STATUTORY RULES OF NORTHERN IRELAND

2005 No. 446

EUROPEAN COMMUNITIES

ANIMALS

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

Made - - - -	*10th October 2005*
Coming into operation	*7th November 2005*

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 of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 7th November 2005.

Interpretation

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

Amendment of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005

3. The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005(**4**) shall be amended in accordance with these Regulations.

4. In paragraph (1) of Regulation 2 (Interpretation)—

(a) After "2.—(1) In these Regulations—" there shall be inserted—

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 2005 No.78

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

(b) After "dealer" there shall be inserted—

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

5. For paragraph 4 of Regulation 2 (Interpretation) there shall be substituted the following paragraphs—

"(4) References in these Regulations to the European Union legislation listed in this paragraph shall be construed as follows—

"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(**5**)

"Council Directive 64/432/EEC" means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(**6**), 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 4(a);

"Council Directive 90/427/EEC" means Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae(**7**), as amended by and as read with the instruments listed in paragraph 17 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(**8**), 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 9 of Part II of Schedule 4;

"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(**9**), as amended by and as read with the instruments listed in paragraph 8 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(**10**), as amended by and as read with the instruments listed in paragraph 11 of Part I of Schedule 2;

"Council Directive 91/496/EEC" has the meaning given in paragraph 4(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(**11**), as amended by and as read with, in relation to intra-Community trade, the

(**5**) O.J. No. L49, 19.2.2004, p.11
(**6**) 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
(**7**) O.J. No. L224, 18.8.90, p.55
(**8**) O.J. No. L303, 30.10.90, p.6
(**9**) O.J. No. L46, 19.2.91, p.1
(**10**) O.J. No. L46, 19.2.91, p.19
(**11**) O.J. No. L224, 18.8.90, p.29

instruments listed in paragraph 12 of Part I of Schedule 2, and in relation to imports from third countries, the instruments listed in paragraph 10 of Part II of Schedule 4;

"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(**12**), as amended by Commission Regulation (EC) No. 2054/2004(**13**);

(4A) 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(**14**) 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(**15**), as amended by and as read with the instruments listed in paragraph 2 of Schedule 1.".

6. In Regulation 4 (Application of Part II) the words—

"(concerning the animal health conditions governing the placing on the market of aquaculture animals and aquaculture products.)" shall be omitted.

7. In Regulation 5 (Exports)—

(a) for sub-paragraph 1(d) there shall be substituted the following—

"(d) if the animal is acquired through or transits an assembly centre, that centre is an approved assembly centre."

(b) in paragraph (6) the words—

"(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)" shall be omitted.

8. In Regulation 6 (Imports) in sub-paragraphs (4)(a) and (b) and in paragraph (6) there shall be inserted the word "approved" before the words "assembly centre".

9. In paragraph (1) of Regulation 11 (Duties on consignees) the words "(on the zootechnical and genealogical conditions governing intra-Community trade in equidae)" shall be omitted.

10. For sub-paragraph (2)(a) of Regulation 12 (Assembly centres and slaughterhouses) there shall be substituted—

"(a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive 64/432/EEC."

11. Schedule 2 shall be substituted by Schedule 2 as set out in Schedule 1 to these Regulations.

12. Schedule 4 shall be substituted by Schedule 4 as set out in Schedule 2 to these Regulations.

(**12**) O.J. No. L146, 13.6.2003, p.1
(**13**) O.J. No. L355, 1.12.2004, p.14
(**14**) O.J. No. L224, 18.8.90, p.29
(**15**) O.J. No. L268, 24.9.91, p.56

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 10th October 2005

Liam McKibben
A senior officer of the the
Department of Agriculture and Rural
Development

SCHEDULE 1

"SCHEDULE 2 Regulations 2(4), 4,5(1), 6(1),(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. Instrument: 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. No. 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 in that instrument: 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).

Additional requirements:

(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 2004/558/EC (O.J. No. L249, 23.7.2004, p.20) must meet the additional conditions laid down in that Decision.