



STATUTORY INSTRUMENTS.

S.I. No. 7 of 2012



EUROPEAN COMMUNITIES (PET PASSPORT) REGULATIONS 2012

(Prn. A12/0044)

EUROPEAN COMMUNITIES (PET PASSPORT) REGULATIONS 2012

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972, (No. 27 of 1972) for the purpose of giving effect to Regulation No. 998/2003 of the European Parliament and of the Council of 26 May 2003¹ as amended by Commission Regulation (EC) No. 592/2004 of 30 March 2004², Council Decision 2004/650/EC of 13 September 2004³, Commission Regulation (EC) No. 1994/2004 of 19 November 2004⁴, Commission Regulation (EC) No. 2054/2004 of 29 November 2004⁵, Commission Regulation (EC) No. 425/2005 of 15 March 2005⁶, Commission Regulation (EC) No. 1193/2005 of 25 July 2005⁷, Commission Regulation (EC) No. 18/2006 of 6 January 2006⁸, Commission Regulation (EC) No. 590/2006 of 12 April 2006⁹, Commission Regulation (EC) No. 1467/2006 of 4 October 2006¹⁰, Commission Regulation (EC) No. 245/2007 of 8 March 2007¹¹, Regulation (EC) No. 454/2008 of the European Parliament and of the Council of 21 May 2008¹², Commission Regulation (EC) No. 1144/2008 of 18 November 2008¹³, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009¹⁴, Commission Regulation (EC) No. 898/2009 of 25 September 2009¹⁵ and Regulation (EC) No. 438/2010 of the European Parliament and of the Council of 19 May 2010¹⁶ hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Pet Passport) Regulations 2012.

Interpretation.

2. (1) In these Regulations—

“approved entry point” means a port or airport in the State designated under Regulation 7;

¹OJ No. L.146, 13.6.2003, p.1

²OJ No. L.94, 31.3.2004, p.7

³OJ No. L.298, 23.09.2004, p.22

⁴OJ No. L.344, 20.11.2004, p.17

⁵OJ No. L.355, 1.12.2004, p.14

⁶OJ No. L.69, 16.3.2005, p.3

⁷OJ No. L.194, 26.7.2005, p.4

⁸OJ No. L.4, 7.1.2006, p.3

⁹OJ No. L.104, 13.4.2006, p.8

¹⁰OJ No. L.274, 5.10.2006, p.3

¹¹OJ No. L.73, 13.3.2007, p.9

¹²OJ No. L.145, 4.6.2008, p.238

¹³OJ No. L.308, 19.11.2008, p.15

¹⁴OJ No. L.87, 31.3.2009, p.109

¹⁵OJ No. L.256, 29.9.2009, p.10

¹⁶OJ No. L.132, 29.5.2010, p.3

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 20th January, 2012.

“approved transporter” means any airline, ferry company or freight carrier approved by the Minister under Regulation 6;

“authorised officer” means—

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a person appointed under Regulation 8,
- (c) a member of the Garda Síochána, or
- (d) an authorised officer within the meaning of section 858 of the Taxes Consolidation Act 1997 (No. 39 of 1997) (hereinafter referred to as a Customs and Excise officer);

“Minister” means Minister for Agriculture, Food and the Marine;

“Pet Passport Regulations” means Regulation No. 998/2003 of the European Parliament and of the Council of 26 May 2003 as amended by Commission Regulation (EC) No. 592/2004 of 30 March 2004, Council Decision 2004/650/EC of 13 September 2004, Commission Regulation (EC) No. 1994/2004 of 19 November 2004, Commission Regulation (EC) No. 2054/2004 of 29 November 2004, Commission Regulation (EC) No. 425/2005 of 15 March 2005, Commission Regulation (EC) No. 1193/2005 of 25 July 2005, Commission Regulation (EC) No. 18/2006 of 6 January 2006, Commission Regulation (EC) No. 590/2006 of 12 April 2006, Commission Regulation (EC) No. 1467/2006 of 4 October 2006, Commission Regulation (EC) No. 245/2007 of 8 March 2007, Regulation (EC) No. 454/2008 of the European Parliament and of the Council of 21 May 2008, Commission Regulation (EC) No. 1144/2008 of 18 November 2008, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009, Commission Regulation (EC) No. 898/2009 of 25 September 2009, Regulation (EC) No. 438/2010 of the European Parliament and of the Council of 19 May 2010;

“premises” includes land (including land under water) with or without buildings, an establishment, a vehicle used in connection with, or ancillary to such a thing.

(2) A word or an expression used in these Regulations and which is also used in the Pet Passport Regulations has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Pet Passport Regulations.

Movement of pet animals into the State

3. A person shall not move a pet animal into the State from a State of the European Union or from any territory listed in section 2 of Part B of Annex II of the Pet Passport Regulations unless it is in accordance with—

- (a) Article 5 of the Pet Passport Regulations and these Regulations, and
- (b) is transported by an approved transporter.

4. A person shall not move a pet animal into the State from any country or territory listed in Part C to Annex II of the Pet Passport Regulations unless it is in accordance with—

- (a) Article 8(1)(a) of the Pet Passport Regulations and these Regulations, and
- (b) enters the State at an approved entry point, and
 - (i) is transported by an approved transporter, or
 - (ii) has prior approval from the Minister to enter the State and satisfies the conditions of that approval.

5. A person shall not move a pet animal into the State from any country or territory not included in Regulations 3 or 4 unless it is in accordance with—

- (a) Article 8(1)(b) of the Pet Passport Regulations and these Regulations, and
- (b) enters the State at an approved entry point, and
 - (i) is transported by an approved transporter, or
 - (ii) has prior approval from the Minister to enter the State and satisfies the conditions of that approval.

Approval of transporters

6. (1) The Minister may grant a transporter's approval, attach conditions to a transporter's approval, revoke or vary a condition, suspend or withdraw a transporter's approval or refuse an application.

(2) An application for a transporter's approval shall be made in a form, be accompanied by any material and contain any particulars that the Minister specifies.

(3) The Minister shall not consider an application for a transporter's approval if the application does not contain all the material and particulars sought by the Minister.

(4) Without prejudice to the generality of paragraph (1), the Minister may refuse an application or withdraw a transporter's approval if—

- (a) the applicant or person to whom a transporter's approval is granted has failed to comply with a condition attached to a transporter's approval,
- (b) the applicant or person to whom a transporter's approval is granted is not, in the opinion of the Minister, a fit and proper person for approval,

- (c) in relation to the application, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading has been furnished, or
- (d) it is, in the opinion of the Minister—
 - (i) necessary to prevent the risk or spread of animal or human disease,
 - (ii) necessary to eradicate animal or human disease, or
 - (iii) necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Union.

(5) Other than in the case of paragraph (6), if the Minister proposes to suspend or withdraw a transporter's approval, or to refuse an application, he or she shall—

- (a) notify the applicant or holder of the transporter's approval in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or holder of the transporter's approval of the decision and the reasons for the decision.

(6) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an act of an institution of the European Union the Minister may withdraw a transporter's approval in accordance with paragraph (7).

(7) If the Minister withdraws a transporter's approval in accordance with this paragraph, he or she shall—

- (a) notify the holder of the transporter's approval in writing of the decision and the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the former holder of the transporter's approval of the decision and the reasons for the decision.

(8) A person to whom a transporter's approval is granted shall make such returns to the Minister as and when, and in such form as, the Minister may direct.

(9) The Minister shall maintain and publish, in a manner that he or she considers appropriate, a list of approvals granted under this Regulation, divide the list into different classes and include such information as he or she considers appropriate on the list.

(10) If the Minister withdraws a transporter's approval or the approval expires, an entry on the list maintained under paragraph (9) ceases to have effect and the Minister shall, as soon as may be after withdrawing the approval remove details of the withdrawn approval from the list.

Approved entry point

7. (1) The Minister may approve an entry point where a pet animal may enter the State from outside of the European Union and shall notify approved transporters of such approval.

(2) A person shall not move a pet animal into the State from outside of the European Union except through an approved entry point.

(3) The Minister may revoke, suspend or withdraw an approval issued under paragraph (1).

Appointment of Authorised Officer

8. (1) The Minister may, by instrument in writing, appoint such and so many persons or a class of persons as he or she thinks fit to be authorised officers for the purposes of some or all of the functions of an authorised officer as may be specified in the instrument.

(2) The Minister may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.

(3) An appointment as an authorised officer ceases—

(a) if it is terminated under paragraph (2),

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom paragraph (3) relates.

(5) The Minister shall furnish an authorised officer (other than a Customs and Excise Officer or member of the Garda Síochána) with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, or officer within the meaning of the Taxes Consolidation Act or member of the Garda Síochána shall, if requested by a

person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

Functions of authorised officer

9. (1) If an authorised officer has reasonable cause to suspect that—
- (a) a pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate is present or may be present on the premises,
 - (b) a pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate is or has been stored or otherwise dealt with on the premises,
 - (c) the premises has been approved for a purpose specified in the Pet Passport Regulations or these Regulations relate, is required to be so approved or is subject to an application for approval or is ancillary to such a premises,
 - (d) a document relating to a pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate is or may be on the premises, or
 - (e) an offence is being or has been committed under these Regulations, the authorised officer may enter the premises and he or she may—
 - (i) search the premises,
 - (ii) stop a person, vehicle, vessel or container,
 - (iii) board and search a vehicle, vessel or container,
 - (iv) search a person, if the authorised officer considers it necessary,
 - (v) examine a pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate, vehicle, vessel, container or other thing that may consist of or contain a pet animal,
 - (vi) take, without payment, samples, of a pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate as he or she may reasonably require and carry out or cause to be carried out on the samples such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
 - (vii) seize and detain (for so long as is necessary) a pet animal, vehicle, vessel, container or other thing to which the Pet Passport Regulations or these Regulations relate,
 - (viii) require the production of a document or thing relating to a pet animal, vehicle, vessel, container or other thing to which the Pet Passport Regulations or these Regulations relate,
 - (ix) retain any such document or thing (for so long as is necessary),

- (x) dispose of, or require the owner or person in charge of or in possession of, a pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate, to dispose of it, in such manner as the authorised officer sees fit,
- (xi) give such directions to, or request such information of, such persons regarding the pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate as he or she considers necessary,
- (xii) require the name and address of a person and the name and address of any other relevant person including the person to whom the pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate, as he or she considers necessary,
- (xiii) require of the person the ownership, identity and origin of the pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate, or
- (xiv) mark or otherwise identify such pet animal, or other thing to which the Pet Passport Regulations or these Regulations relate or a specimen taken under subparagraph (vi).

(2) An authorised officer shall not enter, other than with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under Regulation 11, other than if he or she has reasonable cause to suspect that, before a search warrant could be sought in relation to the dwelling, anything to which paragraph (1) relates is being or is likely to be destroyed or disposed of.

(3) An authorised officer may use reasonable force, if necessary, in the exercise of his or her powers under this Regulation.

(4) An authorised officer when exercising any powers under this Regulation may be accompanied by other persons (including an employee of or person acting on behalf of the European Commission) and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of those powers.

(5) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under this Regulation if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(6) Nothing in these Regulations operates to prejudice any power to search, or to seize or detain property, which may, apart from these Regulations, be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

(7) If a member of the Garda Síochána has reasonable cause to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.

Assistance to an authorised officer

10. A person who has a pet animal, a vehicle, farm machinery, equipment or document relating to any thing to which this Regulation refers in his or her possession or under his or her control, the servant, agent or employee of the person shall give any assistance requested to an authorised officer or person who accompanies an authorised officer.

Search warrant

11. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting—

- (a) that there is evidence of a contravention of the Pet Passport Regulations or these Regulations therein or thereon or thereunder,
- (b) that there is in, on or under a premises, or in or on any vehicle, vessel or aircraft a pet animal,
- (c) that there is in, on or under a premises, or in or on any vehicle, vessel or aircraft a document, record or other thing relating to a pet animal,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel or aircraft named in the warrant.

(3) If a premises, vehicle, vessel or aircraft is entered under a search warrant, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

Obstruction, etc

12. A person shall not—

- (a) obstruct or impede an authorised officer (or a person who accompanies an authorised officer) in the exercise of his or her powers under Regulation 9,
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 9,
- (c) in purporting to give information to an authorised officer for the performance of the officer's powers under Regulation 9—

- (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
- (ii) fail to disclose a material particular.

Compliance Notice

13. (1) Without prejudice to the generality of Regulation 9(1), if an authorised officer is of the opinion that—

- (a) the Pet Passport Regulations or these Regulations are not being or have not been complied with or there are reasons to believe that they will not be complied with, or
- (b) there is a danger to public or animal health,

he or she may, by a notice in writing (“compliance notice”) stating that opinion and served on the person who appears to be the owner, operator or person in charge of the premises, pet animal or other thing to which either the Pet Passport Regulations or these Regulations relates or other thing to which the notice relates

- (i) seize and detain the pet animal, or other thing to which either the Pet Passport Regulations or these Regulations relates, premises, vehicle, container or other thing, or
- (ii) require him or her to take such action as the authorised officer considers necessary.

(2) A compliance notice may—

- (a) require that the pet animal or other thing to which either the Pet Passport Regulations or these Regulations relates be disposed of or destroyed in a manner specified in the notice,
- (b) prohibit or regulate any operation on the premises to which the notice relates,
- (c) prohibit the transport or the further transport of the pet animal or other thing to which either the Pet Passport Regulations or these Regulations relates, either absolutely or unless such conditions as may be specified in the notice are complied with,
- (d) require a person to return the pet animal or other thing to which either the Pet Passport Regulations or these Regulations relates to the place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,
- (e) require that such alterations be made to a premises or means of transport as may be specified in the notice,

- (f) require a person to secure in a manner specified by the authorised officer (if any) the pet animal or other thing, or
- (g) require a person to cleanse and disinfect a vehicle, premises, container or part thereof.

(3) A person shall comply with a compliance notice or a requirement of a compliance notice unless and until the notice is annulled under Regulation 14 (5) or until the notice has been withdrawn by an authorised officer.

(4) A requirement contained in a compliance notice may specify a time limit within which it is to be complied with.

(5) A requirement specified in a compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.

(6) A compliance notice may require the person in control of a pet animal or other thing to which either the Pet Passport Regulations or these Regulations relates, or of premises, means of transport or other thing to choose between two or more of the requirements specified in the notice.

Appeal against compliance notice

14. (1) A person affected by a compliance notice may, within 7 days from the service of the notice, apply to the Judge of the District Court having jurisdiction in the District Court District where a pet animal is situated or to the Judge of the District Court having jurisdiction in the District Court District where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any of the terms thereof are not justified having regard to the Pet Passport Regulations or these Regulations (in this Regulation referred to as “an appeal”).

(2) An appeal may be heard at any sitting of the District Court within the appropriate District Court District.

(3) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms thereof are not justified and shall be served on the Minister at least 48 hours prior to the hearing of the appeal.

(4) A copy of the notice of appeal shall be lodged with the District Court Clerk at least 48 hours prior to the hearing of the appeal.

(5) On the hearing of an appeal a Judge of the District Court may confirm, modify, or annul a notice.

(6) A person, including a person on whom a compliance notice has been served, shall not—

- (a) pending the determination of an appeal, deal with the pet animal or other thing to which either the Pet Passport Regulations or these Regulations relate, or premises, means of transport or other thing to

which the notice relates, other than in accordance with the terms of the notice, or

- (b) after the appeal, deal with the pet animal or other thing to which either the Pet Passport Regulations or these Regulations relate, or premises, means of transport or other thing concerned other than in accordance with the compliance notice or compliance notice as modified.

Forgery.

15. (1) A person shall not forge or alter, or utter knowing it to be forged or altered with intent to defraud or deceive—

- (a) a passport, certificate, approval or other document issued under these Regulations,
- (b) a direction or requirement of an authorised officer under Regulation 9 if the direction or requirement is in documentary form.

(2) A person shall not have, without lawful authority (the proof of which lies on him or her), in his or her possession a forged or altered passport, certificate or other document issued under these Regulations.

Offences and penalties.

16. (1) A person who contravenes Regulation 3, 4 5, 6, 7, 10, 12, 13 or 15 or Articles 5, 6, 8, and 14 of the Pet Passport Regulations commits an offence.

(2) A person who commits an offence under paragraph (1) is liable—

- (a) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 3 months, or to both, or
- (b) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 12 months, or to both.

(3) Proceedings for an offence under these Regulations may be brought summarily by the Minister.

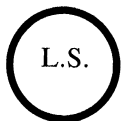
(4) If an offence under these Regulations is committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence is committed, is a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished as if guilty of the first-mentioned offence.

(5) If the affairs of a body corporate or unincorporated body are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with functions of management as if the member is a director or manager of the body corporate.

Revocations and Savers.

17. (1) The European Communities (Pet Passport) Regulations 2009 (S.I. No. 263 of 2009) are revoked.

(2) A pet passport, certificate, approval or other document granted under the Regulations revoked by paragraph (1) remain in force and may be dealt with as if granted under the corresponding provisions of these Regulations.



Given under my Official Seal,
12 January 2012.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations deal with the movement of certain pet animals within the EU and from third countries.

AILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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