

2005 No. 78

EUROPEAN COMMUNITIES

ANIMALS

**Animals and Animal Products (Import and Export)
Regulations (Northern Ireland) 2005**

Made - - - - - *9th March 2005*

Coming into operation *4th April 2005*

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The Department of Agriculture and Rural Development, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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), and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I
INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005; and shall come into operation on 4th April 2005.

Interpretation

2.—(1) In these Regulations –

(a) S.I. 2000/2812
(b) 1972 c. 68

“assembly centre” means holdings, collection centres and markets, at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which are used in the course of intra-Community trade, and which are approved by the Department in accordance with regulation 12;

“border inspection post” means a border inspection post as defined in Commission Decision 97/778/EEC drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries, laying down detailed rules concerning the checks to be carried out by the experts of the commission;

“dealer” means

- (a) in the case of cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who within 30 days of purchasing animals resells or relocates them to other premises not within his ownership; and
- (b) in the case of sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who within 29 days of purchasing animals resells or relocates them to other premises or directly to a slaughterhouse not within his ownership;

“equidae” means wild or domesticated animals of the equine (including zebras) or asinine species or the offspring or crossings of those species;

“European international instruments” means –

- (a) the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland**(a)**;
- (b) the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation**(b)**;
- (c) the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded**(c)**;
- (d) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded**(d)**;

“export” means sent out of Northern Ireland by any means whatsoever;

“herd” or “flock” means a group of animals kept as an epidemiological unit;

“import” means brought into Northern Ireland by any means whatsoever;

“importer” in relation to any imported animal or animal product means any person who, whether as owner, consignor, consignee, agent or broker, is in possession of or in any way entitled to the custody or control of that animal or animal product;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Department and includes a veterinary inspector;

“keeper” means any natural or legal person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market;

(a) O.J. No. L73, Special Edition, 27.3.1972
(b) O.J. No. L1, 3.1.94, p. 1
(c) O.J. No. C241, 29.8.94, p. 21 as amended by O.J. No. L12, 1.1.95, p. 1
(d) O.J. No. L236, 23.9.03, p. 33

“member State” means any member State of the European Union other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;

“official veterinary surgeon” means a veterinary inspector designated to act as such by the Department;

“place of destination” in relation to any animals or animal products means the address or addresses to which the animals or animal products are consigned by the consignor;

“required consignment documentation” in relation to any consignment means any certificates or other documents which are required by these Regulations to accompany the consignment;

“veterinary inspector” means a person appointed as a veterinary inspector by the Department.

(2) Any expressions used in these Regulations have the meaning they bear in –

(a) Council Directive 90/425/EEC (concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and animal products with a view to the completion of the single market)(a); and

(b) Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries)(b),

both of which have been amended by the legislation listed in Schedule 1;

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(4) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended by the instruments listed in Schedules 1, 2 and 4.

(5) Any notices, approvals or declarations under these Regulations –

(a) shall be in writing;

(b) may be made subject to such conditions as are specified therein; and

(c) may be amended, suspended or revoked by a further notice in writing served on the same person at any time.

(6) Any person on whom a notice is served under these Regulations shall comply with the requirements thereof.

Exception

3.—(1) Subject to paragraph (2), these Regulations shall not apply in relation to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

(2) Where a person is accompanying and has under his responsibility more than 5 pets travelling together that –

(a) are of a species listed in Annex I to Regulation (EC) No. 998/2003(d); and

(b) come from a third country other than one listed in section 2 of part B of Annex II to Regulation (EC) No. 998/2003,

these Regulations shall apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is not the subject of a commercial transaction.

(a) O.J. No. L224, 18.8.90, p. 29 as amended by and as read with the provisions listed in Schedule 1

(b) O.J. No. L268, 24.9.91, p. 56 as amended by and as read with the provisions listed in Schedule 1

(c) 1954 c. 33 (N.I.)

(d) O.J. No. L146, 13.6.2003, p.1, as amended by Commission Regulation (EC) No. 592/2004 (O.J. No. L94, 31.3.2004, p. 7)

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part shall apply in relation to –
- (a) live animals which originate within the European Communities and which are subject to trade between Northern Ireland and any member State; and
 - (b) all animal products which are subject to trade between Northern Ireland and any member State,

which are the subject of an instrument referred to in Part I of Schedule 2, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC (concerning the animal health conditions governing the placing on the market of aquaculture animals and aquaculture products)(a).

Exports

5.—(1) A person shall not export, or consign for export, to another member State any animal or animal product which is the subject of one or more of the instruments referred to in Part I of Schedule 2 unless –

- (a) it complies with the relevant provisions of those instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by such an instrument, it is accompanied by –
 - (i) an export health certificate signed by a veterinary inspector (or, where specified in such an instrument, signed by a veterinary surgeon nominated by the exporter); or
 - (ii) any other document required by the instrument;
- (c) when required by such instrument, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the instrument; and
- (d) if the animal is acquired through or transits an assembly centre, that centre has been approved by the Department in accordance with regulation 12 for the purposes of intra-Community trade and complies with the provisions of Article 11 of Council Directive 64/432/EEC(b).

(2) If the Department has reasonable cause to suspect that a person in charge of an animal or animal product intends to export that animal or animal product in contravention of this regulation it may by notice served on the consignor, his representative or person appearing to be in charge of the animal or animal product –

- (a) prohibit that exportation of that animal or animal product; and
- (b) require that person immediately to detain it at such place as may be specified in the notice and to take such other action in relation to it as may be so specified.

(3) If an animal or animal product has been exported to a member State in contravention of this regulation and returned to Northern Ireland (whether with the authorisation of the Department or not), the Department may by notice served on the person appearing to it to be in charge of the animal or animal product, the consignor or his representative –

- (a) prohibit the re-export of that animal or animal product, whether to the same or another member State; and
- (b) require that person immediately to detain it at such place as may be specified in the notice and take such further action in relation to it as may be so specified.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(a) O.J. No. L46, 19.2.91, p. 1, as amended by and as read with the provisions listed in paragraph 8(1) of Part I of Schedule 2
(b) O.J. No. L109, 25.4.97, p. 1, as amended by and as read with the provisions listed in paragraph 1 of Part I of Schedule 2

(5) This regulation shall apply without prejudice to the requirements of the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999(a).

(6) A person shall not export to a member State any animal to which the provisions of Articles 6, 7, 9 and 10 of 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 Council Directives 90/425/EEC)(b) apply unless the animal originates from –

- (a) a holding which has been registered with the Department and the owner or person in charge of that holding has given to the Department undertakings in accordance with Article 4 of Council Directive 92/65/EEC; or
- (b) a body, institute or centre which has been approved by the Department in accordance with regulation 9(1) and which conforms with the requirements of Annex C to Council Directive 92/65/EEC.

Imports

6.—(1) A person shall not import from a member State (either for entry into the UK or by way of transition to another member State) –

- (a) any animal; or
- (b) any animal product,

subject to an instrument listed in Part I of Schedule 2 unless it complies with the relevant provisions of that instrument(subject to any derogations specified in that part) and with any additional requirements specified in that Part.

(2) Where an animal or animal product subject to an instrument listed in Part I of Schedule 2 is imported from another member State (either for entry into the UK or by way of transition to another member State), the importer, or the person in charge of the animal or animal product, if not the importer, shall comply with the relevant provisions of that instrument until it arrives at its place of destination or leaves Northern Ireland, as the case may be.

(3) Where an animal is imported for slaughter from another member State, the importer, his representative, or the person appearing to be in charge of the animal shall ensure it is slaughtered within the specified period.

(4) Where an animal imported from another member State for slaughter is consigned to an assembly centre, the importer, or the person in charge of the animal, if not the importer, shall ensure that the animal is removed from the assembly centre directly to a slaughterhouse and that the animal is slaughtered there –

- (a) within 5 days of its arrival at the assembly centre, in the case of sheep and goats; and
- (b) within 3 days of its arrival at the assembly centre, in the case of cattle and pigs.

(5) If any animal referred to in paragraph (4) is not slaughtered within the period required by that paragraph, an inspector may by notice served on the importer, his representative, or the person appearing to him to be in charge of the animal require it to be slaughtered within such time and at such place as may be specified in the notice.

(6) Where an animal is imported from another member State for slaughter, other than an animal taken to an assembly centre, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(7) In the event of a notice served under paragraph (5) or (6) not being complied with an inspector may seize or cause to be seized any animal to which that notice relates and arrange for the requirements of the notice to be complied with.

- (8) In this regulation “animal” shall mean cattle, pigs, sheep and goats.

(a) S.R. 1999 No. 308 as amended by S.R. 2001 No. 210 and S.R. 2002 No. 278

(b) O.J. No. L268, 14.9.92, p. 54, as amended by and as read with the provision listed in paragraph 10 of Part I of Schedule 1

Transport of animals and animal products

7.—(1) A person shall not transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive 90/425/EEC.

(2) A person shall not deliver any animal or animal product imported from a member State other than to the address specified in the required consignment documentation unless required to do so by a notice served on him by the Department under these Regulations.

(3) If an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by the Department, the Department may serve a notice on the person appearing to it to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation or notice as the case may be.

(4) In the event of a notice served under paragraphs (2) and (3) not being complied with the Department may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(5) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 2 shall have effect, and any failure to comply with those provisions may lead to the amendment, suspension or withdrawal of a licence to transport those animals granted under Article 12 of the Welfare of Animals (Transport) Order (Northern Ireland) 1997(a) in accordance with Schedule 9 to that Order.

Dealers

8.—(1) A dealer in cattle, pigs, sheep and goats, engaging in intra-Community trade shall comply with the provisions of Part III of Schedule 2.

(2) A dealer in other animals engaging in intra-Community trade, if required to do so by a notice served on him by the Department, shall register as such with the Department and shall give the Department such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) For the purposes of paragraph (2) the Department shall keep a register of dealers engaging in intra-Community trade who have registered in accordance with that paragraph.

(4) Any person who has registered under paragraph (2) shall keep a record of –

(a) all consignments of animals and animal products delivered to him; and

(b) where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals or animal products comprising it,

and shall keep such records for 12 months from the date of delivery to him of the consignment.

Approval of bodies, institutes, centres and teams for the purposes of Directive 92/65/EEC and laboratories for the purposes of Directive 90/539/EEC

9.—(1) The Department shall, for the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, approve any body, institute or centre (within the meaning of that Directive) which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Department shall withdraw, suspend or restore any approval given under paragraph (1) in accordance with point 3 of Annex C to Directive 92/65/EEC.

(3) For the purposes of Article 11 of Council Directive 92/65/EEC, the Department shall approve any semen collection centre or embryo collection team which has applied to the Department for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(a) S.R. 1997 No. 346 as amended by S.R. 1999 No. 326 and S.R. 1999 No. 380

(4) The tests for Salmonella infections required under Chapter III of Annex II to Council Directive 90/539/EEC shall be carried out by laboratories authorised pursuant to the Poultry Breeding Flocks and Hatcheries Scheme Order (Northern Ireland) 1994(a).

Inspection and checking at destination

10.—(1) A veterinary inspector may inspect at all reasonable times, at their place of destination, all animals and animal products imported into Northern Ireland from a member State, so as to ensure that the requirements (including requirements on documentation) of –

- (a) the relevant provisions of the instruments listed in Part I of Schedule 2;
- (b) any additional requirements specified in Part I of Schedule 2; and
- (c) any additional animal health legislation applicable to the import of those animals and animal products into Northern Ireland,

have been complied with.

(2) Where an inspector has information leading him to suspect that, in relation to any animals or animal products imported from a member State, there has been an infringement of any of the instruments listed in Part I of Schedule 2, any additional requirements specified in that Part of that Schedule and any additional animal health legislation applicable to the import of those animals or animal products into Northern Ireland, he shall have the power to inspect anywhere and at any time those animals or animal products as well as any accompanying documentation.

Duties on consignees

11.—(1) A person shall not accept a consignment of animals or animal products (other than registered horses accompanied by identification documentation provided for by Council Directive 90/427/EEC (on the zootechnical and genealogical conditions governing intra-Community trade in equidae)(b)) unless the importer or consignee has given to the local Divisional Veterinary Office of the Department for the place of destination of the consignment at least 24 hours written notice in advance of the nature of the consignment, its anticipated date of arrival and the address of the place of destination.

(2) A consignee shall retain all documentation sent to him with any consignment in accordance with these Regulations for 12 months from the date of delivery to him of the consignment.

Assembly centres and slaughterhouses

12.—(1) Any person operating an assembly centre shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Department and given a number, and approval shall only be given if the Department is satisfied that –

- (a) the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive 64/432/EEC;
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Directive 91/68/EEC; and
- (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which the Department has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive 90/425/EEC.

(3) The operator of an assembly centre shall admit to those premises only animals that are identified and come from herds or flocks that are eligible for intra-Community trade.

(4) Where animals are consigned to an approved assembly centre, the operator of the assembly centre shall –

- (a) ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive 90/425/EEC; and

(a) S.R. 1994 No. 118, as amended by S.R. 2000 No. 110

(b) O.J. No. L224, 1.8.90, p. 55, as amended by and as read with the provisions listed in paragraph 15 of Part I of Schedule 2

- (b) record on a register –
 - (i) the name of the owner, the origin, date of entry and exit, number of the animals, and their proposed destination;
 - (ii) the registration number of the transporter and the licence number of the vehicle delivering or collecting animals from the centre;
 - (iii) in the case of cattle, the identification of the animals or the registration number of the holding of origin as well as the information in paragraphs (i) and (ii);
 - (iv) in the case of pigs, the registration number of the holding of origin or of the herd of origin as well as the information in paragraphs (i) and (ii); and
 - (v) in the case of sheep or goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in paragraphs (i) and (ii),

and shall preserve the register for a minimum of three years from the date of arrival at the centre of any animal to which it relates.

(5) Where an animal is consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 7 of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997^(a) or regulation 7 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995^(b), the official veterinary surgeon shall ensure that it is not slaughtered unless it complies with Article 3(1) of Council Directive 90/425/EEC.

(6) An official veterinary surgeon may carry out an inspection for the purposes of paragraph (5) and, if in so doing, he establishes that an animal imported from a member State is accompanied by incorrect documentation or cannot readily be identified, he shall examine the animal and shall either –

- (a) certify that it is fit to be slaughtered and used for its intended purpose; or
- (b) by notice in writing require the animal to be slaughtered and destroyed or to be re-exported, in each case at the expense of the importer.

(7) Where any person markets any animal consigned to him from a member State, or divides up batches of such animals for distribution or marketing, and paragraphs (4) and (5) do not apply in relation to such animals, that person –

- (a) shall check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument listed in Part I of Schedule 2, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly in any such identification mark or required consignment documentation to the Department; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive 90/425/EEC^(c), shall isolate the animals in question until the Department has either –
 - (i) authorised their release in writing; or
 - (ii) served a notice under regulation 13(2) in relation to it.

Illegal consignments

13.—(1) If the Department knows of or suspects the presence of agents responsible for a disease referred to in Schedule 3 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to public or animal health in an animal or animal product imported from a member State, or that an animal or animal product has come from a region contaminated by an epizootic disease, it may by notice served on the person appearing to it to have charge of that animal or animal product, require that person –

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained

(a) S.R. 1997 No. 493, to which there are amendments not relevant to these Regulations

(b) S.R. 1995 No. 396, to which there are amendments not relevant to these Regulations

(c) O.J. No. L224, 18.8.90, p. 29 as amended by and as read with the provisions listed in Schedule 1

animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to such animals or animal products as may be so specified in the notice, and to take such further action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of disease or any phenomenon liable to present a serious threat to public or animal health into or within Northern Ireland;

- (b) in the case of an animal, without delay, to slaughter it, or slaughter and destroy it, in accordance with such conditions as may be specified in the notice; or
- (c) in the case of an animal product, destroy it in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of paragraph (3), if the Department knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive 90/425/EEC, it may, if animal health and welfare considerations so permit, by notice in writing give the consignor or his representative or the person appearing to it to have charge of that animal or product the choice of –

- (a) where the cause of non-compliance is the presence in an animal of residues in excess of that permitted under Regulation 9 and Schedule 2 to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998^(a), maintaining the animal under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring him to take whatever action is specified in that legislation; or
- (b) slaughtering the animal or destroying the animal product in accordance with such conditions as may be specified in the notice; or
- (c) returning the animal or animal product to the member State of despatch, with the authorisation of the competent authority of that member State and with prior notification to any member State of transit.

(3) If the consignment fails to comply with the relevant provisions of Council Directive 90/425/EEC, any Directive listed in Schedule 2 or of any other legislation regulating imports of animals or animal products into Northern Ireland only by reason of absence of or an irregularity in required consignment documentation, the Department shall not cause the animals or animal products to be returned to the country of despatch without first giving the consignor, his representative or the person appearing to it to have charge of those animals or animal products a notice requiring him to produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice.

(4) In the event of a notice under this regulation not being complied with, an inspector may seize or cause to be seized any animal or animal product to which that notice relates, and arrange for the requirements of the notice to be complied with.

PART III

TRADE IN THIRD COUNTRY ANIMALS

Application of Part III

14. This Part shall apply in relation to –

- (a) any animals imported into Northern Ireland from any place outside the European Communities; and
- (b) any animals originating outside the European Communities and imported into Northern Ireland from any place inside those Communities.

^(a) S.R. 1998 No. 237

Importation

15.—(1) Subject to paragraph (2), a person shall not import any animal directly from a place outside the European Communities.

(2) Nothing in paragraph (1) shall prevent the import of any animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977(a) at a place permitted under that Order.

(3) A person shall not import any animal which originated outside the European Communities from a member State, Great Britain, any of the Channel Islands or the Isle of Man either for transport to a place in the United Kingdom or for re-export to another member State unless –

- (a) all the checks required under Council Directive 91/496/EEC have been carried out in relation to those animals at a border inspection post and they are accompanied by the certificate of examination and the authenticated copy of the original health certificate issued at the border inspection post under Article 7(1) of that Directive; or
- (b) in the case of animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977, the conditions of that Order have been complied with.

(4) A person shall not import any animal which originated outside the European Communities from a member State, Great Britain, any of the Channel Islands or the Isle of Man for re-export outside the European Community either directly or indirectly unless such transit has been previously authorised in writing by the Department and the conditions in Article 9 of Council Directive 91/496/EEC have been complied with.

(5) A person shall not import from a member State, Great Britain, any of the Channel Islands or the Isle of Man any animal to which –

- (a) an instrument in Part II of Schedule 4 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that part; and
- (b) in accordance with the provisions of any additional animal health requirements of legislation regulating imports into Northern Ireland.

(6) If an animal is imported for slaughter, it must be taken directly to a slaughterhouse and slaughtered without delay. If it is not so slaughtered, an inspector may by notice served on the importer, his representative or person in charge of the animal require the animal to be slaughtered within such period and at such place as may be specified in the notice.

(7) In the event of a notice under paragraph (6) not being complied with an inspector may seize or may cause to be seized any animal to which it relates and arrange for the requirements of the notice to be complied with.

(8) A person in charge of an animal that has been imported for immediate re-export, either directly or indirectly, outside the European Community shall comply with Article 4, second indent, of Commission Regulation (EC) No. 282/2004(b).

Illegal imports

16.—(1) If any animal is imported from outside the European Communities in contravention of regulation 15(1), the Department may, by notice in writing, require the person appearing to it to be in charge of the animal to detain and isolate that animal in accordance with the notice and in that case the following provisions shall have effect.

(2) The Department shall cause to be carried out an examination by a veterinary inspector of the animal to which a notice under paragraph (1) relates and, following that examination, shall by means of a further notice served on the person appearing to it to be in charge of the animal, the consignor or his representative –

- (a) require the animal to be brought to the place specified in the notice;
- (b) require the animal to be slaughtered or slaughtered and destroyed;

(a) S.R. 1977 No. 113 as amended by S.R. 1977 No. 256, S.R. 1994 No. 402 and S.R. 2000 No. 10
(b) O.J. No. L49, 19.2.2004, p. 11

- (c) require the animal to be re-despatched outside the territory of the European Communities, where animal health or welfare considerations so permit, within such period as may be specified in the notice; or
- (d) revoke the notice given under paragraph (1).

(3) In the event of a notice under paragraphs (1) and (2) not being complied with, an inspector may seize the animal to which it relates or cause it to be seized and arrange for the requirements of the notice to be complied with.

Application of regulations 7 to 13

17. Regulations 7 to 13 shall apply in relation to animals imported into Northern Ireland from any place inside the European Communities, which originated outside those Communities and in respect of which all the checks provided for in Council Directive 91/496/EEC have first been carried out in accordance with that Directive as those regulations apply to animals to which Part II applies.

Arrival at the place of destination

18.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, shall be detained at the premises by the person having control of those premises for at least 30 days and he shall not release them until authorised in writing by an authorised officer of the Department.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (1) does not apply that are for breeding or production shall be detained at the place of destination by the person having control of those premises, and he shall not release them unless authorised in writing by an authorised officer of the Department.

Post-import controls

19.—(1) Where a veterinary inspector knows or suspects that –

- (a) in the case of any animal, the import conditions of any instrument listed in Schedule 4, any additional requirements specified in relation thereto in that Schedule or any additional animal health legislation regulating the import of such animals into Northern Ireland have not been complied with; or
- (b) in the case of any animal there is doubt as to its identity,

he may carry out any veterinary checks on that animal which he deems appropriate.

(2) If the checks carried out under paragraph (1) confirm that import conditions referred to in that paragraph were not complied with in the case of any animal then the provisions of regulation 16 shall apply and, in the case of the exercise of a power to isolate the animal, a veterinary inspector may additionally require the placing in isolation of other animals which have been in contact with the imported animal.

PART IV GENERAL

Outbreaks of disease in other states

20.—(1) This regulation shall apply where the Department learns of or has reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive

90/425/EEC(a) or Article 18 of Council Directive 91/496/EEC, or through any other means, the presence in any state outside the United Kingdom of a disease referred to in Schedule 3, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1), the Department may, for the purpose of preventing the introduction or spreading of disease into or within Northern Ireland, by declaration suspend, or impose conditions upon, the entry into Northern Ireland of any animal or animal product from the whole or any part of that state.

(3) Such a declaration shall be published in such manner as the Department thinks fit.

(4) Where a declaration is in force suspending the entry of any animal or animal product, no person shall bring that animal or animal product into Northern Ireland if it is dispatched from, or originates from, the state or part thereof specified in the declaration.

(5) A declaration made under this regulation may specify conditions under which the animal or animal product which is the subject of the declaration may be imported.

(6) Upon a declaration being made under this regulation, the entry into Northern Ireland of any animal or animal product which is the subject of the declaration shall be in breach of the conditions of import in these Regulations unless it complies with the conditions (if any) specified in the declaration.

Notification of decisions

21.—(1) If the consignor or his representative, or the importer or his representative, so requests, notice of any decision in pursuance of these Regulations refusing entry or varying the conditions of entry for any animal or animal product shall be forwarded to him in writing by the person taking the decision.

(2) A notice forwarded under paragraph (1) shall give the reasons for the decision to which it relates and the details of any right to challenge the decision, including the relevant time limits.

Powers of inspectors

22.—(1) Subject to regulation 10, an inspector may, on producing, if required to do so, some duly authenticated document showing his authority, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector may carry out all checks and examinations necessary for the enforcement of Council Directive 90/425/EEC and Council Directive 91/496/EEC, and in particular may –

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) carry out checks on whether staff are complying with the requirements of the instruments listed in Part I of Schedule 2 relating to animal products;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from –
 - (i) animals held with a view to being sold, put on the market or transported;
 - (ii) animal products held with a view to being stored or sold, put on the market or transported;
 - (iii) animals or animal products being transported in the course of intra-Community trade;
 - (iv) animals at a border inspection post in the case of third country imports; or
 - (v) animals or animal products at the place of destination;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (e) take with him a representative of the European Commission acting for the purposes of Council Directives 90/425/EEC or 91/496/EEC.

(a) O.J. No. L224, 18.8.90, p. 29 as amended by and as read with the provisions listed in Schedule 1

(3) In this regulation “premises” includes any place, installation, road, or rail vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

Recovery of expenses

23. The consignor, his representative or the person in charge of any animals or animal product shall be liable for the reasonably incurred expenses of the Department or an inspector arising from any action taken by it or him under these Regulations in relation to that animal or animal product, but shall be entitled, after the deduction of expenses, to the proceeds of any sale of that animal or animal product.

Obstruction

24.—(1) A person shall not –

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or
- (b) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

25.—(1) A person contravening any provision of these Regulations or any notice served under them shall be guilty of an offence.

(2) A person guilty of an offence under regulation 24(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable –

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding 3 months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

Disapplication of provisions

26. The provisions of any instrument listed in column 2 of Schedule 5 shall not apply to imports from a member State of animals and animal products to which a Directive or other measure referred to in Part I of Schedule 2 applies, or to imports of an animal to which a Directive or other measure referred to in Schedule 4 applies from the country subject to that Directive or other measure, to the extent specified in column 3 of the table given in Schedule 5.

Amendment of the Sales, Markets and Lairs Order (Northern Ireland) 1975

27.—(1) The Sales, Markets and Lairs Order (Northern Ireland) 1975(a) shall be amended as follows.

(2) In Article 3 the definitions of the following expressions shall be omitted, that is to say –

- (a) “assembly point operator”;
- (b) “community instrument”;
- (c) “EEC approved assembly point”; and
- (d) “EEC approved market”.

(3) For Part III there shall be substituted –

(a) S.R. 1975 No. 294 as amended by S.R. 1993 No. 371 and S.R. 2005 No. 78

“PART III
ASSEMBLY CENTRES – INTRA-COMMUNITY TRADE

Prohibition on sales of cattle, pigs, sheep or goats

16.—(1) A person shall not hold, or cause or permit to be held, a public sale of cattle, pigs, sheep or goats intended for intra-Community trade other than in an assembly centre.

(2) In this Article and in Article 17 “assembly centre” means an assembly centre approved in accordance with regulation 12 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005.

Collection of cattle, pigs, sheep or goats at assembly centres

17. A person shall not collect, or cause or permit to be collected, cattle, pigs, sheep or goats intended for intra-Community trade other than in an assembly centre.”.

Revocations

28. The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2004(a).

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th March 2005.

(L.S.)

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 2004 No. 325

SCHEDULE 1

Regulation 2(2) and (4)

AMENDMENTS TO COUNCIL DIRECTIVES 90/425/EEC AND 91/496/EEC

1. Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29), has been amended by, and must be read with:

Council Directive 90/539/EEC (O.J. No. L303, 31.10.90, p. 6);
Council Directive 90/667/EEC (O.J. No. L363, 27.12.90, p. 51);
Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1);
Council Directive 91/68/EEC (O.J. No. L46, 19.2.91, p. 19);
Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
Council Directive 92/60/EEC (O.J. No. L268, 14.9.92, p. 75);
Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49);
Commission Decision 93/444/EEC (O.J. No. L208, 19.8.93, p. 34);
Commission Decision 94/338/EC (O.J. No. L151, 17.6.94, p. 36);
Commission Decision 94/339/EC (O.J. No. L151, 17.6.94, p. 38);
Council Directive 97/78/EC (O.J. No. L24, 30.1.98, p. 9);
Council Directive 2002/33/EC (O.J. No. L315, 19.11.2002, p. 14);

and the European international instruments.

2. Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56), has been amended by, and must be read with:

Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);
Council Directive 90/424/EEC (O.J. No. L224, 18.08.90, p. 19);
Council Directive 90/425/EEC (O.J. No. L224, 18.08.90, p. 29);
Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
Council Decision 92/438/EEC (O.J. No. L243, 25.8.92, p. 27);
Commission Decision 94/467/EC (O.J. No. L190, 26.7.94, p. 28);
Council Directive 96/43/EC (O.J. No. L162, 1.7.96, p. 1);
Council Directive 97/78/EC (O.J. No. L24, 30.1.98, p. 9);
Commission Decision 97/794/EC (O.J. No. L323, 26.11.97, p. 31);
Commission Regulation (EC) No. 282/2004 (O.J. No. L49, 19.2.2004, p. 11), as amended by
Commission Regulation (EC) No. 585/2004 (O.J. No. L91, 30.3.2004, p. 17);

and the European international instruments.

SCHEDULE 2 Regulations 2(4), 4, 5(1), 6(1) and (2) 7(5), 8(1), 10, 12(7)(a), 13(3), 22(2)(b) and 26

INTRA-COMMUNITY TRADE: LEGISLATION AND ADDITIONAL REQUIREMENTS

PART I

LEGISLATION ON INTRA-COMMUNITY TRADE

Bovine animals and swine

1. Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine as replaced by the Annex to Council Directive 97/12/EC (O.J. No. L109, 25.4.97, p. 1), and as subsequently amended by –

Council Directive 98/46/EC (O.J. No. L198, 15.7.98, p. 22);
Council Directive 98/99/EC (O.J. No. L358, 31.12.98, p. 107);
Commission Decision 98/621/EC (O.J. No. L296, 5.11.98, p. 15);
Directive 2000/15/EC of the European Parliament and of the Council (O.J. No. L105, 3.5.2000, p. 34);
Directive 2000/20/EC of the European Parliament and of the Council (O.J. No. L163, 4.7.2000, p. 35);
Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);
Commission Regulation (EC) No 535/2002 (O.J. No. L80, 23.3.2002, p. 22);
Commission Regulation (EC) No 1226/2002 (O.J. L179, 9.7.2002, p. 13);
Council Regulation (EC) No. 21/2004 (O.J. No. L5, 9.1.2004, p. 8);
Commission Decision 2004/226/EC (O.J. No. L68, 6.3.2004, p. 36); and

the European international instruments.

Relevant provisions: Articles 3(2), 4(1), 5(1), 5(2), 5(5), 6(1), 6(2), 6(3), 7 (in the case of imports), and 12(3).

- (a) The official health certificate accompanying all cattle imported into Northern Ireland from Spain must contain the statement: "Live cattle in accordance with Commission Decision 90/208/EEC on contagious bovine pleuro-pneumonia".
- (b) The official health certificate accompanying all cattle imported into Northern Ireland from Portugal must contain the statement: "Live cattle in accordance with Commission Decision 91/52/EEC on contagious bovine pleuro-pneumonia".
- (c) In the event of the prohibition on the export of cattle from Northern Ireland imposed by Commission Decision 98/256/EC on emergency measures to protect against Bovine Spongiform Encephalopathy (O.J. No. L113, 15.4.98, p. 32) (as amended by Commission Decision 2002/670/EC (O.J. No. L228, 24.8.2002, p. 22) being revoked so as to allow the despatch of cattle from Great Britain to another member State or a third country, such exports to the countries listed in Annexes I and II of Commission Decision 2004/215/EC (O.J. L67, 5.3.2004, p. 24) must meet the additional conditions laid down in that Decision.
- (d) In accordance with Commission Decision 2003/514/EC concerning health protection measures against African swine fever in Sardinia, Italy (O.J. No. L178, 17.7.2003, p. 28), the importation into Northern Ireland from the Italian region of Sardinia of animals of the suidae family is prohibited.

Bovine semen

2. Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (O.J. No. L194, 22.7.88, p. 10), as amended by, and as read with –

Council Directive 90/120/EEC (O.J. No. L71, 17.3.90, p. 37);
Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
Council Directive 93/60/EEC (O.J. No. L186, 28.7.93, p. 28);
Council Directive 2003/43/EC (O.J. No. L143, 11.6.2003, p. 23);
Commission Decision 2004/205/EC (O.J. No. L65, 3.3.2004, p. 23);
Commission Decision 2004/101/EC (O.J. No. L30, 4.2.2004, p. 15);

and the European international instruments.

Relevant provisions: Articles 3 and 6.

Bovine embryos

3. Council Directive 89/556/EEC on animal health conditions concerning intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (O.J. No. L302, 19.10.89, p. 1), as amended by, and as read with –

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
Council Directive 93/52/EEC (O.J. No. L175, 19.7.93, p. 21);
Commission Decision 94/113/EC (O.J. No. L53, 24.2.94, p. 23);
Commission Decision 2004/205/EC (O.J. No. L65, 3.3.2004, p. 23);

and the European international instruments.

Relevant provisions: Articles 3 and 6.

Equidae

4. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries (O.J. No. L224, 18.8.90, p. 42), as amended by, and as read with:

- Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
- Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
- Council Directive 92/36/EEC (O.J. No. L157, 10.6.92, p. 28);
- Commission Decision 92/130/EEC (O.J. No. L47, 22.2.92, p. 26);
- Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);
- Commission Decision 2002/160/EC (O.J. No. L53, 23.2.2002, p. 37);

and the European international instruments.

Relevant provisions: Articles 4, 5, 7(1), and 8.

- (a) The requirements of Articles 4(1), 4(2) and 8 shall not apply in respect of the export to or the import from the Republic of Ireland of any equidae, or the export to or the import from France of a registered horse accompanied by an identification document provided for in Council Directive 90/427/EEC (O.J. No. L224, 18.8.90, p. 55).
- (b) The derogation permitted under Article 7(2) shall not apply in relation to equidae brought into Northern Ireland.

Porcine semen

5. 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 (O.J. No. L224, 18.8.90, p. 62) and Commission Decision 99/608/EC (O.J. No. L242, 14.9.99, p. 20); as amended by, and read with –

- Commission Decision 99/608/EC (O.J. No. L242, 14.9.1999, p. 20);
- Commission Decision 2000/39/EC (O.J. No. L13, 19.1.2000, p. 21);
- Commission Decision 2004/205/EC (O.J. No. L65, 3.3.2004, p. 23);

and the European international instruments.

Relevant provisions: Articles 3, 4(1), 4(2) and 6(1).

The official health certification accompanying all porcine semen imported into Northern Ireland from any other member State must state that the semen was collected from boars “on a collection centre which only contains animals that have not been vaccinated against Aujeszky’s disease and which have reacted negatively to the serum neutralisation test or to the ELISA test for Aujeszky’s disease, in accordance with the provisions of Council Directive 90/429/EEC” and paragraph 13(b)(ii) of the model health certificate provided in Annex D of Council Directive 90/429/EEC must be deleted in all cases.

Poultry and hatching eggs

6. Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs (O.J. No. L303, 30.10.90, p. 6), as amended by, and as read with –

- Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
- Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
- Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
- Commission Decision 92/340/EEC (O.J. No. L188, 8.7.92, p. 34);
- Commission Decision 92/369/EEC (O.J. No. L195, 14.7.92, p. 25);
- Council Directive 93/120/EEC (O.J. No. L340, 31.12.93, p. 35);
- Commission Decision 95/160/EC (O.J. No. L105, 9.5.95, p. 40);
- Commission Decision 95/161/EC (O.J. No. L105, 9.5.95, p. 44);
- Council Directive 95/410/EC (O.J. No. L243, 11.10.95, p. 25);

Commission Decision 97/278/EC (O.J. No. L110, 26.4.97, p. 77);
Council Directive 99/90/EC (O.J. No. L300, 23.11.1999, p. 19);
Commission Decision 2000/505/EC (O.J. No. L201, 9.8.2000, p. 8);
Commission Decision 2001/867/EC (O.J. No. L323, 7.12.2001, p. 29);
Commission Decision 2003/644/EC (O.J. No. L228, 12.9.2003, p. 29);
Commission Decision 2004/235/EC (O.J. No. L72, 11.3.2004, p. 86);

and the European international instruments.

Relevant provisions: Articles 6 to 11, 12(1), and 15 to 17.

- (a) The official health certification accompanying breeding poultry exported from Northern Ireland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision 95/160/EC of 21 April 1995.
- (b) The official health certification accompanying day-old chicks exported from Northern Ireland to Finland or Sweden must contain the statement that they come from flocks which have been tested for salmonella with negative results in accordance with Commission Decision 95/160/EC of 21 April 1995.
- (c) The official health certification accompanying laying hens exported from Northern Ireland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision 95/161/EC of 21 April 1995.
- (d) The official health certification accompanying poultry for slaughter exported from Northern Ireland to Finland or Sweden must contain the statement that they have undergone microbiological testing with negative results in accordance with Council Decision 95/410/EC of 22 June 1995.

Animal waste

7. Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption (O.J. No. L273, 10.10.2002, p. 1); as amended by, and as read with –

Commission Regulation No. 808/2003 (O.J. No. L117, 13.5.03, p. 1);
Commission Regulation No. 811/2003 (O.J. No. L117, 13.5.03, p. 14);
Commission Regulation No. 813/2003 (O.J. No. L117, 13.5.03, p. 22);
Commission Decision 2003/320/EC (O.J. No. L117, 13.5.03, p. 24);
Commission Decision 2003/321/EC (O.J. No. L117, 13.5.03, p. 30);
Commission Decision 2003/326/EC (O.J. No. L117, 13.5.03, p. 42);
Commission Decision 2003/327/EC (O.J. No. L117, 13.5.03, p. 44);
Commission Decision 2003/328/EC (O.J. No. L117, 13.5.03, p. 46);
Commission Decision 2003/329/EC (O.J. No. L117, 13.5.03, p. 51);
Commission Regulation No. 780/2004 (O.J. No. L123, 27.4.04, p. 64);

and the European international instruments.

Relevant provision: Article 8.

Fish

Farmed fish

8.—(1) Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products (O.J. No. L46, 19.2.91, p. 1), as amended by, and as read with –

Commission Decision 94/864/EC (O.J. No. L352, 31.12.94, p. 74);
Commission Decision 97/804/EC (O.J. No. L329, 29.11.97, p. 70);
Council Directive 97/79/EC (O.J. No. L24, 30.1.98, p. 31);
Commission Decision 98/24/EC (O.J. No. L8, 14.1.98, p. 26);
Council Directive 98/45/EC (O.J. No. L189, 3.7.98, p. 12);
Commission Decision 99/567/EC (O.J. No. L216, 14.8.99, p. 13);

Commission Decision 2001/159/EC (O.J. No. L57, 27.2.01, p. 54);
Commission Decision 2001/183/EC (O.J. L67 9.3.2001 p. 65);
Commission Decision 2002/300/EC (O.J. No. L103, 19.4.02, p. 24) (as amended by Commission Decision 2003/378/EC (O.J. No. L130, 27.5.03, p. 27));
Commission Decision 2002/308/EC (O.J. No. L106, 23.4.02, p. 28) (as amended by Commission Decision 2002/536/EC (O.J. No. L173, 3.7.02, p. 17), Commission Decision 2002/1005/EC (O.J. No. L349, 24.12.02, p. 109), Commission Decision 2003/114/EC (O.J. No. L46, 20.2.03, p. 29) and Commission Decision 2003/458/EC (O.J. No. L154, 21.6.2003, p. 93)) and Commission Decision 2004/373/EC (O.J. L118, 23.4.2004, p. 49);
Commission Decision 2003/390/EC (O.J. No. L135, 3.6.03, p. 19);
Commission Decision 2003/466/EC (O.J. No. L156, 25.6.2003, p. 61);
Commission Decision 2003/634/EC (O.J. No. L220, 3.9.2003, p. 8) (as amended by Commission Decision 2003/904/EC (O.J. No. L340, 24.12.2003, p. 69); and Commission Decision 2004/328/EC (O.J. L104, 8.4.2004, p. 129));
Commission Decision 2004/453/EC (O.J. No. L156, 30.4.2004, p. 5);
and the European international instruments.

Relevant provisions: The following provisions in so far as they apply to live fish, eggs and gametes: Articles 3, 4, 7 to 11, and 14 and 16.

Fish other than farmed fish

(2) Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products (O.J. No. L268, 24.9.91, p. 15), as amended by, and as read with –

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

Council Directive 95/71/EC (O.J. No. L332, 30.12.95, p. 40);

Council Directive 97/79/EC (O.J. No. L24, 30.1.98, p. 310); and

the European international instruments.

Relevant provisions: Article 4.

Live Bivalve molluscs

(3) Council Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live shellfish (O.J. No. L268, 24.9.91, p. 1), as amended by, and as read with –

Council Directive 97/61/EC (O.J. No. L295, 29.10.97, p. 35).

and the European international instruments.

Relevant provisions: Articles 3(1) a-i, 3(2), 4, 7, 8 and 9.

Ovine and caprine animals

9. Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals (O.J. No. L46, 19.2.91, p. 19) as amended by, and as read with –

Council Directive 90/425/EC (O.J. No. L224, 18.8.90, p. 29);

Council Directive 92/102/EEC (O.J. No. L355, 5.12.92, p. 32) as amended by Council Regulation (EC) No. 21/2004 (O.J. No. L5, 9.1.2004, p. 8);

Commission Decision 93/52/EEC (O.J. No. L13, 21.1.93, p. 14), as amended by Commission Decisions 2001/292/EC (O.J. No. L100, 11.4.2001, p. 28), 2002/482/EC (O.J. No. L166, 25.6.2002, p. 23), 2003/44/EC (O.J. No. L13, 18.1.2003, p. 23), 2003/237/EC (O.J. No. L87, 4.4.2003, p. 13), 2003/732/EC (O.J. No. L264, 15.10.2003, p. 30), 2004/199/EC (O.J. No. L64, 2.3.2004, p. 41) and 2004/320/EC (O.J. No. L102, 7.4.2004, p. 75);

Commission Decision 94/164/EEC (O.J. No. L74, 17.3.94, p. 42);

Commission Decision 94/953/EEC (O.J. No. L371, 31.12.94, p. 14);

Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);

Directive 2001/10/EC of the European Parliament and of the Council (O.J. No. L147, 31.5.2001, p. 41);

Commission Decision 2002/261/EC (O.J. No. L91, 6.4.2002, p. 31);

Council Directive 2003/50/EC (O.J. No. L169, 8.7.2003, p. 51);

Commission Decision 2003/708/EC (O.J. No. L258, 10.10.2003, p. 11);

and the European international instruments.

Relevant provisions: Articles 3, 4, 4a, 4b, 4c, 5, 6 and 9.

- (a) Only uncastrated rams for breeding which have been tested for contagious epididymitis (*Brucella ovis*) in accordance with Article 6(c) or Council Directive 91/68/EEC may be imported into Northern Ireland.
- (b) The official health certification accompanying all sheep and goats for fattening and breeding imported into Northern Ireland must confirm that the animals are eligible for entry into an officially brucellosis free ovine or caprine holding in accordance with Annex A, Chapter 1, point D of Council Directive 91/68/EEC.

Other animals, semen, ova and embryos

10. 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 Council Directive 90/425/EEC (O.J. No. L268, 14.9.92, p. 54), as amended by, and as read with –

Commission Decision 95/176/EC (O.J. No. L117, 24.5.95, p. 23);

Commission Decision 95/294/EC (O.J. No. L182, 2.8.95, p. 27);

Commission Decision 95/307/EC (O.J. No. L185, 4.8.95, p. 58);

Commission Decision 95/388/EC (O.J. No. L234, 3.10.95, p. 30);

Commission Decision 95/483/EC (O.J. No. L275, 18.11.95, p. 30);

Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);

Commission Regulation (EC) No 1282/2002 (O.J. No. L187, 16.7.2002, p. 3);

Council Regulation (EC) No. 1802/2002 (O.J. No. L274, 11.10.2002, p. 21);

Council Regulation (EC) No. 1398/2003 (O.J. No. L198, 06.08.2003, p. 3);

Commission Decision 2004/205/EC (O.J. No. L65, 3.3.2004, p. 23);

Regulation (EC) No. 998/2003 (O.J. No. L146, 13.6.2003, p. 1);

Commission Regulation (EC) No. 592/2004 (O.J. No. L94, 31.3.2004, p. 7);

and the European international instruments.

Relevant provisions: Articles 3 to 9, 10(1) to 10(3) and 11 to 13.

- (a) By way of derogation from the requirements of article 5(1), the Department may authorise in writing the purchase by a body, institute or centre approved under regulation 9 of these Regulations of apes belonging to an individual.
- (b) The importation into Northern Ireland of lagomorphs which cannot be shown to have been born on the holding of origin and kept in captivity since birth is prohibited except in accordance with the provisions of the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977. Lagomorphs born on the holding of origin and kept in captivity since birth must be accompanied on importation by an official health certificate confirming that status and that the holding of origin has been free from rabies for at least one month.
- (c) Animals (other than carnivores, primates, bats and lagomorphs) born on the holding of origin and kept in captivity since birth must be accompanied on importation by a certificate completed by the exporter confirming that status and that the animals do not show any obvious signs of disease at the time of export, and that the premises of origin are not subject to any animal health restrictions.

Pathogens

11. 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(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (O.J. No. L62, 15.3.93, p. 49) as amended by, and as read with –

Council Directive 2002/33/EC (O.J. No. L315, 19.11.2002, p. 14);
Commission Decision 2003/721/EC (O.J. No. L260, 11.10.2003, p. 21);
Commission Regulation (EC) No. 445/2004 (O.J. No. L72, 11.3.2004, p. 60);

and the European international instruments.

Relevant provisions: Articles 6 and 7(1).

Pure-bred animals of the bovine species

12. Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species (O.J. No. L206, 12.8.1977, p. 8), as amended by, and as read with –

The Act concerning the conditions of accession of the Hellenic Republic to the European Communities (O.J. No. L291, 19.11.79, p. 17);

Council Directive 79/268/EEC (O.J. No. L62, 13.3.79, p. 5);

Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);

Council Directive 85/586/EEC (O.J. No. L372, 31.12.85, p. 44);

Commission Decision 86/404/EEC (O.J. No. L233, 20.8.86, p. 19);

Commission Decision 88/124/EEC (O.J. No. L62, 8.3.88, p. 32);

Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37);

Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);

Commission Decision 96/80/EC (O.J. No. L19, 25.1.96, p. 50);

Commission Decision 96/510/EC (O.J. No. L210, 20.8.96, p. 53) (as amended by Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27);

Commission Decision 2002/8/EC (O.J. No. L3, 5.1.2002, p. 53);

and the European international instruments.

Relevant provisions: Articles 5 and 7.

Breeding animals of the porcine species

13. Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (O.J. No. L382, 31.12.1988, p. 36), as amended by, and as read with –

Commission Decision 89/503/EEC (O.J. No. L247, 23.8.89, p. 22);

Commission Decision 89/506/EEC (O.J. No. L247, 23.8.89, p. 34);

Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);

Commission Decision 96/510/EC (O.J. No. L210, 20.08.96, p. 53) (as amended by Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27));

and the European international instruments.

Relevant provisions: Articles 2(2), 5, 7(2) and 9.

Pure-bred breeding sheep and goats

14. Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats (O.J. No. L153, 6.6.1989, p. 30), as amended by, and as read with –

Commission Decision 90/258/EEC (O.J. No. L145, 8.6.90, p. 39);

Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);

Commission Decision 96/510/EC (O.J. No. L210, 20.08.96, p. 53);

Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27);

and the European international instruments.

Relevant provisions: Articles 3(2) and 6.

Registered Equidae

15. Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (O.J. No. L224, 18.8.90, p. 55), as amended by, and as read with –

Commission Decision 92/353/EEC (O.J. No. L192, 11.7.92, p. 63);
Commission Decision 92/354/EEC (O.J. No. L192, 11.7.92, p. 66);
Commission Decision 93/623/EEC (O.J. No. L298, 3.12.93, p. 45) as amended by Decision 2000/68/EC (O.J. No. L23, 28.1.2000, p. 72);
Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);
Commission Decision 96/78/EC (O.J. No. L19, 25.1.96, p. 39);
Commission Decision 96/510/EC (O.J. No. L210, 20.08.1996, p. 53);
Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27);

and the European international instruments.

Relevant provisions: Articles 6 and 8.

PART II

ADDITIONAL REQUIREMENTS FOR THE TRANSPORT OF CATTLE, PIGS, SHEEP AND GOATS

1. Any person transporting cattle, pigs, sheep or goats in intra-Community trade shall do so in accordance with this Part.
2. He shall, for each vehicle used for the transport of those animals, keep a register containing the following information, and shall preserve the register for at least three years, that is to say –
 - (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
 - (b) places and dates of delivery, and the name or business name and address of the consignee;
 - (c) species and number of animals carried;
 - (d) date and place of disinfection;
 - (e) the unique identifying number of accompanying health certificates.
3. He shall ensure that the means of transport is constructed in such a way that the animal faeces, litter or feed cannot leak or fall out of the vehicle.
4. He shall ensure that all cleansing and disinfection of the vehicle is either –
 - (a) carried out at facilities approved for the purpose by the Department under this paragraph (which must include facilities for storing litter and faeces); or
 - (b) carried out by a third party, in which case he shall provide to the Department on request documentary evidence that this has been done.
5. He shall give a written undertaking to the Department stating that –
 - (a) all measures have been taken to ensure compliance with –
 - (i) in the case of cattle or pigs, Council Directive 64/432/EEC(a), and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals; and
 - (ii) in the case of sheep or goats, Council Directive 91/68/EEC(b), and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals; and
 - (b) the transport of animals shall be entrusted to staff who possess the necessary ability, professional competence and knowledge.

PART III

ADDITIONAL REQUIREMENTS FOR DEALERS IN CATTLE, PIGS, SHEEP AND GOATS

1. Every dealer in cattle, pigs, sheep or goats engaging in intra-Community trade shall comply with the provisions of this Part.

(a) O.J. No. L109, 25.4.97, p. 1, as amended by and as read with the provisions listed in paragraph 1 of Part I of Schedule 3
(b) O.J. No. L46, 19.2.91, p. 19, as amended by and as read with the provisions listed in paragraph 9 of Part I of Schedule 3

2.—(1) The dealer shall:

- (a) be approved by the Department under this paragraph; and
- (b) be registered with, and have a registration number issued, by the Department.

(2) The Department shall only issue an approval under this paragraph if satisfied that the dealer will comply with the provisions of this Part and, in the case of a dealer in sheep or goats, that the dealer has agreed to comply with the requirements for the operation of his premises which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the premises are capable of being operated in accordance with the second indent of Article 3(2) of Council Directive 90/425/EEC.

3. The dealer shall ensure that he only imports or exports animals that are identified and meet the requirements of Community law for intra-Community trade and, in the case of cattle, come from herds that are officially free of tuberculosis, brucellosis and leucosis, or are slaughter animals meeting the requirements of Article 6(3), or, if slaughter animals under a disease control programme, the requirements of Article 13(1)(a), of Council Directive 64/432/EEC.

4. The dealer shall keep a record for all cattle, pigs, sheep and goats which he imports or exports, either on the basis of identification numbers or marks on the animals, and preserve the record for at least three years, of—

- (a) the name and address of the seller;
- (b) the origin of the animals;
- (c) the date of purchase;
- (d) the categories, number and identification (or registration number of the holding of origin) of cattle, sheep and goats;
- (e) the registration number of the holding of origin or the herd of origin of pigs;
- (f) the approval or registration number of the assembly centre through which he has acquired sheep or goats (where applicable);
- (g) the registration number of the transporter or the licence number of the lorry delivering and collecting animals;
- (h) the name and address of the buyer and the destination of the animals; and
- (i) copies of route plans and numbers of health certificates.

5. In the case of a dealer who keeps cattle, pigs, sheep or goats on his premises he shall ensure that—

- (a) specific training in the care and welfare of animals is given to the staff in charge of the animals; and
- (b) all necessary steps are taken to prevent the spread of disease.

6.—(1) The dealer shall only use premises approved for the purpose by the Department under this paragraph and which, in the case of a dealer in sheep and goats, are specified in an operational agreement.

(2) The Department shall issue an approval number for premises approved under this paragraph.

(3) The Department shall only issue an approval under this paragraph if satisfied that the premises comply with Article 13(2) of Council Directive 64/432/EEC or, in the case of a dealer in sheep and goats, Article 8b(2) of Council Directive 91/68/EEC.

SCHEDULE 3

Regulations 13(1) and 20(1)

LIST OF DISEASES

African horse sickness
African swine fever
Avian influenza
Bluetongue
Bovine spongiform encephalopathy
Classical swine fever
Contagious bovine pleuropneumonia
Dourine

Equine encephalomyelitis of all types, (including Venezuelan equine encephalomyelitis)
Equine infectious anaemia
Foot and mouth disease
Glanders
Infectious haematopoietic necrosis
Infectious Salmon anaemia
Lumpy skin disease
Newcastle disease
Peste des petits ruminants
Rift valley fever
Rinderpest
Sheep and goat pox
Small hive beetle (*Aethina tumida*)
Swine vesicular disease
Teschén disease
Tropilaelaps mite
Vesicular stomatitis
Viral haemorrhagic septicaemia

SCHEDULE 4 Regulations 2(4), 15(5), 19 and 26

COMMUNITY LEGISLATION ON THIRD COUNTRIES

PART I

THIRD COUNTRIES FROM WHICH MEMBER STATES MAY AUTHORISE CERTAIN IMPORTS

1. Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat (O.J. No. L146, 14.6.79, p. 15), member States as amended by, and as read with –

Commission Decision 95/536/EC (O.J. No. L304, 16.12.95, p. 49);
Commission Decision 2003/881/EC (O.J. No. L328, 17.12.2003, p. 26); and
Commission Decision 2004/212/EC (O.J. No. L73, 11.3.2004, p. 11).

2. Commission Decision 95/233/EC drawing up lists of third countries from which member States authorise imports of live poultry and hatching eggs (O.J. No. L156, 7.7.95, p. 76), as amended by, and as read with –

Commission Decision 96/628/EC (O.J. No. L282, 1.11.96, p. 73);
Commission Decision 96/659/EC (O.J. No. L302, 26.11.96, p. 27);
Commission Decision 97/183/EC (O.J. No. L76, 18.3.97, p. 32);
Commission Decision 2001/732/EC (O.J. No. L275, 18.10.2001, p. 14);
Commission Decision 2001/751/EC (O.J. No. L281, 25.10.2001, p. 24);
Commission Decision 2002/183/EC (O.J. No. L61, 2.3.2002, p. 56); and
Commission Decision 2004/118/EC (O.J. No. L36, 7.2.2004, p. 34).

3. Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption (O.J. No. L302, 21.11.2003, p. 22), as amended by, and as read with –

Commission Decision 2004/609/EC (O.J. No. L274, 24.8.2004, p. 17); and

Commission Decision 2004/623/EC (O.J. No. L280, 31.8.2004, p. 26).

4. Commission Decision 2003/858/EC laying down the animal health conditions certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption (O.J. L324, 11.12.2003, p. 37) as amended by, and read with –

Commission Decision 2004/454/EC (O.J. No. L156, 30.4.2004, p. 29).

5. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which member States authorise imports of living equidae and semen, ova and embryos of the equine species (O.J. No. L73, 11.3.2004, p. 1).

PART II

DETAILED PROVISIONS

Bovine, ovine and caprine animals and swine from third countries

1. Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, and fresh meat or meat products from third countries (O.J. L302, 31.12.72, p. 28), as amended by, and as read with –

Council Directive 90/423/EEC (O.J. No. L224, 18.8.90, p. 13);

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);

Council Directive 91/69/EEC (O.J. No. L46, 19.2.91, p. 37);

Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);

Council Directive 91/688/EEC (O.J. No. L377, 31.12.91, p. 18);

Council Directive 96/91/EC (O.J. No. L13, 16.1.1997, p. 26);

Council Directive 97/79/EC (O.J. No. L24, 30.1.98, p. 31);

and the European international instruments.

Relevant provisions: Articles 6, 10, 11, 13, 29 and 30.

Cloven-hoofed animals and elephants from third countries

2. Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat (O.J. No. L146, 14.6.79, p. 15), as amended by, and as read with Commission Decision 2004/212/EC (O.J. No. L73, 11.3.2004, p. 11).

Relevant provisions: Articles 3, 4, 5 and 6

Equidae

General

3. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries (O.J. No. L224, 18.8.90, p. 42), as amended by, and as read with –

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);

Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);

Council Directive 92/36/EEC (O.J. No. L157, 10.6.92, p. 28);

Commission Decision 92/130/EEC (O.J. No. L47, 22.2.92, p. 26);

Commission Decision 95/329/EC (O.J. No. L191, 12.8.95, p. 36);

Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);

Commission Decision 2002/160/EC (O.J. No. L53, 23.3.2002, p. 37);

Council Directive 2004/68/EC (O.J. No. L139, 30.4.2004, p. 321);

and the European international instruments.

Relevant provisions: Articles 11, 12(1), 13 to 16 and 18.

4. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which member States authorise imports of live equidae and semen, ova and embryos of the equine species (O.J. No. L73, 11.3.2004, p. 1).

Relevant provisions: Article 6

Temporary admission of registered horses

5. Commission Decision 92/260/EEC (O.J. No. L130, 15.5.92, p. 67) as amended by, and read with –
Commission Decision 93/344/EEC (O.J. No. L138, 9.6.93, p. 11);
Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p. 11);
Commission Decision 94/561/EC (O.J. No. L214, 19.8.94, p. 17);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 95/323/EC (O.J. No. L190, 11.8.95, p. 11);
Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/10/EC (O.J. No. L3, 7.1.97, p. 9) as amended by Decision 2001/622/EC (O.J. No. L216, 10.8.2001, p. 26);
Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);
Commission Decision 98/594/EC (O.J. No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 99/613/EC (O.J. No. L24, 15.9.99, p. 12);
Commission Decision 2000/209/EC (O.J. No. L64, 11.3.2000, p. 22);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.2001, p. 38);
Commission Decision 2001/611/EC (O.J. No. L214, 8.8.2001, p. 49);
Commission Decision 2001/619/EC (O.J. No. L215, 9.8.2001, p. 55);
Commission Decision 2001/828/EC (O.J. No. L308, 27.11.2001, p. 41);
Commission Decision 2002/635/EC (O.J. No. L206, 3.8.2002, p. 20);
Commission Decision 2002/636/EC (O.J. No. L206, 3.8.2002, p. 27);
Commission Decision 2003/13/EC (O.J. No. L7, 11.1.2003, p. 86);
Commission Decision 2003/541/EC (O.J. No. L185, 24.07.2003, p. 41);
Commission Decision 2004/117/EC (O.J. No. L36, 7.2.2004, p. 20);
Commission Decision 2004/177/EC (O.J. No. L55, 24.2.2004, p. 64);
Commission Decision 2004/241/EC (O.J. No. L74, 12.03.2004, p. 19);
and the European international instruments.

Relevant provisions: Article 1.

Registered horses for racing, etc.

6. Commission Decision 93/195/EEC on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export (O.J. No. L86, 6.4.93, p. 1), as amended by, and as read with –

Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p. 11);
Commission Decision 94/561/EC (O.J. No. L214, 19.8.94, p. 17);
Commission Decision 95/99/EC (O.J. No. L76, 5.4.95, p. 16);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 95/323/EC (O.J. No. L190, 11.8.95, p. 11);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/684/EC (O.J. No. L287, 21.10.97, p. 49);
Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);

Commission Decision 98/567/EC (O.J. No. L276, 13.10.98, p. 11);
Commission Decision 98/594/EC (O.J. No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 99/558/EC (O.J. No. L211, 11.8.99, p. 53);
Commission Decision 2000/209/EC (O.J. No. L64, 11.3.00, p. 64);
Commission Decision 2000/754/EC (O.J. No. L303, 12.12.00, p. 34);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.01, p. 38);
Commission Decision 2001/144/EC (O.J. No. L53, 23.2.01, p. 23);
Commission Decision 2001/610/EC (O.J. No. L43, 8.8.01, p. 45);
Commission Decision 2001/611/EC (O.J. No. L214, 8.8.01, p. 49);
Commission Decision 2004/211/EC (O.J. No. L73, 11.3.2004, p. 1); and

the European international instruments.

Relevant provisions: Article 1.

Equidae for slaughter

7. Commission Decision 93/196/EEC on animal health conditions and veterinary certification for imports of equidae for slaughter (O.J. No. L86, 6.4.93, p. 7), as amended by, and as read with –

Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p. 11);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);
Commission Decision 96/82/EC (O.J. No. L19, 25.1.96, p. 56);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/36/EC (O.J. No. L14, 17.1.97, p. 57);
Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.01, p. 38);
Commission Decision 2001/611/EC (O.J. No. L214, 8.8.01, p. 49);

and the European international instruments.

Relevant provisions: Article 1.

Equidae for breeding and production

8. Commission Decision 93/197/EEC on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production (O.J. No. L86, 6.4.93, p. 16), as amended by:

Commission Decision 93/510/EEC (O.J. No. L238, 23.9.93, p. 45);
Commission Decision 93/682/EEC (O.J. No. L317, 18.12.93, p. 82);
Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p. 11);
Commission Decision 94/561/EC (O.J. No. L214, 19.8.94, p. 17);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 95/323/EC (O.J. No. L190, 11.8.95, p. 11);
Commission Decision 95/536/EC (O.J. No. L304, 16.12.95, p. 49);
Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);
Commission Decision 96/82/EC (O.J. No. L19, 25.1.96, p. 56);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/10/EC (O.J. No. L3, 7.1.97, p. 9), as amended by Commission Decision 2004/117/EC (O.J. No. L036, 7.2.2004, p. 20);

Commission Decision 97/36/EC (O.J. No. L14, 17.1.97, p. 57);
Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);
Commission Decision 98/594/EC (O.J. No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 99/236/EC (O.J. No. L87, 31.3.99, p. 13);
Commission Decision 99/252/EC (O.J. No. L96, 10.4.99, p. 31);
Commission Decision 99/613/EC (O.J. No. L243, 15.9.99, p. 12);
Commission Decision 2000/209/EC (O.J. No. L64, 11.3.00, p. 64);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.01, p. 38);
Commission Decision 2001/611/EC (O.J. No. L214, 8.8.01, p. 49);
Commission Decision 2001/619/EC (O.J. No. L215, 9.8.01, p. 55);
Commission Decision 2001/754/EC (O.J. No. L282, 26.10.01, p. 34);
Commission Decision 2001/766/EC (O.J. No. L288, 1.11.01, p. 50);
Commission Decision 2001/828/EC (O.J. No. L308, 27.11.01, p. 41);
Commission Decision 2002/635/EC (O.J. No. L206, 3.8.02, p. 20);
Commission Decision 2002/841/EC (O.J. No. L206, 25.10.02, p. 42);
Commission Decision 2003/541/EC (O.J. No. L185, 24.07.2003, p. 41);
Commission Decision 2004/117/EC (O.J. No. L36, 7.2.2004, p. 20);
Commission Decision 2004/177/EC (O.J. No. L55, 24.2.2004, p. 64);
Commission Decision 2004/241/EC (O.J. No. L74, 12.3.04, p. 19);

and the European international instruments.

Relevant provisions: Article 1.

- (a) All pre-export tests of registered horses from Kyrgyzstan and registered equidae and equidae for breeding and production imported from Belarus, Bulgaria, Croatia, ex-Yugoslavia Republic of Macedonia, Romania, Russian Federation and the Ukraine must be carried out as follows: for vesicular stomatitis at the Institute of Animal Health, Pirbright, the National Veterinary Institute, Czech Republic or at the Central Veterinary Laboratory, Budapest, Hungary; the mandatory tests for infectious anaemia, dourine and glanders and, if necessary, the test for equine viral arteritis at the Veterinary Laboratories Agency, Weybridge, the National Veterinary Institute, Czech Republic, or the Central Veterinary Laboratory, Budapest, Hungary;
- (b) The test results must be attached to the health certificate accompanying the imported equidae.

Poultry and hatching eggs

9. Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs (O.J. No. L303, 30.10.90, p. 6) as amended by, and as read with –

Council Directive 91/494/EEC (O.J. No. L268, 24.9.91, p. 35);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
Commission Decision 92/369/EEC (O.J. No. L195, 14.7.92, p. 25);
Council Directive 93/120/EEC (O.J. No. L340, 31.12.93, p. 35);
Commission Decision 96/482/EC (O.J. No. L196, 7.8.96, p. 13);
Commission Decision 96/628/EC (O.J. No. L282, 1.11.93, p. 73);
Council Directive 99/89/EC (O.J. L300, 23.11.99 p. 17);
Council Directive 99/90/EC (O.J. No. L300, 23.11.1999, p. 19);
Commission Decision 2000/505/EC (O.J. No. L201, 9.8.2000, p. 8);
Commission Decision 2002/183/EC (O.J. No. L61, 2.3.2002, p. 56);
Commission Decision 2002/542/EC (O.J. No. L176, 5.7.2002, p. 43);

Commission Decision 2004/118/EC (O.J. No. L36, 7.2.2004, p. 34);
Council Directive 2004/68/EC (O.J. No. L139, 30.4.2004, p. 321);
and the European international instruments.
Relevant provisions: Articles 20, 21(1), 22(1), 23, 24, 27(2) and 28.

Other specified animals, semen, ova and embryos

10. 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 Council Directive 90/425/EEC (O.J. No. L268, 14.9.92, p. 54), as amended by, and as read with –

Commission Decision 95/176/EC (O.J. No. L117, 24.5.95, p. 23);
Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);
Commission Regulation (EC) No 1282/2002 (O.J. No. L187, 16.7.2002, p. 3);
Council Regulation (EC) No. 1802/2002 (O.J. No. L274, 11.10.2002, p. 21);
Council Regulation (EC) No 998/2003 (O.J. No. L146, 13.6.2003, p. 1);
Council Regulation (EC) No. 1398/2003 (O.J. No. L198, 6.8.2003, p. 3);
Commission Decision 2003/881/EC (O.J. No. L328, 17.12.2003, p. 26);
Commission Regulation (EC) No. 592/2004 (O.J. No. L94, 31.3.2004, p. 7);
Commission Decision 2004/595/EC (O.J. No. L266, 13.8.2004, p. 11);

and the European international instruments and Joint Committee Decision 69/96 of 17 July 1998 amending Annex 1 (Veterinary and Phytosanitary matters) to the Agreement on the European Economic Area (O.J. No. L158, 24.6.99, p. 1).

Relevant provisions: Articles 17(1), 17(2) and 18.

Live animals from New Zealand

11. Commission Decision 2003/56/EC on health certificates relating to live animals, their semen, ova and embryos imported from New Zealand (O.J. No. L22, 25.1.03, p. 38) as amended by Commission Decision 2003/385/EC (O.J. No. L133, 29.5.03, p. 87) and Commission Decision 2003/669/EC (O.J. No. L237, 24.9.03, p. 7);

Relevant provisions: Articles 1, 2 and 3.

Zootechnical conditions

12. Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species (O.J. No. L178, 12.7.94, p. 66), as read with –

Commission Decision 96/509/EC (O.J. No. L210, 20.8.96, p. 47); and
Commission Decision 96/510/EC (O.J. No. L210, 20.8.96, p. 53) as amended by Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27).

Relevant provisions: Article 4.

Finfish and Shellfish from third countries

13. Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption (O.J. No. L302, 21.11.2003, p. 22), as amended by, and as read with –

Commission Decision 2004/609/EC (O.J. L274, 24.8.04, p. 17); and
Commission Decision 2004/623/EC (O.J. No. L280, 31.8.2004, p. 26).

Relevant provisions: Articles 3, 4, 5, 6, 7 and 8.

14. Commission Decision 2003/858/EC laying down the specific animal health conditions and certification requirements for imports of live fish, their eggs, and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption (O.J. L324, 11.12.2003, p. 37) as amended by, and as read with –

Commission Decision 2004/454/EC (O.J. No. L156, 30.4.2004, p. 29).

Relevant provisions: Articles 3, 4, 5, 6, 7, 8 and 9.

SCHEDULE 5

Regulation 26

DISAPPLICATION OF LEGISLATION

| 1 <i>Number</i> | 2 <i>Title</i> | 3 <i>Extent</i> |
|---|--|--|
| S.R. & O. (N.I.) 1963 No.178 as amended by S.R. 1998 No. 45 and S.R. 2000 No. 253 | Diseases of Animals (Unlawful Importations) Order (Northern Ireland) 1963 | Articles 4 and 6. |
| S.R. & O. (N.I.) 1965 No. 175 as amended by S.R. & O. (N.I.) 1968 No. 106, S.R. 1985 No. 162, S.R. 1992 No. 199, and S.R. 1996 No. 82 | Diseases of Animals (Importation of Poultry) Order (Northern Ireland) 1965 | The whole Order except that Article 4 shall continue to apply to all birds (including domestic fowl) and their hatching eggs other than those subject to the provisions of Council Directive 90/539/EEC (excluding domestic fowl). |
| S.R. 1967 c. 7 (N.I.) | Diseases of Fish Act (Northern Ireland) 1967 | Section 3. |
| S.R. 1967 No. 294 | Rabbits and Hares (Control of Importation) Order (Northern Ireland) 1967 | The whole Order. |
| S.R. 1973 No. 392 | Risk of Infection (Oysters) Order (Northern Ireland) 1973 | The whole Order. |
| S.I. 1975/1834 (N.I. 17) | Artificial Reproduction of Animals (Northern Ireland) Order 1975 | Article 6(1) will no longer apply to – <ul style="list-style-type: none"> (a) bovine semen which is the subject of Council Directive 88/407/EEC; (b) bovine embryos which are the subject of Council Directive 89/556/EEC; (c) porcine semen which is the subject of Council Directive 90/429/EEC; (d) equine ova and embryos which are the subject of Commission Decision 95/294/EC; (e) equine semen which is the subject of Commission Decision 95/307/EC; (f) ovine and caprine semen, ova and embryos which are the subject of Commission Decision 95/388/EC; and |

| 1 <i>Number</i> | 2 <i>Title</i> | 3 <i>Extent</i> |
|---|--|--|
| | | (g) porcine ova and embryos which are the subject of Commission Decision 95/483/EC. |
| S.R. 1977 No. 113 as amended by S.R. 1977 No. 256, S.R. 1994 No. 402 and S.R. 2000 No. 10 | Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 | The Order shall continue to apply to all carnivores, primates and bats. It shall continue to apply to the importation of all other animals unless such animals are imported by way of trade and can be shown to have been born on the holding of origin and kept in captivity since birth. |
| S.R. 1982 No. 99 | Lobsters (Risk of Infection) Order (Northern Ireland) 1982 | The whole Order. |
| S.R. 1986 No. 253 as amended by S.R. 1999 No. 194 | Importation of Animals Order (Northern Ireland) 1986 | Articles 3, 6(1) and (2), 7 to 11, 13 to 15, 16(2) and Schedule 3 except that Article 3 shall continue to apply to ruminating animals and swine other than animals which are the subject of Council Directives 64/432/EEC and 91/68/EEC. |
| S.R. 1991 No. 458 | Risk of Infection (Fish) Order (Northern Ireland) 1991 | The whole Order. |

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and re-enact with changes the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 325).

They implement Council Directive 90/425/EEC (concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market) (O.J. No. L224, 18.8.90, p. 29) and Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries) (O.J. No. L268, 24.9.91, p. 56).

They continue to include the following provisions:

With respect to intra-Community trade, the Regulations make it an offence to export, import or transport for intra-Community trade any animal or animal product to which Directive 90/425/EEC applies except in accordance with that Directive (regulations 5, 6 and 7).

The Regulations also set out the procedure and requirements for the registration of dealers in animals and animal products (regulation 8).

The requirements and procedures for approval of centres and teams engaging in intra-Community trade in animals and animal products are set out (regulation 9).

They give to inspectors the powers of inspection and examination specified in Directive 90/425/EEC, together with the necessary powers of entry (regulations 10 and 22).

They place duties on consignees of animals and animal products (regulation 11).

The Regulations specify the preconditions for the approval of assembly centres (regulation 12).

They provide for procedures to be followed where a consignment constitutes a danger to health or is otherwise illegal (regulation 13).

With respect to the importation of animals from third countries, the Regulations prohibit the importation of any animal unless the conditions of Council Directive 91/496/EEC are complied with (regulation 15).

At the place of destination, animals for breeding and production may not be released until authorised by an authorised officer of the Department (regulation 18).

The Regulations also give powers to the Department to take action in the event of an outbreak of disease in another state (regulation 20) and make provision for the notification of decisions, powers of entry and penalties.

Changes from the previous legislation

Regulation 3(2) implements the requirement in Article 12 of Regulation (EC) No. 998/2003 (O.J. No. L146, 13.6.2003, p. 1) that where any person is travelling with more than 5 pets of certain species from certain third countries, those animals shall be subject to the veterinary checks provided for in these Regulations, notwithstanding the general exemption for pets from veterinary checks in regulation 3(1).

These Regulations implement Council Directive 2003/50/EC (amending Directive 91/68/EEC as regards reinforcement of controls on movements of ovine and caprine animals) (O.J. No. L169, 8.7.2003, p. 51). The amended provisions of Directive 91/68/EEC relating to

health controls for assembly centres, dealers and transporters, in the case of sheep and goats, are reflected in regulations 7 and 12, and Parts II and III of Schedule 2 to these Regulations.

Regulation 15(8) has been revised to reflect the provisions of Commission Regulation (EC) No. 282/2004 (introducing a document for the declaration of, and veterinary checks, on animals from third countries entering the Community) (O.J. No. L49, 19.2.2004, p. 11), including the requirements relating to the new “common veterinary entry document”, which an importer must use to give notice of his intention to import an animal into the Community from a third country, and which the official veterinarian must use to record his decision on the consignment.

Regulation 18 has been revised to reflect the requirements of Article 7(ii) of Commission Decision 2004/212/EC (O.J. No. L73, 11.3.2004, p. 11). Elephants and animals of the order Artiodactyla imported from third countries for certain purposes must be kept at their place of destination for 30 days and may not be released unless authorised by an authorised officer of the Department. The order Artiodactyla includes animals commonly known as pigs, sheep, goats, cattle, camelids and hippopotamuses (this list is not exhaustive).

Schedules 1, 2, 3 and 4 have been updated in order to implement Community instruments that have come into force since the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2004 were made.