
STATUTORY INSTRUMENTS

1992 No. 3295

**The Animals and Animal Products
(Import and Export) Regulations 1992**

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part of these Regulations shall apply to trade between member States in live animals and all animal products which are the subject of the directives listed in Schedule 3 or which are specified in Schedule 4, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#) concerning the animal health conditions governing the placing on the market of animals and aquaculture products⁽¹⁾.

Exports

5. No person shall export or consign for export to another member State any animal or animal product unless—

- (a) if it is controlled by one or more of the directives listed in Schedule 3, it complies with the relevant provisions of those directives (including any option permitted by those directives which has been exercised by the member State of destination) and any additional requirements on health conditions of the member State of destination, and, when required by a directive or the member State of destination, is accompanied by an export health certificate signed by a veterinary inspector and any other document required by a directive or by the member State of destination;
- (b) in the case of an animal or animal product specified in Schedule 4, it fulfils all the animal health requirements of the member State of destination and, when required by the member State of destination, is accompanied by an export health certificate signed by a veterinary inspector and any other document required by the member State of destination; and
- (c) if it is acquired through a market or consigned through an assembly centre, such market or assembly centre has been approved by the Minister for the purposes of intra-Community trade, and the market or assembly centre complies with the provisions of the directives listed in Schedule 3 relating to markets and assembly centres.

Imports

6. No person shall import from another member State any animal or animal product subject to a directive listed in Schedule 3 and originating in a member State unless it complies with the relevant provisions of that directive, any additional requirements specified in Schedule 3 and any additional legislation applicable in Great Britain.

(1) OJNo. L46, 19.2.91, p 1.

Transport of animals and animal products

7.—(1) No person shall transport any animal or animal product which is being exported to another member State, or which is being imported from another member State to the address to which it is consigned, unless the animal or animal product 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 documentation unless required to do so by means of a notice served on him by an inspector.

Registration of dealers

8.—(1) If required to do so by a notice served on him by the Minister, a dealer engaging in intra-Community trade in animals or animal products shall register as such and shall give to the Minister such undertakings as to compliance with these Regulations as shall be specified in the notice.

(2) Any person who has received a notice under the preceding paragraph shall keep a record of all deliveries of animals and animal products and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals or animal products, and shall keep such records for 12 months from the arrival of the consignment.

Inspection and checking at destination

9.—(1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into Great Britain from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the directives listed in Schedule 3 have been complied with, or, in the case of animals and animal products specified in Schedule 4, the animal health conditions applicable to imports into Great Britain have been complied with.

(2) In addition to the powers in paragraph (1) above, an inspector shall have power to inspect animals and animal products and accompanying documents anywhere and at any time if he has information leading him to suspect an infringement of the directives listed in Schedule 3 or, for those animals and animal products specified in Schedule 4, of the animal health conditions applicable to imports into Great Britain.

(3) Any powers exercised under Regulation 27 below shall only be exercised in accordance with this regulation in relation to an import from another member State until it reaches its place of destination and at its place of destination.

Duties on consignees

10.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae⁽²⁾) unless the importer or consignee has notified to the Divisional Veterinary Officer 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.

(2) OJ No. L224, 18.8.90, p 55.

Duties on consignees relating to animals

11.—(1) Where animals are consigned to a market or assembly centre approved by the Minister for the purposes of intra-Community trade, the operator of the market or assembly centre shall ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).

(2) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of Council Directive [64/433/EEC](#) on health conditions for the production and marketing of fresh meat⁽³⁾, the latter shall ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).

(3) 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 the Divisional Veterinary Officer, 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 in writing 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.

(4) Where paragraphs (1) and (2) above 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 the batch is divided up or marketed, that all the animals comply with the relevant provisions of the directives listed in Schedule 3, or for those animals and animal products specified in Schedule 4, with the animal health conditions applicable to imports into Great Britain, with respect to identification marks and accompanying documentation;
- (b) shall forthwith notify the Divisional Veterinary Officer of any irregularity or anomaly, and
- (c) if there is a breach of Article 3(1)(d) of Council Directive [90/425/EEC](#), shall isolate the animals in question until the Divisional Veterinary Officer has authorised their release in writing.

Illegal consignments

12.—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 5 or of a zoonosis, a disease or any 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 by notice served on the person appearing to him to have charge of those animals or products, require that person—

- (a) immediately to detain them (and, in the case of animals, keep them isolated from any 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 so specified for the purpose of preventing the introduction or spreading of disease into or within Great Britain, or
- (b) without delay, to slaughter them, or slaughter and destroy them, or cause them to be slaughtered, or slaughtered and destroyed, or, in the case of products, destroy them or cause them to be destroyed, in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of paragraph (3) below, if an inspector knows or suspects that an animal or animal product does 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 representatives by way of notice the choice of—

(3) OJ No. L121, 28.7.64, p 2012 (Special edition 1963-64p, 185; relevant amending instrument is Council Directive [91/497/EEC](#) (OJ No. L268, 24.9.91, p 69).

- (a) where the cause of non-compliance is the presence in animals of excessive residues, maintenance of the animals under supervision until all relevant legislation on residues is complied with and, in the event of failure to comply with that legislation, application of the measures provided for in that legislation, or
 - (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.
- (3) If the only way the consignment fails to comply with legislation is irregularity in documentation, an inspector shall not cause the animals to be returned to the country of despatch without first giving the consignor or his representative a notice requiring him to produce the correct documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice.
- (4) In the event of a notice not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.
- (5) The consignor, his representative and the person responsible for the animals and products shall be jointly and severally liable for the costs of any action taken under this regulation.