

S.I. No. 602/2014 - Pet Passport (No. 2) Regulations 2014.

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 6th January, 2015.

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013) and, for the purposes of giving effect to Article 10 of Council Directive 92/65/EEC of 13 July 1992¹ (as amended by Directive 2013/31/EU of the European Parliament and of the Council of 12 June 2013) and Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013² hereby make the following regulations:

1. These Regulations may be cited as Pet Passport (No. 2) Regulations 2014 and come into operation on 28 December 2014.

Interpretation.

2. (1) In these Regulations—

“Act” means Animal Health and Welfare Act 2013;

“Council Directive” means Council Directive 92/65/EEC of 13 July 1992 as amended by Directive 2013/31/EU of the European Parliament and of the Council of 12 June 2013;

“Pet Passport Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013;

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

(3) This Regulation applies to dogs, cats and ferrets to which either the Pet Passport Regulation or, without prejudice to Regulation 6, Article 10 (2) of the Council Directive refers.

Non-commercial movement of cats, dogs and ferrets from Europe

3. (1) A person who—

(a) imports a pet cat, dog or ferret into the State from another Member State, or from a territory listed in Annex II to Commission Implementing Regulation (EU) 577/2013 of 28 June 2013³, or

(b) exports a pet cat, dog or ferret from the State to another Member State or to a territory listed Annex II to Commission Implementing Regulation (EU) 577/2013 of 28 June 2013,

commits an offence under the Act, unless the animal—

(i) is identified by means of a clearly readable tattoo applied before 3 July 2011, or a transponder, as required by Article 17(1) of the Pet Passport Regulation,

(ii) is accompanied by a passport as required by Article 6 (a) of the Pet Passport Regulation, and

(iii) has received an anti-rabies vaccination in accordance with Article 6 (b) of the Pet Passport Regulation.

(2) A person who fails to comply with the second subparagraph of Article 17(1) of the Pet Passport Regulation, which provides that the owner of an animal must provide the means necessary for reading a transponder in certain circumstances, commits an offence under the Act.

(3) The operator of a vessel, vehicle or aircraft used to import a cat, dog or ferret into the State shall not import the cat, dog or ferret unless he or she has given the Minister prior notice of the intention to import in accordance with paragraph (4).

(4) The Minister may direct the period, form and method of notification to be made under paragraph (3) and a person shall comply with the direction (if any).

Additional requirements for more than 5 pets

4. Regulations 9, 10 and 11 apply to the import or export of a consignment of more than 5 cats, dogs or ferrets, unless the person in possession or control of the consignment can show to the satisfaction of an authorised officer that Article 5 (2) of the Pet Passport Regulation applies to the consignment.

Non-commercial movement of cats, dogs or ferrets from third countries

5. A person who imports a pet cat, dog or ferret into the State from a third country or a territory not listed in Annex II to Commission Implementing Regulation (EU) No. 577/2013 of 28 June 2013 commits an offence under the Act unless the cat, dog or ferret—

(a) is identified by an identification system as required by Article 10(1) (a) of the Pet Passport Regulation,

(b) has undergone vaccination and testing as required by Article 10(1) (b) and (c) of the Pet Passport Regulation,

(c) complies with preventive health measures referred to in Article 10 (1)(d) of the Pet Passport Regulation, and

(d) is accompanied by a certificate or passport mentioned in Article 10(1) (e) of the Pet Passport Regulation that relates to the animal,

Responsibilities of Transporter

6. (1) A person, including the operator of a transport business, who imports a cat, dog or ferret into the State from a Member State or a third country, shall carry out all necessary checks to ensure that the animal is being brought into the State in compliance with these Regulations.

(2) The operator of a transport business shall maintain for a period of three years a detailed record of the checks carried out to ensure compliance with paragraph (1) and make it available on request to an authorised officer.

(3) The Minister may direct the form of record to be maintained for the purposes of paragraph (2) and a person shall comply with the direction.

(4) A record maintained for the purposes of this regulation may be maintained in non-legible form if it is capable of being reproduced in legible form.

Tapeworm treatment

7. (1) A person, who imports a dog into the State commits an offence under the Act unless—

(a) the dog has been treated against *Echinococcus multilocularis* in accordance with Article 7(1) and (2), and

(b) is accompanied by a certificate as provided for in Article 7(3),
of Commission Delegated Regulation (EU) No. 1152/2011 of 14 July 2011⁴ .

(2) Paragraph (1) does not apply to a dog imported from Finland, the United Kingdom or Malta.

Issue of passport

8. (1) Subject to paragraphs (7) and (8), a veterinary practitioner may—

(a) on application being made to him or her by the owner of a pet animal, and

(b) after examining the animal to which the application relates,

issue a passport (“pet passport”) in relation to that animal for the purposes of the Pet Passport Regulation.

(2) A pet passport shall be in a form and contain the information mentioned in Commission Implementing Regulation (EU) 577/2013 of 28 June 2013.

(3) A veterinary practitioner may obtain a reasonable supply, anticipating future use, of blank pet passports from the Minister on payment of the fee set by the Minister.

(4) A veterinary practitioner-

(a) shall store blank pet passports in a secure manner and in accordance with the directions (if any) of an authorised officer,

(b) shall not sell or supply a blank or incomplete pet passport,

(c) shall maintain an accurate record for at least five years of the pet passports issued by him or her in a form (if any) as the Minister may require, and

(d) shall make such returns to the Minister as the Minister may require.

(5) A record maintained in accordance with paragraph (4)(c) shall be made available for inspection on request to an authorised officer.

(6) A pet passport remains the property of the Minister and must be produced for inspection or surrendered on request to an authorised officer.

(7) The Minister may refuse to permit a veterinary practitioner have pet passports in his or her possession or under his or her control, or from issuing pet passports for such period as the Minister considers appropriate, if the veterinary practitioner contravenes the Pet Passport Regulation or commits an offence under the Act.

(8) If the Minister proposes to refuse to permit a veterinary practitioner to have pet passports in his or her possession or under his or her control, or from issuing pet passports the Minister—

(a) shall inform the veterinary practitioner of the proposal and the reasons for the proposal,

(b) shall afford the veterinary practitioner 14 days within which to make representation regarding the proposal, and

(c) shall inform the veterinary practitioner of his or her decision and the reasons for the decision.

(9) Any time after the expiration of 3 months after the date of a decision mentioned in paragraph (8) (c), the veterinary practitioner to whom the decision relates may apply to the Minister to discharge or vary the original decision and the Minister may discharge or vary the original decision if satisfied that there are good grounds for doing so.

Commercial movement of dogs, cats and ferrets

9. A person shall not export or attempt to export a cat, dog or ferret from the State for the purposes of sale or change of ownership unless the cat, dog or ferret—

(a) satisfies the conditions set out in Article 6 of the Pet Passport Regulation,

(b) has undergone a clinical examination carried out within 48 hours of dispatch by a veterinary practitioner, and

(c) is accompanied by a duly completed health certificate which corresponds to the specimen in Part 1 of Annex E to the Council Directive.

10. A person shall not import a dog, cat or ferret into the State from a third country for the purposes of sale or supply unless the animal has entered to the Union through a Border Inspection Post.

Penal provisions

11. Regulations 3, 5, 6, 7, 8, 9 and 10 are penal provisions to which section 36(4)(b) of the Act applies.

Saver

12. A pet passport, certificate or other document issued under the European Communities (Pet Passport) Regulations 2014 (S.I. No. 119 of 2014) remains in force and may be dealt with as if issued under the corresponding provisions of these Regulations.



GIVEN under my Official Seal,

18 December 2014.

SIMON COVENEY,

Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations implement Regulation (EU) No576/2013 on the rules applicable to the non-commercial movement of a pet dog, cat or ferret, which accompanies its owner during his or her movement. Where the pet animal is being moved for the purposes of sale or change of ownership, the animal must meet the EU animal health requirements applicable to trade in or imports into the Union of animals of the species concerned ('commercial movement').

1 OJ No L268, 14.9.1992, p.54;

2 OJ No. L.178, 28.6.2013, p1

3 OJ No. L.178, 28.6.2013, p109

4 OJ No. L.296, 15.11.2011, p.6