STATUTORY RULES OF NORTHERN IRELAND

2006 No. 401

EUROPEAN COMMUNITIES

ANIMALS

The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006

Made - - - -	*5th October 2006*
Coming into operation	*1st November 2006*

The Department of Agriculture and Rural Development being a Department 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 exercise of the powers conferred on it by the said section 2(2) and in exercise of the powers conferred on it by section 56(1), (2) and (5) of the Finance Act 1973(**3**) and with the consent of the Department of Finance and Personnel, 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) 2006; and shall come into operation on 1st November 2006.

Interpretation

2.—(1) In these Regulations—

"the Agri-food and Biosciences Institute" means a body corporate which carries out scientific work in the fields of agriculture, animal health and welfare, food, fisheries, forestry, the natural environment and rural development and enterprise and was established by the Agriculture (Northern Ireland) Order 2004(**4**) on 1st April 2006.

(**1**) S.I. 2000/2812
(**2**) 1972 c 68
(**3**) 1973 c.51
(**4**) S.I. 2004 No. 3327 (N.I.23)

"approved assembly centre" means an assembly centre approved by the Department in accordance with regulation 12;

"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;

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

"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;

"the Department" means the Department of Agriculture and Rural Development

"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(**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**); and

(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**);

(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**);

"export" means sent out of Northern Ireland by any means whatsoever;

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

(**5**) O.J. No.L278, 31.10.2000, p.26
(**6**) O.J. No. L73, Special Edition, 27.3.1972
(**7**) O.J. No. L1, 3.1.94, p. 1
(**8**) O.J. No. C241, 29.8.94, p. 21as amended by O.J. No. L 12, 1.1.95, p. 1
(**9**) O.J. No. L236, 23.9.03, p. 33

"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;

"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;

"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" shall be construed as referring to such a centre or facility which is approved in accordance with regulation 17 and Schedule 7;

"quarantine manager" in relation to captive birds has the meaning given in regulation 17(11);

"re-inspection" in relation to the Northern Ireland Poultry Health Assurance Scheme means an additional inspection described in paragraph 8 of Part I of Schedule 3, and "re-inspection fee" is the fee provided for in that paragraph;

"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) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) References in these Regulations to the European Union legislation listed in this paragraph shall 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(**11**), as amended by and as read with the instruments listed in paragraph 6 of Part II of Schedule 6;

"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(**12**) as amended by Commission Decision 2006/277/EC(**13**);

"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(**14**);

(**10**) 1954 c. 33 (N.I.)
(**11**) O.J. No. L278, 31.10.2000, p. 26
(**12**) O.J. No. L48, 18.2.2006, p. 48
(**13**) O.J. No. L103, 12.4.2006, p. 29
(**14**) O.J. No. L49, 19.2.2004, p.11

"Council Directive 64/432/EEC" means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(**15**), as amended by and as read with the instruments listed in paragraph 1 of Part I of Schedule 2;

"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(**16**), as amended by and as read with the instruments listed in paragraph 15 of Part I of Schedule 2;

"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(**17**), 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 2 and in relation to imports from third countries, the instruments listed in paragraph 4 of Part II of Schedule 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(**18**), as amended by and as read with the instruments listed in paragraph 8(1) of Part I of Schedule 2;

"Council Directive 91/68/EEC" means Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(**19**), as amended by and as read with the instruments listed in paragraph 9 of Part I of Schedule 2;

"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(**20**), as amended by and as read with, in relation to intra-Community trade, the instruments listed in paragraph 10 of Part I of Schedule 2, and in relation to imports from third countries, the instruments listed in paragraph 5 of Part II of Schedule 6;

"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(**21**), as amended by Commission Regulation 2054/2004(**22**) and Commission Regulation (EC) No. 1193/2005(**23**); 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(**24**).

(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

(**15**) O.J. No. P 121, 29.7.64, p.1977: but see O.J. 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
(**16**) O.J. No. L224, 18.8.90, p.55
(**17**) O.J. No. L303, 30.10.90, p.6
(**18**) O.J. No. L46, 19.2.91, p.1
(**19**) O.J. No. L46, 19.2.91, p.19
(**20**) O.J. No. L224, 18.8.90, p.29
(**21**) O.J. No. L146, 13.6.2003, p.1
(**22**) O.J. No. L355, 1.12.2004, p.14
(**23**) O.J. No. L194, 26. 7. 2005, p.4
(**24**) O.J. No. L139, 30.4.2004, p. 206, a corrigendum to which has been published in O.J. No. L226, 25.06.2004, p. 83

completion of the single market(**25**) as amended by and as read with the instruments listed in paragraph 1 of 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(**26**), as amended by and as read with the instruments listed in paragraph 2 of Schedule 1.

(6) 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.

(7) 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**;** 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.

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.

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—

(**25**) O.J. No. L224, 18.8.90, p.29
(**26**) O.J. No. L268, 24.9.91, p.56