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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 86**

**EUROPEAN COMMUNITIES**

**ANIMALS**

**The Animals and Animal Products (Import and Export)  
(Amendment) Regulations (Northern Ireland) 2009**

*Made - - - - 9th March 2009*

*Coming into operation 6th April 2009*

The Department of Agriculture and Rural Development is a Department designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in that section and it appears to the Department that it is expedient for the references to the Community instruments mentioned in regulation 2(2) and in the Schedule to be construed as references to those instruments as amended from time to time.

The Department makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 6th April 2009.

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

**Amendment to the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006**

2.—(1) The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006<sup>(4)</sup> are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

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(1) [S.I. 2000/2812](#)

(2) [1972 c. 68](#). Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 ([c.51](#))

(3) [1954 c. 33 \(N.I.\)](#)

(4) [S.R. 2006 No. 401](#) as amended by [S.R. 2007 No. 224](#), [S.R. 2007 No. 327](#) and [S.R. 2008 No. 53](#)

(a) for paragraph (5) substitute—

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

- (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 internal market (O.J. No. L224, 18.8.90, p. 29 as last amended by Directive [2002/33/EC](#) of the European Parliament and of the Council, O.J. No. L315, 19.11.2002, p. 14); 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 (O.J. No. L268, 24.9.1991, p. 56 as last amended by Council Directive [2006/104/EC](#), O.J. No. L363, 20.12.2006, p. 352).”.

(b) after paragraph (5) insert—

“(5A) Any reference to an instrument of the European Community in these Regulations is a reference to that instrument as amended from time to time.”.

(3) In paragraph (5) of regulation 7 (transport of animals and animal products) for “under Article 12 of the Welfare of Animals (Transport) Order (Northern Ireland) 1997 in accordance with Schedule 9 to that Order”, substitute—

“in accordance with Council Regulation [\(EC\) No. 1/2005](#), as applied by the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006<sup>(5)</sup> or other sanctions or controls pursuant to Article 26 of that Council Regulation”.

(4) In paragraph (5)(a) of regulation 15 (importation) omit—

“and any additional requirements specified in that part”.

(5) Schedule 1 is revoked.

(6) For Part I of Schedule 2 and Schedule 6, substitute the replacements as set out in the Schedule to these Regulations.

## Revocations

3. The following Regulations are revoked to the extent specified—

- (a) Regulations 11 and 12 of The Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007<sup>(6)</sup>;
- (b) Regulations 6 and 7 of The Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2008<sup>(7)</sup>.

<sup>(5)</sup> [S.R. 2006 No. 538](#) as amended by [S.R. 2007 No. 32](#)

<sup>(6)</sup> [S.R. 2007 No. 327](#)

<sup>(7)</sup> [S.R. 2008 No. 53](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th March 2009



*C. McMaster*  
A senior officer of the Department of Agriculture  
and Rural Development

SCHEDULE

Regulation 2(6)

“SCHEDULE 2

Regulations 4, 5(1), 6(1) and (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. Council Directive [64/432/EEC](#) on health problems affecting intra-Community trade in bovine animals and swine(8).

**Bovine semen**

2. Council Directive [88/407/EEC](#) laying down the animal health conditions applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species(9).

**Bovine embryos**

3. Council Directive [89/556/EEC](#) on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(10).

**Equidae**

4. Council Directive [90/426/EEC](#) on animal health conditions governing the movement of equidae and their import from third countries of equidae(11).

**Porcine Semen**

5. 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(12).

**Poultry and hatching eggs**

6. Council Directive [90/539/EEC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs(13).

**Animal waste**

7. Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(14).

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(8) O.J. No. L121, 29.7.64, p. 1977 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(9) O.J. No. L194, 22.7.98, p. 10 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(10) O.J. No. L302, 19.10.89, p. 1 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(11) O.J. No. L224, 18.8.90, p. 42 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(12) O.J. No. L224, 18.8.90, p. 62 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(13) O.J. No. L303, 31.10.90, p. 6 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(14) O.J. No. L273, 10.10.2002, p. 1 as last amended by Commission Regulation (EC) [777/2008](#) (O.J. No. L207, 5.8.2008, p. 9)

### **Fish**

8. Council Directive [2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(15).

9. Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(16).

### **Ovine and caprine animals**

10. Council Directive [91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals(17).

### **Other animals, semen, ova and embryos**

11. 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(I) to Council Directive [90/425/EEC](#)(18).

### **Circuses and animal acts**

12. [Commission Regulation \(EC\) No. 1739/2005](#) laying down animal health requirements for the movement of circus animals between member States(19).

### **Pathogens**

13. 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](#)(20).

### **Pure-bred animals of the bovine species**

14. Council Directive [77/504/EEC](#) on pure-bred breeding animals of the bovine species(21).

### **Breeding animals of the porcine species**

15. Council Directive [88/661/EEC](#) on the zootechnical standards applicable to breeding animals of the porcine species(22).

### **Pure-bred breeding sheep and goats**

16. Council Directive [89/361/EEC](#) concerning pure-bred breeding sheep and goats(23).

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(15) O.J. No. L328, 24.11.2006, p. 14 as last amended by Commission Directive [2008/53/EC](#) (O.J. No. L117, 1.5.2008, p. 27)

(16) O.J. No. L157, 30.4.2004, p. 33 as corrected in O.J. No. L195, 2.6.2004, p. 12

(17) O.J. No. L46, 19.2.91, p. 19 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(18) O.J. No. L268, 14.9.92, p. 54 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(19) O.J. No. L279, 22.10.2005, p. 47

(20) O.J. No. L62, 15.3.93, p. 49 as last amended by Commission Regulation (EC) [445/2004](#) (O.J. No. L72, 11.3.2004, p. 60)

(21) O.J. No. L206, 12.8.1977, p. 8 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(22) O.J. No. L382, 31.12.1988, p. 36 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(23) O.J. No. L153, 6.6.1989, p. 30 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

### **Equidae**

17. Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae(24).

### **Bluetongue susceptible animals**

18. [Commission Regulation \(EC\) No. 1266/2007](#) on implementing rules for Council Directive [2000/75/EC](#) as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue(25).

## SCHEDULE 6

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

### COMMUNITY LEGISLATION IN RELATION TO IMPORTS FROM 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(26).

#### **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(27).

#### **Captive birds**

3. [Commission Regulation \(EC\) No. 318/2007](#) of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof(28).

#### **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(29).

(24) O.J. No. L224, 18.8.90, p. 55 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(25) O.J. No. L283, 27.10.2007, p. 37 as last amended by [Commission Regulation \(EC\) No. 1304/2008](#) (O.J. No. L344, 20.12.2008, p. 28)

(26) O.J. No. L146, 14.6.79, p. 15 as last amended by Commission Decision [2008/752/EC](#) (O.J. No. L261, 30.9.2008, p. 1)

(27) O.J. No. L156, 7.7.95, p. 76 as last amended by Commission Regulation (EC) No. 1792/2006 (O.J. No. L362, 20.12.2006, p. 1)

(28) O.J. No. L84, 24.3.2007, p. 7 as last amended by [Commission Regulation \(EC\) No. 754/2008](#) (O.J. No. L205, 1.8.2008, p. 6)

(29) O.J. No. L302, 21.11.2003, p. 22 as last amended by Commission Decision [2007/158/EC](#) (O.J. No. L68, 8.3.2007, p. 10)

### **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(**30**).

### **Bees**

6. Commission Decision [2003/881/EC](#) of 11 December 2003 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](#)(**31**).

### **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 live equidae and semen, ova and embryos of the equine species(**32**).

### **Cats, dogs and 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(**33**).

## **PART II**

### **DETAILED PROVISIONS**

#### **Cloven-hoofed animals and elephants and zoo ungulates**

1. Council Decision [79/542/EEC](#) of 21 December 1976 drawing up a list of third countries from which the Member States authorize imports of bovine animals, swine and fresh meat(**34**).

#### **Zoo ungulates**

2. Council Directive [2004/68/EC](#) laying down health rules for the importation into and transit through the Community of certain live ungulate animals(**35**).

#### **Equidae**

##### **General**

3. Council Directive [90/426/EEC](#) on animal health conditions governing the movement and import from third countries of equidae(**36**).

4. 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(**37**).

(30) O.J. No. L324, 11.12.2003, p. 37 as last amended by Commission Decision [2008/641/EC](#) (O.J. No. L207, 5.8.2008, p. 34)

(31) O.J. No. L328, 17.12.2003, p. 26 as last amended by Commission Decision [2005/60/EC](#) (O.J. No. L25, 28.1.2005, p. 64)

(32) O.J. No. L73, 11.3.2004, p. 1 as last amended by Commission Decision [2008/804/EC](#) (O.J. No. L277, 18.10.2008, p. 36)

(33) O.J. No. L27, 29.1.2005, p. 48

(34) O.J. No. L146, 14.6.79, p. 15 as last amended by Commission Decision [2008/752/EC](#) (O.J. No. L261, 30.9.2008, p. 1)

(35) O.J. No. L139, 30.4.2004, p. 321 as corrected in O.J. No. L226, 25.6.2004, p. 128

(36) O.J. No. L224, 18.8.1990, p. 42, as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(37) O.J. No. L73, 11.3.2004, p.1 as last amended by Commission Decision [2008/804/EC](#) (O.J. No. L277, 18.10.2008, p. 36)

### **Temporary admission of registered horses**

5. Commission Decision [92/260/EEC](#) on animal health conditions and veterinary certification for temporary admission of registered horses(38).

### **Registered horses for racing, etc, upon re-entry**

6. 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(39).

### **Equidae for slaughter**

7. Commission Decision [93/196/EEC](#) on animal health conditions and veterinary certification for imports of equidae for slaughter(40).

### **Registered equidae and equidae for breeding and production**

8. Commission Decision [93/197/EEC](#) on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production(41).

### **Poultry**

9. Council Directive [90/539/EEC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs(42).

### **Other specified animals, semen, ova and embryos**

10. 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](#)(43).

### **Captive birds**

11. [Commission Regulation \(EC\) No. 318/2007](#) of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof(44).

### **Cats, Dogs and Ferrets**

12. 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(45).

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(38) O.J. No. L130, 15.5.1992, p. 67 as last amended by [Commission Regulation \(EC\) No. 1792/2006](#) (O.J. No. L362, 20.12.2006, p. 1)

(39) O.J. No. L86, 6.4.93, p. 1 as last amended by [Commission Regulation \(EC\) No. 1792/2006](#) (O.J. No. L362, 20.12.2006, p. 1)

(40) O.J. No. L86, 6.4.93, p. 7 as last amended by [Commission Regulation \(EC\) No. 1792/2006](#) (O.J. No. L362, 20.12.2006, p. 1)

(41) O.J. No. L86, 6.4.93, p. 16 as last amended by [Commission Regulation \(EC\) No. 1792/2006](#) (O.J. No. L362, 20.12.2006, p. 1)

(42) O.J. No. L303, 31.10.90, p. 6 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(43) O.J. No. L268, 14.9.92, p. 54 as last amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(44) O.J. No. L84, 24.3.2007, p. 7 as last amended by [Commission Regulation \(EC\) No. 754/2008](#) (O.J. No. L205, 1.8.2008, p. 6)

(45) O.J. No. L27, 29.1.2005, p. 48



### **Live animals from New Zealand**

13. Commission Decision [2003/56/EC](#) on health certificates for the importation of live animals and animal products from New Zealand(46).

### **Zootechnical conditions**

14. 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(47).

### **Finfish and Shellfish from third countries**

15. 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(48).

16. [Commission Regulation \(EC\) No 1251/2008](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species(49).

### **Bees**

17. 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](#)(50).”

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations replace Part I of Schedule 2 and Schedule 6 to the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 401](#) as amended by [S.R. 2007 No. 224](#), [S.R. 2007 No. 327](#) and [S.R. 2008 No. 53](#)). The new Schedules incorporate a number of new and amended pieces of Community legislation that have come into force since those Regulations came into operation.

The Regulations provide that the Community instruments referred to in those Regulations are now references as amended from time to time.

An Impact Assessment has not been prepared for this rule as no impact on business, charities or voluntary bodies is foreseen.

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(46) O.J. No. L22, 25.1.2003, p. 38 as last amended by Commission Decision [2006/855/EC](#) (O.J. No. L338, 5.12.2006, p. 45)

(47) O.J. No. L178, 12.7.94, p. 66 as amended by Council Directive [2008/73/EC](#) (O.J. No. L219, 14.8.2008, p. 40)

(48) O.J. No. L302, 21.11.2003, p.22 as last amended by Commission Decision [2007/158/EC](#) (O.J. No. L68, 8.3.2007, p. 10)

(49) O.J. No. L337, 16.12.2008, p.49

(50) O.J. No. L328, 17.12.2003, p. 26 as last amended by Commission Decision [2005/60/EC](#) (O.J. No. L25, 28.1.2005 p. 64)

**Status:** *This is the original version (as it was originally made).*