

**2008 No. 3203**

**AGRICULTURE, ENGLAND**

**The Animals and Animal Products (Import and Export)  
(England) (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>15th December 2008</i>
<i>Laid before Parliament</i>		<i>19th December 2008</i>
<i>Coming into force</i>	- -	<i>15th January 2009</i>

The Secretary of State is a Minister designated(a) for the purposes of making Regulations under section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in that section and it appears to the Secretary of State that it is expedient for the references to the legislation set out in the Schedule to be construed as references to that legislation as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

**Title, application and commencement**

1. These Regulations—

- (a) may be cited as the Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2008;
- (b) apply in England; and
- (c) come into force on 15th January 2009.

**Amendment to the Animals and Animal Products (Import and Export) (England) Regulations 2006**

2.—(1) The Animals and Animal Products (Import and Export) (England) Regulations 2006(c) are amended in accordance with this regulation.

(1) In regulation 1(2) delete the definition of “bluetongue susceptible animal”.

(2) For regulation 1(5) substitute—

“(5) Unless specifically defined in these Regulations, any expression used in these Regulations has the meaning it bears in—

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(a) S. I. 1972/1811.

(b) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(c) S. I. 2006/1471 as last amended by S. I. 2007/3277.

- (a) 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 single market (OJ No L224, 18.8.90, p. 29 as last amended by Directive 2002/33/EC of the European Parliament and of the Council, OJ No. L 315, 19.11.2002, p. 14); 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 (OJ L 268, 24.9.1991, p. 56 as last amended by Council Directive 2006/104/EC, OJ No. L363, 20.12.2006, p. 352 ).”.

(3) After regulation 1(6) add—

“(7) Any reference in these Regulations to an instrument of the European Community is a reference to that instrument as amended from time to time.”.

(4) In regulation 35 delete “and subject to paragraph (1),”.

(5) Schedule 1 is deleted.

(6) For Schedules 2, 3, and 7 to those Regulations, substitute the replacements set out in the Schedule to these Regulations.

**Amendment to the Animals and Animal Products (Import and Export) (England)(Amendment) Regulations 2007**

3. Regulation 2(2) of the Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2007(a) is revoked.

15th December 2008

*Jane Kennedy*  
Minister of State  
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 2

Replacement Schedules

SCHEDULE 2

Regulation 1(2)

Border Inspection Posts

<i>Border inspection post</i>	<i>Animals that may be imported</i>
Gatwick Airport	All animals other than ungulates <sup>(i)</sup>
Heathrow Airport	All animals
Manchester Airport	live fish, reptiles, invertebrates

(a) S. I. 2007/3277.

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*Border inspection post*

*Animals that may be imported*

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Stansted Airport <sup>(ii)</sup>

Ungulates <sup>(i)</sup>

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(i) Ungulates include registered equidae as defined in Council Directive 90/426/EEC (OJ No. L224, 18.8.90, p. 42 as last amended by Council Directive 2006/104/EC, OJ No L 363, 20.12.2006, p. 352).

(ii) Stansted Airport is not a border inspection post for any species of animal specified in the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (S. I. 1974/2211).

## SCHEDULE 3

Regulation 4

### Intra-Community trade: legislation and additional requirements

#### PART 1

#### LEGISLATION IN RELATION TO 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(**a**).

##### **Bovine semen**

2. Council Directive 88/407/EEC laying down the animal health conditions applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species(**b**).

##### **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(**c**).

##### **Equidae**

4. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries(**d**).

##### **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(**e**).

##### **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(**f**).

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(a) OJ No L 121, 29.7.64, p. 1977 as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).

(b) OJ No L 194, 22.7.98, p. 10 as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).

(c) OJ No L 302, 19.10.89, p. 1 as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).

(d) OJ No L 224, 18.8.90, p. 42 as last amended by Commission Decision 2006/104/EC (OJ No L 363, 20.12.2006, p. 352).

(e) OJ No L 224, 18.8.90, p. 62 as last amended by Council Regulation (EC) 806/2003 (OJ No L 122, 16.5.2003, p. 1).

(f) OJ No L 303, 31.10.90, p. 6 as last amended by Commission Decision 2007/729/EC (OJ No L 294 13.11.2007, p. 26).

## **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(a).

## **Fish**

8. Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(b).

9. Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(c).

## **Ovine and caprine animals**

10. Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(d).

## **Other animals, semen, ova and embryos**

11. 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(e).

## **Circuses and animal acts**

12. Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States(f).

## **Pathogens**

13. 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(g).

## **Pure-bred animals of the bovine species**

14. Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species(h).

## **Breeding animals of the porcine species**

15. Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species(i).

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(a) OJ No L 273, 10.10.2002, p. 1 as last amended by Commission Regulation (EC) 777/2008 (OJ No L 207, 5.8.2008, p. 9).  
(b) OJ No L 328, 24.11.2006, p. 14 as last amended by Commission Directive 2008/53/EC (OJ No L 117, 1.5.2008, p. 27).  
(c) OJ No L 157, 30.4.2004, p. 33 as corrected in OJ No L 195, 2.6.2004, p. 12.  
(d) OJ No L 46, 19.2.91, p. 19 as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).  
(e) OJ No L 268, 14.9.92, p. 54 as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).  
(f) OJ No L 279, 22.10.2005, p. 47.  
(g) OJ No L 62, 15.3.93, p. 49 as last amended by Commission Regulation (EC) 445/2004 (OJ No L 72, 11.3.2004, p. 60).  
(h) OJ No L 206, 12.8.1977, p. 8 as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).  
(i) OJ No L 382, 31.12.1988, p. 36 as last amended by Council Regulation (EC) No 806/2003 (OJ No L 122, 16.5.2003, p. 1).

### **Pure-bred breeding sheep and goats**

16. Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats(a).

### **Equidae**

17. Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae(b).

### **Bluetongue susceptible animals**

18. Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue(c).

## SCHEDULE 7

Regulation 16

Community legislation in relation to imports from third countries.

### PART 1

#### INSTRUMENTS SPECIFYING THIRD COUNTRIES AND TERRITORIES IN THIRD COUNTRIES FROM WHICH MEMBER STATES MAY AUTHORISE CERTAIN IMPORTS

#### **Cloven-hoofed animals and elephants and zoo ungulates**

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(d).

#### **Poultry**

2. Commission Decision 95/233/EC drawing up lists of third countries from which member States authorise imports of live poultry and hatching eggs(e).

#### **Captive birds**

3. Commission Regulation (EC) No 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof(f).

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- (a) OJ No L 153, 6.6.1989, p. 30 as last amended by Agreement on the European Economic Area - Annex I - Veterinary and phytosanitary matters - List provided for in Article 17 (OJ No L 1, 3.1.94, p. 220).
- (b) OJ No L 224, 18.8.90, p. 55 as last amended by Agreement on the European Economic Area - Annex I - Veterinary and phytosanitary matters - List provided for in Article 17 (OJ No L 1, 3.1.94, p. 220).
- (c) OJ No L 283, 27.10.2007, p. 37 as last amended by Commission Regulation (EC) No 708/2008 (OJ No L 197, 25.7.2008, p. 18).
- (d) OJ No L 146, 14.6.79, p. 15 as last amended by Commission Decision 2008/752/EC (OJ No L 261, 30.9.2008, p. 1).
- (e) OJ No L 156, 7.7.95, p. 76 as last amended by Commission Regulation (EC) No 1792/2006 (OJ No L 362, 20.12.2006, p. 1).
- (f) OJ No L 84, 24.3.2007, p. 7 as last amended by Commission Regulation (EC) No 754/2008 (OJ No L 205, 1.8.2008, p. 6).

## **Shellfish**

4. 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(a).

## **Finfish**

5. Commission Decision 2003/858/EC laying down the 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(b).

## **Bees**

6. Commission Decision 2003/881/EC of 11 December 2003 concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus* spp.) from certain third countries and repealing Decision 2000/462/EC(c).

## **Equidae**

7. 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(d).

## **Cats, dogs and ferrets**

8. Commission Decision 2005/64/EC implementing Council Directive 92/65/EEC as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres(e).

# **PART 2**

## **DETAILED PROVISIONS**

### **Cloven-hoofed animals and elephants and zoo ungulates**

9. Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries from which the Member States authorize imports of bovine animals, swine and fresh meat(f).

### **Zoo ungulates**

10. Council Directive 2004/68/EC laying down health rules for the importation into and transit through the Community of certain live ungulate animals(g).

### **Equidae**

### **General**

11. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries(h).

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(a) OJ No L 302, 21.11.2003, p. 22 as last amended by Commission Decision 2007/158/EC (OJ No L 68, 8.3.2007, p. 10).  
(b) OJ No L 324, 11.12.2003, p. 37 as last amended by Commission Decision 2008/641/EC (OJ No L 207, 5.8.2008, p. 34).  
(c) OJ No L 328, 17.12.2003, p. 26 as last amended by Commission Decision 2005/60/EC (OJ No L 25, 28.1.2005, p. 64).  
(d) OJ No L 73, 11.3.2004, p. 1 as last amended by Commission Decision 2008/804/EC (OJ No L 277, 18.10.2008, p. 36).  
(e) OJ No L 27, 29.1.2005, p. 48.  
(f) OJ No L 146, 14.6.79, p. 15 as last amended by Commission Decision 2008/752/EC (OJ No L 261, 30.9.2008, p. 1).  
(g) OJ No L 139, 30.4.2004, p. 321 as corrected in OJ No L 226, 25.6.2004, p. 128.  
(h) OJ No L 224, 18.8.1990, p. 42, as last amended by Council Directive 2006/104/EC, (OJ No L 363, 20.12.2006, p. 352).

12. 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(a).

#### **Temporary admission of registered horses**

13. Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses(b).

#### **Registered horses for racing, etc, upon re-entry**

14. 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(c).

#### **Equidae for slaughter**

15. Commission Decision 93/196/EEC on animal health conditions and veterinary certification for imports of equidae for slaughter(d).

#### **Registered equidae and equidae for breeding and production**

16. Commission Decision 93/197/EEC on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production(e).

#### **Poultry**

17. Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs(f).

#### **Other specified animals, semen, ova and embryos**

18. 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(g).

#### **Captive birds**

19. Commission Regulation (EC) No 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof(h).

#### **Cats, Dogs and Ferrets**

20. Commission Decision 2005/64/EC implementing Council Directive 92/65/EEC as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres(i).

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- (a) OJ No L 73, 11.3.2004, p.1 as last amended by Commission Decision 2008/804/EC (OJ No L 277, 18.10.2008, p. 36).  
(b) OJ No L 130, 15.5.1992, p. 67 as last amended by Commission Regulation (EC) No 1792/2006 (OJ No L 362, 20.12.2006, p. 1).  
(c) OJ No L 86, 6.4.93, p. 1 as last amended by Commission Regulation (EC) No 1792/2006 (OJ No L 362, 20.12.2006, p. 1).  
(d) OJ No L 86, 6.4.93, p. 7 as last amended by Commission Regulation (EC) No 1792/2006 (OJ No L 362, 20.12.2006, p. 1).  
(e) OJ No L 86, 6.4.93, p. 16 as last amended by Commission Regulation (EC) No 1792/2006 (OJ No L 362, 20.12.2006, p. 1).  
(f) OJ No L 303, 31.10.90, p. 6 as last amended by Commission Decision 2007/729/EC (OJ No L 294, 13.11.2007, p. 26).  
(g) OJ No L 268, 14.9.92, p. 54 as last amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).  
(h) OJ No L 84, 24.3.2007, p. 7 as last amended by Commission Regulation (EC) No 754/2008 (OJ No L 205, 1.8.2008, p. 6).  
(i) OJ No L 27, 29.1.2005, p. 48.

### **Live animals from New Zealand**

21. Commission Decision 2003/56/EC on health certificates for the importation of live animals and animal products from New Zealand(a).

### **Zootechnical conditions**

22. 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(b).

### **Finfish and Shellfish from third countries**

23. 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(c).

24. 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(d).

### **Bees**

25. Commission Decision 2003/881/EC concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus* spp.) from certain third countries and repealing Decision 2000/462/EC(e).

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(a) OJ No L 22, 25.1.2003, p. 38 as last amended by Commission Decision 2006/855/EC (OJ No L 338, 5.12.2006, p. 45).  
(b) OJ No L 178, 12.7.94, p. 66 as amended by Council Directive 2008/73/EC (OJ No L 219, 14.8.2008, p. 40).  
(c) OJ No L 302, 21.11.2003, p.22 as last amended by Commission Decision 2007/158/EC (OJ No L 68, 8.3.2007, p. 10).  
(d) OJ No L 324, 11.12.2003, p.37 as last amended by Commission Decision 2007/158/EC (OJ No L 68, 8.3.2007, p. 10).  
(e) OJ No L 328, 17.12.2003, p. 26 as last amended by Commission Decision 2005/60/EC (OJ No L 25, 28.1.2005 p. 64).



## **EXPLANATORY NOTE**

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

These Regulations replace Schedules 2, 3 and 7 to the Animals and Animal Products (Import and Export) (England) Regulations 2006 (S. I. 2006/1471). The new Schedules incorporate a number of new and amended pieces of Community legislation that have come into force since those Regulations came into force.

The Regulations provide that references to the Community instruments to in those Regulations are now references as amended from time to time.

They make some small corrections to the 2006 Regulations.

An Impact Assessment has not been prepared for this instrument as no impact on business, charities or voluntary bodies is foreseen.

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STATUTORY INSTRUMENTS

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**2008 No. 3203**

**AGRICULTURE, ENGLAND**

The Animals and Animal Products (Import and Export)  
(England) (Amendment) Regulations 2008

£5.00