WELSH STATUTORY INSTRUMENTS

2006 No. 1536 (W.153)

ANIMALS, WALES

ANIMAL HEALTH

The Animals and Animal Products (Import and Export) (Wales) Regulations 2006

Made - - - -	*13 June 2006*
Coming into force - -	*15 June 2006*

The National Assembly for Wales is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the Common Agricultural Policy of the European Community.

In accordance with section 56(1) of the Finance Act 1973(**3**), the Treasury consents(**4**) to the making of these Regulations.

The National Assembly for Wales makes these Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972 and by section 56(1) and (2) of the Finance Act 1973:

PART 1

Introduction

Title, application, commencement and interpretation

1.—(1) The title of these Regulations is the Animals and Animal Products (Import and Export) (Wales) Regulations 2006, they apply in relation to Wales and come into force on 15 June 2006.

(2) In these Regulations—

"Approved assembly centre" means an assembly centre approved by the National Assembly in accordance with regulation 12;

"artiodactyla" means the order of mammals that comprise cattle, sheep, antelopes, deer, giraffes, camels, pigs, hippopotamuses and their cross breeds;

(**1**) S.I. 2005/2766.
(**2**) 1972 c. 68.
(**3**) 1973 c. 51.
(**4**) Section 29(4) of the Government of Wales Act 1998 (1998 c. 38).

"assembly centre" means any holding, collection centre or market 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 is used in the course of intra-Community trade;

"border inspection post" means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

"captive bird" means a bird whose import is subject to the requirements of Commission Decision 2000/666/EC(**5**);

"dealer" means—

(a) in relation to 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 or her ownership; and

(b) in relation to 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 or her ownership;

"Defra" means the Department for Environment, Food and Rural Affairs;

"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(**6**);

(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(**7**);

(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(**8**); and

(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(**9**);

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

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the National Assembly or a local authority, and when used in relation to a person so appointed by the National Assembly includes a veterinary inspector;

"local authority" means in relation to an area the county council or county borough council for that area;

"National Assembly" means the National Assembly for Wales;

(**5**) OJ No. L278, 31.10.2000, p. 26.
(**6**) OJ No. L73, Special Edition, 27.3.72.
(**7**) OJ No. L1, 3.1.94, p. 1.
(**8**) OJ No. C241, 29.8.94, p. 21, as amended by OJ No. L12, 1.1.95, p. 1.
(**9**) OJ No. L236, 23.9.03, p. 33.

"place of destination" means the address or addresses to which the consignment is consigned by the consignor;

"quarantine centre" and "quarantine facility" in relation to captive birds have the meanings given in Commission Decision 2000/666/EC, and references in that Decision and in these Regulations to an "approved quarantine centre" and an "approved quarantine facility" are to be construed as referring to such a centre or facility which is approved in accordance with regulation 19 and Schedule 8;

"quarantine manager" in relation to captive birds has the meaning given in regulation 19(11);

"re-inspection" in relation to the Poultry Health Scheme means an additional inspection described in paragraph 8 of Part I, Schedule 4, and "re-inspection fee" is the fee provided for in that paragraph;

"required consignment documentation" means any certificates or other documents that are required by these Regulations to accompany the consignment; and

"veterinary inspector" means a person appointed as a veterinary inspector by the National Assembly.

(3) Unless the context otherwise requires, references in these Regulations to the European Union legislation listed in this paragraph are to be construed as follows—

"Commission Decision 2000/666/EC" means Commission Decision 2000/666/EC laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine(**10**), as amended by and as read with the instruments listed in paragraph 6 of Part II of Schedule 7;

"Commission Decision 2006/115/EC" means Commission Decision 2006/115/EC concerning certain protection measures in relation to highly pathogenic avian influenza in wild birds in the Community and repealing Decisions 2006/86/EC, 2006/90/EC, 2006/91/EC, 2006/94/EC, 2006/104/EC and 2006/105/EC(**11**) as amended by Commission Decision 2006/277/EC(**12**);

"Commission Regulation (EC) No. 282/2004" means Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community (**13**);

"Council Directive 64/432/EEC" means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(**14**) as amended by and as read with the instruments listed in paragraph 1 of Part I of Schedule 3;

"Council Directive 90/425/EEC" has the meaning given in paragraph (5)(a);

"Council Directive 90/427/EEC" means Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae(**15**), as amended by and as read with the instruments listed in paragraph 15 of Part I of Schedule 3;

"Council Directive 90/539/EEC" means Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(**16**), as amended by and as read with, in relation to intra-Community trade with the instruments listed in paragraph 6 of Part I of Schedule 3 and in relation to imports from third countries, the instruments listed in paragraph 4 of Part II of Schedule 7;

(**10**) OJ No. L278, 31.10.2000, p. 26.
(**11**) OJ No. L48, 18.2.2006, p. 48.
(**12**) OJ No. L103, 12.4.2006, p. 29.
(**13**) OJ No. L49, 19.2.2004, p. 11.
(**14**) OJ No. P 121, 29.7.64, p. 1977: but *see* OJ No. L109, 25.4.97, p. 1 in which is published Council Directive 97/12/EC amending and updating Directive 64/432/EEC which substantially substituted new text.
(**15**) OJ No. L224, 1.8.90, p. 55.
(**16**) OJ No. L303, 30.10.90, p. 6.

"Council Directive 91/67/EEC" means Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(**17**), as amended by and as read with the instruments listed in paragraph 8(1) of Part I of Schedule 3;

"Council Directive 91/68/EEC" means Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(**18**) as amended by and as read with the instruments listed in paragraph 9 of Part I of Schedule 3;

"Council Directive 91/496/EEC" has the meaning given in paragraph (5)(b);

"Council Directive 92/65/EEC" means 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 Directive 90/425/EEC(**19**), as amended by and as read with, in relation to intra-Community trade, the instruments listed in paragraph 10 of Part I of Schedule 3, and in relation to imports from third countries, the instruments listed in paragraph 5 of Part II of Schedule 7;

"Regulation (EC) No. 998/2003" means Regulation (EC) No. 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC(**20**), as amended by Commission Regulation (EC) No. 2054/2004(**21**) and Commission Regulation (EC) No. 1193/2005(**22**); and

"Regulation (EC) No. 854/2004" means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**23**).

(4) For purposes of regulation 14(b), quarantine required under Commission Decision 2000/666/EC is a check provided for in Council Directive 91/496/EEC.

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

(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(**24**) as amended by and as read with the instruments listed in Schedule 1; 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(**25**), as amended by and as read with the instruments listed in Schedule 1.

(6) A notice, approval or declaration under these Regulations is to be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Exception

2.—(1) Subject to paragraph (2), these Regulations do not apply 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.

(**17**) OJ No. L46, 19.2.91, p. 1.
(**18**) OJ No. L46, 19.2.91, p. 19.
(**19**) OJ No. L268, 14.9.92, p. 54.
(**20**) OJ No. L146, 13.6.2003, p. 1.
(**21**) OJ No. L355, 01.12.2004, p. 14.
(**22**) OJ No. L194, 26.7.2005, p. 4.
(**23**) OJ No. L139, 30.4.2004, p. 206, a corrigendum to which has been published in OJ No. L226, 25.06.2004, p. 83.
(**24**) OJ No. L224, 18.8.90, p. 29.
(**25**) OJ No. L268, 24.9.91, p. 56.

(2) Where any person is accompanying and has under his or her responsibility more than five pets travelling together that—

(a) are each of a species listed in Annex I to Regulation (EC) No. 998/2003; 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 apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is not the subject of a commercial transaction.

Enforcement

3.—(1) Except where otherwise expressly provided, these Regulations must be enforced by the local authority.

(2) The National Assembly may direct, in relation to cases of a particular description, or a particular case, that it, and not the local authority, is to discharge any duty imposed on a local authority under paragraph(**1**).

PART 2

Intra-Community Trade

Application of Part 2

4. This Part applies to trade between member States in live animals and animal products that are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC.

Exports

5.—(1) A person must not export or consign for export to another member State any animal or animal product controlled under one or more of the instruments ("listed instruments") in Part I of Schedule 3 unless—

(a) it complies with the relevant provisions of the listed 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 a listed instrument, it is accompanied by—

(i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or

(ii) any other document required by the instrument;

(c) when required by a listed 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 is an approved assembly centre.

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation the inspector may by notice served on the consignor, the consignor's representative or the person appearing to the inspector to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.