
STATUTORY INSTRUMENTS

1998 No. 190

**The Animals and Animal Products
(Import And Export) Regulations 1998**

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part of these Regulations shall apply to trade between member State in live animals and all animal products which are the subject of the directives listed in Schedule 3, 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 aquaculture animals and products⁽¹⁾).

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 directives in Schedule 3 unless—

- (a) 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);
- (b) when required by a directive, it is accompanied by an export health certificate signed by a veterinary inspector (or, where specified in a directive, signed by a veterinary surgeon nominated by the exporter) or any other document required by a directive;
- (c) when required by a directive, 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 directive;
- (d) in the case of cattle or pigs, if the animal is acquired through a collection centre as defined in Article 2 of Council Directive [64/432/EEC](#) (on animal health problems affecting intra-Community trade in bovine animals and swine⁽²⁾), that collection centre has been approved by the Minister for the purposes of intra-Community trade, and the collection centre complies with the provisions of that directive; and
- (e) in the case of species other than cattle or pigs, if the animal is exported directly from a market or 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 or assembly centres; and in this sub-paragraph “market or assembly centre” means any place other than a holding where animals are sold, bought or assembled.

(2) If an inspector has reasonable cause to suspect that a person in charge of animals or animal products intends to export them in contravention of this regulation he may by notice served on

(1) OJNo. L46, 19.2.91, p. 1 as amended and read with the provisions listed in paragraph 8 of Schedule 3.

(2) OJ No. L121, 29.7.64, p. 1977 (Special Edition 1963-64, p. 164). For the amendments to this directive see paragraph 1 of Schedule 3.

the consignor, his representative or person 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 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.

Imports

6.—(1) No person shall import from another member State any animal or animal product subject to a directive listed in Schedule 3 and in free circulation in another 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.

(2) If an animal is imported for slaughter, the importer shall ensure that it is slaughtered without undue delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, his representative or person in charge of the animals require the animals to be slaughtered as may be specified in the notice.

(3) In the event of a notice not being complied with an inspector may seize or cause to be seized any animal to which it relates 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 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; and, if an animal or animal product is delivered to an address other than that specified in the consignment documentation, 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 consignment documentation.

(3) 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.

Registration

8.—(1) For the purposes of paragraph (2) below the Minister shall keep a register of dealers engaging in intra-Community trade who have applied for registration in accordance with that paragraph.

(2) 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 with the Minister and shall give him such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) Any person who has registered under paragraph (2) above 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.

(4) No person shall export to another member State any animal to which the provisions of Articles 7, 9 and 10 of 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](#)(3)) apply unless the animal originates from a holding which has been registered with the Minister and the owner or person in charge of that holding has given to the Minister undertakings in accordance with Article 4 of Council Directive [92/65/EEC](#).

Approval of centres and teams

9.—(1) For the purposes of Articles 5 and 13 of Council Directive [92/65/EEC](#), the Minister 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 Minister shall suspend, withdraw or restore the approval referred to in paragraph (1) above in accordance with point 3 of Annex C to that directive.

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the Minister shall approve any semen collection centre or embryo collection team which has applied to the Minister 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 and Annex D to that Directive.

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 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, any additional requirements specified in Schedule 3 and any additional legislation applicable to those animals and animal products in Great Britain have 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 directives listed in Schedule 3, any additional requirements specified in Schedule 3 and any additional legislation applicable to those animals or animal products in Great Britain.

(3) Any powers exercised under regulation 29 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

11.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification documentation provided for by Council Directive [90/427/EEC](#) (on zootechnical and genealogical conditions governing intra-Community trade in equidae(4)) 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 in regulation 11(1) shall be the inspector authorised (in England and Wales by the Minister of Agriculture, Fisheries and Food and in Scotland by him and the Secretary of State for Scotland acting jointly) to receive information about the anticipated date of arrival of

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

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

imported animals or animal products for the area in which the place of destination in Great Britain is situated.

Duties on consignees relating to animals

12.—(1) Where animals are consigned to an approved collection centre as defined in regulation 5(1)(d) or to an approved market or approved assembly centre as defined in regulation 5(1)(e), the operator of the collection centre, 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 regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽⁵⁾ or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽⁶⁾, the official veterinary surgeon 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 a veterinary inspector authorised by the Minister to receive such 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 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, with respect to identification marks and accompanying documentation;
- (b) shall forthwith notify any irregularity or anomaly to a veterinary inspector authorised by the Minister to receive such notification, and
- (c) if there is a breach of Article 3.1.d of the Council Directive [90/425/EEC](#), shall isolate the animals in question until a veterinary inspector authorised by the Minister 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 4 or of a zoonosis, a disease or any cause likely to constitute a serious hazard to animals or humans in 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 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

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

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

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 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 representative or the person appearing to him to have 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 the relevant legislation, 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; 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 consignment fails to comply with legislation only by reason of irregularity in documentation, an inspector shall not cause the animals or animal products to be returned to the country of despatch without first giving the consignor, his representative or the person appearing to him to have charge of those animals or products 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.