

Commission Implementing Regulation (EU) 2018/659 of 12 April  
2018 on the conditions for the entry into the Union of live equidae  
and of semen, ova and embryos of equidae (Text with EEA relevance)

*SECTION 8*

***Transitional and final provisions***

*<sup>F1</sup>Article 21a*

**Matters relating to the exercise of powers under this Regulation**

1 The powers exercisable by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), under the provisions listed in paragraph 2 may be exercised only where it is necessary or appropriate to do so in the light of an assessment of the risk to animal or public health in the United Kingdom, taking into account the matters specified in this Article.

2 The provisions are—

- a in Article 3 (specification of third country or part thereof from which consignments of equidae may be imported into Great Britain)—
  - (i) paragraph 1, the words before point (a) (specification of third countries or parts of third countries in relation to which the appropriate authority may authorise consignments of equidae);
  - (ii) paragraph 1(a) (temporary admission of registered horses);
  - (iii) paragraph 1(b) (transit of equidae);
  - (iv) paragraph 1(c) (re-entry of registered horses for racing, competition and cultural events);
  - (v) paragraph 1(d) (import of registered horses);
  - (vi) paragraph 1(e) (import of consignments of equidae for slaughter);
  - (vii) paragraph 1(f) (importation of registered equidae and equidae for breeding and production);
  - (viii) paragraph 2 (specification of specific conditions with which the competent authority of the third country must comply);
- b Article 4 (specification of third countries and parts of the territory of third countries from which the entry into Great Britain of semen of equidae is authorised);
- c Article 5 (specification of third countries and parts of the territory of third countries from which the entry into Great Britain of ova and embryos of equidae is authorised);
- d Article 6 (specification of applicable supplementary guarantees or conditions).

3 Any assessment which is relied on for the purposes of paragraph 1 with regard to imports of live equidae must be appropriate to the circumstances and have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), taking into account—

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- a how the third country applies and implements international animal health standards, in particular the principle of regionalisation, within its own territory and in relation to its sanitary requirements for importation from other third countries and from the United Kingdom;
  - b the health status of the equidae, other domestic animals and wildlife and the environmental situation in the third country, with particular regard to exotic, notifiable and reportable animal diseases and any aspects of the general situation as regards health in the third country which may pose a risk to the health and environmental situation of the United Kingdom;
  - c the legislation of the third country in relation to animal health and welfare;
  - d the organisation of the competent veterinary authority and its inspection services, the powers of those services, the supervision to which they are subject, and the means at their disposal, including staff and laboratory capacity, to apply national legislation effectively;
  - e the assurances which the competent veterinary authority of the third country can give regarding compliance or equivalence with the relevant animal health conditions applicable in the United Kingdom;
  - f whether the third country is a member of the OIE, and the regularity and rapidity of its provision of information relating to the existence of infectious or contagious diseases of equidae in its territory, in particular those diseases listed by the OIE and in Annex 1 to Council [Directive 2009/156/EC](#);
  - g the assurances given by the third country to inform the United Kingdom—
    - (i) within 24 hours, of the confirmation of the occurrence of infectious diseases of equidae listed in Annex 1 to Council [Directive 2009/156/EC](#), and of any change in the vaccination policy concerning such diseases;
    - (ii) within an appropriate period, of any proposed changes in the national sanitary rules concerning equidae, in particular regarding the importation of equidae; and
    - (iii) at regular intervals, of the animal health status of its territory concerning equidae;
  - h any experience of previous imports of live equidae from the third country and the results of any import controls carried out;
  - i the results of inspections or audits carried out in the third country, in particular the results of the assessment of the competent authorities of the third country of those inspections or audits;
  - j the rules on the prevention and control of infectious or contagious animal diseases in force in the third country and their implementation, including rules on importation from other third countries;
  - k any special import conditions that may be required by the United Kingdom having regard to the situation as regards the health of equidae in the third country.
- 4 Any assessment which is relied upon for the purposes of paragraph 1 with regard to the imports of equine semen, ova or embryos must be appropriate to the circumstances and must have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), taking into account—
- a whether there are any diseases referred to in Annex A to Council [Directive 92/65/EC](#) or any other disease exotic to the United Kingdom present in the third country;

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- b whether the third country is capable of guaranteeing the implementation of its legislation, and whether the organisation of its veterinary and inspection services enables the country effectively to undertake or supervise such services;
- c whether the veterinary services of the third country are able to guarantee that health requirements at least equivalent to those laid down in Chapter 2 of Council [Directive 92/65/EC](#) are being complied with;
- d any on-the-spot inspections by experts from the United Kingdom undertaken to verify whether the assurances given by the third country regarding the conditions of production and placing on the market can be considered equivalent to those applied in the United Kingdom.

5 Where the Scottish Ministers or the Welsh Ministers request that the Secretary of State exercise a power under a provision listed in paragraph 2 the Secretary of State must have regard to that request.

6 In this Article “the OIE” means the World Organisation for Animal Health.]

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**Textual Amendments**

- F1** [Art. 21a](#) inserted (1.7.2022) by [The Import of Animals and Animal Products and Approved Countries \(Amendment\) Regulations 2022 \(S.I. 2022/735\)](#), regs. 1(2), **16(10)**

*F2* **Article 22**

**Transitional provisions**

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**Textual Amendments**

- F2** [Art. 22](#) omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **68(29)** (with regs. 69-71)

*Article 23*

**Repeals**

Decisions 92/260/EEC, 93/195/EEC, 93/196/EEC, 93/197/EEC, 94/699/EC, 95/329/EC, 2003/13/EC, 2004/177/EC, 2004/211/EC, 2010/57/EU and 2010/471/EU are repealed.

Any reference to those Decisions shall be construed as a reference to this Regulation.

*Article 24*

**Entry into force and applicability**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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It shall apply from 1 October 2018.

[<sup>F3</sup>However, Article 16(1)(b)(iii), <sup>F4</sup>... Article 16(3), Article 16(4)(a) and (b), Article 16(5), Article 17(1)(d) and Article 19(2)(a) shall apply from 14 December 2019 .]

#### Textual Amendments

- F3** Substituted by [Commission Implementing Regulation \(EU\) 2019/2147 of 28 November 2019](#) amending and correcting [Implementing Regulation \(EU\) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae \(Text with EEA relevance\)](#).
- F4** Words in Art. 24 omitted (31.12.2020) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(3), **68(30)(a)** (with regs. 69-71)

**Changes to legislation:**

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