65/EC (OJ No. L368, 31.12.94, p.10).

104. Commission Decision 2000/609/EC laying down animal and public health conditions and veterinary certification for imports of farmed ratite meat and amending Decision 94/85/EC drawing up a list of third countries from which Member States authorise imports of fresh poultry-meat (OJ No. L258, 12.10.2000, p.49) as amended by Commission Decision 2000/782/EC (OJ No. L309, 9.12.2000, p.37).

B.

Third countries from which products covered by Council Directive 92/118/EEC may be imported

Commission Decision 94/278/EC (OJ No. L120, 11.5.94, p.44) as last amended by Commission Decision 2002/574/EC (OJ No. L181, 11.7.2002, p.23).

C.

Third country establishments from which products covered by Council Directive 92/118/EEC may be imported

105. Commission Decision 95/408/EC (see part II, section C, No. 1 above).

106. Commission Decision 1999/120/EC (OJ No. L36, 10.2.1999, p.21), as last amended by Commission Decision 2002/925/EC (OJ No. L 322, 27.11.2002, p.47) (animal casings).

107. Commission Decision 97/467/EC (OJ No. L199, 26.7.97, p.57) as last amended by Commission Decision 2002/797/EC (OJ No. L 277, 15.10.2002, p.23) (rabbit meat, farmed game meat and ratite meat).

108. Commission Decision 2001/556/EC (OJ No. L200, 25.7.2001, p.23) as last amended by Commission Decision 2002/926/EC (OJ No. L322, 27.11.2002, p.49).

D.

Health Certification Requirements

109. Commission Decision 95/341/EC (OJ No. L200, 24.8.95, p.42) as amended by Commission Decision 96/106/EC (OJ No. L24, 31.1.96, p.34) (milk and milk-based products not intended for human consumption).

110. Commission Decision 94/187/EC (OJ No. L89, 6.4.94, p.18) as amended by Commission Decision 96/106/EC (OJ No. L24, 31.1.96, p.34) (animal casings).

111. Commission Decision 97/168/EC (OJ No. L67, 7.3.97, p.19) (hides and skins of ungulates).

112. Commission Decision 94/309/EC (OJ No. L137, 1.6.94, p.62), as last amended by Commission Decision 97/199/EC (OJ No. L84, 26.3.97, p.44) (pet foods and untanned edible products for pets).

113. Commission Decision 97/199/EC (OJ No. L84, 26.3.97, p.4) (pet-food in hermetically sealed containers).

114. Commission Decision 94/446/EC (OJ No. L183, 19.7.94, p.46) as last amended by Commission Decision 97/197/EC (OJ No. L84, 26.3.97, p.32) (bones, horns, hooves, etc.).

115. Commission Decision 94/344/EC (OJ No. L154, 21.6.94, p.45) as last amended by Commission Decision 97/198/EC (OJ No. L84, 26.3.97, p.36) (processed animal protein).

116. Commission Decision 97/198/EC (OJ No. L84, 26.3.97, p.36) (processed animal protein - alternative heat-treatment systems).

117. Commission Decision 94/143/EC (OJ No. L62, 5.3.94, p.41) as last amended by Commission Decision 94/775/EC (OJ No. L310, 3.12.94, p.77) (serum from equidae).

118. Commission Decision 2000/585/EC (see Part VI, Section A, No. 2 above) (rabbit meat and farmed game meat).

119. Commission Decision 2000/609/EC (OJ No. L258, 12.10.2000, p.49) as amended by Commission Decision 2000/782/EC (OJ No. L309, 9.12.2000, p.37) (farmed ratite meat).

120. Commission Decision 94/860/EC (OJ No. L352, 31.12.94, p.69) (apiculture products).

121. Commission Decision 96/500/EC (OJ No. L203, 13.8.96, p.13) (game trophies).

122. Commission Decision 94/435/EC (OJ No. L180, 14.7.94, p.40) as last amended by Commission Decision 94/775/EC (OJ No. L310, 3.12.94, p.77) (pig bristles).

123. Commission Decision 97/38/EC (OJ No. L14, 17.1.97, p.61) (egg products).

124. Commission Decision 2000/20/EC (OJ No. L6, 11.1.2000, p.60) (gelatine).

PART IX

FISHERY PRODUCTS

A.

General Provisions

125. Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products (OJ No. L46, 19.2.91, p.1), as last amended by Council Directive 98/45/EC (OJ No. L189, 3.7.98, p.12).

126. Council Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live bivalve molluscs (OJ No. L268, 24.9.91, p.1) as last amended by Council Directive 97/79/EC (OJ No. L24, 30.1.98, p.31).

127. Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products (OJ No. L268, 24.9.91, p.15) as last amended by Council Directive 97/79/EC (OJ No. L24, 30.1.98, p.31).

128. Council Directive 92/48/EEC laying down minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC (OJ No. L187, 7.7.92, p.41).

129. Commission Decision 93/25/EEC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods (OJ No. L16, 25.01.93, p.22) as amended by Commission Decision 1997/275/EC (OJ No. L108, 25.4.1997, p.52).

130. Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscs and shellfish (OJ No. L13, 21.1.93, p.11).

131. Commission Decision 93/140/EEC laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products (OJ No. L56, 9.3.93, p.42).

132. Commission Decision 94/356/EC laying down detailed rules for the application of Council Directive 91/493/EEC as regards own health checks on fishery products (OJ No. L156, 23.6.94, p.50).

133. Commission Decision 95/149/EC fixing total volatile basic nitrogen (TVB-N) limit values for certain categories of fishery products and specifying the analysis methods to be used (OJ No. L97, 29.4.95, p.84).

134. Commission Decision 95/352/EC laying down the animal health conditions and certification requirements for the importation from third countries of *crassostrea gigas* for relaying in Community waters (OJ No. L204, 30.8.95, p.13).

135. Council Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs (OJ No. L77, 16.3.2001, p.14).

B.

Health certification

136. Commission Decision 95/328/EC establishing health certification for fishery products from third countries which are not yet covered by a specific decision (OJ No. L191, 12.8.95, p.32) as last amended by Commission Decision 2001/67/EC (OJ No. L22, 24.1.2001, p.41).

137. Commission Decision 96/333/EC establishing health certification of live bivalve molluscs, echinoderms, tunicates and marine gastropods from third countries which are not covered by a specific decision (OJ No. L127, 25.5.96, p.33) as last amended by Commission Decision 2001/65/EC (OJ No. L22, 24.1.2001, p.38).

138. Commission Decision 1998/418/EC (OJ No. L190, 4.7.98, p.53) (Uganda, Tanzania, Kenya and Mozambique).

139. Commission Decision 2000/127/EC (OJ No. L36, 11.2.2000, p.43) (Tanzania).

140. Commission Decision 2000/493/EC (OJ No. L199, 5.8.2000, p.84) (Uganda).

141. Commission Decision 2000/759/EC (OJ No. L304, 5.12.2000, p.18) (Kenya).

C.

Third Country Equivalence

Commission Decision 97/20/EC establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods (OJ No. L6, 10.1.97, p.46) as last amended by Commission Decision 2002/21/EC (OJ No. L10, 12.1.2002, p.79).

D.

Third countries from which fishery products may be imported

Commission Decision 97/296/EC drawing up a list of third countries from which the import of fishery products is authorised for human consumption (OJ No. L122, 14.5.97, p.21) as last amended by Commission Decision 2002/28/EC (OJ No. L11, 15.1.2002, p.44).

E.

Third country establishments from which fishery products may be imported

Commission Decision 95/408/EC on the conditions for drawing up for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs (OJ No. L243, 11.10.95, p.17) as last amended by Commission Decision 2001/4/EC (OJ No. L2, 5.1.2001, p.21).

F.

Special import conditions for fishery products

142. Albania

Commission Decision 95/90/EC (OJ No. L70, 30.3.95, p.27) as last amended by
Commission Decision 95/235/EC (OJ No. L156, 7.7.95, p.82).

143. Argentina

Commission Decision 93/437/EC (OJ No. L202, 12.8.93, p.42) as last amended by
Commission Decision 97/276/EC (OJ No. L108, 25.4.97, p.53).

144. Australia

Commission Decision 97/426/EC (OJ No. L183, 11.7.97, p.21) as amended by Commission
Decision 1999/403/EC (OJ No. L151, 18.6.1999, p.35).

145. Bangladesh

Commission Decision 98/147/EC (OJ No. L46, 17.2.98, p.13).

146. Brazil

Commission Decision 94/198/EC (OJ No. L93, 12.4.94, p.26) as last amended by
Commission Decision 96/193/EC (OJ No. L61, 12.3.96, p.43).

147. Canada

Commission Decision 93/495/EC (OJ No. L232, 15.9.93, p.43) as last amended by
Commission Decision 2000/659/EC (OJ No. L276, 28.10.2000, p.81).

148. Chile

Commission Decision 93/436/EC (OJ No. L202, 12.8.93, p.31) as last amended by
Commission Decision 2000/61/EC (OJ No. L22, 27.1.2000, p.62).

149. China

Commission Decision 2000/86/EC (OJ No. L26, 2.2.2000, p.26) as amended by
Commission Decision 2000/300/EC (OJ No. L97, 19.4.2000, p.15).

150. Colombia

Commission Decision 94/269/EC (OJ No. L115, 6.5.94, p.38) as last amended by
Commission Decision 1999/486/EC (OJ No. L190, 23.7.1999, p.32).

151. Croatia

Commission Decision 2002/25/EC (OJ No. L11, 15.1.2002, p.25).

152. Cuba

Commission Decision 98/572/EC (OJ No. L277, 14.10.98, p.44).

153. Czech Republic

Commission Decision 97/299/EC (OJ No. L124, 16.5.97, p.50)

Commission Decision 2001/39/EC (OJ No. L10, 13.1.2001, p.68).

154. Ecuador

Commission Decision 94/200/EC (OJ No. L93, 12.4.94, p.34) as last amended by
Commission Decision 96/31/EC (OJ No. L9, 12.1.96, p.6).

155. Estonia

Commission Decision 98/675/EC (OJ No. L317, 26.11.98, p.42).

156. Falkland Islands

Commission Decision 98/423/EC (OJ No. L190, 4.7.98, p.76).

157. Gabon

Commission Decision 2002/26/EC (OJ No. L11, 15.1.2002, p.31).

158. Gambia

Commission Decision 96/356/EC (OJ No. L137, 8.6.96, p.31).

159. Ghana

Commission Decision 98/421/EC (OJ No. L190, 4.7.98, p.66).

160. Guatemala

Commission Decision 98/568/EC (OJ No. L277, 14.10.98, p.26) as amended by
Commission Decision 1999/487/EC (OJ No. L190, 23.7.1999, p.36).

161. Guinea

Commission Decision 2001/634/EC (OJ No. L221, 17.8.2001, p.50).

162. India

Commission Decision 97/876/EC (OJ No. L356, 31.12.97, p.57).

163. Indonesia

Commission Decision 94/324/EC (OJ No. L145, 10.6.94, p.23) as last amended by
Commission Decision 2001/254/EC (OJ No. L91, 31.3.2001, p.85).

164. Iran

Commission Decision 2000/675/EC (OJ No. L280, 4.11.2000, p.63).

165. Ivory Coast

Commission Decision 96/609/EC (OJ No. L269, 22.10.96, p.37).

166. Jamaica

Commission Decision 2001/36/EC (OJ No. L10, 13.1.2001, p.59).

167. Japan

Commission Decision 95/538/EC (OJ No. L304, 16.12.95, p.52) as amended by
Commission Decision 2001/253/EC (OJ No. L91, 31.3.2001, p.81).

168. Korea

Commission Decision 95/454/EC (OJ No. L264, 7.11.95, p.37) as last amended by
Commission Decision 2001/818/EC (OJ No. L307, 24.11.2001, p.20).

169. Latvia

Commission Decision 2000/85/EC (OJ No. L26, 2.2.2000, p.21).

170. Lithuania

Commission Decision 2000/87/EC (OJ No. L26, 2.2.2000, p.42).

171. Madagascar

Commission Decision 97/757/EC (OJ No. L307, 12.11.97, p.33).

172. Malaysia

Commission Decision 96/608/EC (OJ No. L269, 22.10.96, p.32).

173. Maldives

Commission Decision 98/424/EC (OJ No. L190, 4.7.98, p.81) as amended by Commission
Decision 2001/252/EC (OJ No. L91, 31.3.2001, p.78).

174. Mauritania

Commission Decision 96/425/EC (OJ No. L175, 13.7.96, p.27).

175. Mauritius

Commission Decision 99/276/EC (OJ No. L108, 27.4.1999, p.52) as amended by Commission Decision 2000/84/EC (OJ No. L26, 2.2.2000, p.18).

176. Mexico

Commission Decision 98/695/EC (OJ No. L332, 8.12.98, p.9) as amended by Commission Decision 2001/819/EC (OJ No. L307, 24.11.2001, p.22).

177. Morocco

Commission Decision 95/30/EC (OJ No. L42, 24.2.95, p.32) as last amended by Commission Decision 97/581/EC (OJ No. L237, 28.8.97, p.26).

178. Namibia

Commission Decision 2000/673/EC (OJ No. L280, 4.11.2000, p.52).

179. New Zealand

Commission Decision 94/448/EC (OJ No. L184, 20.7.94, p.16) as last amended by Commission Decision 1999/402/EC (OJ No. L151, 18.6.1999, p.31).

180. Nicaragua

Commission Decision 2001/632/EC (OJ No. L221, 17.8.2001, p.40).

181. Nigeria

Commission Decision 98/420/EC (OJ No. L190, 4.7.98, p.59).

182. Oman

Commission Decision 99/527/EC (OJ No. L203, 3.8.1999, p.63).

183. Pakistan

Commission Decision 2000/83/EC (OJ No. L26, 2.2.2000, p.13).

184. Panama

Commission Decision 99/526/EC (OJ No. L203, 3.8.1999, p.58).

185. Peru

Commission Decision 95/173/EC (OJ No. L116, 23.5.95, p.41) as amended by Commission Decision 95/311/EC (OJ No. L186, 5.8.95, p.78).

186. Philippines

Commission Decision 95/190/EC (OJ No. L123, 3.6.95, p.20) as amended by Commission Decision 96/256/EC (OJ No. L86, 4.4.96, p.83).

187. Poland

Commission Decision 2000/676/EC (OJ No. L280, 4.11.2000, p.69).

188. Russia

Commission Decision 97/102/EC (OJ No. L35, 5.2.97, p.23).

189. Senegal

Commission Decision 96/355/EC (OJ No. L137, 8.6.96, p.24).

190. Seychelles

Commission Decision 99/245/EC (OJ No. L91, 7.4.1999, p.40).

191. Singapore

Commission Decision 94/323/EC (OJ No. L145, 10.6.94, p.19) as last amended by Commission Decision 2000/660/EC (OJ No. L276, 28.10.2000, p.85).

192. Slovenia

Commission Decision 2002/24/EC (OJ No. L11, 15.1.2002, p.20).

193. South Africa

Commission Decision 96/607/EC (OJ No. L269, 22.10.96, p.23).

194. Taiwan

Commission Decision 94/766/EC (OJ No. L305, 30.11.94, p.31) as last amended by Commission Decision 1999/529/EC (OJ No. L203, 3.8.1999, p.73).

195. Tanzania

Commission Decision 98/422/EC (OJ No. L190, 4.7.98, p.71).

196. Thailand

Commission Decision 94/325/EC (OJ No. L145, 10.6.94, p.30) as last amended by Commission Decision 97/563/EC (OJ No. L232, 23.8.97, p.12).

197. Tunisia

Commission Decision 98/570/EC (OJ No. L277, 14.10.98, p.36) as amended by Commission Decision 99/135/EC (OJ No. L44, 18.2.1999, p.58).

198. Turkey

Commission Decision 2002/27/EC (OJ No. L11, 15.1.2002, p.36).

199. Uganda

Commission Decision 2001/633/EC (OJ No. L221, 17.8.2001, p.45).

200. Uruguay

Commission Decision 96/606/EC (OJ No. L269, 22.10.96, p.18) as amended by Commission Decision 2002/20/EC (OJ No. L10, 12.1.2002, p.75).

201. Venezuela

Commission Decision 2000/672/EC (OJ No. L280, 4.11.2000, p.46).

202. Vietnam

Commission Decision 99/813/EC (OJ No. L315, 9.12.1999, p.39) as amended by Commission Decision 2000/331/EC (OJ No. L114, 13.5.2000, p.39).

203. Yemen

Commission Decision 99/528/EC (OJ No. L203, 3.8.1999, p.68).

G.

Special import conditions for bivalve molluscs

204. Australia

Commission Decision 97/427/EC (OJ No. L183, 11.7.97, p.38) as amended by Commission Decision 1999/531/EC (OJ No. L203, 3.8.1999, p.77).

205. Chile

Commission Decision 96/675/EC (OJ No. L313, 3.12.96, p.38).

206. Japan

Commission Decision 94/205/EC (OJ No. L99, 19.4.94, p.38) as amended by Commission Decision 95/81/EC (OJ No. L66, 24.3.95, p.24).

207. Jamaica

Commission Decision 2001/37/EC (OJ No. L10, 13.1.2001, p.64).

208. Korea

Commission Decision 95/453/EC (OJ No. L264, 7.11.95, p.35) as last amended by Commission Decision 2001/676/EC (OJ No. L236, 5.9.2001, p.18).

209. Morocco

Commission Decision 93/387/EC (OJ No. L166, 8.7.93, p.40) as last amended by Commission Decision 96/31/EC (OJ No. L9, 12.1.96, p.6).

210. Peru

Commission Decision 95/174/EC (OJ No. L116, 23.5.95, p.47).

211. Thailand

Commission Decision 97/562/EC (OJ No. L 232, 23.8.97, p.9).

212. Tunisia

Commission Decision 98/569/EC (OJ No. L 277, 14.10.98, p.31).

213. Turkey

Commission Decision 94/777/EC (OJ No. L312, 6.12.94, p.35) as last amended by Commission Decision 1999/767/EC (OJ No. L302, 25.11.1999, p.26).

Commission Decision 94/778/EC (OJ No. L312, 6.12.94, p.40) as last amended by Commission Decision 1999/767/EC (OJ No. L302, 25.11.1999, p.26).

214. Uruguay

Commission Decision 2002/19/EC (OJ No. L10, 12.1.2002, p.73).

215. Vietnam

Commission Decision 2000/333/EC (OJ No. L114, 13.5.2000, p.42).

H.

Protective measures - fishery products

216. Albania

Commission Decision 94/621/EC (OJ No. L246, 21.9.94, p.25) as last amended by Commission Decision 95/89/EC (OJ No. L70, 30.3.95, p.25)

217. China and Vietnam

Commission Decision 2001/699/EC (OJ No. L251, 20.9.2001, p.11).

218. Indonesia

Commission Decision 2001/705/EC (OJ No. L260, 28.9.2001, p.35).

219. Myanmar

Commission Decision 2002/249/EC (OJ No. L84, 28.3.2002, p.73).

220. Pakistan

Commission Decision 2002/62/EC (OJ No. L24, 25.1.2002, p.65).

221. Thailand

Commission Decision 2002/251/EC (OJ No. L84, 28.3.2002, p.77).

222. Vietnam

Commission Decision 2002/250/EC (OJ No. L84, 28.3.2002, p.75).

I.

Protective measures - bivalve molluscs

Peru

Commission Decision 2001/338/EC (OJ No. L120, 28.4.2001, p.45) (bivalve molluscs).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, amend the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002 (S.I. 2002/1387 (W.136)) ('the principal Regulations') as follows:

1. They implement Commission Decision of 9/12/02 (laying down interim safeguard measures with regard to imports of products of animal origin for personal consumption)(not yet published in the Official Journal) by substituting a new regulation 3 and regulation 3A for regulation 3 in the principal Regulations. This substitution amends the exemption from certain parts of the principal Regulations for personal imports meeting certain criteria so that the exemption no longer applies, with two exceptions, to meat, meat products, milk and milk products (regulation 2(2)).

2. They remove the power of the Secretary of State for Health to appoint independent persons to hear appeals against charges levied by the Food Standards Agency and makes this a function of the National Assembly for Wales (regulation 2(3)).

3. They insert into regulation 53 of the principal Regulations a provision corresponding to regulation 53(2) (in relation to appeals against charges for veterinary checks paid to a local authority) regarding recalculation of the charge and repayment of the difference between the original charge and the recalculated charge in relation to appeals against charges paid to the National Assembly for Wales or the Agency (regulation 2(4)).

4. They substitute a new Schedule for Schedule 2 of the principal Regulations (regulation 2(5)).

5. A regulatory appraisal has not been prepared for these Regulations.

Notes:

[1] S.I. 1999/2788.[back](#)

[2] 1972 c. 68.[back](#)

[3] S.I. 2002/1387 (W.136).[back](#)

[4] 1998 c.38.[back](#)

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