

**EXPLANATORY MEMORANDUM TO THE
ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT)
(ENGLAND) REGULATIONS 2005**

2005 No. 2002

- 1** This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty

This Memorandum contains information for the Joint Committee on Statutory Instruments

2. Description

2.1 The Animals and Animal Products (Import and Export) Regulations 2005 (“The AAP Regulations”) regulate intra Community trade of live animals and products, (namely, semen, ova and embryos) and imports from third countries of live animals.

2.2 The new AAP Regulations revoke and remake, with changes, the Animals and Animal Products (Import and Export) (No. 2) Regulations 2004 in order to give effect to recent changes to EU trade requirements. Schedules 3 and 7 have been revised by updating the lists of EU legislation contained in the Schedules. Schedule 3, Part 1, paragraph 4 has also been amended to reflect changes in the Tripartite Agreement. Schedule 4 has been amended to enable the Department to charge separately for re-inspections under the Poultry Health Scheme.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Directive 2004/68/EC is now correctly listed in Schedule 7, Part I, at paragraph 10, having been listed mistakenly in the revoked SI in paragraph 9.

3.2 Separate definitions have been introduced for ‘assembly centres’ and ‘approved assembly centres’ to overcome a tautology in Regulations 1(2), 5(4)d, 6 and 12.

3.3 A new fee for certain repeat inspections under the Poultry Health Scheme is introduced in Schedule 4: this is explained in detail in paragraph 9 below.

4. Legislative Background

4.1 These Regulations are made under section 2(2) of the European Communities Act 1972, and in respect of charges made by the Secretary of State, under section 56(1) and (2) of the Finance Act 1973. In outline (and this has not changed in the new Regulations), they implement Directive 90/425/EEC relating to intra-Community trade in live animals and animal products (semen, ova and embryos) and Directive 91/496/EEC relating to imports of live animals from non-EU countries.

4.2 The AAP Regulations require that, to be eligible for intra-Community trade, animals and genetic material must meet the provisions of the Directives, and any instruments related to them, listed in Part I of Schedule 3, and any additional requirements listed in that Part of the Schedule. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.

4.3 The Regulations require that animals imported from non-EU countries must comply with the EU legislation set out in Schedule 7. Such animals must enter the Community via an approved Border Inspection Post (BIP) (approved BIPs are listed in Schedule 2), where they are checked to ensure they meet Community requirements. (Animals imported from other Member States may enter England at any port in Great Britain.)

4.4 These Regulations are generally enforced by local authorities, however the Secretary of State may direct that she will enforce them instead.

5. Extent

5.1 These Regulations apply to England. Scotland, Wales and Northern Ireland will introduce similar legislation.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy Background

7.1 The objective of Directives 90/425/EEC and 91/496/EEC and the related legislation implemented through the Regulations is to protect the health of animals within the European Community.

7.2 Definitions for ‘Assembly centres’ and ‘Approved Assembly centres’

- The definition for assembly centres has been reviewed and revised. The revised wording defines ‘assembly centres’ as a general concept and then defines ‘approved assembly centres’ as those centres which comply with Regulation 12. The purpose of these changes is to eliminate a possible tautology in regulations 1(2), 5(4)(d), 6 and 12.

7.3 Poultry Health Scheme

- Amendments have been made to Regulation 1(2), and Schedule 4, Part I of these Regulations to allow separate charging for re-inspections under the Poultry Health Scheme. The Animals and Animal Products (Import and Export) (No. 2) Regulations 2004 introduced measures to charge fees for registration and elements of membership of the Poultry Health Scheme. Charging for these fees has not yet recommenced, but will begin when the Devolved Administrations have implemented the appropriate provisions in their equivalent Regulations.
- The charge for re-inspection will apply to situations where an annual membership inspection (except the first inspection) shows areas of

non-compliance. Such re-inspections will be carried out by a Defra Veterinary Officer (VO). The charge made will be the standard salary rate for a VO's time actually spent carrying out the inspection, plus mileage at 33p per mile. These charges will be reviewed on an annual basis.

- The Regulations also give powers for withdrawal of membership if the re-inspection fee is not paid within 30 days of the due date. Although the provision for charging for re-inspections is a new provision within these Regulations, it was a feature of the Scheme when it was operated on a voluntary basis (albeit that need to actually make the charge never arose), and so is not a new charge as such. The 30 day time limit within which payment must be made is a new requirement but is necessary for the Scheme to operate effectively.

7.4 Amendments to Schedules 3 and 7

- Amendments have been made to Schedules 3 and 7 to revise and update the list of instruments referred to in paragraphs 1, 4, 6, 8, 9, 10 and 15 of Part I Schedule 3, paragraphs 1 and 5 of Part I, and paragraphs 2, 3, 9, 10, 11 and 14 of Schedule 7 and principally include changes in EU legislation which have taken place since the last revision.
- In particular, Schedule 3, Part 1, paragraph 4 now provides for Directive 90/426/EEC to be read with Directive 90/427/EEC, and Decision 93/623/EC as amended by Decision 2000/68/EC. This reflects the current identification requirements for horses exported from England, principally implemented in England by the Horse Passports (England) Regulations 2004 (SI 2004/1397).

7.5 The Tripartite Agreement

- The notes to Schedule 3, Part 1, paragraph 4 have been revised to implement recent changes to the Tripartite Agreement. The Tripartite Agreement is an agreement between the CVOs for France, Ireland and the UK which has recently been amended to allow movements of equidae for breeding and production to take place between those countries without the need for pre-export inspection or official health certification. Such animals must be accompanied by a passport in accordance with the Horse Passports (England) Regulations 2004.
- The review of the Agreement was widely welcomed by representatives of the equine industry to whom the final draft was circulated before being signed on 18 May 2005. Interested parties have been notified of this change via a Customer Information Note, which together with a copy of the Agreement, is on the Defra Website.

7.6 Movements of breeding poultry and laying hens

- Commission Decisions 95/160/EC and 95/161/EC which were listed in paragraphs (a),(b) and (c) of the 'additional requirements' of paragraph 6, Part I of Schedule 3 have been replaced by Decisions 2003/644/EC and 2004/235/EC. These Decisions which apply to breeding poultry

and laying hens respectively, require pre-export testing for salmonella on consignments to Finland and Sweden. The change in these Decisions is to allow testing in accordance with the latest method described by the Nordic Committee on Food Analysis. The Veterinary Laboratories Agency, (VLA) Weybridge, England which carries out microbiological testing for such exports works to the latest ISO standard for the International Organisation for Standardisation which is also permissible under the legislation. The VLA will continue to work to this protocol.

7.7 Directive 2004/68/EC

- Directive 2004/68/EC appears in paragraph 10 of Part I of Schedule 3, paragraph 3 of Part I and paragraph 10 of Part II of Schedule 7.
- This Directive amends Directive 90/426/EEC (on intra Community trade in horses) and Directive 92/65/EEC ‘the Balai Directive’, relating to trade in animals and semen, ova and embryos not covered by other EU animal health legislation. The main purpose of this Directive, which Member States must introduce before 18 November 2005, is to tidy up EU legislation particularly in anticipation of the repeal of Council Directive 72/462/EEC (which lays down the general requirements for certain imports from third countries).
- To do this, Directive 2004/68/EC introduces into Directives 90/426/EEC and 92/65/EEC, provisions covering how certain changes to those Directives should be implemented. As regards Directive 90/426/EEC, the changes mainly provide for a new mechanism for determining which countries outside of the EU can be permitted to export live horses to Member States, and for a procedure by which special import conditions may be imposed under 90/426/EEC (rather than Directive 72/462/EEC).
- Directive 92/65/EEC has been amended to exclude from its scope provisions relating to imports of ungulate animals into the Community. New requirements for such animals are set out in Directive 2004/68/EC.
- Also, the Type 1 model certificate for intra Community trade in ruminants and suidae in Annex E of Directive 92/65/EEC must be supplemented by the declaration set out in Article 16 of Directive 2004/68/EC. This change has been made for clarity, since ensuring the form of certification is the responsibility of the Member State. The new wording does not alter the substantive requirements importers must meet.

8. Impact

8.1 A Regulatory Impact Assessment was prepared for the Animals and Animal Products (Import and Export) Regulations 2000. The amendments to these Regulations, with the exception of the change to introduce a 30 day limit for payment of re-inspection charges under the Poultry Health Scheme, are technical ones and as such do not impose any additional burdens on industry. The implications of the introduction of a 30-day limit for payment of re-

inspection charges are minor, as we have never previously had to charge members for re-inspection. This change has been introduced solely to close a potential loophole.

8.2 The changes to the Tripartite Agreement will reduce the burden on traders to some extent. It will no longer be necessary for equidae for breeding and production moved between France, Ireland and the UK to have a pre-export inspection or official health certification for compliance with animal health rules. Inspection may still be required for some equidae under animal welfare rules.

8.3 A regulatory impact assessment has therefore not been prepared for these Regulations.

9. Contact

Amanda Wilkinson
International Animal Health Division
Telephone: 020 7904 6358
e-mail: amanda.j.wilkinson@defra.gsi.gov.uk

TRANSPOSITION NOTE

MEMORANDUM SHOWING HOW A NUMBER OF COMMUNITY INSTRUMENTS HAVE BEEN IMPLEMENTED THROUGH THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (ENGLAND) REGULATIONS 2005

1. These Regulations revoke and re-make the Animals and Animal Products (Import and Export) (No. 2) Regulations 2004 in order to give effect in domestic law to a number of recent Community instruments.
2. This Transposition Note explains how the Regulations give effect to the main elements of those instruments. The note also summarises how the Regulations give effect to the main elements of Council Directives 90/425/EEC and 91/496/EEC, which are the principal Community instruments underlying the Regulations. These Directives establish the Community veterinary checks regime and have been implemented through the earlier versions of these Regulations since 1992 (i.e. the provisions implementing those Directives are long-standing and not new to these Regulations).

Implementation of main elements of Council Directive 90/425/EEC (Intra-Community Trade)

3. Council Directive 90/425/EEC requires that animals and genetic material (semen, ova and embryos) referred to in Annex A or Annex B to that Directive that are traded within the Community fulfil certain conditions to be eligible for trade. These conditions are set out in Article 3 of Directive 90/425/EC and include compliance with the requirements of the Directives listed in Annex A to that Directive, where applicable (these Directives are listed in Part I of Schedule 3 to the Regulations). They must also be accompanied by a valid health certificate signed by a government-approved veterinarian. Regulations 5 (exports) and 6 (imports) implement these requirements. In particular, they make it an offence to export or import animals or animal products if they do not comply with the relevant provisions of the instruments listed in Part I of Schedule 3.
4. Most of the Directives listed in Annex A of 90/425/EEC (which are included in Part I of Schedule 3 of the Regulations) comprise model certificates. These certificates contain health requirements that the animals/genetic material must meet. The health requirements vary depending on the species and the associated disease risk. They may include requirements for testing, treatments and vaccinations, in addition to statements about the health status of the place of origin. Where model certificates are not annexed to those Directives they are contained in related legislation (which is also included in Part I of Schedule 3).

Implementation of main elements of Council Directive 91/496/EEC (Third country imports)

5. Directive 91/496/EC stipulates that imports of animals referred to in Annex A or Annex B to Directive 90/425/EEC from third countries must come from approved countries. Consignments must be accompanied by health certificates set out in EU legislation and must be checked on arrival in the Community. These checks are to ensure that they comply with the information contained in their certificates or other accompanying documentation. Regulation 16(1), (2) and (3) implements these requirements. In particular, regulation 16(2) makes it an offence to import animals from a third country or territory that is not specified in the instruments in Part I of Schedule 7 to the Regulations. Also regulation 16(3) makes it an offence to import animals from a third country unless they comply with the relevant provisions of the instruments listed in Part II of Schedule 7 to the Regulations.
6. Directive 91/496/EEC requires that imports enter the Community via an approved Border Inspection Post (BIP) (regulation 17). A list of approved BIPs is in Schedule 2 of the Regulations. On arrival at BIPs, consignments are subjected to veterinary checks (a physical, a documentary and an identity check) to ensure they meet Community requirements (regulation 18) prior to being allowed entry into the Community.

Changes made during this review of the AAP Regulations

Assembly centres

7. The recent review of the AAP Regulations highlighted a tautology in the Regulations under Regulations 1(2), 5(4)(d), 6 and 12. The tautology occurred where the definition of “assembly centre” (in regulation 1(2)) of the existing Regulations refers to assembly centres which are already approved, so the text of 5(4)(d) could be construed as follows:

“if the animal is acquired through or transits an approved assembly centre, that centre has been approved by the Secretary of State (etc)...”

8. This problem was resolved by defining ‘assembly centres’ as a general concept and then defining ‘approved assembly centres’ as those which comply with regulation 12.

Poultry Health Scheme

9. Regulation 5(5) was revised for clarity to separate the requirement for the establishment to be a member of the Poultry Health Scheme from the statement that the establishment is to be considered approved for the purposes of Article 6(1) of Directive 90/539/EEC.

10. Schedule 4 of the AAP Regulations has been revised to allow separate charging for re-inspections under the Poultry Health Scheme when annual inspections show that the premises does not meet the requirements of the Poultry Health Scheme or Directive 90/539/EEC (“re-inspection fee”).

11. Paragraph 9 has been revised to allow for suspension or revocation of membership from the Scheme if an operator fails to pay the re-inspection fee within 30 days of the fee becoming due.

12. Part IV of Schedule 4 sets out how the re-inspection fee is calculated- which is by means of an hourly rate plus a charge for mileage. It also provides for adjustments to be made to the charge for mileage to avoid over-recovery of costs where other activity is undertaken in addition to that re-inspection.

Other additions or revisions to the Schedules

13. Further implementing legislation is not needed where the precise nature of the import or export condition is contained in the Community instrument and where what must be done to satisfy it is clear from the wording of the Community legislation in question. In such cases it is sufficient to cite the Community legislation in question in the Schedules to the Regulations.

14. Of particular note is Council Directive 90/427/EEC and Commission Decision 93/623/EC as amended by Commission Decision 2000/68/EC. These Decisions have been added to the list of legislation to be read with Directive 90/426/EEC at paragraph 4 of Part 1 of Schedule 3. This change is to reflect the current identification requirements for horses exported from England.

15. The following instruments have been implemented by adding them to the appropriate Schedules as indicated in the table below.

Instrument Number	Schedule number
Commission Decision 2004/558/EC.	Paragraph 1 (d) of Part I of Schedule 3.
Council Decision 98/227/EC, amending Decision 95/410/EC.	Paragraph 6 of Part I of Schedule 3.
Commission Decision 2003/644/EC to be read with Directive 90/539/EEC.	Paragraph 6 (a) and (b) of Part I of Schedule 3.
Commission Decision 2004/235/EC to be read with Directive 90/539/EEC.	Paragraph 6 (c) of Part I of Schedule 3.
Commission Decision 2004/850/EC amending Commission Decision 2002/308/EC.	Paragraph 8(1) of Part I of Schedule 3.
Commission Decision 2004/554/EC amending Directive 91/68/EEC.	Paragraph 9 of Part I of Schedule 3.
Commission Decision 2005/43/EC amending Commission Decision 95/388/EC	Paragraph 10 of Part I of Schedule 3.
Commission Decision 2004/650/EC amending Regulation EC No. 998/2003.	Paragraph 10 of Part I of Schedule 3.
Commission Regulation EC No. 592/2004 and Council Directive 2004/68/EC amending	Paragraph 10 of Part I of Schedule 3.

Council Directive 92/65/EEC.	
Commission Decisions 2004/410/EC and 2004/620/EC to be read with Council Decision 79/542/EEC.	Paragraph 1 of Part I of Schedule 7 and paragraph 2 of Part II of Schedule 7.
Commission Decision 2005/60/EC amending Commission Decision 2003/881/EC.	Paragraph 5 of Part I of Schedule 7.
Commission Decisions 2004/212/EC, 2004/410/EC, 2004/554/EC and 2004/620/EC amend Council Decision 79/542/EEC.	Paragraph 2 of Part II of Schedule 7.
Council Directive 2004/68/EC and Commission Decision 2004/650/EC amends Council Directive 92/65/EEC.	Paragraph 10 of Part II of Schedule 7.
Commission Decision 2004/914/EC amends Commission Decision 2003/858/EC.	Paragraph 14 of Part II of Schedule 7.

The Transposition note dated 28 October 2004 which set out Transposition of EU instruments effected in the previous version of these Regulations is attached.

DEPARTMENT FOR ENVIRONMENT FOOD AND RURAL AFFAIRS

Contact detail: Amanda Wilkinson, Tel: 020 7904 6358

Date: 11 July 2005

TRANSPOSITION NOTE

MEMORANDUM SHOWING HOW A NUMBER OF COMMUNITY INSTRUMENTS HAVE BEEN IMPLEMENTED THROUGH THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (NO. 2) REGULATIONS 2004

7. These Regulations revoke and re-make the Animals and Animal Products (Import and Export) Regulations 2004 in order to give effect in domestic law to a number of recent Community instruments.
8. This transposition note explains how the Regulations give effect to the main elements of those instruments. The note also summarises how the Regulations give effect to the main elements of Council Directives 90/425/EEC and 91/496/EEC, which are the principal Community instruments underlying the Regulations. These Directives establish the Community veterinary checks regime and have been implemented through the earlier versions of these Regulations since 1992 (i.e. the provisions implementing those Directives are long-standing and not new to these Regulations).

Implementation of main elements of Council Directive 90/425/EEC (Intra-Community Trade)

9. Council Directive 90/425/EEC requires that animals and genetic material (semen, ova and embryos) referred to in Annex A or Annex B to that Directive that are traded within the Community fulfil certain conditions to be eligible for trade. These conditions are set out in Article 3 of Directive 90/425/EC and include compliance with the requirements of the Directives listed in Annex A to that Directive, where applicable (these Directives are listed in Part I of Schedule 3 to the Regulations). They must also be accompanied by a valid health certificate signed by a government-approved veterinarian. Regulations 5 (exports) and 6 (imports) implement these requirements. In particular, they make it an offence to export or import animals or animal products if they do not comply with the relevant provisions of the instruments listed in Part I of Schedule 3.
10. Most of the Directives listed in Annex A of 90/425/EEC (which are included in Part I of Schedule 3 of the Regulations) comprise model certificates. These certificates contain health requirements that the animals/genetic material must meet. The health requirements vary depending on the species and the associated disease risk. They may include requirements for testing, treatments and vaccinations, in addition to statements about the health status of the place of origin. Where model certificates are not annexed to those Directives they are contained in related legislation (which is also included in Part I of Schedule 3).

Implementation of main elements of Council Directive 91/496/EEC (Third country imports)

11. Directive 91/496/EC stipulates that imports of animals referred to in Annex A or Annex B to Directive 90/425/EEC from third countries must come from approved countries. Consignments must be accompanied by health certificates set out in EU legislation and must be checked on arrival in the Community. These checks are to ensure that they comply with the information contained in their certificates or other accompanying documentation. Regulation 16(1), (2) and (3) implements these requirements. In particular, regulation 16(2) makes it an offence to import animals from a third country or territory that is not specified in the instruments in Part I of Schedule 7 to the Regulations. Also regulation 16(3) makes it an offence to import animals from a third country unless they comply with the relevant provisions of the instruments listed in Part II of Schedule 7 to the Regulations.
12. Directive 91/496/EEC requires that imports enter the Community via an approved Border Inspection Post (BIP) (regulation 17). A list of approved BIPs is in Schedule 2 of the Regulations. On arrival at BIPs, consignments are subjected to veterinary checks (a physical, a documentary and an identity check) to ensure they meet Community requirements (regulation 18) prior to being allowed entry into the Community.

Implementation of main elements of recent Community instruments

13. These Regulations implement the main elements of the following instruments, which required changes to the main body of the Regulations–
- a. Council Directive 2003/50/EC (OJ No. L169, 8.7.2003, p. 51) (amending Directive 91/68/EEC as regards reinforcement of controls on movements of ovine and caprine animals);
 - b. Commission Decision 2004/212/EC (OJ No. L73, 11.3.2004, p. 11), (on Community health conditions on imports of animals and fresh meat including minced meat from third countries and amending Decisions 79/542/EEC, 2000/572 and 2000/585/EC).
 - c. Commission Regulation (EC) No. 282/2004 (OJ No. L49, 19.2.2004, p.11) (introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community).

14. The following table shows how the main elements of these instruments have been implemented.

(i) Council Directive 2003/50/EC

Article	Objective	Implementation
---------	-----------	----------------

3, 4, 4a, 4b, 4c, 5, and 6	To set the health conditions that sheep and goats must meet to be eligible for intra Community trade.	Directive 2003/50 has been added to the list of legislation amending Directive 91/68/EEC in Part I of Schedule 3. Regulations 5 and 6 make it an offence to export to other Member States or import into England animals that do not meet the relevant provisions of legislation listed in Part I of Schedule 3. Articles 3, 4, 4a, 4b, 4c, 5 and 6 have been added as relevant provisions of Directive 91/68/EEC. Article 3(5) has been implemented by regulation 6(2) in so far as it applies when animals have been imported into England and are on their way to the premises of destination.
8a	To set the conditions that approved assembly centres must meet to be eligible to be used for intra Community trade.	This Article has been implemented through revisions to regulation 12. Regulation 12(2)(b) provides that assembly centres used for sheep and goats must comply with the requirements of paragraphs (a) to (d) of Article 8a(1) of Directive 91/68/EEC. In addition, a new provision has been added at regulation 12(4)(v) regarding the information that must be recorded by the operator of an assembly centre used for sheep and goats.
8b	To require all dealers to meet certain requirements in order to engage in intra Community trade in sheep and goats.	Regulation 8 requires dealers engaging in intra-Community trade to comply with the requirements of Part III of Schedule 3. Changes have been made to paragraphs 4 and 6(3). NB. the requirements for dealers in sheep and goats were already substantially in place and as such dealers were previously required to comply with Article 13 of Directive 64/432/EEC.
8c	To require persons transporting sheep and goats to meet certain requirements.	This Article has been implemented by amendments to regulation 7(4) and Part II of Schedule 3. Regulation 7(4) and Part II of Schedule 3 have been amended to refer to 'sheep and goats' and to the requirements of Article 8c of this Directive.
9	Article 9(1) requires all sheep and	Article 9(1) has been added as a relevant provision of Directive 91/68/EEC. Regulation 6(2) implements

	goats to be accompanied by health certificates in accordance with the models set out in Annexes to the Directive.	this Article in so far as it applies when animals enter England and are on their way to their place of destination.
--	---	---

(ii) Council Decision 79/542/EEC as amended by Commission Decision 2004/212/EC

Article	Objective	Implementation
3, 4, 5 and 6	Commission Decision 2004/212/EC substitutes new provisions for Articles 1-3 of that Decision. The new provisions require animals to meet certain conditions to be eligible for importation into the Community.	<p>Commission Decision 2004/212/EC is shown as amending Council Decision 79/542/EEC in paragraph 2 of Part II of Schedule 7. Articles 3, 4, 5 and 6 (which have been inserted by Commission Decision 2004/212/EC) are listed as relevant provisions.</p> <p>Regulation 16(3) makes it an offence to import any animal to which an instrument in Part II of Schedule 7 applies unless it complies with the relevant provisions of that instrument.</p>
4	The new Article 4 of Council Decision 79/542/EEC (inserted by Commission Decision 2004/212/EC) sets out the list of third countries or parts of those countries from which the animals to which the Decision applies may be imported.	<p>Commission Decision 2004/212/EC has been included in paragraph 1 of Part I of Schedule 7.</p> <p>Regulation 16(2) makes it an offence to import any animal except from a country or territory specified under the instruments in Part I of Schedule 7.</p>
7	To ensure that animals arrive at their intended destination.	Article 7(i). Regulation 16(4) requires that animals intended for immediate slaughter are taken to a slaughterhouse without undue delay. The effect of regulation 16 of the Fresh Meat (Hygiene and Inspection) Regulations 1995 (as amended) is that animals must be

		<p>slaughtered within 72 hours of arrival at the slaughterhouse (subject to limited exceptions).</p> <p>Article 7(ii) has been implemented by amendments to regulations 22 and 18(5). The species covered by this Decision are referred to in regulation 22(1) and explanation is given in the explanatory note.</p>
--	--	--

(iii) Commission Regulation (EC) No. 282/2004

Article	Objective	Implementation
1	Notification of the arrival of animals from third countries by means of the common veterinary entry document.	Commission Regulation EC No. 282/2004 has been shown as amending Council Directive 91/496/EEC in paragraph 2 of Schedule 1. Regulation 18 makes it an offence for any person to import any animal unless he has given notice of his intention to do so in accordance with Article 1 of this Regulation.
3	Removal of animals only once Part 2 of the CVED has been completed under the responsibility of the official veterinarian and presented to the Customs authorities, following which the original of the CVED shall accompany the animals to the destination specified on that document.	Regulation 18(3) makes it an offence to remove an animal from a quarantine centre or border inspection post unless the CVED has been completed in accordance with Article 3(1) of the Regulation. Regulation 18(4)(a) makes it an offence to remove an animal from Customs temporary storage arrangements unless the CVED has been presented to a Customs officer (and removal has been authorised by that officer). Regulation 18(4)(b) makes it an offence to remove an animal from Customs temporary storage arrangements to any place other the place of destination specified in the CVED. Regulation 18(5) makes it an offence for the person in charge of an animal (1) to delay in conveying it to its place of destination, and (2) not to ensure that it is accompanied by the original CVED to its place of destination. Regulations 21(3) and 25 have been adjusted to refer to the CVED issued pursuant to Article 3.

4	The person responsible for animals from third countries transiting the Community shall present the consignment to the official veterinarian of the border inspection post of exit.	Regulation 16(1) makes it an offence for the person in charge of an animal imported for immediate re-export outside the Community not to comply with Article 4, 2nd indent.
---	--	---

Commission Regulation (EC) No. 998/2003

15. These Regulations make provision for the administration and enforcement of Article 12 of Commission 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) (OJ L 146, 13/06/2003 p. 1). Article 12 requires consignments of more than five pet animals of certain species imported from certain third countries to comply with the requirements of Directive 92/65/EEC. This is achieved by amending regulation 2 of the Regulations to provide that the Regulations apply to such consignments. Regulation 998/2003 and its amendment Commission Regulation 592/2004 have also been added to paragraph 10 of both Schedules 3 and 7. NB. the administration and enforcement of the remainder of that Regulation is provided for in the Non-Commercial Movement of Pet Animals (England) Regulations 2004 (SI 2004 No. 2363).

Council Directive 90/539/EEC

16. These Regulations also provide a statutory basis for the Poultry Health Scheme, which is operated by the Secretary of State as a means of approving and monitoring poultry establishments that engage 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, (OJ L 303, 31/10/1990 p. 6) (on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs), and was previously implemented administratively). The changes to regulations 5(5) and 9 and Schedules 4 and 5 of the Regulations allow for charging to recommence.

Additions to the Schedules

17. In many cases, recent Community instruments have been implemented through the Regulations by simply adding them to the relevant Schedules ie. Part I of Schedule 3 for intra-Community trade, and Part I or Part II of Schedule 7 for third country imports. Instruments that have been repealed, have simply been removed from the Schedules.

18. Of particular note are Commission Decisions 2004/211/EC (equidae), 2003/804/EC (molluscs) and 2003/858/EC (salmonids and certain other species of fish), which set out the third countries or territories from which the animals they relate to may be imported and the health conditions that

they must meet before they are eligible to be imported. These instruments have been implemented by adding them to the appropriate Schedules as indicated in the table below. The instruments referred to in paragraphs 7 to 10 are not included in the table below.

19. The following instruments have been added to the Schedules—

Instrument Number	Schedule number
Council Regulation EC No. 21/2004	Part I of Schedule 3
Council Regulation EC No. 226/2004.	Part I of Schedule 3
Commission Decision 2004/215/EC.	Paragraph 1(d), of Part I of Schedule 3.
Commission Decision 2004/101/EC	Paragraph 2 of Part 1 of Schedule 3.
Commission Decisions 2003/644/EC and 2004/235/EC	Paragraph 6 of Part 1 of Schedule 3.
Commission Decisions 2003/328/EC, 2003/329/EC and Commission Regulation No. 780/2004.	Paragraph 7 of Part 1 of Schedule 3.
Commission Decisions 2004/328/EC and 2004/453/EC	Paragraph 8 of Part 1 of Schedule 3.
Commission Decision 2003/721/EC and Commission Regulation 445/2004.	Paragraph 11 of Part 1 of Schedule 3.
Commission Decision 2004/186/EC	Paragraphs 14 and 15 of Part 1 of Schedule 3.
Commission Decision 2003/881/EC	Paragraph 1 of Part 1 of Schedule 7.
Commission Decisions 2001/732/EC, 2003/751/EC, 2002/183/EC and 2004/118/EC	Paragraph 2 of Part 1 of Schedule 7.
Commission Decision 2003/804/EC	Paragraph 3 of Part I of Schedule 7 and paragraph 12 of Part II of Schedule 7.
Commission Decision 2003/858/EC	Paragraph 4 of Part I of Schedule 7 and paragraph 13 of Part II of Schedule 7.
Commission Decision 2004/211/EC	Paragraph 5 of Part I of Schedule 7 and paragraph 4 of Part II of Schedule 7.

Council Directive 2004/68/EC	Paragraph 3 of Part II of Schedule 7.
Commission Decision 2004/117/EC	Paragraph 5 of Part II of Schedule 7.
Commission Decision 2004/241/EC	Paragraphs 5 and 8 of Part II of Schedule 7.
Commission Decision 2004/177/EC	Paragraph 8 of Part II of Schedule 7.
Commission Decisions 2004/118/EC and 2004/68/EC	Paragraph 9 of Part II of Schedule 7.
Commission Decisions 2003/881/EC and 2004/595/EC and Council Regulation 592/2004.	Paragraph 10 of Part II of Schedule 7.
Commission Decision 2004/186/EC	Paragraph 12 of Part II of Schedule 7.

DEPARTMENT FOR ENVIRONMENT FOOD AND RURAL AFFAIRS