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ANIMALS, ENGLAND
ANIMAL HEALTH

**The Animals and Animal Products (Import and Export)
(England) Regulations 2005**

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The Secretary of State, being 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 her by that section save in relation to fees charged by the Secretary of State, and, in relation to such fees, in exercise of the powers conferred on her by section 56(1) and (2) of the Finance Act 1973^(c) and with the consent of the Treasury, makes the following Regulations:

PART 1

Introduction

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (England) Regulations 2005; they apply in relation to England only and come into force on 15th August 2005.

(2) In these Regulations—

“approved assembly centre” means an assembly centre approved by the Secretary of State in accordance with regulation 12;

“assembly centre” means any holding, collection centre or market at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which is used in the course of intra-Community trade;

“border inspection post” means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

“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;

“Defra” means the Department for Environment, Food and Rural Affairs;

“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^(d);
- (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^(e);

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) 1973 c. 51.

(d) No. L73, Special Edition, 27.3.72.

(e) No. L1, 3.1.94, p. 1.

(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(a); and

(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(b);

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

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Secretary of State or a local authority, and when used in relation to a person so appointed by the Secretary of State includes a veterinary inspector;

“local authority” means—

(a) as respects each unitary authority, metropolitan district or non-metropolitan county, the council of that unitary authority, district or county;

(b) as respects each London borough, the council of that borough, except in relation to imported live animals; and

(c) as respects the City of London, and for all London boroughs in relation to imported live animals, the Common Council;

“place of destination” means the address or addresses to which the consignment is consigned by the consignor;

“re-inspection” in relation to the Poultry Health Scheme means an additional inspection described in paragraph 8 of Part I, Schedule 4, and “re-inspection fee” is the fee provided for in that paragraph;

“required consignment documentation” means any certificates or other documents that are required by these Regulations to accompany the consignment;

“veterinary inspector” means a person appointed as a veterinary inspector by the Secretary of State.

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

“Commission Regulation (EC) No. 282/2004” means Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community(c);

“Council Directive 64/432/EEC” means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(d) as amended by and as read with the instruments listed in paragraph 1 of Part I of Schedule 3;

“Council Directive 90/425/EEC” has the meaning given in paragraph 4(a);

“Council Directive 90/427/EEC” means Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae(e), as amended by and as read with the instruments listed in paragraph 15 of Part I of Schedule 3;

“Council Directive 90/539/EEC” means Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(f), 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 3 and in relation to imports from third countries, the instruments listed in paragraph 9 of Part II of Schedule 7;

“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(g), as amended by and as read with the instruments listed in paragraph 8(1) of Part I of Schedule 3;

(a) OJ No. C241, 29.8.94, p. 21, as amended by OJ No. L12, 1.1.95, p. 1.

(b) No. L236, 23.9.03, p. 33.

(c) OJ L49, 19.2.2004, p. 11.

(d) OJ No. P 121, 29.7.64, p. 1977; but see OJ 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.

(e) OJ No. L224, 1.8.90, p. 55.

(f) OJ No. L303, 30.10.90, p. 6.

(g) OJ No. L46, 19.2.91, p. 1.

“Council Directive 91/68” means Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(a) as amended by and as read with the instruments listed in paragraph 9 of Part I of Schedule 3;

“Council Directive 91/496/EEC” has the meaning given in paragraph 4(b);

“Council Directive 92/65/EEC” means Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive 90/425/EEC(b), as amended by and as read with, in relation to intra-Community trade, the instruments listed in paragraph 10 of Part I of Schedule 3, and in relation to imports from third countries, the instruments listed in paragraph 10 of Part II of Schedule 7;

“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(c), as amended by Commission Regulation (EC) No. 2054/2004(d).

(4) 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(e) as amended by and as read with the instruments listed in 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(f) as amended by and as read with the instruments listed in Schedule 1.

(5) A notice, approval or declaration under these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Exception

2.—(1) Subject to paragraph (2), these Regulations shall not apply 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 any person is accompanying and has under his responsibility more than five pets travelling together that—

- (a) are each 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.

Enforcement

3.—(1) Except where otherwise expressly provided, these Regulations shall be enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description, or a particular case, that she, and not the local authority, shall discharge any duty imposed on a local authority under paragraph (1).

(a) OJ No. L46, 19.2.91, p. 19.

(b) OJ No. L268, 14.9.92, p. 54.

(c) OJ No. L146, 13.6.2003, p. 1.

(d) OJ No. L355, 01.12.2004, p. 14.

(e) OJ No. L224, 18.8.90, p. 29.

(f) OJ No. L268, 24.9.91, p. 56.

PART 2

Intra-Community Trade

Application of Part 2

4. This Part shall apply to trade between member States in live animals and animal products that are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC.

Exports

5.—(1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the instruments (listed instruments) in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of the listed 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 a listed instrument, it is accompanied by—
 - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
 - (ii) any other document required by the instrument;
- (c) when required by a listed 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 an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation he may by notice served on the consignor, his representative or the person appearing to him to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

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

(4) No person shall export to another member State any animal to which the provisions of Article 6, 7, 9 or 10 of Council Directive 92/65/EEC apply unless the animal originates from—

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

(5) No person shall export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of Council Directive 90/539/EEC, applies unless they originate from an establishment that—

- (a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the Secretary of State in accordance with Schedule 4 to these Regulations; and
- (b) conforms with the requirements of Annex II to Council Directive 90/539/EEC.

(6) An establishment to which paragraph (5)(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) No person shall import from another member State (either for entry into the UK or by way of transit to another member State) any animal or animal product subject to an instrument in Part I of Schedule 3 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 subject to an instrument in Part I of Schedule 3 is imported from another member State (either for entry into the UK or by way of transit to another member State), the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves England, as the case may be.

(3) Where cattle, pigs, sheep or goats are imported from another member State for slaughter in England and are taken to an approved assembly centre (the centre), the importer shall ensure that they are removed from the centre directly to a slaughterhouse and slaughtered there, in the case of sheep and goats within 5 days of their arrival at the centre, and in the case of cattle and pigs within 3 days of their arrival at the centre.

(4) Where an animal to which paragraph (3) relates is not slaughtered within the specified period, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be slaughtered as may be specified in the notice.

(5) 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.

(6) If a notice served under either paragraph (4) or (5) is not complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

Transport of animals and animal products

7.—(1) No person shall 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) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him by an inspector; and, 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 an inspector, an inspector may serve a notice on the person appearing to him 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.

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

(4) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to the amendment, suspension or revocation of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997(a) in accordance with Schedule 9 to that Order.

Dealers

8.—(1) Dealers in cattle, pigs, sheep or goats, engaging in intra-Community trade shall comply with Part III of Schedule 3.

(a) S.I. 1997/1480, to which there are amendments not relevant to these Regulations.

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

(3) The Secretary of State shall keep a register of dealers registered under paragraph (2).

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

(a) all deliveries of animals; and

(b) where a consignment is divided up or subsequently marketed, the subsequent destination of the animals,

and shall keep such records for 12 months from the arrival of the consignment.

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

9.—(1) For the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, the Secretary of State shall approve any body, institute or centre 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 Secretary of State shall suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive 92/65/EEC, the Secretary of State shall approve any semen collection centre or embryo collection team which has applied to the Secretary of State 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 Secretary of State shall approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for Mycoplasma infections required under Chapter III of Annex II to Council Directive 90/539/EEC.

(5) 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 article 2(1) of the Poultry Breeding Flocks and Hatcheries Order 1993(a).

Inspection and checking at destination

10.—(1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into England from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the instruments in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he has information leading him to suspect an infringement of the instruments in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

Duties on consignees

11.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive 90/427/EEC) unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector referred to in paragraph (1) shall be the inspector authorised by the Secretary of State to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

(a) S.I. 1993/1898.

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 Secretary of State and given a number, and approval shall only be given if the Secretary of State 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 Council 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 an inspector has specified in an operational agreement as being the requirements the inspector 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 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 each such record in the register for a minimum of three years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995(a) or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(b), 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 Secretary of State 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.

(a) S.I. 1995/539, to which there are amendments not relevant to these Regulations.

(b) S.I. 1995/540, to which there are amendments not relevant to these Regulations.

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

- (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 in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly to a veterinary inspector authorised by the Secretary of State to receive such notification; 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 a veterinary inspector authorised by the Secretary of State to do so has authorised their release in writing.

Illegal consignments

13.—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 6 or of a zoonosis or any other disease or cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, he may serve a notice in accordance with paragraph (2) on the person appearing to him to be in charge of those animals or 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 them as may be specified in the notice for the purpose of preventing the introduction or spreading of disease into or within England; or
- (b) without delay, to slaughter them, or slaughter and destroy them, or, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.

(3) Subject to the provisions of paragraph (4) if an inspector knows or suspects that animals or animal products do not comply with the provisions of Article 3 of Council Directive 90/425/EEC, he may, if animal health and welfare considerations so permit, give the consignor or his representative or the person appearing to him to be in charge of those animals or products by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997^(a), maintaining the animals 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 the permitted levels, requiring him to take whatever action is specified in that legislation;
- (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(4) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector shall not serve a notice under paragraph (3) unless—

- (a) he has given the consignor, his representative or the person appearing to him to be in charge of those animals or 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; and
- (b) the required consignment documentation has not been produced within that time.

^(a) S.I. 1997/1729, as amended by S.I. 2001/3590 and S.I. 2004/147.

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

PART 3

Third Countries

Application of Part 3

- 14.—(1) This Part shall apply in respect of animals imported into England—
- (a) from anywhere other than a member State, and
 - (b) from another member State if the animal originated in a country which is not a member State and all the checks provided for in Council Directive 91/496/EEC have not been carried out.

Official veterinarians

15. The Secretary of State shall from time to time designate such veterinary inspectors to act as official veterinarians as shall be necessary for the purposes of this Part and may revoke such designation at any time.

Importation

- 16.—(1) No person shall import any animal—
- (a) either for entry into the UK or for export to another member State unless the conditions in Article 4 of Council Directive 91/496/EEC are complied with; or
 - (b) for immediate re-export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the Secretary of State and the conditions in Article 9 of Council Directive 91/496/EEC have been complied with.

(2) No person shall import any animal except from a country or territory specified under the instruments in Part I of Schedule 7.

(3) No person shall import any animal to which an instrument in Part II of Schedule 7 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.

(4) Where an animal is imported for slaughter, 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.

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

(6) The 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.

Places of import

17.—(1) No person shall import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(a) may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph (1), an inspector may by notice require the person appearing to him to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this regulation shall have effect.

(a) S.I. 1974/2211; relevant amending instruments are S.I. 1977/361, 1984/1182, 1986/2062, 1999/3443 and 2004/2364.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to him to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re-exported outside the European Community.

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

Import procedure

18.—(1) No person shall import any animal unless he has given notice of his intention to do so in accordance with Article 1 of Commission Regulation (EC) No. 282/2004.

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the border inspection post examination area or, where the instruments in Schedule 7 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub-paragraph of Article 10(1) of Council Directive 91/496/EEC.

(3) No person shall remove any animal from a quarantine centre or border inspection post 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 the official veterinarian.

- (4) No person shall remove any animal 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.

(5) The person in charge of an animal 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.

(6) Where a check involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may by notice served on the owner or the person appearing to him to be in charge of an animal permit the owner or person so served to move the animal from the border inspection post, and require that owner or person to keep the animal 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 animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 21 shall apply as they apply at a border inspection post.

(7) In the event of a notice served under paragraph (4) or (6) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

Payment of fees

19. The official veterinarian shall not authorise the release of animals from a quarantine centre or border inspection post unless he is satisfied that all veterinary checks for which a charge is made have been paid for, 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

20. Where checks at the quarantine centre or border inspection post or the test results referred to in regulation 18(6) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian 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.

Illegal consignments

21.—(1) Where checks at the quarantine centre or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive 91/496/EEC or Articles 3, 4 or 5 of Council Directive 91/628/EEC on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC(a), as amended by Council Directive 95/29/EC(b), a veterinary inspector shall, by notice served on the person appearing to him to be in charge of those animals, require that person to—

- (a) shelter, feed and water and, if necessary, treat the animals;
- (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease into or within England; or
- (c) re-despatch them outside the territory of the European Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.

(2) Before exercising any of the powers in paragraph (1) the veterinary inspector shall consult the importer or his representative.

(3) If the animals are re-despatched in accordance with sub-paragraph (1)(c), the official veterinarian shall cancel the veterinary certificate accompanying the rejected consignment and complete the box “details of re-consignment” in part 3 of the common veterinary entry document in accordance with the second indent of Article 3(1) of Commission Regulation (EC) No. 282/2004 as soon as the relevant information is known.

(4) If in the opinion of the veterinary inspector re-despatch is not possible, in particular for reasons of the welfare of animals, he shall serve a notice on the person appearing to him to be in charge of the animals in accordance with the following paragraph.

(5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, shall either—

- (a) order the slaughter of the animals for purposes other than human consumption, or
- (b) order the slaughter of the animals and destruction of the carcasses, specifying in each case the conditions regarding control of the use of the products obtained.

(6) In the event of a notice served under paragraph (1) or (4) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) The importer or his representative shall be liable for the costs incurred in measures under this regulation, but shall be entitled, after deduction of costs, to the proceeds of any sale.

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 Secretary of State.

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

(3) Animals of species to which paragraph (2) 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 Secretary of State.

(a) OJ No. L340, 11.2.91, p. 17.

(b) OJ No. L148, 30.6.95, p. 52.

Post-import controls

23.—(1) Where a veterinary inspector knows or suspects that import conditions have not been complied with or there is doubt as to the identity of an animal, he may carry out any veterinary checks on that animal that he deems appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 21 shall apply as they apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or to isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.

PART 4

Imports Where Checks Have Been Carried Out in Another Member State

Application of Part 4

24. This Part shall apply in respect of animals imported into England 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. No person shall import any 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 5

General

Outbreaks of disease in other states

27.—(1) This regulation shall apply where the Secretary of State 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 other state of a disease referred to in Schedule 6, 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 Secretary of State may, for the purpose of preventing the introduction or spreading of disease into or within England, by declaration suspend, or impose conditions upon, the entry into England 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 Secretary of State thinks fit.

(4) Where a declaration is in force suspending the entry of any animal or animal product, no person shall bring that animal or animal product into England if it is dispatched from, or originates from, the state or part thereof specified in the declaration.

(5) Where a declaration is in force imposing conditions on the entry into England of any animal or animal product, no person shall bring that animal or animal product into England if it originates in the state or part thereof specified in the declaration unless the animal or animal product complies with the conditions specified in the declaration.

Notification of decisions

28. If the consignor or his representative, or the importer or his representative, so requests, any decision taken refusing entry or varying the conditions of entry shall be forwarded to him in writing by the person taking the decision, giving the reasons for the decision and the details of his right of appeal against the decision, including the relevant time limits.

Powers of inspectors

29.—(1) Subject to regulation 10, an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation “premises” includes any place, installation, road or rail vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to 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 in Part I of Schedule 3 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) 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 in the case of an import another member State;
- (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.

Recovery of expenses

30. The consignor, his representative and the person in charge of any animal or animal product shall be jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by these Regulations relating to those animals or animal products.

Obstruction

31. No person shall—
- (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.

Offences by bodies corporate

32.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

33.—(1) A person contravening any provision of these Regulations, except the provisions contained in paragraph 6 of Part I of Schedule 4 and paragraph 2 of Part I of Schedule 5, or any notice served under them shall be guilty of an offence.

(2) A person guilty of an offence under regulation 31(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 three months or to both.

(3) 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 three months or to both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Disapplication of provisions

34. The provisions of the legislation listed in Schedule 8 shall not apply to imports from another member State of animals and animal products to which an instrument in Part I of Schedule 3 applies, or to imports of an animal to which an instrument in Schedule 7 applies from the country subject to that instrument, to the extent specified in column 3 of the table given in Schedule 8.

Revocations

35. The Animals and Animal Products (Import and Export) (No. 2) Regulations 2004(a) are revoked.

14th July 2005

Bach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

We consent to the making of these Regulations.

18th July 2005

Vernon Coaker
Tom Watson
Two of the Lords Commissioners of Her Majesty's Treasury

(a) S.I. 2004/2886.

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

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

Council Directive 90/539/EEC (OJ No. L303, 31.10.90, p. 6);

Council Directive 91/67/EEC (OJ No. L46, 19.2.91, p. 1);

Council Directive 91/68/EEC (OJ No. L46, 19.2.91, p. 19);

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

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

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

Council Directive 92/60/EEC (OJ No. L268, 14.9.92, p. 75);

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

Council Directive 92/118/EEC (OJ No. L62, 15.3.93, p. 49);

Commission Decision 93/444/EEC (OJ No. L208, 19.8.93, p. 34);

Commission Decision 94/338/EC (OJ No. L151, 17.6.94, p. 36);

Commission Decision 94/339/EC (OJ No. L151, 17.6.94, p. 38);

Council Directive 97/78/EC (OJ No. L24, 30.1.98, p. 9);

Council Directive 2002/33/EC (OJ No. L315, 19.11.2002, p. 14); and the European international instruments.

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

Council Directive 89/662/EEC (OJ No. L395, 30.12.89, p. 13);

Council Directive 90/424/EEC (OJ No. L224, 18.08.90, p. 19);

Council Directive 90/425/EEC (OJ No. L224, 18.08.90, p. 29);

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

Council Decision 92/438/EEC (OJ No. L243, 25.8.92, p. 27);

Commission Decision 94/467/EC (OJ No. L190, 26.7.94, p. 28);

Council Directive 96/43/EC (OJ No. L162, 1.7.96, p. 1);

Council Directive 97/78/EC (OJ No. L24, 30.1.98, p. 9);

Commission Decision 97/794/EC (OJ No. L323, 26.11.97, p. 31);

Commission Regulation (EC) No. 282/2004 (OJ No. L49, 19.2.2004, p. 11), as amended by Commission Regulation (EC) No. 585/2004 (OJ No. L91, 30.3.2004, p. 17);

and the European international instruments.

BORDER INSPECTION POSTS

<i>Border inspection post</i>	<i>Animals which may be imported</i>
Gatwick Airport	All animals other than ungulates (i)
Heathrow Airport	All animals
Luton Airport (ii)	Ungulates (i)
Manchester Airport	Cats, dogs, rodents, lagomorphs, live fish, reptiles, and birds other than ratites
Stansted Airport (ii)	Ungulates (i)

(i) Ungulates include registered equidae as defined in Council Directive 90/426/EEC (OJ No. L224, 18.8.90, p. 42), as amended.

(ii) Luton Airport and Stansted Airport are not border inspection posts for any species of animal specified in the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (S.I. 1974/2211).

SCHEDULE 3

INTRA-COMMUNITY TRADE: LEGISLATION AND
ADDITIONAL REQUIREMENTS

PART I

LEGISLATION ON INTRA-COMMUNITY TRADE

Bovine animals and swine

1. Instrument: Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine as replaced by the Annex to Council Directive 97/12/EC (OJ No. L109, 25.4.97, p. 1), and as subsequently amended by—

Council Directive 98/46/EC (OJ No. L198, 15.7.98, p. 22);

Council Directive 98/99/EC (OJ No. L358, 31.12.98, p. 107);

Commission Decision 98/621/EC (OJ No. L296, 5.11.98, p. 15);

Directive 2000/15/EC of the European Parliament and of the Council (OJ No. L105, 3.5.2000, p. 34);

Directive 2000/20/EC of the European Parliament and of the Council (OJ No. L163, 4.7.2000, p. 35);

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

Commission Regulation (EC) No 535/2002 (OJ No. L80, 23.3.2002, p. 22);

Commission Regulation (EC) No 1226/2002 (OJ L179, 9.7.2002, p. 13);

Council Regulation (EC) No. 21/2004 (OJ No. L5, 9.1.2004, p. 8);

Commission Decision 2004/226/EC (OJ 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 England 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 England 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 England from any other member State except Austria, the Republic of Cyprus, the Czech Republic, Denmark, Finland,

Germany, Luxembourg, Sweden and those regions 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) In the event of the prohibition on the export of cattle from England imposed by Commission Decision 98/256/EC on emergency measures to protect against Bovine Spongiform Encephalopathy (OJ No. L113, 15.4.98, p. 32) (as amended by Commission Decision 2002/670/EC (OJ No. L228, 24.8.2002, p. 22)) being revoked so as to allow the despatch of cattle from Great Britain to another member State or a third country, such exports to the countries listed in Annexes I and II of Commission Decision 2004/558/EC (OJ No. L249, 23.7.2004, p. 20) must meet the additional conditions laid down in that Decision.
- (e) In accordance with Commission Decision 2003/514/EC concerning health protection measures against African swine fever in Sardinia, Italy (OJ No. L178, 17.7.2003, p. 28), the importation into England from the Italian region of Sardinia of animals of the suidae family is prohibited.

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 (OJ No. L194, 22.7.88, p. 10), as amended by, and as read with—

Council Directive 90/120/EEC (OJ No. L71, 17.3.90, p. 37);
Council Directive 90/425/EEC (OJ No. L224, 18.8.90, p. 29);
Council Directive 93/60/EEC (OJ No. L186, 28.7.93, p. 28);
Council Directive 2003/43/EC (OJ No. L143, 11.6.2003, p. 23);
Commission Decision 2004/205/EC (OJ No. L65, 3.3.2004, p. 23);
Commission Decision 2004/101/EC (OJ 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 (OJ No. L302, 19.10.89, p. 1), as amended by, and as read with—

Council Directive 90/425/EEC (OJ No. L224, 18.8.90, p. 29);
Council Directive 93/52/EEC (OJ No. L175, 19.7.93, p. 21);
Commission Decision 94/113/EC (OJ No. L53, 24.2.94, p. 23);
Commission Decision 2004/205/EC (OJ 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 (OJ No. L224, 18.8.90, p. 42), as amended by, and as read with—

Council Directive 90/425/EEC (OJ No. L224, 18.8.90, p. 29);
Council Directive 90/427/EEC (OJ No. L224, 18.08.90, p. 55)
Council Directive 91/496/EEC (OJ No. L268, 24.9.91, p. 56);
Council Directive 92/36/EEC (OJ No. L157, 10.6.92, p. 28);
Commission Decision 92/130/EEC (OJ No. L47, 22.2.92, p. 26);
Commission Decision 93/623/EEC (OJ No. L298, 3.12.93, p. 45) as amended by Commission Decision 2000/68/EC (OJ No. L23, 28.1.2000, p. 72);

(a) OJ No. L16, 25.1.93, p. 18.

Commission Decision 2001/298/EC (OJ No. L102, 12.4.2001, p. 63);
Commission Decision 2002/160/EC (OJ No. L053, 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 registered horses or equidae for breeding and production 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 England.

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 (OJ No. L224, 18.8.90, p. 62) and Commission Decision 99/608/EC (OJ No. L242, 14.9.99, p. 20), as amended by, and as read with—

Commission Decision 99/608/EC (OJ No. L242, 14.9.1999, p. 20);
Commission Decision 2000/39/EC (OJ No. L13, 19.1.2000, p. 21);
Commission Decision 2004/205/EC (OJ 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 England 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 (OJ No. L303, 30.10.90, p. 6), as amended by, and as read with—

Council Directive 90/425/EEC (OJ No. L224, 18.8.90, p. 29);
Council Directive 91/496/EEC (OJ No. L268, 24.9.91, p. 56);
Council Directive 92/65/EEC (OJ No. L268, 14.9.92, p. 54);
Commission Decision 92/340/EEC (OJ No. L188, 8.7.92, p. 34);
Commission Decision 92/369/EEC (OJ No. L195, 14.7.92, p. 25);
Council Directive 93/120/EEC (OJ No. L340, 31.12.93, p. 35);
Council Decision 95/410/EC (OJ No. L243, 11.10.95, p. 25) as amended by Council Decision 98/227/EC (OJ No. L87, 21.3.98, p. 14);
Commission Decision 97/278/EC (OJ No. L110, 26.4.97, p. 77);
Council Directive 99/90/EC (OJ No. L300, 23.11.1999, p. 19);
Commission Decision 2000/505/EC (OJ No. L201, 9.8.2000, p. 8);
Commission Decision 2001/867/EC (OJ No. L323, 7.12.2001, p. 29);
Commission Decision 2003/644/EC (OJ No. L228, 12.9.2003, p. 29);
Commission Decision 2004/235/EC (OJ 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 England 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 England 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 England 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 England 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.

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 (OJ No. L273, 10.10.2002, p. 1), as amended by, and as read with—

Commission Regulation No. 808/2003 (OJ No. L117, 13.5.03, p. 1);
Commission Regulation No. 811/2003 (OJ No. L117, 13.5.03, p. 14);
Commission Regulation No. 813/2003 (OJ No. L117, 13.5.03, p. 22);
Commission Decision 2003/320/EC (OJ No. L117, 13.5.03, p. 24);
Commission Decision 2003/321/EC (OJ No. L117, 13.5.03, p. 30);
Commission Decision 2003/326/EC (OJ No. L117, 13.5.03, p. 42);
Commission Decision 2003/327/EC (OJ No. L117, 13.5.03, p. 44);
Commission Decision 2003/328/EC (OJ No. L117, 13.5.2003, p. 46);
Commission Decision 2003/329/EC (OJ No. L117, 13.5.2003, p. 51);
Commission Regulation No. 780/2004 (OJ No. L123, 27.4.2004, p. 64); and
the European international instruments.

Relevant provision in that instrument: Article 8.

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 (OJ No. L46, 19.2.91, p. 1), as amended by, and as read with—

Commission Decision 94/864/EC (OJ No. L352, 31.12.94, p. 74);
Commission Decision 97/804/EC (OJ No. L329, 29.11.97, p. 70);
Council Directive 97/79/EC (OJ No. L24, 30.1.98, p. 31);
Commission Decision 98/24/EC (OJ No L8, 14.1.98, p. 26);
Council Directive 98/45/EC (OJ No. L189, 3.7.98, p. 12);
Commission Decision 99/567/EC (OJ No. L216, 14.8.99, p. 13);
Commission Decision 2001/159/EC (OJ No. L57, 27.2.2001, p. 54);
Commission Decision 2001/183/EC (OJ L67 9.3.2001 p. 65);
Commission Decision 2002/300/EC (OJ No. L103, 19.4.2002, p. 24), as amended by Commission Decision 2003/378/EC (OJ No. L130, 27.5.2003, p. 27);
Commission Decision 2002/308/EC (OJ No. L106, 23.4.2002, p. 28), as amended by Commission Decision 2004/850/EC (OJ No. L368, 15.12.2004, p. 28);
Commission Decision 2003/390/EC (OJ No. L135, 3.6.2003, p.19);
Commission Decision 2003/466/EC (OJ No. L156, 25.6.2003, p. 61);

Commission Decision 2003/634/EC (OJ No. L220, 3.9.2003, p. 8), as amended by Commission Decision 2003/904/EC (OJ No. L340, 24.12.2003, p. 69) and Commission Decision 2004/328/EC (OJ L104, 8.4.2004, p. 129);

Commission Decision 2004/453/EC (OJ No. L156, 30.4.2004, p. 5); and
the European international instruments.

Relevant provisions in that instrument: in so far as they apply to live fish, eggs and gametes, Articles 3, 4, 7 to 11, and 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 (OJ No. L268, 24.9.91, p. 15), as amended by, and as read with—

Council Directive 92/48/EEC (OJ 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 (OJ No. L332, 30.12.95, p. 40);

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

the European international instruments.

Relevant provision 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 (OJ No. L268, 24.9.91, p. 1), as amended by, and as read with—

Council Directive 97/61/EC (OJ 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 (OJ No. L46, 19.2.91, p. 19) as amended by, and as read with—

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

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

Commission Decision 93/52/EEC (OJ No. L13, 21.1.93, p. 14), as amended by Commission Decisions 2001/292/EC (OJ No. L100, 11.4.2001, p. 28), 2002/482/EC (OJ No. L166, 25.6.2002, p. 23), 2003/44/EC (OJ No. L013, 18.1.2003, p. 23), 2003/237/EC (OJ No. L 87, 4.4.2003, p. 13), 2003/732/EC (OJ No. L264, 15.10.2003, p.30), 2004/199/EC (OJ No. L64, 2.3.2004, p. 41) and 2004/320/EC (OJ No. L102, 7.4.2004, p. 75);

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

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

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

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

Commission Decision 2002/261/EC (OJ No. L091, 6.4.2002, p. 31);

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

Commission Decision 2003/708/EC (OJ No. L258, 10.10.2003, p. 11);

Commission Decision 2004/554/EC (OJ No. L 248, 9.7.2004, p. 1); 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) of Council Directive 91/68/EEC may be imported into England.
- (b) The official health certification accompanying all sheep and goats for fattening and breeding imported into England 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 (OJ No. L268, 14.9.92, p. 54), as amended by, and as read with—

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

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

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

Commission Decision 95/388/EC (OJ No. L234, 3.10.95, p. 30), as amended by Commission Decision 2005/43/EC (OJ No. L20, 22.1.05, p. 34);

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

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

Commission Regulation (EC) No. 1282/2002 (OJ No. L187, 16.7.2002, p. 3);

Council Regulation (EC) No. 1802/2002 (OJ No. L274, 11.10.2002, p. 21);

Regulation (EC) No. 998/2003 (OJ No. L146, 13.6.2003, p.1), as amended by Council Decision 2004/650/EC (OJ No. L298, 23.9.2004, p. 22);

Council Regulation (EC) No. 1398/2003 (OJ No. L198, 06.08.2003, p. 3);

Commission Regulation (EC) No. 592/2004 (OJ No. L94, 31.3.2004, p. 7);

Council Directive 2004/68/EC (OJ No. L226, 25.6.2004, p. 128);

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

the European international instruments;

Relevant provisions in that instrument: subject to the Note to this paragraph, 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 Secretary of State 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 England 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 1974. 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 (OJ No. L62, 15.3.93, p. 49) as amended by, and as read with—

Council Directive 2002/33/EC (OJ No. L315, 19.11.2002, p. 14);

Commission Decision 2003/721/EC (OJ No. L260, 11.10.2003, p. 21);
Commission Regulation (EC) No. 445/2004 (OJ No. L72, 11.3.2004, p. 60); and
the European international instruments.

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

Pure-bred animals of the bovine species

12. Instrument: Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species (OJ 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 (OJ No. L291, 19.11.79, p. 17);

Council Directive 79/268/EEC (OJ No. L62, 13.3.79, p. 5);
Council Regulation 3768/85/EEC (OJ No. L362, 31.12.85, p. 8);
Council Directive 85/586/EEC (OJ No. L372, 31.12.85, p. 44);
Commission Decision 86/404/EEC (OJ No. L233, 20.8.86, p. 19);
Commission Decision 88/124/EEC (OJ No. L62, 8.3.88, p. 32);
Council Directive 91/174/EEC (OJ No. L85, 5.4.91, p. 37);
Council Directive 94/28/EC (OJ No. L178, 12.7.94, p. 66);
Commission Decision 96/80/EC (OJ No. L19, 25.1.96, p. 50);
Commission Decision 96/510/EC (OJ No. L210, 20.8.96, p. 53) (as amended by Commission Decision 2004/186/EC (OJ No. L57, 25.2.2004, p. 27);
Commission Decision 2002/8/EC (OJ No. L003, 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 (OJ No. L382, 31.12.1988, p. 36), as amended by, and as read with—

Commission Decision 89/503/EEC (OJ No. L247, 23.8.89, p. 22);
Commission Decision 89/506/EEC (OJ No. L247, 23.8.89, p. 34);
Council Directive 94/28/EC (OJ No. L178, 12.7.94, p. 66);
Commission Decision 96/510/EC (OJ No. L210, 20.08.96, p. 53) (as amended by Commission Decision 2004/186/EC (OJ 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 (OJ No. L153, 6.6.1989, p. 30), as amended by, and as read with—

Commission Decision 90/258/EEC (OJ No. L145, 8.6.90, p. 39);
Council Directive 94/28/EC (OJ No. L178, 12.7.94, p. 66);
Commission Decision 96/510/EC (OJ No. L210, 20.08.96, p. 53);
Commission Decision 2004/186/EC (OJ 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 (OJ No. L224, 18.8.90, p. 55), as amended by, and as read with—

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

Commission Decision 92/353/EEC (OJ No. L192, 11.7.92, p. 63);
Commission Decision 92/354/EEC (OJ No. L192, 11.7.92, p. 66);
Commission Decision 93/623/EEC (OJ No. L298, 3.12.93, p. 45) as amended by Decision 2000/68/EC (OJ No. L023, 28.1.2000, p. 72);
Council Directive 94/28/EC (OJ No. L178, 12.7.94, p. 66);
Commission Decision 96/78/EC (OJ No. L19, 25.1.96, p. 39);
Commission Decision 96/510/EC (OJ No. L210, 20.08.1996, p. 53);
Commission Decision 2004/186/EC (OJ 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 animal faeces, litter or feed cannot leak or fall out of the vehicle.
 - (a) He shall give a written undertaking to the Secretary of State stating that—
 - (i) in the case of cattle or pigs, Council Directive 64/432/EEC, 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, and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals; and
 - (b) that the transport of animals will 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 Secretary of State under this paragraph; and
 - (b) be registered with, and have a registration number issued by, the Secretary of State.

(2) The Secretary of State 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 vehicle 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 Secretary of State 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 Secretary of State shall issue an approval number for premises approved under this paragraph.

(3) The Secretary of State 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 4 Regulations 5(5), 9(4) and 33(1)

THE POULTRY HEALTH SCHEME

PART I

MEMBERSHIP

1. Any reference to “the Directive” in this Part of this Schedule is a reference to Council Directive 90/539/EEC.

2. An application for an establishment to become a member of the Poultry Health Scheme (“the Scheme” in this Schedule) must be accompanied by the registration fee, the details of which are set out in Part 2 of this Schedule.

3. The Secretary of State shall only grant membership of the Scheme to an establishment if—

- (a) she is satisfied, following an inspection by a veterinary inspector, 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 Secretary of State is satisfied that the requirements in sub-paragraph (a) are met, has paid the annual membership fee, the details of which are set out in 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.

5. On receipt of the first annual membership fee, the Secretary of State 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 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 Scheme, and generally to ensure compliance with the Directive—

- (a) a veterinary inspector (whether employed by Defra or not) shall carry out an annual veterinary inspection of the establishment; and
- (b) a veterinary inspector employed by Defra shall carry out any additional inspections (insofar as not provided for under paragraph 8) which the Secretary of State considers necessary.

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 Secretary of State to meet the requirements either for membership of the Scheme or of the Directive, a veterinary inspector employed by Defra shall carry out such additional inspections ("re-inspections") as the Secretary of State 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 Secretary of State—

- (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) ownership or control of an establishment changes; or
 - (iv) the operator has not paid the annual membership fee or if a re-inspection fee remains unpaid 30 days after becoming due.

PART II

REGISTRATION FEE

1. The Secretary of State shall—

- (a) determine the registration fee on the basis of the cost attributable to each application of the items listed in paragraph 3; and
- (b) publish the current registration fee on Defra's website^(a).

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

3. The items referred to in paragraph 1(a) are—

- (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
 - (i) any person involved directly in processing applications for membership of the Scheme;
 - (ii) any person engaged in managing the processing of such applications; and
 - (iii) any veterinary inspector who carries out a veterinary inspection at an applicant establishment;
- (b) recruiting and training the staff referred to in sub-paragraph (a);
- (c) travel and related incidental expenses incurred in processing applications for membership (including inspecting establishments), except where incurred by a person attending his normal place of work;
- (d) office accommodation, equipment and services for the staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment used in inspecting establishments, and laundering, cleansing or disinfecting that protective clothing;
- (f) provision of payroll and personnel services in connection with the employment of the staff referred to in sub-paragraph (a); and
- (g) any other incidental expenses incurred in connection with the processing of applications for membership of the Scheme.

^(a) www.defra.gov.uk.

PART III

ANNUAL MEMBERSHIP FEE

1. There shall be two rates for the annual membership fee; a higher rate, which includes the cost of an annual veterinary inspection by a veterinary inspector employed by Defra, and a lower rate which does not include the cost of such an inspection.
2. The lower rate shall be payable—
 - (a) the first time the annual membership fee is paid (the cost of the first annual veterinary inspection having been included in the registration fee); and
 - (b) in subsequent years where the operator of the establishment has elected for the annual veterinary inspection to be carried out by a veterinary inspector who is not employed by Defra.
3. The Secretary of State shall—
 - (a) determine the two rates of the annual membership fee on the basis of the cost attributable to each establishment of the items listed in paragraph 5; and
 - (b) publish the current rates of the annual membership fee on Defra's website.
4. The annual membership fee shall be payable to the Secretary of State in respect of each establishment and shall be non-refundable.
5. The items referred to in paragraph 3(a) are (subject to paragraph 6)—
 - (a) salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
 - (i) any person directly involved in the administration of the Scheme (including corresponding with and responding to queries from members, producing guidance, and arranging inspections of establishments);
 - (ii) any person engaged in managing the administration of the Scheme;
 - (iii) any veterinary inspector employed by Defra who carries out the annual veterinary inspection of an establishment or additional inspections during the year;
 - (b) recruiting and training the staff referred to in sub-paragraph (a);
 - (c) travel and related incidental expenses incurred in the administration of the Scheme (including veterinary inspections of establishments), except where incurred by a person attending his normal place of work;
 - (d) office accommodation, equipment and services for staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
 - (e) provision of protective clothing and equipment, where applicable, used in carrying out inspections of establishments, and laundering, cleansing or disinfecting that protective clothing;
 - (f) provision of payroll and personnel services in connection with the employment of staff referred to in sub-paragraph (a); and
 - (g) any other incidental expenses incurred in connection with the administration of the Scheme.
6. The items listed in paragraph 5 shall not include any expense or cost which relates to the administration of, travel for the purposes of, and attendance at, re-inspections insofar as that expense or cost is recoverable under Part IV of this Schedule.

PART IV

RE-INSPECTION FEE

1. The re-inspection fee provided for under paragraph 8, Part I of this Schedule shall be composed of—
 - (a) a charge for the veterinary inspector's time spent at the operator's establishment carrying out the re-inspection, the rate for which charge shall be £45 per hour or part thereof; and
 - (b) a charge for mileage, that is, for each mile travelled by the veterinary inspector to and from the operator's establishment in order to carry out the re-inspection, the rate for which charge shall be 33 pence per mile.
2. The Secretary of State may, using such criteria as she considers appropriate in all the circumstances, reduce the charge for mileage under paragraph 1(b) in respect of any particular re-inspection in order to avoid an over-recovery of mileage costs incurred for a journey in the course of which other official activity is undertaken in addition to that re-inspection.

SCHEDULE 5

Regulations 9(4) and 33(1)

APPROVAL OF LABORATORIES UNDER THE POULTRY HEALTH SCHEME

PART I

APPROVAL

1. The Secretary of State may approve any laboratory that she considers to be suitable for the purposes of carrying out Mycoplasma testing under the Poultry Health Scheme.
2. The operator of a laboratory approved under paragraph (1) shall pay the annual approval fee each year, the details of which are set out in Part 2 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 Secretary of State considers necessary.

PART II

ANNUAL APPROVAL FEE

1. The Secretary of State shall—
 - (a) determine the annual approval fee on the basis of the cost attributable to each laboratory of the items listed in paragraph 3; and
 - (b) publish the current annual approval fee on the website of Defra.
2. The annual approval fee shall be payable to the Secretary of State in respect of each approved laboratory and shall be non-refundable.
3. The items referred to in paragraph 1(a) are—
 - (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
 - (i) any person directly involved in the administration of the approval of laboratories;
 - (ii) any person engaged in the management or administration of this work; and
 - (iii) any veterinary inspector who carries out inspections of laboratories;
 - (b) recruiting and training the staff referred to in sub-paragraph (a);
 - (c) travel and related incidental expenses incurred in the administration of the approval of laboratories (including carrying out inspections), except where incurred by a person attending his normal place of work;
 - (d) office accommodation, equipment and services for staff involved in the administration of approval of laboratories, including depreciation of office furniture and equipment and the cost of information technology and stationery;
 - (e) provision of protective clothing and equipment used in carrying out inspections of establishments, and laundering that protective clothing;
 - (f) provision of quality assurance testing samples, assessment of the results and provision of advice about the results;
 - (g) provision of payroll and personnel services in connection with the employment of staff involved in the administration of approval of laboratories; and
 - (h) any other incidental expenses incurred in connection with the administration of the approval of laboratories.

SCHEDULE 6

Regulations 13(1) and 27(1)

LIST OF DISEASES

Foot and mouth disease
Classical swine fever
African swine fever
Swine vesicular disease
Newcastle disease
Rinderpest
Peste des petits ruminants
Vesicular stomatitis
Bluetongue
African horse sickness
Equine encephalomyelitis (of all types, including Venezuelan equine encephalomyelitis)
Teschen disease

Avian influenza
Sheep and goat pox
Lumpy skin disease
Rift valley fever
Contagious bovine pleuropneumonia
Bovine spongiform encephalopathy
Infectious haematopoietic necrosis
Viral haemorrhagic septicaemia
Dourine
Equine infectious anaemia
Glanders
Infectious Salmon anaemia
Small hive beetle (*Aethina tumida*)
Tropilaelaps mite

SCHEDULE 7

Regulations 16(2) and 16(3),
18(2) and 34

COMMUNITY LEGISLATION ON THIRD COUNTRIES

PART I

INSTRUMENTS SPECIFYING THIRD COUNTRIES AND TERRITORIES IN THIRD COUNTRIES FROM WHICH MEMBER STATES MAY AUTHORISE CERTAIN IMPORTS

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

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

Commission Decision 2004/410/EC (OJ No. L151, 30.4.2004, p. 31) and

Commission Decision 2004/620/EC (OJ No. L279, 28.08.2004 p. 30).

2. Commission Decision 95/233/EC drawing up lists of third countries from which member States authorise imports of live poultry and hatching eggs (OJ No. L156, 7.7.95, p. 76), as amended by, and as read with—

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

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

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

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

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

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

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

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

Commission Decision 2004/609/EC (OJ L274, 24.8.04, p. 17); and

Commission Decision 2004/623/EC (OJ No. L280, 31.8.2004, p. 26).

4. 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 (OJ L324, 11.12.2003, p. 37.) as amended by, and as read with—

Commission Decision 2004/454/EC (OJ No. 156, 30.4.2004, p. 29).

5. Commission Decision 2003/881/EC (OJ No. L328, 17.12.2003, p. 26), as amended by—

Commission Decision 2005/60/EC (OJ No. L25, 28.1.2005).

6. 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 (OJ No. L73, 11.3.2004, p. 1).

PART II

DETAILED PROVISIONS

Bovine, ovine and caprine animals and swine from third countries

1. Instrument: Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, and fresh meat or meat products from third countries (OJ L302, 31.12.72, p. 28), as amended by and as read with—

Council Directive 90/423/EEC (OJ No. L224, 18.8.90, p. 13);

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

Council Directive 91/69/EEC (OJ No. L46, 19.2.91, p. 37);

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

Council Directive 91/688/EEC (OJ No. L377, 31.12.91, p. 18);

Council Directive 96/91/EC (OJ No. L13, 16.1.1997, p. 26);

Council Directive 97/79/EC (OJ No. L24, 30.1.98, p. 31); and

the European international instruments.

Relevant provisions in that instrument: Articles 6, 10, 11, 13, 29 and 30.

Cloven-hoofed animals and elephants from third countries

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

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

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

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

Commission Decision 2004/620/EC (OJ No. L279, 28.8.2004, p. 30).

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

Equidae

General

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

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

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

Council Directive 92/36/EEC (OJ No. L157, 10.6.92, p. 28);

Commission Decision 92/130/EEC (OJ No. L47, 22.2.92, p. 26);

Commission Decision 95/329/EC (OJ No. L191, 12.8.95, p. 36);

Commission Decision 96/81/EC (OJ No. L19, 25.1.96, p. 53);

Commission Decision 2002/160/EC (OJ No. L053, 23.3.2002, p. 37);

Council Directive 2004/68/EC (OJ No. L226, 25.6.2004, p. 128); and

the European international instruments.

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

4. 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 (OJ No. L73, 11.3.2004, p. 1).

Relevant provision in that instrument: Article 6.

Temporary admission of registered horses

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

Commission Decision 93/344/EEC (OJ No. L138, 9.6.93, p. 11);

Commission Decision 94/453/EC (OJ No. L187, 22.7.94, p. 11);

Commission Decision 94/561/EC (OJ No. L214, 19.8.94, p. 17);

Commission Decision 95/322/EC (OJ No. L190, 11.8.95, p. 9);

Commission Decision 95/323/EC (OJ No. L190, 11.8.95, p. 11);

Commission Decision 96/81/EC (OJ No. L19, 25.1.96, p. 53);

Commission Decision 96/279/EC (OJ No. L107, 30.4.96, p. 1);

Commission Decision 97/10/EC (OJ No. L3, 7.1.97, p. 9) as amended by Decision 2001/622/EC (OJ No. L216, 10.8.2001, p. 26);

Commission Decision 98/360/EC (OJ No. L163, 6.6.98, p. 44);

Commission Decision 98/594/EC (OJ No. L286, 23.10.98, p. 53);

Commission Decision 99/228/EC (OJ No. L83, 27.3.99, p. 77);

Commission Decision 99/613/EC (OJ No. L24, 15.9.99, p. 12);

Commission Decision 2000/209/EC (OJ No. L064, 11.3.2000, p. 22);

Commission Decision 2001/117/EC (OJ No. L043, 14.2.2001, p. 38);

Commission Decision 2001/611/EC (OJ No. L214, 8.8.2001, p. 49);

Commission Decision 2001/619/EC (OJ No. L215, 9.8.2001, p. 55);

Commission Decision 2001/828/EC (OJ No. L308, 27.11.2001, p. 41);

Commission Decision 2002/635/EC (OJ No. L206, 3.8.2002, p. 20);

Commission Decision 2002/636/EC (OJ No. L206, 3.8.2002, p. 27);

Commission Decision 2003/13/EC (OJ No. L007, 11.1.2003, p. 86);

Commission Decision 2003/541/EC (OJ No. L185, 24.07.2003, p. 41);

Commission Decision 2004/117/EC (OJ No. L36, 7.2.2004, p. 20);

Commission Decision 2004/177/EC (OJ No. L55, 24.2.2004, p. 64);

Commission Decision 2004/241/EC (OJ No. L74, 12.03.04, p. 19); and

the European international instruments.

Relevant provision in that instrument: Article 1.

Registered horses for racing, etc, upon re-entry

6. 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 (OJ No. L86, 6.4.93, p. 1), as amended by, and as read with—

Commission Decision 94/453/EC (OJ No. L187, 22.7.94, p. 11);

Commission Decision 94/561/EC (OJ No. L214, 19.8.94, p. 17);

Commission Decision 95/99/EC (OJ No. L76, 5.4.95, p. 16);

Commission Decision 95/322/EC (OJ No. L190, 11.8.95, p. 9);

Commission Decision 95/323/EC (OJ No. L190, 11.8.95, p. 11);

Commission Decision 96/279/EC (OJ No. L107, 30.4.96, p. 1);

Commission Decision 97/684/EC (OJ No. L287, 21.10.97, p. 49);
Commission Decision 98/360/EC (OJ No. L163, 6.6.98, p. 44);
Commission Decision 98/567/EC (OJ No. L276, 13.10.98, p. 11);
Commission Decision 98/594/EC (OJ No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (OJ No. L83, 27.3.99, p. 77);
Commission Decision 99/558/EC (OJ No. L211, 11.8.99, p. 53);
Commission Decision 2000/209/EC (OJ No. L64, 11.3.00, p. 64);
Commission Decision 2000/754/EC (OJ No. L303, 12.12.00, p. 34);
Commission Decision 2001/117/EC (OJ No. L43, 14.2.01, p. 38);
Commission Decision 2001/144/EC (OJ No. L53, 23.2.01, p. 23);
Commission Decision 2001/610/EC (OJ No. L43, 8.8.01, p. 45);
Commission Decision 2001/611/EC (OJ No. L214, 8.8.01, p. 49);
Commission Decision 2004/211/EC (OJ No. L73, 11.3.2004, p. 1); and
the European international instruments.

Relevant provision in that instrument: Article 1.

Equidae for slaughter

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

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

Relevant provision in that instrument: Article 1.

Registered equidae and equidae for breeding and production

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

Commission Decision 93/510/EEC (OJ No. L238, 23.9.93, p. 45);
Commission Decision 93/682/EEC (OJ No. L317, 18.12.93, p. 82);
Commission Decision 94/453/EC (OJ No. L187, 22.7.94, p. 11);
Commission Decision 94/561/EC (OJ No. L214, 19.8.94, p. 17);
Commission Decision 95/322/EC (OJ No. L190, 11.8.95, p. 9);
Commission Decision 95/323/EC (OJ No. L190, 11.8.95, p. 11);
Commission Decision 95/536/EC (OJ No. L304, 16.12.95, p. 49);
Commission Decision 96/81/EC (OJ No. L19, 25.1.96, p. 53);

Commission Decision 96/82/EC (OJ No. L19, 25.1.96, p. 56);
Commission Decision 96/279/EC (OJ No. L107, 30.4.96, p. 1);
Commission Decision 97/10/EC (OJ No. L3, 7.1.97, p. 9), as amended by Commission Decision 2004/117/EC (OJ L036, 7.2.04, p. 20);
Commission Decision 97/36/EC (OJ No. L14, 17.1.97, p. 57);
Commission Decision 98/360/EC (OJ No. L163, 6.6.98, p. 44);
Commission Decision 98/594/EC (OJ No. L286, 23.10.98, p. 53);
Commission Decision 99/228/EC (OJ No. L83, 27.3.99, p. 77);
Commission Decision 99/236/EC (OJ No. L87, 31.3.99, p. 13);
Commission Decision 99/252/EC (OJ No. L96, 10.4.99, p. 31);
Commission Decision 99/613/EC (OJ No. L243, 15.9.99, p. 12);
Commission Decision 2000/209/EC (OJ No. L64, 11.3.00, p. 64);
Commission Decision 2001/117/EC (OJ No. L43, 14.2.01, p. 38);
Commission Decision 2001/611/EC (OJ No. L214, 8.8.01, p. 49);
Commission Decision 2001/619/EC (OJ No. L215, 9.8.01, p. 55);
Commission Decision 2001/754/EC (OJ No. L282, 26.10.01, p. 34);
Commission Decision 2001/766/EC (OJ No. L288, 1.11.01, p. 50);
Commission Decision 2001/828/EC (OJ No. L308, 27.11.01, p. 41);
Commission Decision 2002/635/EC (OJ No. L206, 3.8.02, p. 20);
Commission Decision 2002/841/EC (OJ No. L206, 25.10.02, p. 42);
Commission Decision 2003/541/EC (OJ No. L185, 24.07.2003, p. 41);
Commission Decision 2004/117/EC (OJ No. L36, 7.2.2004, p. 20);
Commission Decision 2004/177/EC (OJ No. L55, 24.2.2004, p. 64);
Commission Decision 2004/241/EC (OJ No. L74, 12.3.04, 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 at the Central Veterinary Laboratory, Budapest, Hungary;
- (b) The test results must be attached to the health certificate accompanying the imported equidae.

Poultry

9. 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 (OJ No. L303, 30.10.90, p. 6) as amended by, and as read with—

Council Directive 91/494/EEC (OJ No. L268, 24.9.91, p. 35);
Council Directive 91/496/EEC (OJ No. L268, 24.9.91, p. 56);
Council Directive 92/65/EEC (OJ No. L268, 14.9.92, p. 54);
Commission Decision 92/369/EEC (OJ No. L195, 14.7.92, p. 25);
Council Directive 93/120/EEC (OJ No. L340, 31.12.93, p. 35);
Commission Decision 96/482/EC (OJ No. L196, 7.8.96, p. 13);

Commission Decision 96/628/EC (OJ No. L282, 1.11.96, p. 73);
Council Directive 99/89/EC (OJ L300, 23.11.99 p. 17);
Council Directive 99/90/EC (OJ No. L300, 23.11.1999, p. 19);
Commission Decision 2000/505/EC (OJ No. L201, 9.8.2000, p. 8);
Commission Decision 2002/183/EC (OJ No. L61, 2.3.2002, p. 56);
Commission Decision 2002/542/EC (OJ No. L176, 5.7.2002, p. 43);
Commission Decision 2004/118/EC (OJ 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

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 (OJ No. L268, 14.9.92, p. 54), as amended by, and as read with—

Commission Decision 95/176/EC (OJ No. L117, 24.5.95, p. 23);
Commission Decision 2001/298/EC (OJ No. L102, 12.4.2001, p. 63);
Commission Regulation (EC) No 1282/2002 (OJ No. L187, 16.7.2002, p. 3);
Council Regulation (EC) No. 1802/2002 (OJ No. L274, 11.10.2002, p. 21);
Council Regulation (EC) No 998/2003 (OJ No. L146, 13.6.2003, p. 1);
Council Regulation (EC) No. 1398/2003 (OJ No. L198, 6.8.2003, p. 3);
Commission Decision 2003/881/EC (OJ No. L328, 17.12.2003, p. 26);
Commission Regulation (EC) No. 592/2004 (OJ No. L94, 31.3.2004, p. 7);
Council Directive 2004/68/EC (OJ No. L226, 25.6.2004, p. 128);
Commission Decision 2004/595/EC (OJ No. L266, 13.8.2004, p. 11);
Council Decision 2004/650/EC (OJ No. L298, 23.9.2004, p. 22); 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 (OJ No. L158, 24.6.99, p. 1).

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

Live animals from New Zealand

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

Commission Decision 2003/385/EC (OJ No. L133, 29.5.03, p. 87); and
Commission Decision 2003/669/EC (OJ No. L237, 24.9.03, p. 7).

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

Zootechnical conditions

12. 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 (OJ No. L178, 12.7.94, p. 66), as read with—

Commission Decision 96/509/EC (OJ No. L210, 20.8.96, p. 47); and
Commission Decision 96/510/EC (OJ No. L210, 20.8.96, p. 53), as amended by Commission Decision 2004/186/EC (OJ No. L57, 25.2.2004, p. 27).

Relevant provision in that instrument: Article 4.

Finfish and shellfish from third countries

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

Commission Decision 2004/609/EC (OJ L274, 24.8.04, p. 17); and

Commission Decision 2004/623/EC (OJ No. L280, 31.8.2004, p. 26).

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

14. 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 (OJ L324, 11.12.2003, p. 37) as amended by, and as read with—

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

Commission Decision 2004/914/EC (OJ No. L385, 29.12.2004, p. 60).

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

SCHEDULE 8

Regulation 34

LEGISLATION THAT DOES NOT APPLY

<i>Title</i>	<i>Reference</i>	<i>Extent</i>
The Diseases of Fish Act 1937	1937 c. 33	Section 1
The Hares (Control of Importation) Order 1965	S.I. 1965/2040	The whole Order
The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 as amended	S.I. 1974/2211 as amended by S.I. 1977/361, 1984/1182, 1986/2062, 1990/2371, 1993/1813, 1994/1405, 1994/1716, 1999/3443, 2000/1298, 2000/1641, 2001/6, 2002/1011, 2002/2850, and 2004/2364.	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.
The Importation of Animals Order 1977	S.I. 1977/944	Articles 3, 4(7), 4(8), 5(1) to (3), 7(1), 8 to 14, 16, 17, 18(1)(b), 18(3), 19 to 21, 23, 24 and 25(2) except that article 3 shall continue to apply to ruminating animals and swine other than animals which are the subject of Council Directive 64/432/EEC.
The Importation of Birds, Poultry and Hatching Eggs Order 1979	S.I. 1979/1702	Articles 4 to 7, 9(3) to (6), 10 to 12 except that article 4 shall continue to apply to all birds (including domestic fowl) and their hatching eggs other than those subject to the provisions of Council Directive 90/539/EEC (excluding domestic fowl).
The Importation of Embryos, Ova and Semen Order 1980 as amended by the Importation of Embryos, Ova and Semen (Amendment) Order 1984	S.I. 1980/12 as amended by S.I. 1984/1326	The whole Order except that article 4 shall continue to apply to embryos, ova and semen (as defined in that Order) other than—

<i>Title</i>	<i>Reference</i>	<i>Extent</i>
		<p>(a) bovine semen which is the subject of Council Directive 88/407/EEC,</p> <p>(b) bovine embryos which are the subject of Council Directive 89/556/EEC,</p> <p>(c) porcine semen which is the subject of Council Directive 90/429/EEC,</p> <p>(d) equine ova and embryos which are the subject of Commission Decision 95/294/EC,</p> <p>(e) equine semen which is the subject of Commission Decision 95/307/EC,</p> <p>(f) ovine and caprine semen, ova and embryos which are the subject of Commission Decision 95/388/EC, and</p> <p>(g) porcine ova and embryos which are the subject of Commission Decision 95/483/EC.</p>
The Diseases of Fish Regulations 1984	S.I. 1984/455	Regulations 2 and 5.
The Importation of Bovine Semen Regulations 1984	S.I. 1984/1325	The whole instrument.
The Shellfish and Specified Fish (Third Country Imports) Order 1992	S.I. 1992/3301	The whole Order.

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) (No. 2) Regulations 2004 (S.I. 2004/2886).

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) (OJ 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) (OJ No. L268, 24.9.91, p. 56).

They continue to include the following provisions—

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 that Directive (regulations 5, 6 and 7). Schedule 3, Part I sets out the individual instruments governing trade of specific types, and identifies any further requirements.

These Regulations provide a statutory basis for the Poultry Health 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 Poultry Health Scheme and conforms to the requirements of Directive 90/539/EEC. Schedule 4 sets out how the fees for membership and registration are calculated. 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 and Schedule 5 provide for approval of laboratories to carry out specified poultry health tests. The Regulations 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) and give to inspectors the powers of inspection and examination specified in Directive 90/425/EEC, together with the necessary powers of entry (regulations 10 and 29).

With respect to the importation of animals from third countries, the Regulations prohibit the importation of any animal unless the conditions of Council Directive 91/496/EEC are complied with (regulation 16). Schedule 7, Parts I and II set out the individual instruments governing imports from identified third countries, and identifies any further import requirements. They specify the places at which animals may be imported (regulation 17), and the procedure for importation (regulation 18), provide for the payment of fees (regulation 19) and the procedures to be followed where a consignment constitutes a danger to health or is otherwise illegal (regulations 20 and 21) and specify that, at the place of destination, certain animals may not be released until authorised by an authorised officer of the Secretary of State (regulation 22).

The Regulations also give powers to the Secretary of State to take action in the event of an outbreak of disease in another state (regulation 27) and make provision for the notification of decisions, powers of entry and penalties.

Principal changes made by these Regulations

Schedules 3 and 7 have been revised and updated in order to bring the implementation of Community instruments as up-to-date as possible at the time of making. The changes made to the Schedules are in paragraphs 1, 4, 6, 8, 9, 10 and 15 of Part I of Schedule 3, paragraphs 1 and 5 of Part I of Schedule 7 (to which Part a new paragraph 6 has been added to provide separately for a list of third countries from which equines and their genetic material may be imported); and paragraphs 2, 3, 9, 10, 11 and 14 of Part II of Schedule 7 have also been revised and updated.

In particular—

— at paragraph 4 of Schedule 3, Part I, Council Directive 90/426/EEC is now to be read

with Council Directive 90/427/EEC, and Commission Decision 93/623/EEC as amended by Commission Decision 2000/68/EC, relating to equine identification in respect of trade, and the notes to that paragraph amend the details relating to the Tripartite Agreement to allow movements of equidae for breeding and production to take place between Ireland, France and the UK without need for official health certification (such animals must be accompanied by a passport in accordance with Commission Decision 93/62/EEC as amended by Commission Decision 2000/68/EC); and

- at paragraph 6 of the Schedule 3, Part I, the reference to Council Decision 95/410/EC now reflects amendments made by Council Decision 98/227, and the requirements for certificates as to testing for Finland and Sweden have been updated to refer to Commission Decisions 2003/644/EC and 2004/235/EC in respect of breeding poultry, day-old chicks, laying hens and poultry for slaughter.

Lastly, Schedule 4 has been revised and extended to reflect new fee arrangements under the Poultry Health Scheme. Provision for a fee to be charged for most of the cost of re-inspections carried out by Defra inspectors under the Scheme has been made (paragraphs 6 to 8 of Part I), with corresponding adjustments in the calculation of the annual membership fee (paragraph 6 of Part III). The re-inspection fee will be charged at 45 per hour or part thereof spent actually conducting the inspection, together with mileage at 33 pence per mile (Part IV). Time spent in travelling to and from premises to carry out a re-inspection is not recovered under this charge.

No regulatory impact assessment has been prepared for these Regulations. A regulatory impact assessment was however, prepared for the Animals and Animal Products (Import and Export) Regulations 2000, which are substantially the same as the Regulations of 2000.