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EUROPEAN COMMUNITIES

ANIMALS

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

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The Department of Agriculture and Rural Development being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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(c) 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(d) on 1st April 2006.

“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

(a) S.I. 2000/2812
 (b) 1972 c 68
 (c) 1973 c.51
 (d) S.I. 2004 No. 3327 (N.I.23)

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(a);

“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(b);
- (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(c); 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(d);
- (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(e);

“export” means sent out of Northern Ireland by any means whatsoever;

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

“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;

(a) O.J. No.L278, 31.10.2000, p.26

(b) O.J. No. L73, Special Edition, 27.3.1972

(c) O.J. No. L1, 3.1.94, p. 1

(d) O.J. No. C241, 29.8.94, p. 21 as amended by O.J. No. L 12, 1.1.95, p. 1

(e) O.J. No. L236, 23.9.03, p. 33

“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(a) 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(b), 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(c) as amended by Commission Decision 2006/277/EC(d);

“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(e);

“Council Directive 64/432/EEC” means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(f), 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(g), 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

(a) 1954 c. 33 (N.I.)

(b) O.J. No. L278, 31.10.2000, p. 26

(c) O.J. No. L48, 18.2.2006, p. 48

(d) O.J. No. L103, 12.4.2006, p. 29

(e) O.J. No. L49, 19.2.2004, p.11

(f) 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

(g) O.J. No. L224, 18.8.90, p.55

and hatching eggs(a), 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(b), 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(c), 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(d), 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(e), as amended by Commission Regulation 2054/2004(f) and Commission Regulation (EC) No. 1193/2005(g); 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(h).

(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(i) 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(j), 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.

(a) O.J. No. L303, 30.10.90, p.6

(b) O.J. No. L46, 19.2.91, p.1

(c) O.J. No. L46, 19.2.91, p.19

(d) O.J. No. L224, 18.8.90, p.29

(e) O.J. No. L146, 13.6.2003, p.1

(f) O.J. No. L355, 1.12.2004, p.14

(g) O.J. No. L194, 26. 7. 2005, p.4

(h) 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

(i) O.J. No. L224, 18.8.90, p.29

(j) O.J. No. L268, 24.9.91, p.56

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—

- (a) it complies with the relevant provisions of those 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 such an instrument, it is accompanied by—
 - (i) an export health certificate signed by a veterinary inspector (or, where specified in such an instrument, signed by a veterinary surgeon nominated by the exporter); or
 - (ii) any other document required by the instrument;
- (c) when required by such 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 the Department has reasonable cause to suspect that a person in charge of an animal or animal product intends to export that animal or animal product in contravention of this regulation it may by notice served on the consignor, his representative or person appearing to be in charge of the animal or animal product—

- (a) prohibit that exportation of that animal or animal product; and
- (b) require that person immediately to detain it at such place as may be specified in the notice and to take such further action in relation to it as may be so specified.

(3) If an animal or animal product has been exported to a member State in contravention of this regulation and returned to Northern Ireland (whether with the authorisation of the Department or not), the Department may by notice served on the person appearing to it to be in charge of the animal or animal product, the consignor or his representative—

- (a) prohibit the re-export of that animal or animal product, whether to the same or another member State; and
- (b) require that person immediately to detain it at such place as may be specified in the notice and take such further action in relation to it as may be so specified.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(5) A person shall not export to a member State any animal to which the provisions of Articles 6, 7, 9 and 10 of Council Directive 92/65/EEC apply unless the animal originates from—

- (a) a holding which has been registered with the Department and the owner or person in charge of that holding has given to the Department undertakings in accordance with Article 4 of Council Directive 92/65/EEC; or
- (b) a body, institute or centre which has been approved by the Department in accordance with regulation 9(1) and which conforms with the requirements of Annex C to Council Directive 92/65/EEC.

(6) A person shall not export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of Directive 90/539/EEC applies unless they originate from an establishment that—

- (a) is a member of the monitoring scheme, known as the Northern Ireland Poultry Health Assurance Scheme, operated by the Department in accordance with Schedule 3 to these Regulations; and
- (b) conforms with the requirements of Annex II to Directive 90/539/EEC.

(7) An establishment to which paragraph (6)(a) applies is to be considered an approved establishment for the purposes of Article 6(1)(a) of Council Directive 90/539/EEC.

Imports

6.—(1) A person shall not import from a member State (either for entry into UK or by way of transition to another member State)—

- (a) any animal; or
- (b) any animal product,

subject to an instrument listed in Part I of Schedule 2 unless it complies with the relevant provisions of that instrument (subject to any derogations specified in that part) and with any additional requirements specified in that Part.

(2) Where an animal or animal product subject to an instrument listed in Part I of Schedule 2 is imported from another member State (either for entry into the UK or by way of transition to another member State), the importer, or the person in charge of the animal or animal product, if not the importer, shall comply with the relevant provisions of that instrument until it arrives at its place of destination or leaves Northern Ireland, as the case may be.

(3) Where an animal is imported for slaughter from another member State, the importer, his representative, or the person appearing to be in charge of the animal shall ensure it is slaughtered within the specified period.

(4) Where an animal imported from another member State for slaughter is consigned to an assembly centre, the importer, or the person in charge of the animal, if not the importer, shall ensure that the animal is removed from the assembly centre directly to a slaughterhouse and that the animal is slaughtered there —

- (a) within 5 days of its arrival at the approved assembly centre, in the case of sheep and goats; and
- (b) within 3 days of its arrival at the approved assembly centre, in the case of cattle and pigs.

(5) If any animal referred to in paragraph (4) is not slaughtered within the period required by that paragraph, an inspector may by notice served on the importer, his representative, or the person appearing to him to be in charge of the animal require it to be slaughtered within such time and at such place as may be specified in the notice.

(6) Where an animal is imported from another member State for slaughter, other than an animal taken to an approved assembly centre, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(7) In the event of a notice served under paragraph (5) or (6) not being complied with an inspector may seize or cause to be seized any animal to which that notice relates and arrange for the requirements of the notice to be complied with.

(8) In this regulation “animal” shall mean cattle, pigs, sheep and goats.

Transport of animals and animal products

7.—(1) A person shall not transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive 90/425/EEC.

(2) A person shall not deliver any animal or animal product imported from a member State other than to the address specified in the required consignment documentation unless required to do so by a notice served on him by the Department under these Regulations.

(3) If an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by the Department, the Department may serve a notice on the person appearing to it to be in charge of the animal or animal product requiring that person to transport it, at that person’s expense, to the address specified in the required consignment documentation or notice as the case may be.

(4) In the event of a notice served under paragraphs (2) and (3) not being complied with the Department may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(5) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 2 shall have effect, and any failure to comply with those provisions may lead to the amendment, suspension or withdrawal of a licence to transport those animals granted under Article 12 of the Welfare of Animals (Transport) Order (Northern Ireland) 1997(a) in accordance with Schedule 9 to that Order.

Dealers

8.—(1) A dealer in cattle, pigs, sheep and goats, engaging in intra-Community trade shall comply with the provisions of Part III of Schedule 2.

(2) A dealer in other animals engaging in intra-Community trade, if required to do so by a notice served on him by the Department, shall register as such with the Department and shall give the Department such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) For the purposes of paragraph (2) the Department shall keep a register of dealers engaging in intra-Community trade who have registered in accordance with that paragraph.

(4) Any person who has registered under paragraph (2) shall keep a record of—

(a) S.R. 1997 No. 346 as amended by S.R. 1999 No. 326 and S.R. 1999 No. 380

- (a) all consignments of animals and animal products delivered to him; and
- (b) where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals or animal products comprising it.

and shall keep such records for 12 months from the date of delivery to him of the consignment.

Approval of bodies, institutes, centres and teams for the purposes of Directive 92/65/EEC and of laboratories for the purposes of Directive 90/539/EEC

9.—(1) The Department shall, for the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, approve any body, institute or centre (within the meaning of that Directive) which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Department shall withdraw, suspend or restore any approval given under paragraph (1) in accordance with point 3 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive 92/65/EEC, the Department shall approve any semen collection centre or embryo collection team which has applied to the Department for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(4) The tests for Salmonella infections required under Chapter III of Annex II to Council Directive 90/539/EEC shall be carried out by laboratories authorised pursuant to the Poultry Breeding Flocks and Hatcheries Scheme Order (Northern Ireland) 1994(a)

(5) The tests for Mycoplasma infections required under Chapter III of Annex II to Council Directive 90/539/EEC shall be carried out by laboratories approved by the Department in accordance with Schedule 4 to these Regulations for the purposes of the Northern Ireland Poultry Health Assurance Scheme.

(6) The Department may suspend or revoke the approval in accordance with the Schedule.

Inspection and checking at destination

10.—(1) A veterinary inspector may inspect at all reasonable times, at their place of destination, all animals and animal products imported into Northern Ireland from a member State, so as to ensure that the requirements (including requirements on documentation) of—

- (a) the relevant provisions of the instruments listed in Part I of Schedule 2;
- (b) any additional requirements specified in Part I of Schedule 2; and
- (c) any additional animal health legislation applicable to the import of those animals and animal products into Northern Ireland,

have been complied with.

(2) Where an inspector has information leading him to suspect that, in relation to any animals or animal products imported from a member State, there has been an infringement of any of the instruments listed in Part I of Schedule 2, any additional requirements specified in that Part of that Schedule and any additional animal health legislation applicable to the import of those animals or animal products into Northern Ireland, he shall have the power to inspect anywhere and at any time those animals or animal products as well as any accompanying documentation.

Duties on consignees

11.—(1) A person shall not accept a consignment of animals or animal products (other than registered horses accompanied by identification documentation provided for by Council Directive 90/427/EEC) unless the importer or consignee has given to the local Divisional Veterinary Office

(a) S.R. 1994 No. 118, as amended by S.R. 2000 No. 110

of the Department for the place of destination of the consignment at least 24 hours written notice in advance of the nature of the consignment, its anticipated date of arrival and the address of the place of destination.

(2) A consignee shall retain all documentation sent to him with any consignment in accordance with these Regulations for 12 months from the date of delivery to him of the consignment.

Assembly centres and slaughterhouses

12.—(1) Any person operating an assembly centre shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Department and given a number, and approval shall only be given if the Department is satisfied that—

- (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;
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Directive 91/68/EEC; and
- (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which the Department has specified in an operational agreement as being the requirements the Department believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive 90/425/EEC.

(3) The operator of an assembly centre shall admit to those premises only animals that are identified and come from herds or flocks that are eligible for intra-Community trade.

(4) Where animals are consigned to an approved assembly centre, the operator of the assembly centre shall—

- (a) ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive 90/425/EEC; and
- (b) record on a register—
 - (i) the name of the owner, the origin, date of entry and exit, number of the animals, and their proposed destination;
 - (ii) the registration number of the transporter and the licence number of the vehicle delivering or collecting animals from the centre;
 - (iii) in the case of cattle, the identification of the animals or the registration number of the holding of origin as well as the information in paragraphs (i) and (ii);
 - (iv) in the case of pigs, the registration number of the holding of origin or of the herd of origin as well as the information in paragraphs (i) and (ii); and
 - (v) in the case of sheep or goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in paragraphs (i) and (ii),

and shall preserve the register for a minimum of three years from the date of arrival at the centre of any animal to which it relates.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon qualified in accordance with Regulation (EC) No. 854/2004 to act in such a capacity and appointed as such by the Food Standards Agency (in this paragraph and paragraph (6) “the official veterinary surgeon”), the official veterinary surgeon shall ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive 90/425/EEC.

(6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, he shall forthwith notify a veterinary inspector

authorised by the Department to receive that notification, who shall examine the animals and shall either—

- (a) certify that they are fit to be slaughtered and used for their intended purpose; or
- (b) by notice served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re-exported, in each case at the expense of the importer.

(7) Where any person markets any animal consigned to him from a member State, or divides up batches of such animals for distribution or marketing, and paragraphs (4) and (5) do not apply in relation to such animals, that person—

- (a) shall check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument listed in Part I of Schedule 2, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly in any such identification mark or required consignment documentation to the Department; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive 90/425/EEC, shall isolate the animals in question until the Department has either—
 - (i) authorised their release in writing; or
 - (ii) served a notice under regulation 13(3) in relation to it.

Illegal consignments

13.—(1) If the Department knows of or suspects the presence of agents responsible for a disease referred to in Schedule 3 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to public or animal health in an animal or animal product imported from a member State, or that an animal or animal product has come from a region contaminated by an epizootic disease, it may serve a notice in accordance with paragraph (2) on the person appearing to be in charge of those animals or animal products.

(2) The notice shall require that person—

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to such animals or animal products as may be so specified in the notice, for the purpose of preventing the introduction or spreading of disease or any phenomenon liable to present a serious threat to public or animal health into or within Northern Ireland;
- (b) in the case of an animal, without delay, to slaughter it, or slaughter and destroy it, in accordance with such conditions as may be specified in the notice; or
- (c) in the case of an animal product, destroy it in accordance with such conditions as may be specified in the notice.

(3) Subject to the provisions of paragraph (4), if the Department knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive 90/425/EEC, it may, if animal health and welfare considerations so permit, by notice in writing give the consignor or his representative or the person appearing to it to have charge of that animal or product the choice of—

- (a) where the cause of non-compliance is the presence in an animal of residues in excess of that permitted under Regulation 9 and Schedule 2 to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998^(a), maintaining the animal under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to

(a) S.R. 1998 No. 237

the permitted levels, requiring him to take whatever action is specified in that legislation;
or

- (b) slaughtering the animal or destroying the animal product in accordance with such conditions as may be specified in the notice; or
- (c) returning the animal or animal product to the member State of despatch, with the authorisation of the competent authority of that member State and with prior notification to any member State of transit.

(4) If the consignment fails to comply with the relevant provisions of Council Directive 90/425/EEC, any Directive listed in Schedule 2 or of any other legislation regulating imports of animals or animal products into Northern Ireland only by reason of absence of or an irregularity in required consignment documentation, the Department shall not cause the animals or animal products to be returned to the country of despatch without first giving the consignor, his representative or the person appearing to it to have charge of those animals or animal products a notice requiring him to produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice.

(5) In the event of a notice under this regulation not being complied with, an inspector may seize or cause to be seized any animal or animal product to which that notice relates, and arrange for the requirements of the notice to be complied with.

PART III

TRADE IN THIRD COUNTRY ANIMALS

Application of Part III

14. This Part shall apply in relation to—

- (a) any animals imported into Northern Ireland from any place outside the European Communities; and
- (b) any animals originating outside the European Communities and imported into Northern Ireland from any place inside those Communities.

Importation

15.—(1) Subject to paragraph (2), a person shall not import any animal directly from a place outside the European Communities.

(2) Nothing in paragraph (1) shall prevent the import of any animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977^(a) at a place permitted under that Order.

(3) A person shall not import any animal which originated outside the European Communities from a member State, Great Britain, any of the Channel Islands or the Isle of Man either for transport to a place in Northern Ireland or for re-export to another member State unless—

- (a) all the checks required under Council Directive 91/496/EEC have been carried out in relation to those animals at a border inspection post and they are accompanied by the certificate of examination and the authenticated copy of the original health certificate issued at the border inspection post under Article 7(1) of that Directive; or
- (b) in the case of animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977, the conditions of that Order have been complied with.

^(a) S.R.1977 No. 113 as amended by S.R. 1977 No. 256, S.R. 1994 No. 402, S.R. 2000 No. 10 and S.R. 2006 No. 275

(4) A person shall not import any animal which originated outside the European Communities from a member State, Great Britain, any of the Channel Islands or the Isle of Man for re-export outside the European Community either directly or indirectly unless such transit has been previously authorised in writing by the Department and the conditions in Article 9 of Council Directive 91/496/EEC have been complied with.

(5) A person shall not import from a member State, Great Britain, any of the Channel Islands or the Isle of Man any animal or captive bird to which—

- (a) an instrument in Schedule 6 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that part; and
- (b) in accordance with the provisions of any additional animal health requirements of legislation regulating imports into Northern Ireland.

(6) In relation to imports of captive birds, this regulation as read with paragraph 3 of Part I and paragraph 6 of Part II of Schedule 6 shall not apply to permit the import of such birds until 1st January 2007.

(7) If an animal is imported for slaughter, it must be taken directly to a slaughterhouse and slaughtered without delay. If it is not so slaughtered, an inspector may by notice served on the importer, his representative or person in charge of the animal require the animal to be slaughtered within such period and at such place as may be specified in the notice.

(8) In the event of a notice under paragraph (7) not being complied with an inspector may seize or may cause to be seized any animal to which it relates and arrange for the requirements of the notice to be complied with.

(9) A person in charge of an animal that has been imported for immediate re-export, either directly or indirectly, outside the European Community shall comply with Article 4, second indent, of Commission Regulation (EC) No. 282/2004.

Import procedure for a captive bird

16.—(1) A person shall not import a captive bird into Northern Ireland unless—

- (a) he has given notice of his intention to do so in accordance with Article 1 of Commission Regulation (EC) No. 282/2004;
- (b) all the checks required under Council Directive 91/496/EEC have been carried out in relation to that captive bird at a border inspection post and it is accompanied by the certificate of examination and the authenticated copy of the original health certificate issued at the border inspection post under Article 7(1) of that Directive; and
- (c) it is accompanied by the original animal health certificate issued in accordance with Article 2(2) of Commission Decision 2000/666 EC.

(2) The importer or his agent shall at the expense of the importer ensure that—

- (a) the captive bird is conveyed from the border inspection post referred to in paragraph (1) to an approved quarantine centre or approved quarantine facility as provided for in Articles 2(4) and 3(1) and (2) of Commission Decision 2000/666/EC; and
- (b) the captive bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Articles 3(3) and (5), 4, 5 and 6 of Commission Decision 2000/666/EC and regulation 17.

(3) Without prejudice to regulation 17(7), a person shall not remove a captive bird from a border inspection post or a quarantine centre unless the common veterinary entry document has been completed in accordance with Article 3(1) of Commission Regulation (EC) No. 282/2004 indicating that all necessary veterinary checks have been carried out to the satisfaction of an inspector.

(4) Subject to paragraphs (2) and (3), the person in charge of a captive bird imported from a third country shall ensure that it is conveyed to its place of destination without delay and that the original of the common veterinary entry document accompanies it to its place of destination in accordance with Article 3(4) of Commission Regulation (EC) No. 282/2004.

- (5) A person shall not remove any bird from Customs temporary storage arrangements—
- (a) unless the common veterinary entry document has been produced in accordance with Article 3(3) of Commission Regulation (EC) No. 282/2004 to an officer of Her Majesty's Customs and Excise and the removal has been authorised by that officer;
 - (b) to any place other than the place of destination specified in the common veterinary entry document, unless he has been required to remove it to another place by means of a notice served on him by an inspector.

(6) Where a check at a border inspection post involves the taking of a sample for testing and the test result is not immediately available, a veterinary inspector may, by notice served on the owner or the person appearing to him to be in charge of a captive bird, permit the owner or person so served to move the captive bird from the border inspection post, and require that owner or person to keep the captive bird in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the captive bird does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 13 shall apply.

(7) In the event of a notice served under paragraph (6) not being complied with an inspector may seize any captive bird to which it relates, and arrange for the requirements of the notice to be complied with.

Quarantine for captive birds

17.—(1) The provisions of Part I of Schedule 7 have effect in relation to approvals for quarantine centres and quarantine facilities pursuant to Commission Decision 2000/666/EC.

(2) The quarantine manager shall ensure that the specific requirements for the quarantine of captive birds described in Part III of Schedule 7 are met.

(3) The importer of a captive bird shall meet the costs of sampling undertaken during the captive bird's quarantine and shall pay the charges of the official laboratory for testing and analysis of samples (including the post mortem removal of tissue for testing) required under Articles 4(1), (3), (4) and (5) or undertaken in connection with reaching a suspected or confirmed diagnosis of *Chlamydia psittaci* referred to in Article 5 of Commission Decision 2000/666/EC as that laboratory may demand in writing in accordance with paragraphs (4) and, as the case may be, (5) of this regulation.

(4) For the purposes of testing and analysis of samples described in paragraph (3), the Agri-food and Biosciences Institute is designated the official laboratory and may make a charge for carrying out such testing and analysis.

(5) A demand for payment of charges made by the Agri-food and Biosciences Institute under this regulation may be addressed to the importer concerned at his last known address, whether or not it is his address for business.

- (6) A person may not enter a quarantine centre or a quarantine facility unless—
- (a) he wears protective clothing and footwear; and
 - (b) he meets at least one of the following criteria—
 - (i) he is a member of staff at that quarantine centre or quarantine facility;
 - (ii) he has been authorised so to enter by the Department or by a veterinary inspector; or
 - (iii) he otherwise does so in fulfilment of a statutory function relating to animal health, animal welfare or species conservation which he is appointed by the Department to perform.

(7) A person shall not remove a live captive bird from a quarantine centre or quarantine facility unless an inspector has authorised the removal.

(8) A person shall not remove or dispose of a carcase of a captive bird which dies in quarantine unless an inspector has authorised the removal or disposal.

(9) In so far as not provided for under regulation 29, an inspector in the case of sub-paragraphs (a) and (b), and a veterinary inspector in the case of sub-paragraph (c) shall have powers in relation to the quarantine of captive birds to—

- (a) enter a quarantine centre or quarantine facility to check compliance with these Regulations or with an approval granted under this regulation and Schedule 7, or to assess whether it is appropriate to grant such an approval;
- (b) inspect and arrange for copies of any documents or records (including those in electronic form) which he reasonably considers relevant for checking compliance as described in sub-paragraph (a); and
- (c) take such samples and carry out such inspections of a quarantine centre or quarantine facility and its equipment, and such clinical veterinary examinations, as are required under Commission Decision 2000/666/EC.

(10) An inspector exercising powers under paragraph (9) shall produce, if required to do so, some duly authenticated document showing his authority to exercise those powers.

(11) “Quarantine manager” means the person in charge of a quarantine centre or quarantine facility for which approval is required under the Decision.

Payment of fees

18. An inspector shall not authorise the release of animals from a quarantine centre unless he is satisfied that all veterinary checks for which a charge is made have been paid, and that, where relevant, a deposit covering any cost provided for in Article 9(1)(a), 9(2), the second and third indents of Article 10(1), Article 10(6) and Article 12(2) of Council Directive 91/496/EEC has been lodged.

Consignments constituting a danger to health

19.—(1) Subject to paragraph (2), where checks at a quarantine centre or quarantine facility or the test results referred to in regulation 16(6) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the Department shall immediately seize and destroy the animal or consignment (as the case may be) and the costs of such action shall be payable by the importer or his representative.

(2) Where the presence of avian influenza or Newcastle disease is found at a quarantine centre or quarantine facility as described in Article 4(4) of Commission Decision 2000/666/EC, an inspector shall—

- (a) kill and destroy all birds within the quarantine facility or at the unit at the quarantine centre where disease has been found, as required under Article 4(4)(a) of Commission Decision 2000/666/EC; and
- (b) by notice impose the other measures provided for in Article 4(4),

except that in relation to Newcastle disease, he may instead serve notice specifying the terms on which the derogation in Article 4(5) is to be exercised.

(3) Where during quarantine required under Commission Decision 2000/666/EC psittaciformes are suspected or found to be suffering Chlamydia psittaci, an inspector shall by notice—

- (a) require the treatment of all birds in the consignment by means specified in that notice; and
- (b) extend the period of quarantine as required under Article 5 of Commission Decision 2000/666/EC.

(4) An inspector serving a notice under paragraphs (2) and (3) shall serve it upon the quarantine manager or other person appearing to be in charge of the centre or facility at the time of service; and shall as soon as he practically can send a copy by way of information to the importer of the birds concerned.

Illegal imports

20.—(1) If any animal is imported from outside the European Communities in contravention of regulation 15(1), the Department may, by notice in writing, require the person appearing to it to be in charge of the animal to detain and isolate that animal in accordance with the notice and in that case the following provisions shall have effect.

(2) The Department shall cause to be carried out an examination by a veterinary inspector of the animal to which a notice under paragraph (1) relates and, following that examination, shall by means of a further notice served on the person appearing to it to be in charge of the animal, the consignor or his representative—

- (a) require the animal to be brought to the place specified in the notice;
- (b) require the animal to be slaughtered or slaughtered and destroyed;
- (c) require the animal to be re-despatched outside the territory of the European Communities, where animal health or welfare considerations so permit, within such period as may be specified in the notice; or
- (d) revoke the notice given under paragraph (1).

(3) In the event of a notice under paragraphs (1) and (2) not being complied with, an inspector may seize the animal to which it relates or cause it to be seized and arrange for the requirements of the notice to be complied with.

Application of regulations 7 to 13

21. Regulations 7 to 13 shall apply in relation to animals imported into Northern Ireland from any place inside the European Communities, which originated outside those Communities and in respect of which all the checks provided for in Council Directive 91/496/EEC have first been carried out in accordance with that Directive as those regulations apply to animals to which Part II applies.

Arrival at the place of destination

22.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, shall be detained at the premises by the person having control of those premises for at least 30 days and he shall not release them until authorised in writing by an authorised officer of the Department.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (1) does not apply that are for breeding or production shall be detained at the place of destination by the person having control of those premises, and he shall not release them unless authorised in writing by an authorised officer of the Department.

Post-import controls

23.—(1) Where a veterinary inspector knows or suspects that —

- (a) in the case of any animal, the import conditions of any instrument listed in Schedule 6, requirements for the quarantine of any animals, any additional requirements specified in relation thereto in that Schedule or any additional animal health legislation regulating the import of such animals into Northern Ireland have not been complied with; or
- (b) in the case of any animal there is doubt as to its identity,

he may carry out any veterinary checks on that animal which he deems appropriate.

(2) If the checks carried out under paragraph (1) confirm that import conditions referred to in that paragraph were not complied with in the case of any animal then the provisions of regulation 20 shall apply and, in the case of the exercise of a power to isolate the animal, a veterinary

inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animal.

PART IV

IMPORTS WHERE CHECKS HAVE BEEN CARRIED OUT IN ANOTHER MEMBER STATE

Application of Part IV

24. This Part shall apply in respect of animals imported into Northern Ireland and which originate outside the European Community but in respect of which all the checks required under Council Directive 91/496/EEC have been carried out in another member State.

Imports

25. A person shall not import an animal to which this Part applies unless it is accompanied by the common veterinary entry document and the authenticated copy of the original health certificate issued at the point of importation into the European Community under Article 7(1) of Council Directive 91/496/EEC and Article 3 of Regulation (EC) No. 282/2004.

Import procedure

26. The provisions of regulations 7 to 13, 16(2) and (3), 22 and 23 of these Regulations shall apply in relation to animals to which this Part applies.

PART V

GENERAL

Outbreaks of disease in other states

27.—(1) This regulation shall apply where the Department learns of or has reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive 90/425/EEC or Article 18 of Council Directive 91/496/EEC, or through any other means, the presence in any state outside the United Kingdom of a disease referred to in Schedule 5, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1), the Department may, for the purpose of preventing the introduction or spreading of disease into or within Northern Ireland, by declaration suspend, or impose conditions upon, the entry into Northern Ireland of any animal or animal product from the whole or any part of that state.

(3) Such a declaration shall be published in such manner as the Department thinks fit.

(4) Where a declaration is in force suspending the entry of any animal or animal product, a person shall not bring that animal or animal product into Northern Ireland if it is dispatched from, or originates from, the state or part thereof specified in the declaration.

(5) A declaration made under this regulation may specify conditions under which the animal or animal product which is the subject of the declaration may be imported.

(6) Upon a declaration being made under this regulation, the entry into Northern Ireland of any animal or animal product which is the subject of the declaration shall be in breach of the conditions of import in these Regulations unless it complies with the conditions (if any) specified in the declaration.

Notification of decisions

28.—(1) If the consignor or his representative, or the importer or his representative, so requests, notice of any decision in pursuance of these Regulations refusing entry or varying the conditions of entry for any animal or animal product shall be forwarded to him in writing by the person taking the decision.

(2) A notice forwarded under paragraph (1) shall give the reasons for the decision to which it relates and the details of any right to challenge the decision, including the relevant time limits.

Powers of inspectors

29.—(1) Subject to regulation 10, an inspector may, on producing, if required to do so, some duly authenticated document showing his authority, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector may carry out all checks and examinations necessary for the enforcement of Council Directive 90/425/EEC and Council Directive 91/496/EEC, and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) carry out checks on whether staff are complying with the requirements of the instruments listed in Part I of Schedule 2 relating to animal products;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from—
 - (i) animals held with a view to being sold, put on the market or transported;
 - (ii) animal products held with a view to being stored or sold, put on the market or transported;
 - (iii) animals or animal products being transported in the course of intra-Community trade;
 - (iv) animals at a border inspection post in the case of third country imports; or
 - (v) animals or animal products at the place of destination;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (e) take with him a representative of the European Commission acting for the purposes of Council Directives 90/425/EEC or 91/496/EEC.

(3) In this regulation “premises” includes any place, installation, road, or rail vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

Recovery of expenses

30. The consignor, his representative or the person in charge of any animals or animal product shall be liable for the reasonably incurred expenses of the Department or an inspector arising from any action taken by it or him under these Regulations in relation to that animal or animal product, but shall be entitled, after the deduction of expenses, to the proceeds of any sale of that animal or animal product.

Obstruction

31.—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

32.—(1) A person contravening any provision of these Regulations other than those listed in paragraph (2), or any notice served under them shall be guilty of an offence.

(2) The provisions referred to in paragraph (1) are those contained in—

- (a) regulation 17(3);
- (b) paragraph 6 of Part 1 of Schedule 3; and
- (c) paragraph 2 of Part 1 of Schedule 4.

(3) A person guilty of an offence under regulation 31(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(4) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding 3 months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

Disapplication of provisions

33. The provisions of any instrument listed in column 2 of Schedule 8 shall not apply to imports from a member State of animals and animal products to which a Directive or other measure referred to in Part I of Schedule 2 applies, or to imports of an animal to which a Directive or other measure referred to in Schedule 6 applies from the country subject to that Directive or other measure, to the extent specified in column 3 of the table given in Schedule 8.

Revocations

34. The Regulations specified in Schedule 9 (in so far as they apply), are revoked as set out in that Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 5th October 2006



Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

Sealed with the Official Seal of the Department of Finance and Personnel on 5th October 2006



Jack Layberry

A senior officer of the Department of Finance and Personnel

AMENDMENTS TO COUNCIL DIRECTIVES 90/425/EEC AND
91/496/EEC

1. Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29), has been amended by, and must be read with—

Council Directive 90/539/EEC (O.J. No. L303, 31.10.90, p. 6);
Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1);
Council Directive 91/68/EEC (O.J. No. L46, 19.2.91, p. 19);
Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
Council Directive 92/60/EEC (O.J. No. L268, 14.9.92, p. 75);
Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49);
Commission Decision 93/444/EEC (O.J. No. L208, 19.8.93, p. 34);
Commission Decision 94/338/EC (O.J. No. L151, 17.6.94, p. 36);
Commission Decision 94/339/EC (O.J. No. L151, 17.6.94, p. 38);
Council Directive 97/78/EC (O.J. No. L24, 30.1.98, p. 9);
Council Directive 2002/33/EC (O.J. No. L315, 19.11.2002, p. 14);
and the European International Instruments.

2. Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56), has been amended by, and must be read with—

Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);
Council Directive 90/424/EEC (O.J. No. L224, 18.08.90, p. 19);
Council Directive 90/425/EEC (O.J. No. L224, 18.08.90, p. 29);
Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
Council Decision 92/438/EEC (O.J. No. L243, 25.8.92, p. 27);
Commission Decision 94/467/EC (O.J. No. L190, 26.7.94, p. 28);
Council Directive 96/43/EC (O.J. No. L162, 1.7.96, p. 1);
Council Directive 97/78/EC (O.J. No. L24, 30.1.98, p. 9);
Commission Decision 97/794/EC (O.J. No. L323, 26.11.97, p. 31);
Commission Regulation (EC) No. 282/2004 (O.J. No. L49, 19.2.2004, p. 11), as amended by
Commission Regulation (EC) No. 585/2004 (O.J. No. L91, 30.3.2004, p. 17); and
the European International Instruments.

SCHEDULE 2

Regulations 4, 5(1), 6(1), (2),
7(5), 8(1), 10,
12(7)(a), 13(4), 29(2)(b) and 33

INTRA-COMMUNITY TRADE: LEGISLATION AND ADDITIONAL REQUIREMENTS

PART I

LEGISLATION IN RELATION TO 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) The official health certificate accompanying all swine imported into Northern Ireland from any other member State except Austria, the Republic of Cyprus, the Czech Republic, Denmark, Finland, Germany, Luxembourg, Sweden and those parts of France specified in Commission Decisions amending Decision 2001/618/EC must contain the

statement: “Pigs in accordance with Commission Decision 2001/618/EC concerning Aujeszky’s disease(a)”.

- (d) Exports of cattle from Northern Ireland to the countries listed in Annexes I and II of Commission Decision 2004/558/EC (O.J. No. L249, 23.7.2004, p. 20)—
- (i) must meet the additional guarantees laid down in Article 2(1), Article 2(2)(b)(i) or Article 2(2)(c)(for exports to Germany), and (for exports to Denmark, Italy, Austria, Finland and Sweden) Article 3(1) of that Decision; and
 - (ii) in relation to the certification accompanying such exports—
 - (aa) for bovine animals exported to Germany, in point 4 of Section C of the health certificate set out in Model 1 of Annex F to Directive 64/432/EEC, after the first indent, “IBR” must be entered, and after the second indent the additional guarantees of Article 2 which are met by the cattle must be specified as follows: “Article 2(1), [or] Article 2(2)(b)(i) [or] Article 2(2)(c) [as the case may be] of Commission Decision 2004/558/EC”; and
 - (bb) for bovine animals exported to Denmark, Austria, Finland, Sweden and the province of Bolzano in Italy, in point 4 of Section C of the health certificate set out in Model 1 of Annex F to Directive 64/432/EEC, after the first indent, “IBR” must be entered, and after the second indent “Article 3 of Commission Decision 2004/558/EC” must be entered.
- (e) In accordance with Commission Decision 2003/514/EC concerning health protection measures against African swine fever in Sardinia, Italy (O.J. No. L178, 17.7.2003, p. 28), the importation into Northern Ireland from the Italian region of Sardinia of animals of the suidae family is prohibited.
- (f) The official health certificate accompanying swine imported into Northern Ireland from Italy must contain the statement “Animals in accordance with Commission Decision 2005/779/EC(b) concerning animal health protection measures against swine vesicular disease in Italy”.

Bovine semen

2. Instrument: Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (O.J. No. L194, 22.7.88, p. 10), as amended by, and as read with—

Council Directive 90/120/EEC (O.J. No. L71, 17.3.90, p. 37);

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);

Council Directive 93/60/EEC (O.J. No. L186, 28.7.93, p. 28);

Council Directive 2003/43/EC (O.J. No. L143, 11.6.2003, p. 23);

Commission Decision 2004/205/EC (O.J. No. L65, 3.3.2004, p.23);

Commission Decision 2004/101/EC (O.J. No. L30, 4.2.2004, p. 15); and

the European International Instruments.

Relevant provisions in that instrument: Articles 3 and 6.

Bovine embryos

3. Instrument: 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 (O.J. No. L302, 19.10.89, p. 1), as amended by, and as read with—

(a) O.J. No. L16, 25.1.93, p. 18

(b) O.J. No. L293, 9.11.2005, p. 28

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
Council Directive 93/52/EEC (O.J. No. L175, 19.7.93, p. 21);
Commission Decision 94/113/EC (O.J. No. L53, 24.2.94, p. 23);
Commission Decision 2004/205/EC (O.J. No. L65, 3.3.2004, p.23); and
the European International Instruments.

Relevant provisions in that instrument: Articles 3 and 6.

Equidae

4. Instrument: Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries (O.J. No. L224, 18.8.90, p. 42), as amended by, and as read with—

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
Council Directive 90/427/EEC (O.J. No. L224, 18.8.90, p. 55);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 92/36/EEC (O.J. No. L157, 10.6.92, p. 28);
Commission Decision 92/130/EEC (O.J. No. L47, 22.2.92, p. 26);
Commission Decision 93/623/EEC (O.J. No. L298, 3.12.93, p. 45) as amended by Commission Decision 2000/68/EC (O.J. No. L23, 28.1.2000, p. 72);
Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);
Commission Decision 2002/160/EC (O.J. No. L53, 23.2.2002, p. 37); and
the European International Instruments.

Relevant provisions in that instrument, subject to and as read with the following Notes: Articles 4, 5, 7(1) and 8.

Notes:

- (a) The requirements of Articles 4(1), 4(2) and 8 shall not apply in respect of the export to or the import from the Republic of Ireland of any equidae, or the export to or the import from France of a registered horse accompanied by an identification document provided for in Council Directive 90/427/EEC.
- (b) For the avoidance of doubt, the derogation permitted under Article 7(2) shall not apply in relation to equidae brought into Northern Ireland.

Porcine semen

5. Instrument: 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 (O.J. No. L224, 18.8.90, p. 62) and Commission Decision 99/608/EC (O.J. No. L242, 14.9.99, p. 20); as amended by, and read with—

Commission Decision 99/608/EC (O.J. No. L242, 14.9.1999, p. 20);
Commission Decision 2000/39/EC (O.J. No. L13, 19.1.2000, p. 21);
Commission Decision 2004/205/EC(O.J. No. L65, 3.3.2004, p.23);
and the European International Instruments.

Relevant provisions in that instrument: Articles 3, 4(1), 4(2) and 6(1).

Additional requirements: The official health certification accompanying all porcine semen imported into Northern Ireland from any other member State must state that the semen was collected from boars “on a collection centre which only contains animals that have not been vaccinated against Aujeszky’s disease and which have reacted negatively to the serum neutralisation test or to the ELISA test for Aujeszky’s disease, in accordance with the provisions of Council Directive 90/429/EEC” and paragraph 13(b)(ii) of the model health certificate provided in Annex D of Council Directive 90/429/EEC must be deleted in all cases.

Poultry and hatching eggs

6. Instrument: Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs (O.J. No. L303, 30.10.90, p. 6), as amended by, and as read with—

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);

Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);

Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);

Commission Decision 92/340/EEC (O.J. No. L188, 8.7.92, p. 34);

Commission Decision 92/369/EEC (O.J. No. L195, 14.7.92, p. 25);

Council Directive 93/120/EEC (O.J. No. L340, 31.12.93, p. 35);

Council Directive 95/410/EC (O.J. No. L243, 11.10.95, p. 25) as amended by Council Decision 98/227/EC (O.J. No. L87, 21.3.98, p. 14);

Commission Decision 97/278/EC (O.J. No. L110, 26.4.97, p. 77);

Council Directive 99/90/EC (O.J. No. L300, 23.11.99, p. 19);

Commission Decision 2000/505/EC (O.J. No. L201, 9.8.2000, p. 8);

Commission Decision 2001/867/EC (O.J. No. L323, 7.12.2001, p. 29);

Commission Decision 2003/644/EC (O.J. No. L228, 12.9.2003, p. 29);

Commission Decision 2004/235/EC (O.J. No. L72, 11.3.2004, p. 86); and

the European International Instruments.

Relevant provisions in that instrument: Articles 6 to 11, 12(1), and 15 to 17.

Additional requirements:

- (a) The official health certification accompanying breeding poultry exported from Northern Ireland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision 2003/644/EC of 8 September 2003.
- (b) The official health certification accompanying day-old chicks exported from Northern Ireland to Finland or Sweden must contain the statement that they come from flocks which have been tested for salmonella with negative results in accordance with Commission Decision 2003/644/EC of 8 September 2003.
- (c) The official health certification accompanying laying hens exported from Northern Ireland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision 2004/235/EC of 11 March 2004.
- (d) The official health certification accompanying poultry for slaughter exported from Northern Ireland to Finland or Sweden must contain the statement that they have undergone microbiological testing with negative results in accordance with Council Decision 95/410/EC of 22 June 1995.

- (e) The official health certification accompanying poultry, hatching eggs and day-old chicks imported into Northern Ireland from Italy shall include the words “The animal health conditions of this consignment are in accordance with Commission Decision 2005/926/EC”(a).
- (f) In the case of hatching eggs from a protection zone established under Commission Decision 2006/115/EC which are—
 - (i) exported from such a protection zone in Northern Ireland to another member State, or
 - (ii) imported from such a protection zone in another member State into Northern Ireland pursuant to the derogation in Article 7 of Commission Decision 2006/115/EC, the official health certification required to accompany hatching eggs under Article 17 of Council Directive 90/539/EEC in the form of Model 1 of Annex IV to that Directive shall contain a statement in the following terms:

“This consignment complies with the animal health conditions laid down in Commission Decision 2006/115/EC.”

Animal waste

7. Instrument: 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 (O.J. No. L273, 10.10.2002, p. 1); as amended by, and as read with—

Commission Regulation No. 808/2003 (O.J. No. L117, 13. 5.2003, p. 1);
 Commission Regulation No. 811/2003 (O.J. No. L117, 13. 5. 2003, p. 14);
 Commission Regulation No. 813/2003 (O.J. No. L117, 13. 5. 2003, p. 22);
 Commission Decision 2003/320/EC (O.J. No. L117, 13. 5. 2003, p. 24);
 Commission Decision 2003/321/EC (O.J. No. L117, 13. 5. 2003, p. 30);
 Commission Decision 2003/326/EC (O.J. No. L117, 13. 5. 2003, p. 42);
 Commission Decision 2003/327/EC (O.J. No. L117, 13. 5. 2003, p. 44);
 Commission Decision 2003/328/EC (O.J. No. L117, 13. 5. 2003, p. 46);
 Commission Decision 2003/329/EC (O.J. No. L117, 13. 5. 2003, p. 51);
 Commission Regulation No. 780/2004 (O.J. No. L123, 27. 4. 2004, p. 64);
 Commission Regulation No. 93/2005 (O.J. No. L19, 21.1.2005, p.34); and
 the European International Instruments.

Relevant provision in that instrument: Article 8 as read with Annex II.

Fish

Farmed fish

8.—(1) Instrument: Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products (O.J. No. L46, 19.2.91, p. 1), as amended by, and as read with—

Commission Decision 94/864/EC (O.J. No. L352, 31.12.94, p. 74);
 Commission Decision 97/804/EC (O.J. No. L329, 29.11.97, p. 70);

(a) O.J. No. L337, 22.12.2005, p. 60

Council Directive 97/79/EC (O.J. No. L24, 30.1.98, p. 31);
Commission Decision 98/24/EC (O.J. No. L8, 14.1.98, p. 26);
Council Directive 98/45/EC (O.J. No. L189, 3.7.98, p. 12);
Commission Decision 99/567/EC (O.J. No. L216, 14.8.99, p. 13);
Commission Decision 2001/159/EC (O.J. No. L57, 27.2. 2001, p. 54);
Commission Decision 2001/183/EC (O.J. No. L67 9.3.2001 p. 65);
Commission Decision 2002/300/EC (O.J. No. L103, 19.4.2002, p. 24) (as amended by
Commission Decision 2003/378/EC (O.J. No. L130, 27.5. 2003, p. 27));
Commission Decision 2002/308/EC (O.J. No. L106, 23.4.2002, p. 28) (as amended by
Commission Decision 2004/850/EC (O.J. No. L368, 15.12.2004, p. 28));
Commission Decision 2003/390/EC (O.J. No. L135, 3.6. 2003, p.19);
Commission Decision 2003/466/EC (O.J. No. L156, 25.6.2003, p. 61);
Commission Decision 2003/634/EC (O.J. No. L220, 3.9.2003, p. 8), (as amended by Commission
Decision 2003/904/EC (O.J. No. L340, 24.12.2003, p. 69); and Commission Decision
2005/770/EC (O.J. L291, 5.11.2005, p. 24));
Commission Decision 2004/453/EC (O.J. No. L156, 30.4.2004, p. 5); and
the European International Instruments.

Relevant provisions in that instrument: The following provisions in so far as they apply to live fish, eggs and gametes: Articles 3, 4, 7 to 11, 14 and 16.

Fish other than farmed fish

(2) Instrument: Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products (O.J. No. L268, 24.9.91, p. 15), as amended by, and as read with—

Council Directive 92/48/EEC (O.J. No. L187, 7.7.92, p. 41), laying down the minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1) (a)(I) of Council Directive 91/493/EEC;

Council Directive 95/71/EC (O.J. No. L332, 30.12.95, p. 40);

Council Directive 97/79/EC (O.J. No. L24, 30.1.98, p. 310); and

the European International Instruments.

Relevant provisions in that instrument: Article 4.

Live Bivalve molluscs

(3) Instrument: Council Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live shellfish (O.J. No. L268, 24.9.91, p. 1), as amended by, and as read with—

Council Directive 97/61/EC (O.J. No. L295, 29.10.97, p. 35); and

the European International Instruments.

Relevant provisions in that instrument: Articles 3(1)(a)-(i), 3(2), 4, 7, 8 and 9.

Ovine and caprine animals

9. Instrument: Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals (O.J. No. L46, 19.2.91, p. 19) as amended by, and as read with—

Council Directive 90/425/EC (O.J. No. L224, 18.8.90, p. 29);

Council Directive 92/102/EEC (O.J. No. L355, 5.12.92, p. 32) as amended by Council Regulation (EC) No. 21/2004 (O.J. No. L5. 9.1.2004, p. 8);

Commission Decision 93/52/EEC (O.J. No. L13, 21.1.93, p. 14), as amended by Commission Decisions 2001/292/EC (O.J. No. L100, 11.4.2001, p. 28), 2002/482/EC (O.J. No. L166, 25.6.2002, p. 23), 2003/44/EC (O.J. No. L13, 18.1.2003, p. 23), 2003/237/EC (O.J. No. L 87, 4.4.2003, p. 13), 2003/732/EC (O.J. No. L264, 15.10.2003, p.30), 2004/199/EC (O.J. No. L64, 2.3.2004, p. 41) and 2004/320/EC (O.J. No. L102, 7.4.2004, p. 75);

Commission Decision 94/164/EEC (O.J. No. L74, 17.3.94, p. 42);

Commission Decision 94/953/EEC (O.J. No. L371, 31.12.94, p. 14);

Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);

Directive 2001/10/EC of the European Parliament and of the Council (O.J. No. L147, 31.5.2001, p. 41);

Council Directive 2003/50/EC (O.J. No. L169, 8.7.2003, p. 51);

Commission Decision 2004/554/EC (O.J. No. L248, 9.7.2004, p. 1);

Commission Decision 2005/932/EC (O.J. No. L340, 23.12.2005, p.68); and

the European International Instruments.

Relevant provisions in that instrument: Articles 3, 4, 4a, 4b, 4c, 5, 6 and 9.

Additional requirements:

- (a) Only uncastrated rams for breeding which have been tested for contagious epididymitis (*Brucella ovis*) in accordance with Article 6(c) or Council Directive 91/68/EEC may be imported into Northern Ireland.
- (b) The official health certification accompanying all sheep and goats for fattening and breeding imported into Northern Ireland must confirm that the animals are eligible for entry into an officially brucellosis free ovine or caprine holding in accordance with Annex A, Chapter 1, point D of Council Directive 91/68/EEC.

Other animals, semen, ova and embryos

10. Instrument: 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 (O.J. No. L268, 14.9.92, p. 54), as amended by, and as read with—

Commission Decision 95/176/EC (O.J. No. L117, 24.5.95, p. 23);

Commission Decision 95/294/EC (O.J. No. L182, 2.8.95, p. 27);

Commission Decision 95/307/EC (O.J. No. L185, 4.8.95, p. 58);

Commission Decision 95/388/EC (O.J. No. L234, 3.10.95, p. 30), as amended by Commission Decision 2005/43/EC (O.J. No. L20, 22.1.2005, p. 34) ;

Commission Decision 95/483/EC (O.J. No. L275, 18.11.95, p. 30);

Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);

Commission Regulation (EC) No. 1282/2002 (O.J. No. L187, 16.7.2002, p. 3);
Council Regulation (EC) No. 1802/2002 (O.J. No. L274, 11.10.2002, p. 21);
Regulation (EC) No. 998/2003 (O.J. No. L146, 13.6.2003, p. 1), as amended by Council Decision 2004/650/EC (O.J. No. L298, 23.9.2004, p. 22);
Council Regulation (EC) No. 1398/2003 (O.J. No. L198, 6.8.2003, p. 3);
Commission Regulation (EC) No. 592/2004 (O.J. No. L94, 31.3.2004, p. 7);
Council Directive 2004/68/EC (O.J. No. L139, 30.4.2004, p. 321(a));
Commission Decision 2004/205/EC (O.J. No. L65, 3.3.2004, p. 23); and
the European International Instruments.

Relevant provisions in that instrument: Articles 3 to 9, 10(1) to 10(3) and 11 to 13.

Note:

By way of derogation from the requirements of Article 5(1), the Department may authorise in writing the purchase by a body, institute or centre approved under regulation 9 of these Regulations of apes belonging to an individual.

Additional requirements:

- (a) The importation into Northern Ireland of lagomorphs which cannot be shown to have been born on the holding of origin and kept in captivity since birth is prohibited except in accordance with the provisions of the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977(b). Lagomorphs born on the holding of origin and kept in captivity since birth must be accompanied on importation by an official health certificate confirming that status and that the holding of origin has been free from rabies for at least one month.
- (b) Animals (other than carnivores, primates, bats and lagomorphs) born on the holding of origin and kept in captivity since birth must be accompanied on importation by a certificate completed by the exporter confirming that status and that the animals do not show any obvious signs of disease at the time of export, and that the premises of origin are not subject to any animal health restrictions.

Pathogens

11. Instrument: 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 (O.J. No. L62, 15.3.93, p. 49) as amended by, and as read with—

Council Directive 2002/33/EC (O.J. No. L315, 19.11.2002, p. 14);
Commission Decision 2003/721/EC (O.J. No. L260, 11.10.2003, p. 21);
Commission Regulation (EC) No. 445/2004 (O.J. No. L72, 11.3.2004, p. 60); and
the European International Instruments.

Relevant provisions in that instrument: Articles 6 and 7(1).

(a) A corrigendum has been published in O.J. No. L226, 25.6.2004, p. 128

(b) S.R. 1977 No. 113 a amended by S.R.1977 No. 256, S.R. 1994 No. 402, S.R. 2000 No. 10, S.R. 2005 No. 275 and as disapplied in column 3 of the table given in Schedule 8 of these Regulations

Pure-bred animals of the bovine species

12. Instrument: Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species (O.J. No. L206, 12.8.1977, p. 8), as amended by, and as read with—

The Act concerning the conditions of accession of the Hellenic Republic to the European Communities (O.J. No. L291, 19.11.79, p. 17);

Council Directive 79/268/EEC (O.J. No. L62, 13.3.79, p. 5);

Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);

Council Directive 85/586/EEC (O.J. No. L372, 31.12.85, p. 44);

Commission Decision 86/404/EEC (O.J. No. L233, 20.8.86, p. 19);

Commission Decision 88/124/EEC (O.J. No. L62, 8.3.88, p. 32);

Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37);

Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);

Commission Decision 96/80/EC (O.J. No. L19, 25.1.96, p. 50);

Commission Decision 96/510/EC (O.J. No. L210, 20.8.96, p. 53) (as amended by Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27);

Commission Decision 2002/8/EC (O.J. No. L3, 5.1.2002, p. 53); and

the European International Instruments.

Relevant provisions in that instrument: Articles 5 and 7.

Breeding animals of the porcine species

13. Instrument: Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (O.J. No. L382, 31.12.88, p. 36), as amended by, and as read with—

Commission Decision 89/503/EEC (O.J. No. L247, 23.8.89, p. 22);

Commission Decision 89/506/EEC (O.J. No. L247, 23.8.89, p. 34);

Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);

Commission Decision 96/510/EC (O.J. No. L210, 20.08.96, p. 53) (as amended by Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27)); and

the European International Instruments.

Relevant provisions in that instrument: Articles 2(2), 5, 7(2) and 9.

Pure-bred breeding sheep and goats

14. Instrument: Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats (O.J. No. L153, 6.6.89, p. 30), as amended by, and as read with—

Commission Decision 90/258/EEC (O.J. No. L145, 8.6.90, p. 39);

Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);

Commission Decision 96/510/EC (O.J. No. L210, 20.08.96, p. 53);

Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27); and

the European International Instruments.

Relevant provisions in that instrument: Articles 3(2) and 6.

Equidae

15. Instrument: Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (O.J. No. L224, 18.8.90, p. 55), as amended by, and as read with—

Council Directive 90/426/EEC (O.J. No. L224, 18.8.90, p. 42);

Commission Decision 92/353/EEC (O.J. No. L192, 11.7.92, p. 63);

Commission Decision 92/354/EEC (O.J. No. L192, 11.7.92, p. 66);

Commission Decision 93/623/EEC (O.J. No. L298, 3.12.93, p. 45) (as amended by Decision 2000/68/EC (O.J. No. L23, 28.1.2000, p. 72));

Council Directive 94/28/EC (O.J. No. L178, 12.7.94, p. 66);

Commission Decision 96/78/EC (O.J. No. L19, 25.1.96, p. 39);

Commission Decision 96/510/EC (O.J. No. L210, 20.08.96, p. 53);

Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27); and

the European International Instruments.

Relevant provisions in that instrument: Articles 6 and 8.

PART II

ADDITIONAL REQUIREMENTS FOR THE TRANSPORT OF CATTLE, PIGS, SHEEP AND GOATS

1. Any person transporting cattle, pigs, sheep or goats in intra-Community trade shall do so in accordance with this Part.

2. He shall, for each vehicle used for the transport of those animals, keep a register containing the following information, and shall preserve that information in the register for at least three years—

- (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
- (b) places and dates of delivery, and the name or business name and address of the consignee;
- (c) species and number of animals carried;
- (d) date and place of disinfection; and
- (e) the unique identifying number of accompanying health certificates.

3. He shall ensure that the means of transport is constructed in such a way that the animal faeces, litter or feed cannot leak or fall out of the vehicle.

- (a) He shall give a written undertaking to the Department stating that—
 - (i) in the case of cattle or pigs, Council Directive 64/432/EEC(a), and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals; and
 - (ii) in the case of sheep or goats, Council Directive 91/68/EEC(b), and in particular the provisions laid down in Article 8c of that Directive and the provisions of that

(a) O.J. No. L109, 25.4.97, p.1, as amended by and as read with the provisions listed in paragraph 1 of Part I of Schedule 2

(b) O.J. No. L46, 19.2.91, p.19, as amended by and as read with the provisions listed in paragraph 9 of Part I of Schedule 2

Directive relating to the appropriate documentation that must accompany the animals; and

- (b) the transport of animals shall be entrusted to staff who possess the necessary ability, professional competence and knowledge.

PART III

ADDITIONAL REQUIREMENTS FOR DEALERS IN CATTLE, PIGS, SHEEP AND GOATS

1. Every dealer in cattle, pigs, sheep or goats engaging in intra-Community trade shall comply with the provisions of this Part.

2.—(1) The dealer shall:

- (a) be approved by the Department under this paragraph; and
- (b) be registered with, and have a registration number issued, by the Department.

(2) The Department shall only issue an approval under this paragraph if satisfied that the dealer will comply with the provisions of this Part and, in the case of a dealer in sheep or goats, that the dealer has agreed to comply with the requirements for the operation of his premises which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the premises are capable of being operated in accordance with the second indent of Article 3(2) of Council Directive 90/425/EEC.

3. The dealer shall ensure that he only imports or exports animals that are identified and meet the requirements of Community law for intra-Community trade and, in the case of cattle, come from herds that are officially free of tuberculosis, brucellosis and leucosis, or are slaughter animals meeting the requirements of Article 6(3), or, if slaughter animals under a disease control programme, the requirements of Article 13(1)(a), of Council Directive 64/432/EEC.

4. The dealer shall keep a record for all cattle, pigs, sheep and goats which he imports or exports, either on the basis of identification numbers or marks on the animals, and preserve the record for at least three years, of—

- (a) the name and address of the seller;
- (b) the origin of the animals;
- (c) the date of purchase;
- (d) the categories, number and identification (or registration number of the holding of origin) of cattle, sheep and goats;
- (e) the registration number of the holding of origin or the herd of origin of pigs;
- (f) the approval or registration number of the assembly centre through which he has acquired sheep or goats (where applicable);
- (g) the registration number of the transporter or the licence number of the lorry delivering and collecting animals;
- (h) the name and address of the buyer and the destination of the animals; and
- (i) copies of route plans and numbers of health certificates.

5. In the case of a dealer who keeps cattle, pigs, sheep or goats on his premises he shall ensure that—

- (a) specific training in the care and welfare of animals is given to the staff in charge of the animals; and
- (b) all necessary steps are taken to prevent the spread of disease.

6.—(1) The dealer shall only use premises approved for the purpose by the Department under this paragraph and which, in the case of a dealer in sheep and goats, are specified in an operational agreement created pursuant to paragraph 2(2).

(2) The Department shall issue an approval number for premises approved under this paragraph.

(3) The Department shall only issue an approval under this paragraph if satisfied that the premises comply with, in the case of a dealer in cattle or pigs, Article 13(2) of Council Directive 64/432/EEC or, in the case of a dealer in sheep and goats, Article 8b(2) of Council Directive 91/68/EEC.

SCHEDULE 3 Regulations 5(6), 30 and 32(1)

THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

For the purposes of this Schedule “audit inspection” is a supplementary check to verify application of hygiene measures and the operation of the establishment in accordance with the conditions laid down in Chapter II of Directive 1990/539.

PART I

MEMBERSHIP

1. Any reference to ‘the Directive’ in this Part of this Schedule is a reference to Council Directive 90/539/EEC (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs)(a).

2. An application for an establishment to become a member of the Northern Ireland Poultry Health Assurance Scheme must be accompanied by the registration fee as set out in Part 2 of this Schedule.

3. The Department shall only grant membership of the Northern Ireland Poultry Health Assurance Scheme to an establishment if—

- (a) it is satisfied, following an inspection by a veterinary inspector directly employed by the Department, that—
 - (i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and
 - (ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and
- (b) the operator of the establishment, having been notified that the Department is satisfied that the requirements in sub-paragraph (a) are met and has paid the registration fee, which includes the first year membership fee, as set out in Part II and Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive shall consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he believes are necessary to avoid the spreading of contagious disease through intra-Community trade, taking into account the particular circumstances at that establishment.

(a) O.J. No. L303, 30.10.90, P.6 as amended by and as read with the provisions listed in para. 6 of Part I of Schedule 2

5. On acceptance of membership to the Northern Ireland Poultry Health Assurance Scheme the Department shall issue the establishment's membership certificate which shall include the establishment's membership number.

6. The operator of an establishment that is a member of the Northern Ireland Poultry Health Assurance Scheme shall pay the annual membership fee each year and shall pay any re-inspection fee when it becomes due.

7. In order to ensure that operators and their establishments continue to meet the requirements for membership of the Northern Ireland Poultry Health Assurance Scheme, and generally to ensure compliance with the Directive, an Authorised Veterinary Inspector (AVI) shall carry out an annual inspection of the establishment, and any supplementary audit inspections to meet the requirements of Chapter I of Annex II to the Directive, will be carried out by a veterinary inspector directly employed by the Department. The number of supplementary audit inspections to be carried out each year shall be determined by the Department.

8. Without prejudice to any action which may be taken under paragraph 9, where, at the annual veterinary inspection of an operator's establishment, that operator or his establishment do not appear to the Department to meet the requirements either for membership of the Scheme or of the Directive, a veterinary inspector directly employed by the Department shall carry out such additional inspections ("re-inspections") as the Department considers necessary to ensure compliance on the part of that operator and his establishment with those requirements. In which case a re-inspection fee shall—

- (a) be charged for each such re-inspection; and
- (b) become due upon the receipt by the operator concerned of an invoice for that fee.

9. The Department—

- (a) shall suspend, revoke or restore membership in accordance with Chapter IV of Annex II to the Directive (references to 'withdrawal' in that Chapter shall be read as references to 'revocation' for the purposes of this paragraph);
- (b) may suspend or revoke membership if—
 - (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
 - (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
 - (iii) if ownership or control of an establishment changes; or
 - (iv) if the operator has not paid the registration fee, the annual membership fee or if a re-inspection fee remains unpaid 30 days after becoming due.

PART II

REGISTRATION FEE

1. The Department shall—

- (a) determine the registration fee on the basis of the cost of inspection by a Departmental veterinary inspector and associated administrative costs; and
- (b) publish the current registration fee on the website of the Department of Agriculture and Rural Development(a).

2. The registration fee shall be payable to the Department in respect of each establishment for which an application is made and shall be non-refundable.

(a) www.dardni.gov.uk

PART III

ANNUAL MEMBERSHIP FEE

1. For first time applicants the registration fee will include the first year membership fee.
2. For subsequent annual inspections members inspections will be carried out by an AVI.
3. For inspections carried out by an AVI not directly employed by the Department of Agriculture and Rural Development—
 - (a) the cost of the inspection is payable directly to the inspector by the operator;
 - (b) the Department shall determine the administration fee and the supplementary audit inspection fee associated with an inspection by an AVI; and
 - (c) publish the current administration fee and the supplementary audit inspection fee associated with an inspection by an authorised veterinary inspector on the website of the Department.
4. The administration fee and the supplementary audit inspection fee (referred to in para.3(b)) shall be payable to the Department in respect of each establishment and shall be non-refundable.

PART IV

RE-INSPECTION FEE

The Department shall—

- (a) determine the re-inspection fee on the basis of the cost of re-inspection by a Departmental veterinary inspector and associated administrative costs; and
- (b) publish the current re-inspection fee on the website of the Department of Agriculture and Rural Development.

PART V

SUPPLEMENTARY AUDIT INSPECTION FEE

1. In order to meet the requirement of Chapter I of Annex II to the Directive supplementary audit inspections will be carried out by a veterinary inspector directly employed by the Department.
2. The Department shall—
 - (a) determine the supplementary audit inspection fee on the basis of the cost of a supplementary audit inspection by a veterinary inspector directly employed by the Department and associated administrative costs;
 - (b) include the cost of a supplementary audit inspection with the annual membership fee; and
 - (c) publish the current supplementary audit inspection fee on the website of the Department of Agriculture and Rural Development.

SCHEDULE 4

Regulations 9(5) and 32(1)

APPROVAL OF LABORATORIES UNDER THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

PART I

APPROVAL

1. The Department may approve any laboratory that it considers to be suitable for the purposes of carrying out Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme.

2. The operator of a laboratory approved under paragraph 1 shall pay the annual approval fee each year as set out in Part II of this Schedule.

3. In order to ensure that approved laboratories remain suitable for approval, an inspector shall carry out inspections and quality assurance testing as the Department considers necessary.

4. The Department may suspend or revoke an approval granted to a laboratory under regulation 9(5) and paragraph 1 of this Part where it considers that the laboratory cannot meet the conditions on which the approval was granted, or if in its opinion the laboratory otherwise appears no longer suitable for the purposes of carrying out Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme.

5. The Department may end a suspension of an approval imposed under regulation 9(5) and paragraph 4 of this Part if it is satisfied that the laboratory concerned has taken adequate measures to enable it to fulfill the conditions of approval and is suitable for the purposes of carrying out Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme.

PART II

ANNUAL APPROVAL FEE

1. The Department shall—

- (a) determine the annual approval fee on the basis of the cost of inspection and associated administration costs; and
- (b) publish the current annual approval fee on the website of the Department of Agriculture and Rural Development.

2. The annual approval fee shall be payable to the Department in respect of each approved laboratory and shall be non-refundable.

SCHEDULE 5

Regulations 13(1)
and 27(1)

LIST OF DISEASES

African horse sickness

African swine fever

Avian influenza

Bluetongue

Bovine spongiform encephalopathy
Classical swine fever
Contagious bovine pleuropneumonia
Dourine
Equine encephalomyelitis of all types, (including Venezuelan equine encephalomyelitis)
Foot and mouth disease
Glanders
Infectious equine anaemia
Infectious haematopoietic necrosis
Infectious Salmon anaemia
Lumpy skin disease
Newcastle disease
Peste des petits ruminants
Rift valley fever
Rinderpest
Sheep and goat pox
Small hive beetle (*Aethina tumida*)
Swine vesicular disease
Teschén disease
Tropilaelaps mite
Vesicular stomatitis
Viral haemorrhagic septicaemia

SCHEDULE 6

Regulations 2(3),
15(5), 23 and 33

COMMUNITY LEGISLATION IN RELATION TO THIRD COUNTRIES

PART I

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 (O.J. No. L146, 14.6.79, p. 15), as amended by, and as read with—

Commission Decision 2004/212/EC (O.J. No. L73, 11.3.2004, p. 11);

Commission Decision 2004/410/EC (O.J. No. L151, 30.4.2004, p. 31);

Commission Decision 2004/620/EC (O.J. No. L279, 28.8.2004, p. 30); and

Commission Decision 2006/9/EC (O.J. No. L7, 12.1.2006 p. 23).

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 (O.J. No. L156, 7.7.95, p. 76), as amended by, and as read with—

Commission Decision 96/628/EC (O.J. No. L282, 1.11.96, p. 73);

Commission Decision 96/659/EC (O.J. No. L302, 26.11.96, p. 27);

Commission Decision 97/183/EC (O.J. No. L76, 18.3.97, p. 32);

Commission Decision 2001/732/EC (O.J. No. L 275, 18.10.2001, p. 14);

Commission Decision 2001/751/EC (O.J. No. L 281, 25.10.2001, p. 24);

Commission Decision 2002/183/EC (O.J. No. L 61, 2.3.2002, p. 56); and

Commission Decision 2004/118/EC (O.J. No. L36, 7.2.2004, p. 34).

Captive birds

3. 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 (O.J. No. L278, 31.10.2000, p. 26) as read with Council Directive 92/65/EEC.

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 (O.J. No. L302, 21.11.2003, p. 22), as amended by, and as read with—

Commission Decision 2004/623/EC (O.J. No. L280, 31.8.2004, p. 26); and

Commission Decision 2005/409/EC (O.J. No. L139, 2.6.2005, p. 16).

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 (O.J. L324, 11.12.2003, p. 37), as amended by, and as read with—

Commission Decision 2004/454/EC (O.J. No. L156, 30.4.2004, p. 29);and

Commission Decision 2005/742/EC (O.J. No. L279, 22.10.2005, p.71).

Bees

6. 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 (O.J. No. L328, 17.12.2003, p. 26), as amended by Commission Decision 2005/60/EC (O.J. No. L25, 28.1.2005, p. 64), and as read with Council Decision 79/542/EEC (as that Council Decision is defined under paragraph 1 of this Part) in respect of which the derogation

in Article 1(2) permitting the imports of bees from the state of Hawaii in the United States of America may be relied on.

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 living equidae and semen, ova and embryos of the equine species (O.J. No. L73, 11.3.2004, p. 1).

Cats, Dogs & 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 (O.J. No. L27, 29.1.2005, p. 48), as read with—

- (1) Council Directive 92/65/EEC; and
- (2) Regulation (EC) No. 998/2003.

PART II

DETAILED PROVISIONS

Cloven-hoofed animals and elephants from third countries

1. Instrument: 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 (O.J. No. L146, 14.6.79, p. 15), as amended by, and as read with—

Commission Decision 2004/212/EC (O.J. No. L73, 11.3.2004, p. 11);

Commission Decision 2004/410/EC (O.J. No. L151, 30.4.2004, p. 31);

Commission Decision 2004/554/EC (O.J. No. L248, 9.7.2004, p. 1);

Commission Decision 2004/620/EC (O.J. No. L279, 28.8.2004, p. 30); and

Commission Decision 2006/9/EC (O.J. No. L7, 12.1.2006 p. 23).

Relevant provisions in that instrument: Articles 3, 4, 5, 6 and 7.

Zoo Ungulates

2. Instrument: Council Directive 2004/68/EC laying down health rules for the importation into and transit through the Community of certain live ungulate animals (O.J. No. L139, 30.4.2004, p. 321(a)), as read with—

Council Decision 79/542/EEC (O.J. No L146, 14.6.79, p. 15) as described in paragraph 1 of this Part;

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);

Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);

Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);

Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54); and

the European international instruments.

Relevant provisions in that instrument: Articles 3, 7 and 11

(a) A corrigendum has been published, the reference for which is O.J. No. L226, 25.6.2004, p. 128

Equidae

General

3.—(1) Instrument: Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries (O.J. No. L224, 18.8.90, p. 42), as amended by, and as read with—

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 92/36/EEC (O.J. No. L157, 10.6.92, p. 28);
Commission Decision 92/130/EEC (O.J. No. L47, 22.2.92, p. 26);
Commission Decision 95/329/EC (O.J. No. L191, 12.8.95, p. 36);
Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);
Commission Decision 2002/160/EC (O.J. No. L53, 23.3.2002, p. 37);
Council Directive 2004/68/EC (O.J. No. L139, 30.4.2004, p. 321); and
the European International Instruments.

Relevant provisions in that instrument: Articles 11, 12(1), 13 to 16 and 18.

(2) Instrument: 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 (O.J. No. L73, 11.3.2004, p. 1).

Relevant provision in that instrument: Article 6.

Temporary admission of registered horses

(3) Instrument: Commission Decision 92/260/EEC (O.J. No. L130, 15.5.92, p. 67) as amended by, and read with—

Commission Decision 93/344/EEC (O.J. No. L138, 9.6.93, p. 11);
Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p. 11);
Commission Decision 94/561/EC (O.J. No. L214, 19.8.94, p. 17);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 95/323/EC (O.J. No. L190, 11.8.95, p. 11);
Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/10/EC (O.J. No. L3, 7.1.97, p. 9) as amended by Decision 2001/622/EC (O.J. No. L216, 10.8.2001, p. 26);
Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);
Commission Decision 98/594/EC (O.J. No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 99/613/EC (O.J. No. L24, 15.9.99, p. 12);
Commission Decision 2000/209/EC (O.J. No. L64, 11.3.2000, p. 22);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.2001, p. 38);

Commission Decision 2001/611/EC (O.J. No. L214, 8.8.2001, p. 49);
Commission Decision 2001/619/EC (O.J. No. L215, 9.8.2001, p. 55);
Commission Decision 2001/828/EC (O.J. No. L308, 27.11.2001, p. 41);
Commission Decision 2002/635/EC (O.J. No. L206, 3.8.2002, p. 20);
Commission Decision 2002/636/EC (O.J. No. L206, 3.8.2002, p. 27);
Commission Decision 2003/13/EC (O.J. No. L7, 11.1.2003, p. 86);
Commission Decision 2003/541/EC (O.J. No. L185, 24. 7.2003, p. 41);
Commission Decision 2004/117/EC(O.J. No. L36, 7.2.2004, p.20);
Commission Decision 2004/177/EC (O.J. No. L55, 24.2.2004, p. 64);
Commission Decision 2004/241/EC (O.J. No. L74, 12.03.2004, p. 19); and
the European International Instruments.

Relevant provision in that instrument: Article 1.

Registered horses for racing, etc, upon re-entry

(4) Instrument: 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 (O.J. No. L86, 6.4.93, p. 1), as amended by, and as read with—

Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p. 11);
Commission Decision 94/561/EC (O.J. No. L214, 19.8.94, p. 17);
Commission Decision 95/99/EC (O.J. No. L76, 5.4.95, p. 16);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 95/323/EC (O.J. No. L190, 11.8.95, p. 11);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/684/EC (O.J. No. L287, 21.10.97, p. 49);
Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);
Commission Decision 98/567/EC (O.J. No. L276, 13.10.98, p. 11);
Commission Decision 98/594/EC (O.J. No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 99/558/EC (O.J. No. L211, 11.8.99, p. 53);
Commission Decision 2000/209/EC (O.J. No. L64, 11.3.2000, p. 64);
Commission Decision 2000/754/EC (O.J. No. L303, 12.12.2000, p. 34);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.2001, p. 38);
Commission Decision 2001/144/EC (O.J. No. L53, 23.2.2001, p. 23);
Commission Decision 2001/610/EC (O.J. No. L43, 8.8.2001, p. 45);
Commission Decision 2001/611/EC (O.J. No. L214, 8.8.2001, p. 49);
Commission Decision 2004/211/EC (O.J. No. L73, 11.3.2004, p. 1);
Commission Decision 2005/605/EC (O.J. No. L206, 9.8.2005, p.16);

Commission Decision 2005/771/EC (O.J. No. L291, 5.11.2005, p. 38);
Commission Decision 2005/943/EC (O.J. No. L342, 24.12.2005, p. 94); and
the European International Instruments.

Relevant provision in that instrument: Article 1.

Equidae for slaughter

(5) Instrument: Commission Decision 93/196/EEC on animal health conditions and veterinary certification for imports of equidae for slaughter (O.J. No. L86, 6.4.93, p. 7), as amended by, and as read with—

Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p.11);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);
Commission Decision 96/82/EC (O.J. No. L19, 25.1.96, p. 56);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/36/EC (O.J. No. L14, 17.1.97, p. 57);
Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.01, p. 38);
Commission Decision 2001/611/EC (O.J. No. L214, 8.8.01, p. 49); and
the European International Instruments.

Relevant provision in that instrument: Article 1.

Registered equidae for breeding and production

(6) Instrument: Commission Decision 93/197/EEC on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production (O.J. No. L86, 6.4.93, p. 16), as amended by, and as read with—

Commission Decision 93/510/EEC (O.J. No. L238, 23.9.93, p. 45);
Commission Decision 93/682/EEC (O.J. No. L317, 18.12.93, p. 82);
Commission Decision 94/453/EC (O.J. No. L187, 22.7.94, p. 11);
Commission Decision 94/561/EC (O.J. No. L214, 19.8.94, p. 17);
Commission Decision 95/322/EC (O.J. No. L190, 11.8.95, p. 9);
Commission Decision 95/323/EC (O.J. No. L190, 11.8.95, p. 11);
Commission Decision 95/536/EC (O.J. No. L304, 16.12.95, p. 49);
Commission Decision 96/81/EC (O.J. No. L19, 25.1.96, p. 53);
Commission Decision 96/82/EC (O.J. No. L19, 25.1.96, p. 56);
Commission Decision 96/279/EC (O.J. No. L107, 30.4.96, p. 1);
Commission Decision 97/10/EC (O.J. No. L3, 7.1.97, p. 9), as amended by Commission Decision 2004/117/EC (O.J. No. L036, 7.2.2004, p. 20);
Commission Decision 97/36/EC (O.J. No. L14, 17.1.97, p. 57);

Commission Decision 98/360/EC (O.J. No. L163, 6.6.98, p. 44);
Commission Decision 98/594/EC (O.J. No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (O.J. No. L83, 27.3.99, p. 77);
Commission Decision 99/236/EC (O.J. No. L87, 31.3.99, p. 13);
Commission Decision 99/252/EC (O.J. No. L96, 10.4.99, p. 31);
Commission Decision 99/613/EC (O.J. No. L243, 15.9.99, p. 12);
Commission Decision 2000/209/EC (O.J. No. L64, 11.3.2000, p. 64);
Commission Decision 2001/117/EC (O.J. No. L43, 14.2.2001, p. 38);
Commission Decision 2001/611/EC (O.J. No. L214, 8.8.2001, p. 49);
Commission Decision 2001/619/EC (O.J. No. L215, 9.8.2001, p. 55);
Commission Decision 2001/754/EC (O.J. No. L282, 26.10.2001, p. 34);
Commission Decision 2001/766/EC (O.J. No. L288, 1.11.2001, p. 50);
Commission Decision 2001/828/EC (O.J. No. L308, 27.11.2001, p. 41);
Commission Decision 2002/635/EC (O.J. No. L206, 3.8.2002, p. 20);
Commission Decision 2002/841/EC (O.J. No. L206, 25.10.2002, p. 42);
Commission Decision 2003/541/EC (O.J. No. L185, 24.07.2003, p. 41);
Commission Decision 2004/177/EC (O.J. No. L55, 24.2.2004, p. 64);
Commission Decision 2004/241/EC (O.J. No. L74, 12.3.2004, p. 19); and
the European International Instruments.

Relevant provision in that instrument: Article 1.

Additional requirements:

- (a) All pre-export tests of registered horses from Kyrgyzstan and registered equidae and equidae for breeding and production imported from Belarus, Bulgaria, Croatia, ex-Yugoslavia Republic of Macedonia, Romania, Russian Federation and the Ukraine must be carried out as follows: for vesicular stomatitis at the Institute of Animal Health, Pirbright, the National Veterinary Institute, Czech Republic or at the Central Veterinary Laboratory, Budapest, Hungary; the mandatory tests for infectious anaemia, dourine and glanders and, if necessary, the test for equine viral arteritis at the Veterinary Laboratories Agency, Weybridge, the National Veterinary Institute, Czech Republic, or the Central Veterinary Laboratory, Budapest, Hungary;
- (b) The test results must be attached to the health certificate accompanying the imported equidae.

Poultry

4. Instrument: Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs (O.J. No. L303, 30.10.90, p. 6) as amended by, and as read with—

Council Directive 91/494/EEC (O.J. No. L268, 24.9.91, p. 35);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
Commission Decision 92/369/EEC (O.J. No. L195, 14.7.92, p. 25);

Council Directive 93/120/EEC (O.J. No. L340, 31.12.93, p. 35);
Commission Decision 96/482/EC (O.J. No. L196, 7.8.96, p. 13);
Commission Decision 96/628/EC (O.J. No. L282, 1.11.93, p. 73);
Council Directive 99/89/EC (O.J. No. L300, 23.11.99 p. 17);
Council Directive 99/90/EC (O.J. No. L300, 23.11.99, p. 19);
Commission Decision 2000/505/EC (O.J. No. L201, 9.8.2000, p. 8);
Commission Decision 2002/183/EC (O.J. No. L61, 2.3.2002, p. 56);
Commission Decision 2002/542/EC (O.J. No. L176, 5.7.2002, p. 43);
Commission Decision 2004/118/EC (O.J. No. L36, 7.2.2004, p. 34); and
the European International Instruments.

Relevant provisions in that instrument: Articles 20, 21(1), 22(1), 23, 24, 27(2) and 28.

Other specified animals, semen, ova and embryos

5. Instrument: 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 (O.J. No. L268, 14.9.92, p. 54), as amended by, and as read with—

Commission Decision 95/176/EC (O.J. No. L117, 24.5.95, p. 23);
Commission Decision 2001/298/EC (O.J. No. L102, 12.4.2001, p. 63);
Commission Regulation (EC) No 1282/2002 (O.J. No. L187, 16.7.2002, p. 3);
Council Regulation (EC) No. 1802/2002 (O.J. No. L274, 11.10.2002, p. 21);
Council Regulation (EC) No 998/2003 (O.J. No. L146, 13.6.2003, p. 1);
Council Regulation (EC) No. 1398/2003 (O.J. No. L198, 6.8.2003, p. 3);
Council Directive 2004/68/EC (O.J. No. L226, 25.6.2004, p. 128);
Commission Decision 2004/595/EC (O.J. No. L266, 13.8.2004, p. 11); and
the European International Instruments and Joint Committee Decision 69/96 of 17 July 1998 amending Annex 1 (Veterinary and Phytosanitary matters) to the Agreement on the European Economic Area (O.J. No. L158, 24.6.99, p. 1).

Relevant provisions in that instrument: Articles 16, 17(1), 17(2) and 18.

Captive birds

6. Instrument: 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 (O.J. No. L278, 31.10.2000, p. 26) as read with or amended by—

Council Directive 92/65/EC;
Commission Decision 2001/383/EC (O.J. No. L137, 19.5.01, p. 28);
Commission Decision 2002/279/EC (O.J. No. L99, 16.04.02, p.17); and
the European International Instruments.

Relevant provisions in that instrument: Articles 1, 2, 3, 8 (insofar as not already provided for under regulations 16, 17 and 30), and 9.

Cats, Dogs & Ferrets

7. Instrument: 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 (O.J. No. L27, 29.1.2005, p. 48), as read with—

Council Directive 92/65/EEC; and

Regulation (EC) No. 998/2003.

Relevant provisions in that instrument: Article 1

Live animals from New Zealand

8. Instrument: Commission Decision 2003/56/EC on health certificates relating to live animals, their semen, ova and embryos imported from New Zealand (O.J. No. L22, 25.1.03, p. 38) as amended by—

Commission Decision 2004/784/EC (O.J. No. L346, 23.11.2004, p. 11)

Relevant provisions in that instrument: Articles 1, 2 and 3.

Zootechnical conditions

9. Instrument: 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 (O.J. No. L178, 12.7.94, p. 66), as read with—

Commission Decision 96/509/EC (O.J. No. L210, 20.8.96, p. 47); and

Commission Decision 96/510/EC (O.J. No. L210, 20.8.96, p. 53) as amended by Commission Decision 2004/186/EC (O.J. No. L57, 25.2.2004, p. 27).

Relevant provisions in that instrument: Article 4.

Finfish and Shellfish from third countries

10.—(1) Instrument: 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 (O.J. No. L302, 21.11.2003, p.22), as amended by, and as read with—

Commission Decision 2004/623/EC (O.J. No. L280, 31.8.2004, p. 26);

Commission Decision 2005/409/EC (O.J. No. L139, 2.6.2005, p. 16).

Relevant provision in that instrument: Articles 3, 4, 5, 6, 7 and 8.

(2) Instrument: 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 (O.J. L324, 11.12.2003, p.37.) as amended by, and as read with—

Commission Decision 2004/914/EC(O.J. No. L385, 29.12.2004, p. 60); and

Commission Decision 2005/742/EC (O.J. No. L279, 22.10.2005, p. 71)

(3) Relevant provisions in that instrument: Articles 3, 4, 5, 6, 7, 8 and 9.

Bees

11. Instrument: 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 (O.J. No. L328, 17.12.2003, p. 26); as amended by Commission Decision 2005/60/EC (O.J. No. L25, 28.1.2005, p.64), and as read with Council Directive 92/65/EEC and

the European International Instruments.

Relevant provisions in that instrument: Articles 1(1), (2), (3) and (4), and Article 2 (pursuant to which the derogations from Articles 1(1), second and third indent, and Articles 1(2) and (3) may be relied on).

SCHEDULE 7

Regulation 17

APPROVAL OF QUARANTINE CENTRES AND QUARANTINE FACILITIES AND SPECIFIC REQUIREMENTS FOR THE QUARANTINE OF CAPTIVE BIRDS

PART I

APPROVALS

1. The Department may, if it is satisfied in all the circumstances that it is appropriate to do so, grant to a quarantine manager an approval in respect of—
 - (a) a quarantine centre for which it has charge and which at least meets the minimum conditions set out in Annex B of Commission Decision 2000/666/EC (in this Schedule, “the Decision”) in relation to quarantine centres and quarantine units; and
 - (b) a quarantine facility for which it has charge and which at least meets the minimum conditions set out in Annex B of the Decision in relation to quarantine facilities.
2. Subject to the provisions of paragraph 4 of this Part, an approval shall expire at the end of 12 months from the date of its being granted unless—
 - (a) the transitional arrangements in Part IV apply;
 - (b) an earlier expiry date is provided for at the grant of an approval under paragraph 1; or
 - (c) it is revoked under regulation 2(6)(c).
3. The Department shall give reasons in writing—
 - (a) for refusing an application for an approval provided for under this Schedule;
 - (b) for attaching conditions to an approval granted under this Schedule;
 - (c) for providing that such an approval shall expire earlier than 12 months from the date of its being granted.
4. Notice of a revocation or suspension of an approval granted under this Schedule shall—
 - (a) take effect when it is served, unless otherwise stated in the notice;
 - (b) state—
 - (i) the reasons for the revocation or suspension, and
 - (ii) the time and date when it is to take effect;
 - (c) be served upon the quarantine manager—
 - (i) in person, or by leaving it at the quarantine centre or quarantine facility concerned; or
 - (ii) by post addressed to the quarantine manager at the quarantine centre or quarantine facility concerned, in which case it shall be deemed to be served at 12 noon on the second day after posting it; and
 - (d) be copied to the importer, and so far as is practicable, if the importer is not the owner of the birds concerned, to the owner of the birds kept at the quarantine centre or quarantine facility at the date the revocation or suspension is to take effect.

5. Where an approval is revoked or is to be revoked and the continuation of quarantine at the quarantine centre or quarantine facility concerned would in the opinion of a veterinary inspector cause a significant public or animal health risk, he may issue directions by notice as to the movement or disposal of birds held in quarantine at the time the notice of revocation is stated to take effect, and such notice shall be served and copied to any importer and owner concerned as if it were a notice to which paragraph 4(c) and (d) applied.

PART II

APPROVAL FEE

6. The Department shall determine the approval fee on the basis of the cost of inspection by a Departmental veterinary inspector and associated administrative costs.

7. The approval fee shall be payable to the Department in respect of each quarantine centre or quarantine facility for which an application is made and shall be non-refundable.

PART III

SPECIFIC REQUIREMENTS FOR THE QUARANTINE OF CAPTIVE BIRDS WHICH QUARANTINE MANAGERS MUST ENSURE ARE MET

8. In this Part “unit” in relation to a quarantine centre has the same meaning as it has in the Decision.

9. Birds shall be quarantined for a period (“the quarantine period”) of at least 30 days at the quarantine centre or quarantine facility to which they have been conveyed from the border inspection post and in the case of a quarantine facility at which consignments arriving at different dates are quarantined, the quarantine period shall be extended to expire no sooner than 30 days after the last consignment arrived at the quarantine facility.

10. A bird may not share a unit with any other bird at a quarantine centre unless that other bird arrived in the same consignment as the first bird, and in the event that one bird shares a unit with another, the quarantine period for any bird in the unit shall be extended to expire no sooner than 30 days after the last bird was placed in the unit.

11. Psittaciformes shall be identified individually in accordance with the requirements of Part B of Chapter 2 of Annex B to the Decision.

12. The use of sentinel chickens shall conform with Article 4(2) of the Decision.

13. Suitable arrangements shall be made for the taking of samples by a veterinary inspector in accordance with Articles 4(1), (3), (4)(c) and (d), and (5) of the Decision.

14. The presence or suspected presence of disease in a bird at a quarantine centre or quarantine facility, and the death of any bird during the quarantine period described in paragraphs 2 or 3 as the case may be shall be reported to the veterinary inspector supervising the quarantine centre or quarantine facility as soon as reasonably practical.

15. A person shall not enter a quarantine centre or quarantine facility unless the quarantine manager in charge of the centre or facility is reasonably satisfied that person satisfies the condition in regulation 17(6)(a) and one of the criteria in regulation 17(6)(b).

16. The destruction, cleansing and disinfection and post-infection sampling from sentinel chickens or other birds in other units (in the case of quarantine centres), and the restrictions on movements onto or off the quarantine centre or quarantine facility shall conform with Article 4(4) of the Decision, unless notice is served under regulation 19(2)(b).

17. Cages and crates used for the transport of birds to the quarantine centre or quarantine facility shall be destroyed by the quarantine manager in such a way as to avoid the spread of disease, unless the cages or crates are made of a material which allows effective cleaning and disinfection, in which case they may be cleansed, disinfected and re-used.

18. Litter and waste material from the quarantine centre or quarantine facility shall be collected, stored and treated as approved or required in writing by the official veterinarian in accordance with paragraph 9 of Part A of Chapter 2 of Annex B to the Decision and in any event so as to avoid spread of disease.

19. A record shall be maintained and retained for at least one year—

- (a) in respect of each consignment of the date, number and species of captive birds entering and leaving the quarantine centre or quarantine facility;
- (b) of individual identification numbers of psittaciformes held at the quarantine centre or quarantine facility;
- (c) of any significant observations as to the condition of captive birds during quarantine;
- (d) of illness and number of deaths, recorded on a daily basis;
- (e) of dates and results of veterinary tests carried out in respect of captive birds during quarantine;
- (f) of dates and type of veterinary or other treatment administered to captive birds during quarantine; and
- (g) of names of persons entering the quarantine centre or quarantine facility, including the authority by which entry was gained.

20. A copy of the health certificate and the common veterinary entry document referred to in Article 3 of Commission Regulation (EC) No. 282/2004 which accompanies a captive bird upon import shall be kept for at least one year after the arrival of that captive bird at the quarantine centre or quarantine facility.

SCHEDULE 8

Regulation 33

DISAPPLICATION OF LEGISLATION

<i>1</i> <i>Number</i>	<i>2</i> <i>Title</i>	<i>3</i> <i>Extent</i>
S.R. & O. (N.I.) 1963 No.178 as amended by S.R. 1998 No.45	Diseases of Animals (Unlawful Importations) Order (Northern Ireland) 1963	Articles 4 and 6
S.R. & O. (N.I.) 1965 No. 175 as amended by S.R. & O. (N.I.) 1968 No. 106, S.R. 1985 No. 162, S.R. 1992 No. 199, and S.R. 1996 No. 82	Diseases of Animals (Importation of Poultry) Order (Northern Ireland) 1965	The whole Order except that Article 4 shall continue to apply to all birds (including domestic fowl) and their hatching eggs other than— (c) those subject to the provisions of Council Directive 90/539/EEC (excluding domestic fowl); (d) those birds and their hatching eggs traded within the Community which are subject to the provisions of

		Council Directive 92/65; and
		(e) those birds subject to the provisions of Commission Decision 2000/666/EC.
S.I 1967 c.7 (N.I.)	Diseases of Fish Act (Northern Ireland) 1967	Section 3
S.R 1967 No. 294	Rabbits and Hares (Control of Importation) Order (Northern Ireland) 1967	The whole Order
S.R. 1973 No. 392.	Risk of Infection (Oysters) Order (Northern Ireland) 1973	The whole Order
S.I. 1975/1834 (N.I. 17).	Artificial Reproduction of Animals (Northern Ireland) Order 1975	Article 6(1) will no longer apply to—
		(a) bovine semen which is the subject of Council Directive 88/407/EEC;
		(b) bovine embryos which are the subject of Council Directive 89/556/EEC;
		(c) porcine semen which is the subject of Council Directive 90/429/EEC;
		(d) equine ova and embryos which are the subject of Commission Decision 95/294/EC;
		(e) equine semen which is the subject of Commission Decision 95/307/EC;
		(f) ovine and caprine semen, ova and embryos which are the subject of Commission Decision 95/388/EC; and
		(g) porcine ova and embryos which are the subject of Commission Decision 95/483/EC.
S.R. 1977 No. 113 as amended by S.R. 1977 No. 256, S.R. 1994 No. 402, S.R. 2000 No. 10 and S.R. 2005 No. 275.	Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977	The Order shall continue to apply to all carnivores, primates and bats. It shall continue to apply to the

		importation of all other animals unless such animals are imported by way of trade and can be shown to have been born on the holding of origin and kept in captivity since birth.
S.R. 1982 No. 99.	Lobsters (Risk of Infection) Order (Northern Ireland) 1982	The whole Order
S.R. 1986 No. 253 as amended by S.R. 1999 No. 194.	Importation of Animals Order (Northern Ireland) 1986	Articles 3, 6(1) and (2), 7 to 11, 13 to 15, 16(2) and Schedule 3 except that Article 3 shall continue to apply to ruminating animals and swine other than animals which are the subject of Council Directives 64/432/EEC and 91/68/EEC.
S.R. 1991 No. 458	Risk of Infection (Fish) Order (Northern Ireland) 1991	The whole Order

SCHEDULE 9

Regulation 34

REVOCATIONS

<i>Number</i>	<i>Title</i>	<i>Extent</i>
S.R. 2005 No. 78.	The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005	The whole Regulations except that Regulation 27 shall continue to apply.
S.R. 2005 No. 446.	The Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2005	The whole Regulations.
S.R. 2006 No. 105	The Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2006	The whole Regulations.
S.R. 2006 No. 346.	The Animals and Animal Products (Import and Export) (Amendment No.2) Regulations (Northern Ireland) 2006	The whole Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-make with changes the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 78) (“the 2005 Regulations”).

They implement 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 internal market) (O.J. No. L224, 18.8.90, p. 29) and Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries) (O.J. No. L268, 24.9.91, p. 56).

They continue to include the following provisions—

Intra-Community trade

With respect to intra-Community trade, the Regulations make it an offence to export, import or transport for intra-Community trade any animal or animal product to which Directive 90/425/EEC applies except in accordance with the provisions of regulations 5, 6 and 7 which give effect to the veterinary check and transport requirements for such trade under Directive 90/425/EEC. Part I of Schedule 2 lists individual instruments governing trade of specific types, identifying relevant provisions and specifying any additional requirements which must be complied with pursuant to regulations 5 and 6.

These Regulations provide a statutory basis for the Northern Ireland Poultry Health Assurance Scheme, which is a means of approving and monitoring poultry establishments engaging in intra-Community trade of poultry and hatching eggs. The approval and monitoring of such establishments is a requirement of Council Directive 90/539/EEC. Regulation 5(5) prohibits exports unless the commodities originate from an establishment which is a member of the Northern Ireland Poultry Health Assurance Scheme and conforms to the requirements of Directive 90/539/EEC. Schedule 3 sets out how the fees for membership and registration are calculated and provides for re-inspection fees. It also provides for powers for suspension or revocation of membership under specified circumstances.

The Regulations set out the procedures and requirements for the registration of dealers in animals and animal products (regulation 8), and the approval of centres and teams engaging in intra-Community trade in animals and animal products (regulation 9). Regulation 9, with Schedule 4, provides for approval of laboratories to carry out specified poultry health tests. Powers in regulation 10 provide for checks on intra-community trade at the place of destination as required under Directive 90/425. The Regulations also place duties on consignees of animals and animal products (regulation 11), and provide for the approval of assembly centres (regulation 12). They specify the procedure to be followed in the case of illegal consignments (regulation 13).

Imports from third countries

These Regulations prohibit the importation of any animal from a third country unless the conditions of Council Directive 91/496/EEC are complied with and the relevant provisions of numerous EU instruments, and any additional requirements, identified in Part II of Schedule 6 are complied with (regulation 15). Regulation 15, with Part I of Schedule 6 prescribes the third countries from which animals may be imported. The procedure for importation of a captive bird is provided for in regulation 16, and the payment of fees in that connection at regulation 18. Procedures to be followed where a consignment constitutes a danger to health or is otherwise illegal are set out in regulations 19 and 20. Regulation 22 requires that, at the place of destination, certain animals (elephants and other Artiodactyla) may not be released until authorised by an authorised officer of the Secretary of State. Post-import controls are provided for in regulation 23.

Part IV makes provision for imports from third countries which undergo the requisite veterinary border checks on arrival at another member State.

General provisions

The Regulations also give powers to the Department to take action in the event of an outbreak of disease in another state (regulation 27) and make provision for the notification of decisions (regulation 28), inspectors' powers of entry (regulation 29) and the recovery of expenses (regulation 30). Obstruction of any person acting in the execution of the Regulations is made an offence (regulation 31), and it is an offence under regulation 32 to contravene the Regulations (excepting certain fees provisions). Penalties are provided for (regulation 32). Disapplication of other legislation relating to the import of animals continues to be provided for (regulation 33, with Schedule 8). The revocation of the 2005 Regulations is provided for at regulation 34.

Principal changes made by these Regulations

New provisions are included to implement (for the first time in these Regulations), Commission Decision 2000/666/EC (O.J. No. L 278, 31.10.2000, p. 26), in relation to imports of captive birds. Schedule 6 has been revised and updated in order to bring the implementation of Community instruments up-to-date at the time of making.

Imports of captive birds from third countries

A new regulation 17 has been inserted to provide for the arrangements for quarantine of captive birds imported from third countries, as required under Commission Decision 2000/666/EC. Specific requirements are imposed on quarantine managers as to the running of quarantine centres and facilities under regulation 17(2) and Part III of Schedule 7, and there are general prohibitions applying to any persons in respect of entry to a quarantine centre or facility, and removal of birds and carcasses from quarantine without the authorisation of a veterinary inspector. Regulation 17 also gives inspectors supplementary powers of entry, and powers of inspection and sampling, and provides for the Agri-food and Biosciences Institute to act as the official laboratory and make charges for laboratory testing carried out in connection with Commission Decision 2000/666/EC.

Regulations 15, 16 and 19 have been amended to reflect the implementation in these Regulations of Commission Decision 2000/666/EC, in particular, the provisions now in regulation 19(2) to (4) prescribing the measures which must be taken when avian influenza, Newcastle disease or *Chlamydia psittaci* is found in an imported captive bird at a quarantine centre or facility.

The disapplication provisions in regulation 33 have been revised to reflect disapplication of the Diseases of Animals (Importation of Poultry) Order (Northern Ireland) 1965 S.R. &O 175 in relation to imports of captive birds from third countries.

Changes to lists of instruments and "additional requirements" in Schedules 2 and 6

The changes made to Part I of Schedule 2 are in paragraphs 1, 6, 7, 8(1), 9 and 10. The "additional requirement" (d) in paragraph 1, now specifically identifies special conditions on exports of cattle to Germany, Denmark, Italy, Austria, Finland and Sweden.

New paragraphs have been added to Part I of Schedule 6 in relation to the countries from which imports are permitted of bees, captive birds, and cats, dogs and ferrets going to approved bodies, institutes or centres. The list in that Part for cloven hoofed animals, elephants and zoo ungulates has also been described more completely and it and the list for finfish have both been updated.

In Part II of Schedule 6, paragraphs 1, 2, 3(4) (previously paragraph 6), 5 (previously paragraph 10), 8 (previously paragraph 11), and 10 (previously paragraph 13) have also been revised and updated. New paragraphs list instruments covering trade in bees, captive birds and cats, dogs and ferrets going to approved bodies, institutes or centres. The repeal of Council Directive 72/462/EEC has necessitated removal of paragraph 1 from Part II of Schedule 6 of the revoked 2005 Regulations. A new paragraph (now paragraph 2) further implements Council Directive 2004/68/EC, in relation to zoo ungulates (aspects of the Directive having been implemented in the 2005 Regulations).

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