

**2010 No. 380**

**EUROPEAN COMMUNITIES**

**ANIMALS**

**The Animals and Animal Products (Import and Export)  
(Amendment) Regulations (Northern Ireland) 2010**

*Made* - - - - - *19th November 2010*

*Coming into operation* - - - - - *17th December 2010*

The Department of Agriculture and Rural Development is 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 Community.

The Department makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 56(1), (2) and (5) of the Finance Act 1973(c) and with the consent of the Department of Finance and Personnel(d) in respect of the powers conferred by section 56.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 17<sup>th</sup> December 2010.

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment to the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006**

2.—(1) The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(f) are amended in accordance with this regulation.

(2) In regulation 2(3) for the definition of “Council Directive 90/539/EEC” substitute the following definition—

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(a) S.I. 2000/2812

(b) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)

(c) 1973 c. 51

(d) Formerly the Department of Finance for Northern Ireland; see S.I. 1982/338 (N.I.6)

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

(f) S.R. 2006 No. 401 as amended by S.R. 2007 No. 224, S.R. 2007 No. 327 and S.R. 2008 No. 53

““Council Directive 2009/158/EC” means Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;”(a).

- (3) For “Council Directive 90/539/EEC” substitute “Council Directive 2009/158/EC”—
- (a) in both places that it occurs in regulation 5(6); and
  - (b) in paragraph 1 (Membership) of Schedule 3 (The Northern Ireland Poultry Health Assurance Scheme).
- (4) For paragraph (7) of regulation 5 (Exports) substitute—
- “(7) An establishment to which paragraph (6)(a) applies is to be considered an approved establishment for the purposes of Article 6(a)(i) of Council Directive 2009/158/EC.”.
- (5) For regulation 9 (Approval of bodies) substitute—

**“Approval of bodies, institutes, centres and teams for the purposes of Council Directive 92/65/EEC and of laboratories for the purposes of Council Directive 2009/158/EC**

9.—(1) For the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, the Department 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 Department 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 Department shall approve any semen collection centre or embryo collection team which has applied to the Department 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 Department shall approve laboratories in accordance with Schedule 4 for the purposes of carrying out the tests for Mycoplasma and Salmonella infections required under Chapter III of Annex II to Council Directive 2009/158/EC.”.

(6) Schedule 3 (The Northern Ireland Poultry Health Assurance Scheme) is amended as follows—

- (a) in paragraph 2 of Part I (Membership) for the words Part 2 substitute—

““Part II”

- (b) in paragraph 3(b) of Part I for the words Part II and Part III substitute—

“Parts II, III and VI”

- (c) for paragraph 1 of Part II (Registration Fee) substitute—

“1. The Department shall charge a registration fee based on the cost of re-inspection by a Departmental veterinary inspector and the associated administrative costs.”.

- (d) for paragraph 3 of Part III (Annual Membership Fee) substitute—

“3. For inspections carried out by an AVI not directly employed by the Department of Agriculture and Rural Development the cost of the inspection is payable directly to the inspector by the operator.”.

- (e) for Part IV (Re-inspection Fee) substitute—

“The Department shall charge a re-inspection fee based on a case-by-case basis. The charge will be composed of—

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(a) O.J. No. L 343, 22.12.2009, p.74

- (i) a charge for the veterinary inspector’s time which includes time spent at the operator’s establishment carrying out the re-inspection and time spent report writing and travelling to and from the operator’s establishment, the rate for which charge will be £48.14 per hour or part thereof; and
  - (ii) 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 is 40 pence per mile.”.
- (f) In Part V (Supplementary Audit Inspection Fee)—
- (i) paragraph 2(c) is revoked;
  - (ii) after paragraph 2 there shall be inserted—
- “3. The supplementary audit inspection fee (referred to in paragraph 7 of Part I of Schedule 3) shall be payable to the Department in respect of each establishment and shall be non-refundable.”.
- (g) After Part V there shall be inserted—

## “PART VI

### THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME FEES

<i>Activity</i>	<i>Fee</i>	<i>Old Fee</i>
Registration and 1st year membership	£209.24	£206.89
Annual membership fee	£9.36	£8.60
Re-inspection fee	Case-by-case	£113.53
Supplementary audit inspection fee	£13.48	£13.69”

(7) For Part I (Approval) of Schedule 4 (Approval of Laboratories under the Northern Ireland Poultry Health Assurance Scheme) substitute—

“1. The Department may approve any laboratory that it considers to be suitable for the purpose of carrying out Salmonella and Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme. A laboratory must be accredited to ISO 17025 in order to be approved under the Scheme.

2. The Department may suspend or revoke an approval granted to a laboratory under regulation 9(4) and paragraph 1 of this Part where it considers that the laboratory cannot meet the conditions on which the approval was granted, or if in its opinion the laboratory otherwise appears no longer suitable for the purposes of carrying out Salmonella and Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme.

3. The Department may end a suspension of an approval imposed under regulation 9(4) and paragraph 2 of this Part if it is satisfied that the laboratory concerned has taken adequate measures to enable it to fulfil the conditions of the approval and is suitable for the purposes of carrying out Salmonella and Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 19<sup>th</sup> November 2010.



*C .McMaster*

A senior officer of the Department of Agriculture and Rural Development

Sealed with the Official Seal of the Department of Finance and Personnel on 19<sup>th</sup> November 2010.



*Jack Layberry*

A senior officer of the Department of Finance and Personnel

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations update fees the Department charges to meet the costs incurred by it for activities required under Council Directive 2009/158/EC as regards the approving and monitoring poultry establishments engaging in intra-Community trade of poultry and hatching eggs.

These Regulations delete references to Council Directive 90/539/EEC (O.J. No. L 303, 31.10.1990, p. 6) which has been codified in Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (O.J. No. L 343, 22.12.2009, p. 74).

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