

1993 No. 305

EUROPEAN COMMUNITIES

ANIMALS

**Animals and Animal Products (Import and Export) Regulations
(Northern Ireland) 1993**

Made 5th July 1993

Coming into operation 23rd August 1993

The Department of Agriculture, being a Department 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 Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993 and shall come into operation on 23rd August 1993.

Interpretation

2.—(1) In these Regulations—

“border inspection post” means one of the inspection posts listed in Commission Decision 92/431/EEC(c);

“dealer” means any person engaging in intra-Community trade to which Part II applies;

“Department” means the Department of Agriculture for Northern Ireland;

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

(a) S.I. 1972/1811

(b) 1972 c. 68

(c) O.J. No. L237, 20.8.92, p. 23 as amended by Commission Decision 93/83/EEC (O.J. No. L35, 11.2.93, p. 16)

“export health certification” in relation to any animals or animal products means—

(a) where Part II applies, the documents required to accompany those animals or products by Article 3(1)(d) of 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(a); and

(b) where Part III applies, the certificate referred to in regulation 14(2)(b);

“import” means brought into Northern Ireland by any means whatsoever;

“importer” in relation to any imported animal or animal product means any person who, whether as owner, consignor, consignee, agent or broker, is in possession of or in any way entitled to the custody or control of that animal or product;

“Member State” means any Member State of the European Communities other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;

“official veterinary surgeon”, except in regulation 11, means a veterinary surgeon appointed by the Department for the purposes of these Regulations;

“veterinary inspector” means any person appointed by the Department for the purposes of these Regulations.

(2) Any other expressions used in these Regulations have the meaning they bear in Council Directive 90/425/EEC and Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries(b).

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(4) Any reference in these Regulations to a Directive listed in Schedule 1 or 2 is a reference to that Directive as amended by the instruments listed in those Schedules as amending it.

(5) All notices served on any person under these Regulations:

(a) shall be in writing;

(b) may be made subject to such conditions as are specified therein; and

(c) may be amended, suspended or revoked by a further notice in writing served on the same person at any time.

(a) O.J. No. L224, 18.8.90, p. 29

(b) O.J. No. L268, 24.9.91, p. 56

(c) 1954 c. 33 (N.I.)

Exception

3. These Regulations shall not apply in relation 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.

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part shall apply in relation to trade between Northern Ireland and any Member State in live animals and all animal products which are—

- (a) the subject of the Directives listed in Schedule 2; or
- (b) specified in Schedule 3;

and which originate within the European Communities or are in free circulation therein except aquaculture products for human consumption which are subject to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(a).

Exports

5. A person shall not export, or consign for export, to a Member State any animals or animal products unless—

- (a) in the case of animals or animal products which are subject to one or more of the Directives listed in Schedule 2, they comply 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 animal health requirements of legislation regulating imports into the Member State of destination, and, when required by a Directive listed in Schedule 2 or by the Member State of destination, are accompanied by export health certification signed by a veterinary inspector and any other document required by that Directive or the Member State of destination;
- (b) in the case of animals or animal products specified in Schedule 3, they fulfil all the animal health requirements of legislation regulating imports into the Member State of destination and, when required by the Member State of destination, are accompanied by export health certification signed by a veterinary inspector and any other document required by the Member State of destination.

(a) O.J. No. L46, 19.2.91, p. 1

Imports

6. A person shall not import from a Member State any animals or animal products subject to a Directive listed in Schedule 2 unless they comply with the relevant provisions of that Directive, any additional requirements specified in relation thereto in Schedule 2 and any additional animal health requirements of legislation regulating imports into Northern Ireland.

Transport of animals and animal products

7.—(1) A person shall not transport any animals or animal products which are being exported to a Member State, or which are being imported from a Member State to the address to which they are consigned, unless the animals or animal products are accompanied by export health certification.

(2) A person shall not deliver any animals or animal products imported from a Member State other than to the address specified in the export health certification which accompanies them unless required to do so by a notice served on him by the Department.

Registration of dealers

8.—(1) If required to do so by a notice served on him by the Department, a dealer shall register as such and shall give to the Department such undertakings as to compliance with these Regulations as shall be specified in the notice.

(2) Any dealer on whom a notice has been served under paragraph (1) shall keep a record of all consignments of animals and animal products delivered to him in the course of trade to which this Part applies and, where any such consignment is divided up or subsequently marketed, of the subsequent destination of the animals or animal products comprising it, and shall keep such records for 12 months from the date of delivery of the consignment.

(3) The requirements of paragraph (2) are without prejudice to the requirements of any other legislation requiring the keeping, or retention, of records in relation to any animals or animal products to which that paragraph applies.

Inspection and checking at destination

9.—(1) For the purpose of ensuring that—

(a) in the case of animals and animal products subject to one or more of the Directives listed in Schedule 2, the relevant requirements of those Directives (including requirements as to documentation); or

(b) in the case of animals and animal products specified in Schedule 3, the animal health requirements of legislation regulating imports into Northern Ireland (including requirements as to documentation),

have been complied with, a veterinary inspector may at all reasonable times inspect at the address to which they have been consigned, all animals and animal products imported from a Member State.

(2) In addition to the powers exercisable by him under paragraph (1), a veterinary inspector may inspect animals and animal products imported from

a Member State and their accompanying documentation anywhere and at any time if he has any information leading him to suspect that:

- (a) in the case of animals and animal products subject to one or more of the Directives listed in Schedule 2 the relevant requirements of those Directives; or
- (b) in the case of those animals and animal products specified in Schedule 3, the animal health requirements of legislation regulating imports into Northern Ireland,

have not been complied with.

(3) Any powers conferred by regulation 20 shall only be exercised in accordance with this regulation in relation to animals or animal products imported from a Member State until they reach the address to which they have been consigned and at that place.

Duties on consignees

10.—(1) A person shall not accept delivery of a consignment of animals or animal products (other than the registered horses referred to in the third indent of Article 5(2)(a) of Council Directive 90/425/EEC) unless the Department has been notified, at least 24 hours in advance, of the anticipated date of delivery of that consignment, of its nature and of the address to which it is consigned.

(2) A consignee of animals and animal products imported from a Member State shall retain all documentation required by these Regulations to accompany the consignment for 12 months from the date of delivery of the consignment.

(3) The requirements of paragraph (2) are without prejudice to the requirements of any other legislation requiring the keeping, or retention, of records in relation to any animals or animal products to which that paragraph applies.

Duties on consignees relating to animals

11.—(1) Where animals are consigned to a market or assembly point approved by the Department under Part III of the Sales, Markets and Lairs Order (Northern Ireland) 1975(a) for the purposes of intra-Community trade, the district council or other person in charge of that market or assembly point shall ensure that no animal is admitted thereto unless it complies with Article 3(1) of Council Directive 90/425/EEC.

(2) Where any animals imported from a Member State are consigned to a slaughterhouse, the official veterinary surgeon for that slaughterhouse shall carry out such inspections as are necessary to discover whether the animals comply with Article 3(1) of Council Directive 90/425/EEC, and if they do not he shall, subject to paragraph (3), ensure that they are not slaughtered.

(a) S.R. 1975 No. 294 to which there is an amendment not relevant to the subject matter of these Regulations

(3) If, in carrying out inspections under paragraph (2), an official veterinary surgeon establishes that any animals imported from a Member State are accompanied by incorrect documentation or cannot readily be identified, he shall by notice in writing served on the person appearing to him to have charge of the animals, either—

- (a) certify that they are fit to be slaughtered and used for their intended purpose; or
- (b) require that the animals be slaughtered and destroyed or re-exported, in each case at the expense of the importer.

(4) Where a person markets any animals consigned to him from a Member State, or divides up any consignment of such animals for distribution or marketing and paragraphs (1) and (2) do not apply in relation to such animals he shall—

- (a) check, before the consignment is divided up or marketed, that all the animals subject to the Directives listed in Schedule 2 comply with the relevant provisions of those Directives, and that all animals specified in Schedule 3 comply with the animal health requirements of legislation regulating imports into Northern Ireland, with respect to identification marks and accompanying documentation;
- (b) forthwith notify the Department of any irregularity or anomaly in that documentation or identification; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive 90/425/EEC in relation to any animals, isolate the animals in question until the Department has either—
 - (i) authorised their release in writing; or
 - (ii) has served a notice under regulation 12(2) in relation to them.

(5) In this regulation “official veterinary surgeon” in relation to any slaughterhouse means the person appointed by the Department for the purposes of supervising that slaughterhouse.

Illegal consignments

12.—(1) If the Department knows of or suspects the presence of agents responsible for a disease referred to in Schedule 4 or a zoonosis, disease or any cause likely to constitute a serious hazard to public or animal health, in animals or animal products imported from a Member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, it may by notice served on the person appearing to it 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 other action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of a zoonosis, disease or anything which constitutes a serious hazard to public or animal health into or within Northern Ireland;
- (b) in the case of animals, without delay, to slaughter them, or slaughter and destroy them, or cause them to be slaughtered or slaughtered and destroyed; or

(c) in the case of animal products, destroy them or cause them to be destroyed, in accordance with such conditions as may be specified in the notice.

(2) Subject to paragraph (3), if the Department knows of or suspects that any animals or animal products imported from any Member State do not comply with the provisions of Article 3 of Council Directive 90/425/EEC, it may, by a notice served on the person appearing to it to be in charge of the animals or animal products, if animal health and welfare considerations so permit, give the consignor thereof or his representative, the choice of—

(a) where the cause of non-compliance is the presence in the animals or products concerned of a level of residues in excess of that permitted by any legislation, maintenance of the animals or products under supervision until all such provisions on residues are complied with and, in the event of a continuing failure to comply with that legislation, application of the measures provided for therein; 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 dispatch, with the authorisation of the competent authority of that Member State and with prior notification to any Member State of transit.

(3) If the only way in which the animals or products to which paragraph (2) relates fail to comply with the provisions of Council Directive 90/425/EEC referred to in that paragraph is absence of, or irregularity in, documentation, the Department shall not cause the animals or products to be returned to the country of dispatch unless it gives the consignor thereof, or his representative, a notice requiring him to produce the correct documentation within 7 days and where such a notice is given the consignor or his representative shall, until the expiry of that period, detain the animals or products to which it relates in accordance with such conditions as may be specified in the notice.

(4) In the event of a notice under this regulation not being complied with the Department shall be empowered to 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 in charge of the animals and products to which a notice under this regulation relates shall be jointly and severally liable for the costs of any action taken under this regulation.

PART III

THIRD COUNTRY TRADE

Application

13. This Part shall apply in relation to imports into Northern Ireland—

(a) from any place outside the European Communities of any animals;

- (b) from any place inside the European Communities of any animals originating outside those Communities and which are not in free circulation therein.

Imports

14.—(1) A person shall not import any animal directly from a place outside the European Communities.

(2) A person shall not import any animals from a Member State, Great Britain, the Isle of Man or any of the Channel Islands unless—

- (a) all the checks required under Council Directive 91/496/EEC have been carried out in relation to those animals at a border inspection post; and
- (b) they are accompanied by the certificate of examination and the authenticated copy of the original health certificate issued at the border inspection post under Article 7(1) of Council Directive 91/496/EEC.

(3) A person shall not import from a Member State, Great Britain, the Isle of Man or any of the Channel Islands any animal to which a Decision listed in Schedule 5 applies which originated in a country referred to in that Decision except in accordance with the relevant provisions of those Decisions and any options exercised by the Department under those Decisions, including those set out in that Schedule:

Import procedure

15. The provisions of regulations 7 to 12 shall apply in relation to imports of animals to which this Part applies as they apply in relation to imports of animals to which Part II applies as if for the references in regulations 11(2) and 12(2) to Article 3 of Council Directive 90/425/EEC there were substituted references to the animal health requirements of legislation regulating imports to which this Part applies.

Arrival at place of destination

16. On arrival at the address to which they have been consigned, animals for breeding and production imported in accordance with this Part shall be detained at that place by the person having control of those premises, and he shall not release them from those premises unless authorised to do so in writing by the Department.

Illegal consignments

17.—(1) Where animals are imported in contravention of this Part, the Department may, by notice in writing, require the person appearing to it to be in charge of the animals to detain and isolate them in accordance with the requirements specified in the notice.

(2) The Department shall cause to be carried out an examination of any animals to which a notice given under paragraph (1) relates and following that examination shall by a further notice on the person appearing to it to be in charge of the animals either—

- (a) require the animals to be brought to the place specified in the notice;
- (b) require the animals to be slaughtered or slaughtered and destroyed or re-exported outside the European Communities; or
- (c) revoke the notice given under paragraph (1).

(3) In the event of a notice under this regulation not being complied with, the Department shall be empowered to seize the animals to which it relates or cause them to be seized and arrange for the requirements of the notice to be complied with.

(4) The consignor, his representative and the person in charge of any animals to which a notice under this regulation relates shall be jointly and severally liable for the costs of any action taken in relation to those animals under this regulation.

PART IV

GENERAL

Outbreaks of disease in other countries

18.—(1) This regulation shall apply where the Department 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 country outside the United Kingdom of a disease referred to in Schedule 4, a zoonosis or any other disease or cause liable to constitute a serious hazard to public or animal health.

(2) In the circumstances described in paragraph (1) the Department may, for the purpose of preventing the introduction or spreading into or within Northern Ireland of any zoonosis, disease or anything which constitutes a serious hazard to public or animal health, by a declaration to be published in such manner as it thinks fit, give notice of the existence thereof in another country, the area subject to the outbreak and the types of animal or animal product affected.

(3) A declaration made under this regulation may specify conditions under which any animals or animal products which are the subject of the declaration may be imported.

(4) Upon a declaration being made under this regulation, the entry into Northern Ireland of any animals or animal products which are the subject of the declaration shall be in breach of the conditions of import in these Regulations unless it complies with the conditions specified in the declaration.

Notification of decisions

19. If the consignor of any animals or animal products intended to be imported, or his representative, so requests, any decision taken under these Regulations refusing importation or varying the conditions of importation shall be forwarded to him in writing, giving the reasons for the decision, and the details of his rights to challenge the decision, including the relevant time limits.

Powers of veterinary inspectors

20.—(1) Subject to regulation 9 (including that regulation as applied by regulation 15), a veterinary inspector shall, on producing, if required to do so, a duly authenticated document showing his authority, have the right at all reasonable hours to enter any premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) A veterinary 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 persons on any premises are complying with the requirements of the Directives listed in Schedule 2 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 or animal products imported from a Member State at their place of destination;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations;
- (e) take with him a representative of the European Commission, who is acting for the purposes of Council Directives 90/425/EEC or 91/496/EEC.

(3) In this regulation “premises” includes any place, installation, vehicle, container, ship, vessel, boat, craft, hovercraft or aircraft.

Obstruction

21.—(1) A person shall not—

- (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.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

22.—(1) A person who contravenes regulation 21(1)(a) or (b) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or to imprisonment for a term not exceeding three months or to both.

(2) A person who contravenes any other provision of these Regulations shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding £2,000 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

23. The statutory provisions listed in column 2 of Schedule 6 shall not apply in relation to—

(a) trade between Northern Ireland and a Member State in animals and animal products subject to one or more of the Directives listed in Schedule 2; or

(b) imports of animals to which a Decision listed in Schedule 5 applies from the country referred to in that Decision,

to the extent specified opposite thereto in column 3;

Revocations

24. The statutory provisions listed in Schedule 7 are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 5th July 1993.

(L.S.)

P. T. Toal

Assistant Secretary

Amendments to Directives

1. Council Directive 90/425/EEC has been amended by, and must be read subject to:

- Council Directive 90/539/EEC (O.J. No. L303, 31.10.90, p. 6);
- Council Directive 90/667/EEC (O.J. No. L363, 27.12.90, p. 51);
- Council Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1);
- Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1);
- Council Directive 91/68/EEC (O.J. No. L46, 19.2.91, p. 19);
- Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37);
- Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
- Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
- Council Directive 92/60/EEC (O.J. No. L268, 14.9.92, p. 75);
- Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
- Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49).

2. Council Directive 91/496/EEC has been amended by, and must be read subject to:

- Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
- Commission Decision 92/424/EEC (O.J. No. L232, 14.8.92, p. 34);
- Commission Decision 92/431/EEC (O.J. No. L237, 20.8.92, p. 23);
- Commission Decision 92/432/EEC (O.J. No. L237, 20.8.92, p. 29);
- Council Decision 92/438/EEC (O.J. No. L243, 25.8.92, p. 27);
- Commission Decision 92/527/EEC (O.J. No. L332, 18.11.92, p. 22);
- Commission Decision 93/79/EEC (O.J. No. L30, 6.2.93, p. 66);
- Commission Decision 93/83/EEC (O.J. No. L35, 11.2.93, p. 16).

Measures to be complied with**I. VETERINARY LEGISLATION**

1. Council Directive 64/432/EEC of 26th June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine;

O.J. No. 121, 29.7.64, p. 1977 (Special Edition 1963-64, p. 164), as amended by:

Council Directive 66/600/EEC (O.J. No. 192, 23.10.66, p. 3294; Special Edition 1965-66, p. 234);

Council Directive 71/285/EEC (O.J. No. L175, 9.8.71, p. 1; Special Edition 1971 (II), p. 649);

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 (O.J. No. L73, Special Edition, 27.3.72);

Council Directive 73/150/EEC (O.J. No. L172, 28.6.73, p. 18);

Council Directive 77/98/EEC (O.J. No. L26, 31.1.77, p. 81);

Council Directive 79/109/EEC (O.J. No. L29, 3.2.79, p. 20);

The Act concerning the conditions of accession of the Hellenic Republic to the European Communities (O.J. No. L291, 19.11.79, p. 17);

Council Directive 79/111/EEC (O.J. No. L29, 3.2.79, p. 26);

Council Directive 80/219/EEC (O.J. No. L47, 21.2.80, p. 25);

Council Directive 80/1098/EEC (O.J. No. L323, 1.12.80, p. 11);

Council Directive 80/1274/EEC (O.J. No. L375, 31.12.80, p. 75);

Council Directive 82/61/EEC (O.J. No. L29, 6.2.82, p. 13);

Council Directive 83/642/EEC (O.J. No. L358, 22.12.83, p. 41);

Council Directive 84/643/EEC (O.J. No. L339, 27.12.84, p. 27);

Council Directive 84/644/EEC (O.J. No. L339, 27.12.84, p. 30);

Council Directive 85/320/EEC (O.J. No. L168, 28.6.85, p. 36);

Council Directive 85/586/EEC (O.J. No. L372, 31.12.85, p. 44);

Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);

Council Decision 87/231/EEC (O.J. No. L99, 11.4.87, p. 18);

Council Directive 87/489/EEC (O.J. No. L280, 3.10.87, p. 28);

Council Directive 88/406/EEC (O.J. No. L194, 22.7.88, p. 1);

Council Directive 89/360/EEC (O.J. No. L153, 6.6.89, p. 29);

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

Council Directive 90/422/EEC (O.J. No. L224, 18.8.90, p. 9);

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

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

Commission Decision 91/13/EEC (O.J. No. L8, 11.1.91, p. 26);

Council Directive 91/499/EEC (O.J. No. L268, 24.9.91, p. 107);

Council Directive 91/687/EEC (O.J. No. L377, 31.12.91, p. 16);

Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
Council Directive 92/102/EEC (O.J. No. L355, 5.12.92, p. 32)..

Relevant provisions: Articles 3.2 to 3.7, 3.10, 4, 4(a) to (b), 6, 9, 9(a) to (b) and 10.

- (a) The official health certification accompanying cattle and swine imported into Northern Ireland must confirm that the animals in question have never been vaccinated against Foot and Mouth Disease.
- (b) The official health certificate accompanying all cattle exported from Northern Ireland must contain the statement "They are animals in accordance with Commission Decision 89/469/EEC of 28th July 1989 as amended by Commission Decision 90/261/EEC of 8th June 1990 concerning certain protection measures relating to bovine spongiform encephalopathy in the United Kingdom" (O.J. Nos. L225, 3.8.89, p. 51 and L146, 9.6.90, p. 29).
- (c) The official health certificate accompanying all cattle imported into Northern Ireland from Portugal must contain the statement "Live cattle in accordance with Commission Decision 91/52/EEC on contagious bovine pleuropneumonia" (O.J. No. L34, 6.2.91, p. 12).
- (d) The official health certificate accompanying all cattle imported into Northern Ireland from Italy must contain the statement "Live cattle in accordance with Commission Decision 91/56/EEC on contagious bovine pleuro-pneumonia" (O.J. No. L35, 7.2.91, p. 29).
- (e) The official health certificate accompanying all cattle exported from Northern Ireland to Denmark must contain the statement "bovines in accordance with Commission Decision 93/42/EEC of 21st December 1992 concerning infectious bovine rhinotracheitis for bovines being sent to Denmark" (O.J. No. L16, 25.1.93, p. 50).

2. Council Directive 88/407/EEC of 14th June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species;

O.J. No. L194, 22.7.88, p. 10 as amended by:

Council Directive 90/120/EEC (O.J. No. L71, 17.3.90, p. 37);

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29).

Relevant provisions: Articles 3, 4.1 and 6.

3. Council Directive 89/556/EEC of 25th September 1989 on animal health conditions concerning intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species;

O.J. No. L302, 19.10.89, p. 1 as amended by:

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29).

Relevant provisions: Articles 3, 4.1 and 6.

The official health certificate accompanying all embryos of domestic animals of the bovine species exported from Northern Ireland must contain the statement "Embryos in accordance with Commission Decision 92/290/EEC concerning bovine spongiform encephalopathy" (O.J. No. L152, 4.6.92, p. 37).

4. Council Directive 90/426/EEC of 26th June 1990 on health conditions governing the movement of equidae and their import from third countries;

O.J. No. L224, 18.8.90, p. 42, which was amended by, and must be read subject to:

Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
Commission Decision 90/552/EEC (O.J. No. L313, 13.11.90, p. 38);
Commission Decision 90/553/EEC (O.J. No. L313, 13.11.90, p. 40);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Commission Decision 91/645/EEC (O.J. No. L349, 18.12.91, p. 43);
Council Directive 92/36/EEC (O.J. No. L157, 10.6.92, p. 28);
Commission Decision 92/101/EEC (O.J. No. L39, 15.2.92, p. 46);
Commission Decision 92/130/EEC (O.J. No. L47, 22.2.92, p. 26);
Commission Decision 92/531/EEC (O.J. No. L334, 19.11.92, p. 34).
Relevant provisions: Articles 4, 5, 7.1 to 7.2 and 8.

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 accompanied by an identification document provided for in Council Directive 90/427/EEC of 26th June 1990 (O.J. No. L224, 18.8.90, p. 55).

5. Council Directive 90/429/EEC of 26th June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species;

O.J. No. L224, 18.8.90, p. 62.

Relevant provisions: Articles 3, 4.1 to 4.2 and 6.1.

The official health certification accompanying all porcine semen imported into Northern Ireland from any 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.

6. Council Directive 90/539/EEC of 15th October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs;

O.J. No. L303, 30.10.90, p. 6 as amended by:

Council Directive 91/494/EEC (O.J. No. L268, 24.9.91, p. 35);

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

Commission Decision 92/369/EEC (O.J. No. L195, 14.7.92, p. 25).

Relevant provisions: Articles 6 to 11, 12.1 and 13 to 17.

7. Council Directive 90/667/EEC of 27th November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feeding stuffs of animal or fish origin;

O.J. No. L363, 27.12.90, p. 51.

Relevant provisions: Articles 3 and 5.

8. Council Directive 91/67/EEC of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products;

O.J. No. L46, 19.2.91, p. 1 as read with:

Commission Decision 92/528/EEC (O.J. No. L332, 18.11.92, p. 25);

Commission Decision 92/538/EEC (O.J. No. L347, 28.11.92, p. 67);

Commission Decision 93/22/EEC (O.J. No. L16, 25.1.93, p. 8);

Commission Decision 93/39/EEC (O.J. No. L16, 25.1.93, p. 46);

Commission Decision 93/40/EEC (O.J. No. L16, 25.1.93, p. 47);

Commission Decision 93/44/EEC (O.J. No. L16, 25.1.93, p. 53);

Commission Decision 93/55/EEC (O.J. No. L14, 22.1.93, p. 24) as amended by:

Commission Decision 93/169/EEC (O.J. No. L71, 24.3.93, p. 16);

Commission Decision 93/56/EEC (O.J. No. L14, 22.1.93, p. 25);

Commission Decision 93/57/EEC (O.J. No. L14, 22.1.93, p. 26);

Commission Decision 93/58/EEC (O.J. No. L14, 22.1.93, p. 27);

Commission Decision 93/59/EEC (O.J. No. L14, 22.1.93, p. 28);

Commission Decision 93/73/EEC (O.J. No. L27, 4.2.93, p. 34);

Commission Decision 93/74/EEC (O.J. No. L27, 4.2.93, p. 35).

Relevant provisions: Articles 3, 4, 7 to 11, 14 and 16.

9. Council Directive 91/68/EEC of 28th January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals;

O.J. No. L46, 19.2.91, p. 19, as read with:

Commission Decision 93/52/EEC (O.J. No. L13, 21.1.93, p. 14);

Commission Decision 93/77/EEC (O.J. No. L30, 6.2.93, p. 63).

Relevant provisions: Articles 4 to 9.

(a) Only ovine and caprine animals which have never been vaccinated against Foot and Mouth Disease may be imported into Northern Ireland.

(b) 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 Northern Ireland.

(c) The official health certification accompanying all sheep and goats for fattening and breeding imported into Northern Ireland 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.

10. Council Directive 91/628/EEC of 19th November 1991 on the protection of animals during transport;

O.J. No. L340, 11.12.91, p. 17.

Relevant provisions: Articles 4, 6, 8, 11 and 15.

II. ZOOTECHNICAL LEGISLATION

11. Council Directive 77/504/EEC of 25th July 1977 on pure-bred breeding animals of the bovine species;

O.J. No. L206, 12.8.77, p. 8 as amended by:

The Act concerning the conditions of accession of the Hellenic Republic to the European Communities (O.J. No. L291, 19.11.79, p. 17);

- Council Directive 79/268/EEC (O.J. No. L62, 13.3.79, p. 5);
Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);
Council Directive 85/586/EEC (O.J. No. L372, 31.12.85, p. 44);
Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37).

12. Council Directive 88/661/EEC of 19th December 1988 on the zootechnical standards applicable to breeding animals of the porcine species;

O.J. No. L382, 31.12.88, p. 36.

13. Council Directive 89/361/EEC of 30th May 1989 concerning pure-bred breeding sheep and goats;

O.J. No. L153, 6.6.89, p. 30.

14. Council Directive 90/427/EEC of 26th June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae;

O.J. No. L224, 18.8.90, p. 55.

Animals and Animal Products not covered by Community Legislation

- A. Other live animals not covered by Schedule 2 Part I.
- B. Semen, ova, embryos and pathogens not covered by Schedule 2 Part I.

List of Diseases

Foot and mouth disease (FMD)
Classical swine fever (CSF)
African swine fever (ASF)
Swine vesicular disease (SVD)
Newcastle disease (ND)
Rinderpest
Peste des petits ruminants (PPR)
Vesicular stomatitis (VS)
Blue tongue
African horse sickness (AHS)
Viral equine encephalomyelitis
Teschen disease
Avian influenza
Sheep and goat pox
Lumpy skin disease
Rift valley fever
Contagious bovine pleuro-pneumonia
Bovine spongiform encephalopathy
Infectious haematopoietic necrosis

Community Legislation on Third Countries

1. Council Directive 72/462/EEC of 12th December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (O.J. No. L302, 31.12.72, p. 28), as amended by:

- Council Directive 89/227/EEC (O.J. No. L93, 6.4.89, p. 25);
- Council Directive 90/423/EEC (O.J. No. L224, 18.8.90, p. 13);
- Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
- Council Directive 91/69/EEC (O.J. No. L46, 19.2.91, p. 37);
- Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
- Council Directive 91/497/EEC (O.J. No. L268, 24.9.91, p. 69);
- Council Directive 91/688/EEC (O.J. No. L377, 31.12.91, p. 18).

2. Council Decision 79/542/EEC of 21st December 1976 drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products (O.J. No. L146, 14.6.79, p. 15), as amended by:

- Commission Decision 93/100/EEC (O.J. No. L40, 17.2.93, p. 23);
- Commission Decision 93/237/EEC (O.J. No. L108, 1.5.93, p. 129).

3. Commission Decision 83/494/EEC of 27th September 1983 concerning animal health conditions and veterinary certification for the importation of domestic animals of the bovine and porcine species from Canada (O.J. No. L273, 6.10.83, p. 37).

The official health certification accompanying all cattle imported into Northern Ireland from Canada must state that the animals do not originate from herds in the geographic region of the Okanagan Valley in British Columbia as defined by Commission Decision 88/212/EEC of 9th March 1988 on health protection measures concerning blue tongue in respect of Canada (O.J. No. L95, 13.4.88, p. 21). Cattle imported from Canada may only land in Northern Ireland between 1st February and 15th April inclusive.

4. Commission Decision 91/190/EEC of 25th February 1991 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Austria (O.J. No. L96, 17.4.91, p. 16).

The official health certification accompanying all cattle imported into Northern Ireland from Austria must state that the animals have never been vaccinated against Foot and Mouth Disease.

5. Commission Decision 92/260/EEC of 10th April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses (O.J. No. L130, 15.5.92, p. 67).

6. Commission Decision 92/322/EEC of 10th June 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Hungary (O.J. No. L177, 30.6.92, p. 1), as amended by:

- Commission Decision 93/20/EEC (O.J. No. L16, 25.1.93, p. 5).

The official health certification accompanying all cattle imported into Northern Ireland from Hungary must state that the animals have never been vaccinated against Foot and Mouth Disease.

7. Commission Decision 92/323/EEC of 10th June 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Poland (O.J. No. L177, 30.6.92, p. 18).

The official health certification accompanying all cattle imported into Northern Ireland from Poland must state that the animals have never been vaccinated against Foot and Mouth Disease.

8. Commission Decision 92/324/EEC of 10th June 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Czechoslovakia (O.J. No. L177, 30.6.92, p. 35).

The official health certification accompanying all cattle imported into Northern Ireland from Czechoslovakia must state that the animals have never been vaccinated against Foot and Mouth Disease.

9. Commission Decision 92/325/EEC of 10th June 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Bulgaria (O.J. No. L177, 30.6.92, p. 52).

The official health certification accompanying all cattle imported into Northern Ireland from Bulgaria must state that the animals have never been vaccinated against Foot and Mouth Disease.

10. Commission Decision 92/401/EEC of 31st July 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Norway (O.J. No. L224, 8.8.92, p. 1).

11. Commission Decision 92/402/EEC of 31st July 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Romania (O.J. No. L224, 8.8.92, p. 18).

The official health certification accompanying all cattle imported into Northern Ireland from Romania must state that the animals have never been vaccinated against Foot and Mouth Disease.

12. Commission Decision 92/460/EEC of 2nd September 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Switzerland (O.J. No. L261, 7.9.92, p. 1).

13. Commission Decision 92/461/EEC of 2nd September 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Sweden (O.J. No. L261, 7.9.92, p. 18).

14. Commission Decision 92/462/EEC of 2nd September 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Finland (O.J. No. L261, 7.9.92, p. 34).

15. Commission Decision 92/463/EEC of 2nd September 1992 concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Iceland (O.J. No. L261, 7.9.92, p. 50).

16. Commission Decision 93/181/EEC of 29th January 1993 on animal health conditions and veterinary certificates for the importation of domestic animals of the bovine species and health protection measures in respect of imports of domestic animals of the porcine species from Latvia (O.J. No. L78, 31.3.93, p. 1).

The official health certification accompanying all cattle imported into Northern Ireland from Latvia must state that the animals have never been vaccinated against Foot and Mouth Disease.

The importation into Northern Ireland from Latvia of domestic animals of the porcine species is prohibited.

17. Commission Decision 93/182/EEC of 29th January 1993 on animal health conditions and veterinary certificates for the importation of domestic animals of the bovine species and health protection measures in respect of imports of domestic animals of the porcine species from Slovenia (O.J. No. L78, 31.3.93, p. 11).

The official health certification accompanying all cattle imported into Northern Ireland from Slovenia must state that the animals have never been vaccinated against Foot and Mouth Disease.

The importation into Northern Ireland from Slovenia of domestic animals of the porcine species is prohibited.

18. Commission Decision 93/183/EEC of 29th January 1993 on animal health conditions and veterinary certificates for the importation of domestic animals of the bovine species and health protection measures in respect of imports of domestic animals of the porcine species from Lithuania (O.J. No. L78, 31.3.93, p. 21).

The official health certification accompanying all cattle imported into Northern Ireland from Lithuania must state that the animals have never been vaccinated against Foot and Mouth Disease.

The importation into Northern Ireland from Lithuania of domestic animals of the porcine species is prohibited.

19. Commission Decision 93/184/EEC of 29th January 1993 on animal health conditions and veterinary certificates for the importation of domestic animals of the bovine species and health protection measures in respect of imports of domestic animals of the porcine species from Estonia (O.J. No. L78, 31.3.93, p. 31).

The official health certification accompanying all cattle imported into Northern Ireland from Estonia must state that the animals have never been vaccinated against Foot and Mouth Disease.

The importation into Northern Ireland from Estonia of domestic animals of the porcine species is prohibited.

20. Commission Decision 93/195/EEC of 2nd February 1993 on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export (O.J. No. L86, 6.4.93, p. 1).

21. Commission Decision 93/196/EEC of 5th February 1993 on animal health conditions and veterinary certification for imports of equidae for slaughter (O.J. No. L86, 6.4.93, p. 7).

22. Commission Decision 93/197/EEC of 5th February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production (O.J. No. L86, 6.4.93, p. 16).

The pre-export laboratory tests in respect of equidae imported into Northern Ireland from Belarus, Estonia, Latvia, Lithuania, Russia and the Ukraine must be carried out by the Institute of Animal Health, Pirbright in the case of vesicular stomatitis and by the Central Veterinary Laboratory, Weybridge in the case of equine viral arteritis, infectious anaemia, dourine and glanders. The certified test results must be attached to the official health certification accompanying each animal.

23. Commission Decision 93/198/EEC of 17th February 1993 laying down a model for the animal health conditions and veterinary certification for the importation of domestic ovine and caprine animals from third countries (O.J. No. L86, 6.4.93, p. 34):

Disapplication of Legislation

1 <i>Number</i>	2 <i>Title</i>	3 <i>Extent</i>
S.R. & O. (N.I.) 1953 No. 87 (p. 12)	Horses (Sea Transport) Order (Northern Ireland) 1953	Article 3
S.R. & O. (N.I.) 1963 No. 178	Diseases of Animals (Unlawful Importations) Order (Northern Ireland) 1963	Articles 4 and 6
S.R. & O. (N.I.) 1965 No. 175 as amended by S.R. & O. (N.I.) 1968 No. 106, S.R. 1985 No. 162 and S.R. 1992 No. 199.	Diseases of Animals (Importation of Poultry) Order (Northern Ireland) 1965	The whole Order except that Article 4 shall continue to apply to domestic fowl and their hatching eggs.
S.R. 1967 c. 7 (N.I.)	Diseases of Fish Act (Northern Ireland) 1967	Section 3
S.R. 1973 No. 392	Risk of Infection (Oysters) Order (Northern Ireland) 1973	The whole Order
S.I. 1975/1834 (N.I. 17)	Artificial Reproduction of Animals (Northern Ireland) Order 1975	Article 6(1)
S.R. 1982 No. 99	Lobsters (Risk of Infection) Order (Northern Ireland) 1982	The whole Order
S.R. 1986 No. 253	Importation of Animals Order (Northern Ireland) 1986	Articles 3, 6(1) and (2), 7 to 11, 13 to 15, 16(2) and Schedule 3
S.R. 1991 No. 458	Risk of Infection (Fish) Order (Northern Ireland) 1991	The whole Order

Revocations

1 <i>Number</i>	2 <i>Title</i>	3 <i>Extent of Revocation</i>
S.R. & O. (N.I.) 1923 No. 1076 (p. 81)	Exportation of Animals (Northern Ireland) Order 1923	The whole Order
S.R. & O. (N.I.) 1939 No. 109	Exportation of Animals (Northern Ireland) (Amendment) Order 1939	The whole Order
S.R. & O. (N.I.) 1973 No. 2	Diseases of Animals (Importation of Semen) Order (Northern Ireland) 1973	The whole Order
S.R. 1975 No. 205	Exportation of Animals (Amendment) Order (Northern Ireland) 1975	Article 3
S.R. 1979 No. 267	Diseases of Animals (Export Health Certificates) Order (Northern Ireland) 1979	The whole Order
S.R. 1983 No. 187	Movement of Pigeons Order (Northern Ireland) 1983	The whole Order

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Council Directive 90/425/EEC ('the Directive') concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and animal products with a view to the completion of the single market (O.J. 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 (O.J. No. L268, 24.9.91, p. 56).

With respect to intra-Community trade, the Regulations prohibit the export, import or transport of any animal or animal product to which the Directive applies except in accordance with the Directive and create a procedure for the registration of dealers in animals and animal products (regulations 5 to 8).

The Regulations give to veterinary inspectors the powers of inspection and examination specified in the Directive, together with necessary powers of entry (regulations 9 and 20).

These Regulations also place duties on consignees of animals and animal products, and specify the procedure to be followed in the event of a consignment of animals being imported illegally (regulations 10 to 12).

With respect to importation of animals from third countries, the Regulations prohibit the direct import into Northern Ireland of any animal from outside the Community and regulate the import of animals originating outside the European Communities but in respect of which all the necessary checks provided for in Council Directive 91/496/EEC and Council Directive 91/628/EEC have been carried out in Great Britain or another Member State (regulation 14). They outline the procedure for importation (regulation 15), specify that, at the place of destination, animals for breeding and production may not be released until authorised by the Department (regulation 16) and the procedures to be followed when animals or animal products are imported illegally (regulation 17).

The Regulations also give powers to take action in the event of an outbreak of disease in another country (regulation 18) and make provision for notification of decisions (regulation 19). Regulation 22 provides for penalties for contravention of the Regulations.

The Statutory provisions listed in Schedule 6 no longer apply to animals and animal products in intra-Community trade or animals subject to a Decision listed in Schedule 5 imported from the country referred to in that Decision (regulation 23). In addition various other Statutory provisions listed in Schedule 7 which regulate trade in animals and animal products are revoked in their entirety (regulation 24).