

EXPLANATORY MEMORANDUM TO
THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (ENGLAND)
REGULATIONS 2006

2006 No. 1471

- 1** This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This Memorandum contains information for the Joint Committee on Statutory Instruments

2. Description

- 2.1 The Animals and Animal Products (Import and Export) Regulations 2006 (“The AAP Regulations”) regulate intra Community trade of live animals and products, (namely, semen, ova and embryos) and imports from third countries of live animals.

The new AAP Regulations revoke and remake, with changes, the Animals and Animal Products (Import and Export) (England) Regulations 2005 in order to bring the implementation of Community trade requirements up to date at the time of making. This memorandum principally explains these new requirements.

3. Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1. Commission Decision 2000/666/EC (on imports of captive birds) has been implemented in these Regulations. It was previously implemented under article 4 of the Importation of Birds, Poultry and Hatching Eggs Order 1979 (‘the 1979 Order’) by means of a General Licence. Paragraph 7 and the attached Transposition Note explain how implementation has been achieved. The Committee’s attention is drawn to sub-paragraphs 7.2.1, 7.2.3 and 7.2.5 concerning fees provisions which are made in relation to laboratory testing required by or carried out in connection with Commission Decision 2000/666/EC.
- 3.2 The Department is reviewing the provisions applying to quarantine in the light of Professor Nigel Dimmock’s Independent Review of Avian Quarantine Procedures for Captive Birds, reported on 7th December 2005. Further amendments to these Regulations in the coming months are planned.
- 3.3 The Committee may wish to note that Directive 2004/68/EC has been fully implemented by the removal of Directive 72/462/EEC from paragraph 1 of Part I, Schedule 7, and the addition of a new paragraph 2 to Part II of the Regulations.
- 3.4 The Committee may also be interested to note the comments on impacts of the new Regulations in paragraph 10 below.

4. Legislative Background

- 4.1 These Regulations are made under section 2(2) of the European Communities Act 1972, and in respect of charges made by the Secretary of State, under section 56(1) and (2) of the Finance Act 1973. In outline (and this has not changed in the new Regulations), they implement Directive 90/425/EEC relating to intra-Community

trade in live animals and animal products (semen, ova and embryos) and Directive 91/496/EEC relating to imports of live animals from non-EU countries.

The AAP Regulations require that, to be eligible for intra-Community trade, animals and genetic material must meet the provisions of the EU legislation listed in Part I of Schedule 3, and any additional requirements specified in that list. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.

The Regulations require that animals imported from non-EU countries must comply with Council Directive 91/496/EC and the EU legislation set out in Schedule 7. Such animals must enter the Community via an approved Border Inspection Post (BIP) (approved BIPs are listed in Schedule 2), where they are checked to ensure they meet Community requirements. (Animals imported from other Member States may enter England at any port in Great Britain.)

These Regulations are generally enforced by local authorities; however the Secretary of State may direct that he will enforce them instead.

5. Extent

5.1 These Regulations apply to England. Similar legislation will be introduced in Scotland, Wales and Northern Ireland as soon as their procedures will allow.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The objective of Directives 90/425/EEC and 91/496/EEC and the related legislation implemented through the Regulations is to protect the health of animals within the European Community.

7.2 Implementation of Commission Decision 2000/666/EC

- o Commission Decision 2000/666/EC (“the captive birds Decision”) lays down the animal health import conditions, including quarantine requirements, for the import of captive birds (a class which excludes pet birds and poultry and birds destined for certain approved institutes and zoos). The captive birds Decision was previously given effect via article 4 of the Importation of Birds, Poultry and Hatching Eggs Order 1979 (‘1979 Order’). A General Licence was issued under article 4 which permitted imports from specified countries provided that the requirements of the captive birds Decision were complied with. These included a requirement for quarantine at a centre or facility approved by the competent authority. Laboratory testing of quarantined animals is also provided for, together with measures to be taken during quarantine in the event of avian influenza, Newcastle Disease or *Chlamydia psittaci* being found.

- o Under the previous arrangements, the approval of quarantine centres and facilities was operated on a non-statutory basis through examination and assessment of premises by the Department's inspectors, against the requirements of the captive birds Decision.
- o Laboratory testing was, and still is, carried out and charged for by the Veterinary Laboratories Agency, an executive agency of Defra. Article 8 of the captive birds Decision required all costs occasioned by the application of that Decision to be met by the importer. This requirement was imposed as a condition of the General Licence.
- o The changes to the Regulations put implementation of all aspects of the captive birds Decision on a statutory footing, rather than the previous combination of conditions attached to the licences permitting the imports under the 1979 Order, with administrative arrangements.
- o The Regulations now contain a number of provisions implementing the captive birds Decision:
 - They require the health certification provided for in the model form at Annex A to the captive birds Decision (regulation 16(3) and paragraph 6, Part II of Schedule 7) and impose the restrictions in that Decision as to country of origin for such imports (regulation 16(2) and paragraph 3, Part I of Schedule 7).
 - They require birds arriving in England to be taken (after examination at a Border Inspection Post) to an approved quarantine centre/facility; (regulation 18(3)).
 - They provide for a statutory mechanism for the Secretary of State to approve quarantine centres/facilities annually (regulation 19(1) and Part I of Schedule 8), and to review compliance in respect of those existing approvals at the time the Regulations are made.
 - They provide for suspension and revocation of such approvals (regulation 1(6) and paragraphs 2 (c), 4 and 5 of Part I of Schedule 8). (A non-statutory procedure is in place for challenging (by way of review) a decision taken to revoke or suspend an approval or otherwise curtail or limit its effect).
 - They require quarantine managers to ensure that the requirements of the Decision specified in Part II of Schedule 8 are complied with (regulation 19(2)), including a requirement that any suspicion of disease is immediately reported to the supervising veterinary inspector, so that further action can be taken (under regulation 21(2), (3) and (4)).
 - The Regulations provide (in addition to the powers in regulation 30(1)) for powers of entry for inspectors to check compliance with an approval and the Regulations generally, or to assess suitability for the granting of an approval. They also provide for powers to inspect records and to take such samples and carry out such inspections and clinical veterinary examinations as are required under the captive birds Decision (regulation 19(9));
 - They provide for statutory charges for the Veterinary Laboratories Agency, Weybridge for carrying out testing in accordance with, or in connection with, the captive birds Decision (regulation 19(4) and Part III of Schedule 8).

- They make transitional arrangements for existing quarantine approvals to be recognised (regulation 35(2) and Part IV of Schedule 8).

Import ban

- o An EU import ban was introduced on 28 October 2005 in response to avian influenza risks posed by third countries imports (Commission Decision 2005/760/EC (OJ No. L285, 28.10.2005, p. 60 which has been amended¹). The ban prohibits imports of captive birds from third countries. Under the 1979 Order, the EU ban in relation to captive birds was given effect in England by revocation of the General Licence issued under the 1979 Order.
- o The EU legislation imposing the ban was temporary in nature and did not expressly amend or repeal the captive birds Decision although the effect has been to suspend that Decision temporarily in so far as it permitted imports subject to conditions. The temporary suspension of the captive birds Decision, is reflected in regulation 16(4) which applies until 1 August 2006, when the ban is due to be lifted, subject to review in June.

7.3 Further amendments to Schedules 3 and 7

- o Amendments have been made to Schedules 3 and 7 to take account of changes since the last revision. In particular, amendments have been made to paragraphs **1, 6, 7, 8(1), 9 and 10** of Part I Schedule 3. Several changes have been made to Part I, Schedule 7 and paragraphs **1, 2, 3(4) (previously 6), 5 (previously paragraph 10), 8 (previously paragraph 11), and 10 (previously paragraph 13)** of Part II, Schedule 7.

7.5 Export of cattle from England

- o On 8 March this year, the EU Standing Committee for the Food Chain and Animal Health (SCoFCAH) unanimously approved a proposal to allow resumption of exports of cattle born on or after 1 August 1996, and beef from cattle born or reared in the UK and slaughtered before 15 June 2005. The EC Regulation No. 657/2006 lifting the ban was published in the Official Journal on 29 April. This Regulation has been implemented via the Transmissible Spongiform Encephalopathies (No. 2) Regulations (SI. 2006 No. 1228) and came into force on 3 May. Similar legislation has been introduced in Scotland, Wales and Northern Ireland.
- o In 2004, Commission Decision 2004/558/EC was published permitting Germany, Denmark, Austria, Finland, Sweden and in the province of Bolzano in Italy, the right to request 'additional guarantees' in respect of Infectious Bovine Rhinotracheitis (IBR) from Member States who do not have the same disease status. A consequence of the lifting of the ban, is that cattle exported from England to these countries will need to meet extra requirements. An amendment has therefore been made to additional requirement (d) of paragraph 1, Part I, Schedule 3 of the AAP Regulations to specify the measures to be complied with.

¹ By Commission Decisions 2005/862/EC (OJ No. L317, 3.12.2005, p. 19) and 2006/79/EC (OJ No. L36, 8.2.2006, p. 48). A further amending Decision is expected to be published imminently.

- o Traders have been informed of the conditions that need to be complied with to export cattle from the UK to other Member States via Customer Information Note AE/2006/83 of 27 April 2006 and a leaflet entitled 'Exporter Guide on Exports of Cattle.'

7.6 Movement of pigs from Italy

- o Italy is currently subject to restrictions following cases of swine vesicular disease. Commission Decision 2005/779/EC grants permission for exports of pigs from areas which are free of the disease. An 'additional requirement' (f) at paragraph 1, Part I, Schedule 3 stipulates that the certificates accompanying consignments contain a statement confirming that the pigs are from disease-free holdings.

7.7 Movement of poultry, day old chicks and hatching eggs from Italy

- o Commission Decision 2005/926/EC introduced restrictions relating to movements of poultry, hatching eggs and day old chicks from Italy due to low pathogenic avian influenza. Certain derogations may apply if consignments comply with specified conditions. "Additional requirement" (e) has been added to paragraph 6 of Part I, Schedule 3, requiring all consignments imported from Italy to be accompanied by certification confirming that they meet Decision 2005/926/EC.

7.8 Implementation of Commission Decision 2006/115/EC (wild birds)

- o The European Commission published Decision 2006/115/EC on 18 Feb 2006 which set out measures to be applied in the case of an outbreak of avian influenza in wild birds. These Regulations give effect to certain additional conditions applying to intra-Community trade in hatching eggs from restricted areas. "Additional requirement" (f) has been added to paragraph 6 of Part I, Schedule 3 requiring that certificate accompanying such imports must contain the prescribed statement of conformity with Decision 2006/115/EC. That Decision also provides for additional documentary and other restrictions in relation to animal by products, but implementation of these provisions is under review pending anticipated amendments to the Decision.

7.9 Animal by products

- o Commission Regulation EC No. 93/2005 has been added to the list of instruments amending Regulation 1774/2002 in paragraph 7, Part I, Schedule 3. This Regulation provides a model for the commercial document already required for movement of animal by products. The complete document must accompany consignments of animal by products covered by Regulation 1774/2002. The form now calls for a Declaration from the transporter that he is complying with the relevant requirements for the transport of animal by products which are already imposed by law.

7.10 Intra Community trade in Farmed Fish

- o Commission Decision 2005/770/EC amended the Annexes to Decision 2003/634/EC which lists the programmes for obtaining approved zone or approved farm status in respect of viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN), largely diseases of salmon and trout. This Decision, which has been added to paragraph 8(1) of Part I Schedule 3, confirms that the disease eradication programme for IHN and VHS for certain areas in Finland and the programme applicable to a certain farm in Italy have been completed. Member States may on completion of such programmes seek approved disease free status in respect of the area or farm in question. This Decision does not affect the current trading position.

7.11 Intra Community trade in sheep and goats

- o Commission Decision 2005/932/EC has been added to paragraph 9 of Part I Schedule 3. This Decision amended the model health certificates for sheep and goats. It required the official veterinarian to obtain a written declaration from the keeper of the animals or to examine the keeper's records to confirm whether the animals comply with the residency and standstill requirements of the trade Directive (91/68/EEC). The requirement for an owner's declaration has been in place since Decision 2003/483/EC was implemented in August 2003. This Decision was subsequently replaced by Directive 2003/50/EC (implemented in a later version of the AAP Regulations).

7.12 Schedule 7 amendments.

- o The amendments to Schedule 7 are primarily to add EU legislation to the existing lists. Of significance is the addition of a new paragraph 3 to Part I, Schedule 7 and paragraph 6 to Part II, Schedule 7 which list Decision 2000/666/EC (captive birds).

7.13 Import of live animals from Bulgaria and Romania via the former Republic of Yugoslavia

- o Commission Decision 2006/9/EC (OJ No. L7, 12.1.2006, p.23) has been added to paragraph 1 of Part I, Schedule 7 and to paragraph 1 of Part II, Schedule 7. This Decision permits live animals from Bulgaria and Romania to travel via the former Republic of Yugoslavia in order to enter the Community. Those animals may only be of the species specified in the Decision and be destined for slaughter. This Decision is valid until 31 December 2006.

7.14 Implementation of EU Directive 2004/68/EC

- o EU Directive 2004/68/EC was partially implemented in the Animals and Animal Products (Import and Export) (No. 2) Regulations 2004 and in the Animals and Animal Products (Import and Export) Regulations 2005. Full implementation was dependant on the repeal of EU Directive 72/462/EEC when EC Regulation 854/2004 came into force on 1st January 2006. Directive 72/462 has been removed from paragraph 1 of Part II, Schedule 7. Directive 2004/68/EC has been added to paragraph 2 of Part II, Schedule 7 to introduce the new rules relating to import of ungulates. These rules cover ungulate

animals which are not of the domestic species already covered in paragraph 1 of Part II, Schedule 7.

7.15 Import of molluscs, their eggs and gametes from Croatia and USA

- o Commission Decision 2005/409/EC replaced Decision 2004/609/EC. It amended Annex 1 of Decision 2003/804/EC to remove Croatia from the list of countries authorised to export to the Community and added names of places in America which are permitted to export. It has been added to paragraph 4 of Part I, Schedule 7 and paragraph 10 (1), Part II, Schedule 7.
- o Commission Decision 2005/742/EC amended Annex 1 of Decision 2003/858/EC to revise the content of the 'Comments' column to make it more precise from a taxonomical point of view and to simplify its presentation to avoid repeating the requirements set out in the model certificates. This Decision has been added to paragraph 5, Part I, Schedule 7 and to paragraph 10(2), Part II, Schedule 7.

7.16 Re-entry of registered horses after temporary export

- o Commission Decisions 2005/605/EC, 2005/771/EC and 2005/943/EC have been added to paragraph 3(4) of Part II, Schedule 7.
- o Decision 2005/605/EC extends to 90 days the period that registered horses taking part in specific races, competitions or cultural events in Canada or the United States of America (USA) may remain outside the Community. The health certificate which must accompany the animals has been amended accordingly.
- o Decision 2005/771/EC extends to 90 days the period that registered horses taking part in the Olympic Games (including the preparatory test event) and the Paralympics may be outside the Community. This permission is granted on the basis that those events will be subject to veterinary supervision of the competent authorities of the host country and the organising body, the Federation Equestre Internationale. A new model health certificate has been prepared and must accompany the horses returning from the competition to the Community.
- o Decision 2005/943/EC extends the entitlement for registered horses to attend World Endurance Cup competitions regardless of which 'approved' country they are held in. The model health certificate which must accompany such animals has also been revised.

7.17 Import of dogs, cats and ferrets from Argentina

- o Council Regulation 1193/2005 (which has been added to paragraph 5 of Part II, Schedule 7) amends Council Regulation 998/2003 by adding Argentina to the list of third countries that may participate in the Pet Travel Scheme. Although the AAP Regulations do not legislate for movements of pets the new Council Regulation 1193/2005 requires that consignments of more than five such animals must comply with the trade requirements of EU Directive

92/65/EEC. These requirements are enforced through regulation 2(2) and Part 3 of the Regulations.

7.18 Imports of dogs, cats and ferrets destined for approved bodies

- o Commission Decision 2005/64/EC has been added to paragraph 7 of Part II, Schedule 7. This Decision provides for the health certificate for the movement of cats, dogs and ferrets between approved bodies, institutes or centres. Approval of bodies, centres or institutes is governed by Article 13 of EU Directive 92/65/EEC which is implemented in regulation 9.

7.19 Import of sheep and goats from New Zealand

- o Commission Decision 2004/784/EC (which has been added to paragraph 8 of Part II, Schedule 7) amends two Annexes to Decision 2003/56/EC to bring the certification requirements into line with the requirements for intra Community trade. The new requirements stipulate that sheep and goats imported from New Zealand after 1 October 2003 must comply with revised rules relating to Transmissible Spongiform Encephalopathies (TSEs). These sheep must be accompanied by official health certification attesting that they have either been born or reared on holdings where no case of scrapie has been diagnosed (additional conditions apply to breeding and fattening animals) or are of the ARR/ARR prion protein genotype and from a holding which has had no case of scrapie for 6 months.

7.20 Import of bees from the USA

- o Commission Decision 2005/60/EC (which has been added to paragraph 11 of Part II, Schedule 7) amends Decision 2003/881/EC to permit the importation from Hawaii of queen bees and queen bumble bees into the Community. The Commission published this Decision which provides a derogation to the US Authorities, on the basis that assurances received regarding the health status of Hawaii in terms of bee diseases were sufficient to allow this trade. The bees must be accompanied by a specific health certificate (set out in the Decision).

8. Impact

- 8.1. A Regulatory Impact Assessment (RIA) was prepared for the Animals and Animal Products (Import and Export) Regulations 2000. The changes to the Regulations since then have been to implement EU rules which in many cases make only technical amendments or give statutory effect to existing non-statutory arrangements. No RIA has been prepared for these Regulations, but specific aspects of the new provisions are drawn to the Committees' attention.

8.2 Captive birds

- o The import conditions and quarantine arrangements in Commission Decision 2000/666/EC have been transposed neutrally into the Regulations. For approval as a quarantine centre or facility, quarantine premises must at least meet the minimum approval conditions set out in Annex B to the captive birds Decision and the Secretary of State must be satisfied in all the circumstances

that it is appropriate for such an approval to be granted. This reflects the previous non-statutory basis for granting approvals.

- o Similarly, the statutory charges which the Veterinary Laboratories Agency may make under these Regulations reflect the charges made under the existing arrangements, adjusted for inflation.
- o Penalties for non-compliance with import conditions (including quarantine) differ between the 1979 Order² and the AAP Regulations³, with heavier maximum imprisonment penalties on conviction on indictment under the Regulations, as against heavier maximum imprisonment penalties on summary conviction under the 1979 Order. The same level of maximum fines on summary conviction apply under both.
- o These new statutory provisions are therefore not expected to have more than a minimal impact on businesses.
- o The Committees may wish to note that further changes to the quarantine regime and therefore the AAP Regulations are planned in the coming months, arising from Professor Nigel Dimmock's independent review of avian quarantine procedures for captive birds and the Government's Response published in April 2006. Discussions with stakeholders are still on-going in some areas, in particular, cost recovery in respect of the quarantine regime, and the level of supervision of quarantine premises and consignments during quarantine, in respect of both of which, a formal consultation and an RIA are being prepared. The approach in applying the captive birds Decision's minimum approval conditions for quarantine centres and facilities has also had to be reviewed and revised in light of Professor Dimmock's recommendations and changes in the assessment of avian disease risk generally. Some impacts are expected in that regard, but do not form part of the changes made in the AAP Regulations.

8.3 Cattle exports

- o Cattle exports were permitted to restart from 3 May following the coming into force of The Transmissible Spongiform Encephalopathies (No. 2) Regulations 2006. A Regulatory Impact Assessment (RIA) was prepared and a copy is available. The RIA did not extend to the additional requirements in respect of Infectious Bovine Rhinotracheitis These additional requirements which are set out in EU law apply only to exports to certain Member States. The specific requirements depend on the option which the exporter chooses and may include testing. These requirements have been explained to traders via a Customer Information Note AE/2006/83 of 27 April 2006 and a leaflet entitled 'Exporter Guide on Exports of Cattle' and to certifying veterinarians via Notes for Guidance. These documents are available on the Defra website.

² These are provided under sections 75 and 76(3) of the Animal Health Act 1981 (c. 22) – under the first, up to six months' imprisonment and/or a fine of up to £5,000; may be imposed and under the second, up to £5,000 fine, on summary conviction, or a fine and/or up to 12 months' imprisonment for conviction on indictment.

³ Under the AAP Regulations 3 months' imprisonment and/or a fine of up to £5,000 may be imposed on summary conviction; and a fine and/or up to two years' imprisonment may be imposed on conviction on indictment.

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TRANSPOSITION NOTE

MEMORANDUM SHOWING HOW A NUMBER OF COMMUNITY INSTRUMENTS HAVE BEEN IMPLEMENTED THROUGH THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (ENGLAND) REGULATIONS 2006

1. These Regulations revoke and re-make the Animals and Animal Products (Import and Export) (England) Regulations 2005 in order to give effect in domestic law to a number of recent Community instruments and to bring the arrangements for quarantine of captive birds imported from third countries under the Regulations

2. This transposition note explains how the Regulations give effect to the main elements of those instruments. The note also summarises how the Regulations give effect to the main elements of Council Directives 90/425/EEC and 91/496/EEC, which are the principal Community instruments underlying the Regulations. These Directives establish the Community veterinary checks regime and have been implemented through the earlier versions of these Regulations since 1992 (i.e. the provisions implementing those Directives are long-standing and not new to these Regulations).

Implementation of main elements of Council Directive 90/425/EEC (Intra-Community Trade)

3. Council Directive 90/425/EEC requires that animals and genetic material (semen, ova and embryos) referred to in Annex A or Annex B to that Directive that are traded within the Community fulfil certain conditions to be eligible for trade. These conditions are set out in Article 3 of Directive 90/425/EC and include compliance with the requirements of the Directives listed in Annex A to that Directive, where applicable (these Directives are listed in Part I of Schedule 3 to the Regulations). They must also be accompanied by a valid health certificate signed by a government-approved veterinarian. Regulations 5 (exports) and 6 (imports) implement these requirements. In particular, they make it an offence to export or import animals or animal products if they do not comply with the relevant provisions of the instruments listed in Part I of Schedule 3.

4. Most of the Directives listed in Annex A of 90/425/EEC (which are included in Part I of Schedule 3 of the Regulations) comprise model certificates. These certificates contain health requirements that the animals/genetic material must meet. The health requirements vary depending on the species and the associated disease risk. They may include requirements for testing, treatments and vaccinations, in addition to statements about the health status of the place of origin. Where model certificates are not annexed to those Directives they are contained in related legislation (which is also included in Part I of Schedule 3).

Implementation of main elements of Council Directive 91/496/EEC (Third country imports)

5. Directive 91/496/EC stipulates that imports of animals referred to in Annex A or Annex B to Directive 90/425/EEC from third countries must come from approved countries. Consignments must be accompanied by health certificates set out in EU legislation and must be checked on arrival in the Community. These checks are to ensure that they comply with the information contained in their certificates or other accompanying documentation. Regulation 16(1), (2) and (3) implements these requirements. In particular, regulation 16(2) makes it an offence to import animals from a third country or territory that is not specified in the instruments in Part I of Schedule 7 to the Regulations. Also regulation 16(3) makes it an offence to import animals from a

third country unless they comply with the relevant provisions of the instruments listed in Part II of Schedule 7 to the Regulations.

6. Directive 91/496/EEC requires that imports enter the Community via an approved Border Inspection Post (BIP) (regulation 17). A list of approved BIPs is in Schedule 2 of the Regulations. On arrival at BIPs, consignments are subjected to veterinary checks (a physical, a documentary and an identity check) to ensure they meet Community requirements (regulation 18) prior to being allowed entry into the Community.

Implementation of Commission Decision 2000/666/EC and main elements of recent Community instruments

Commission Decision 2000/666/EC⁴

7. The main EU instrument to be implemented via these Regulations is Commission Decision 2000/666/EC (OJ No. L278, 31.10.2000, p. 26) which establishes a set of rules for imports of captive birds from third countries. The table below describes the key elements of the Decision’s implementation under these Regulations.

Article	Objective	Implementation
Articles 1,2,3,8 and 9	Specify the conditions which must be complied with for import to be permitted.	These Articles have been listed as relevant provisions of paragraph 6, Part II, Schedule 7. Regulation 16 (2) makes it an offence to import unless from an approved country listed in the legislation in paragraph 3, Part I of Schedule 7. Regulation 16(3) makes it an offence to import unless the consignment complies with the relevant provisions listed in paragraph 6, Part II of Schedule 7.
Articles 2(4), 3(1) and 3(2).	Article 2(4)- For importer to provide written proof that the quarantine centre will accept the consignment. Article 3(1) Birds must be transported directly from the BIP to an approved quarantine centre, in cages/crates without prejudice to EU transport Directive (91/628/EEC). Article 3(2)- cages/crates to sealed by a BIP Official to avoid substitution of birds.	Regulation 18(3)(a) requires birds arriving in England to be taken (after examination at a BIP) to an approved quarantine centre/facility in accordance with the provisions of Articles 2(4),3(1) and 3(2).

⁴ This instrument was previously partly implemented under the Importation of Birds, Poultry and Hatching Eggs Order 1979.

Article 3(3)	Birds must be quarantined for at least for 30 days.	Regulation 16(3), and paragraphs 2 and 3, Part II, Schedule 8 implement this Article.
Article 3(4)	To require quarantine centres and quarantine facilities to be approved by the Competent Authority (Defra) in accordance with Annex B of the Decision.	A new regulation 19(1) and Part I Schedule 8 establish a mechanism for the Secretary of State to approve quarantine centres/ facilities annually and to review compliance in respect of those existing approvals at the time the Regulations are made. Regulation 1(6) and paragraphs 2 (c), 4 and 5 of Part I, Schedule 8 provide for suspension and revocation of approvals.
Articles 4(1) (3)(4) and (5)	To require birds to be tested to establish they are free of specific diseases.	Regulation 18(3)(b) requires the importer or his agent, to ensure that birds are placed and remain in quarantine in accordance with (inter alia) Article 4, and regulation 19(2) with paragraph 6, Part I of Schedule 8 imposes a requirement on the quarantine manager (defined in regulation 19(11)) to ensure that suitable arrangements are made for the taking of the requisite samples; inspectors' powers have been extended to provide for the taking of such samples (regulation 19(9)(c)). Regulation 19(3) provides for the importer to pay the costs of testing and sampling required under these Articles; regulation 19(4) specifies the Veterinary Laboratories Agency, Weybridge as the official laboratory for such testing.
Article 4(2)	To require sentinel chickens to be used in a specified manner.	Paragraph 5, Part II of Schedule 8, specifies that sentinel chickens must be used in accordance with Article 4(2).
Article 4(4)	To specify conditions to be complied with in case of birds or sentinel chickens found to be infected with avian influenza or Newcastle disease during quarantine. a) kill all birds of the infected quarantine facility or unit. b) clean and disinfect quarantine facility. c) arrange sampling from	Regulation 21(2)(a) implements Article 4(4)(a) by giving powers to a veterinary inspector to slaughter and destroy all birds in the infected unit. Regulation 21(2)(b) implements Article 4(4) by giving powers to a veterinary inspector to serve a notice requiring the quarantine manager to ensure that the other requirements of that Article are complied with. Paragraph 9, Part II, Schedule 8, requires destruction of the birds/sentinel chickens, cleansing and disinfection of quarantine and application of movement restrictions to be in accordance with

	<p>chickens for serological examination or</p> <p>d) if sentinel chickens are not used, during 7 to 15 days after final cleaning and disinfection, sampling from birds in other quarantine units.</p> <p>e) prohibit birds from leaving the quarantine centre until results of the sampling have been negative.</p> <p>f) prohibit other birds entering the previously infected quarantine facility until 21 days after the final cleaning and disinfection.</p>	<p>Article 4(4) except where the derogation under Article 4(5) is applied.</p>
Article 4(5)	<p>To permit the competent authority to grant a derogation. If birds or sentinel chickens when tested give positive results for Newcastle disease, those birds may be granted a derogation from destruction, if after at least 30 days following the last case, further sampling yields negative results. These birds/sentinel chickens must be subject to a longer period of quarantine as specified in the Decision, before release.</p>	<p>Regulation 21(2)(b) permits a veterinary inspector to serve a notice specifying the terms on which the derogation is to be exercised.</p>
Article 5	<p>If birds are suspected or confirmed with <i>Chlamydia psittaci</i> they must be kept in quarantine and treated appropriately.</p>	<p>Regulation 21(3) implements this Article. Regulation 19(3) and (4) provides for statutory fees for testing which may be carried out preliminary to the action required under Article 5.</p>
Article 6	<p>Individual identification of all birds and recording of their identification numbers.</p>	<p>Regulation 19(2), as read with paragraph 4, Part II of Schedule 8, requires the quarantine manager to ensure this specific requirement is met.</p>

Article 7	The management provisions of the centre are in accordance with Chapter 2A of Annex B.	Regulation 19(1), as read with regulation 1(6) and Part I of Schedule 8 permit an approval to operate as a captive bird quarantine centre or facility to be withheld or revoked if the minimum conditions of approval set out in Annex B to the Decision are not complied with. Further, regulation 19(2) and Part II of Schedule 8 impose specific duties on the quarantine manager which arise from certain requirements of Chapter 2A, Annex B. Regulation 19(6) prohibits entry of unauthorised persons into quarantine premises; regulation 19(7) deals with removal of birds; 19(8) deals with removal of carcasses, and regulation 19(9) supplements inspectors' powers ; regulation 19(10) requires an inspector to produce the document confirming his authority to exercise powers.
Article 8	Importer to meet costs associated with quarantine.	Regulation 18(3) places responsibility for the costs of placing and keeping birds in quarantine on the importer. Regulation 19(3) specifically provides for costs and fees relating to sampling and testing.

8. To reflect the current temporary emergency ban in EU legislation on imports of captive birds from third countries which is expected to remain in force until 1st August 2006, regulation 16(4) disapplies the other provisions of regulation 16 and the Schedules which would otherwise operate to permit such imports. This ban is provided for in Commission Decision 2005/760/EC as amended by Decisions 2005/862/EC and 2006/79/EC, and is to be further amended by a Decision voted at a meeting of the Standing Committee on the Food Chain and Animal Health on 4th May 2006 (instrument number not yet available).

Implementation of other recent Community instruments

9. In many cases, recent Community instruments have been implemented in these Regulations by adding them to the relevant Schedules, which must be read with regulation 5 in relation to intra-Community exports from England, regulation 6 in relation to intra-Community imports to England, or regulation 16 in relation to imports into England from third countries. The relevant Schedule Parts: Part I of Schedule 3 for intra-Community trade, and Part I or Part II of Schedule 7 for third country imports. The repeal of certain EU instruments is given effect by removing them from the list of instruments in the Schedules.

10. The following instruments (available via the attached link <http://europa.eu.int/eur-lex/lex/en/index.htm>) have been implemented by adding them to the appropriate Schedules as indicated in the table below. The instrument referred to paragraph 7 is not included.

Instrument Number	Regulation and Schedule number
Commission Decision 2004/558/EC (Additional guarantees and certification requirements for cattle being exported to certain Member States.)	Regulation 5(1) (exports) and Additional requirement (d) of paragraph 1, Part I, Schedule 3.

Commission Decision 2005/779/EC (Certification accompanying pigs from Italy must contain additional statement)	Regulation 6 (imports) and Additional requirement (f) of paragraph 1, Part I, Schedule 3.
Commission Decision 2005/926/EC (Certification accompanying poultry, hatching eggs and day old chicks must contain an additional statement)	Regulation 6 and Additional requirement (e) of paragraph 6 of Part I, Schedule 3.
Commission Decision 2005/115/EC (Certification accompanying hatching eggs from a protection zone established by this Decision must contain an additional statement)	Regulation 5(1) Regulation 6 and Additional requirement (f) of paragraph 6 of Part I, Schedule 3.
Commission Regulation EC No. 93/2005 (New model for commercial document for intra Community trade movement of certain animal by products)	Regulation 5(1) and Regulation 6 and paragraph 7 of Part I, Schedule 3.
Commission Decision 2005/770/EC (Confirms completion of programmes for viral haemorrhagic septicaemia and infectious haematopoietic necrosis in certain countries.)	Regulation 5(1) and Regulation 6 and paragraph 8(1) of Part I, Schedule 3.
Commission Decision 2005/932/EC (Intra Community trade in sheep: requirement for owner/keeper of animals to provide a written declaration or for records to be examined to check residency and standstill status.)	Regulation 5(1) and 6 Paragraph 9 of Part I, Schedule 3.
Commission Decision 2006/9/EC (Permits certain live animals from Bulgaria and Romania to travel via the former Republic of Yugoslavia en route to the Community. Valid until 31 December 2006)	Regulation 16 and paragraph 1 of Part I, Schedule 7 and paragraph 1 of Part II, Schedule 7.
Council Directive 2004/68/EC (Full implementation achieved through this amendment. EU Directive 72/462/EEC has also been removed from paragraph 1 of part II of Schedule 7. Sets out rules for imports of ungulates not of the domestic species already covered under other legislation).	Regulation 16 and paragraph 2 of Part I, Schedule 7.
Commission Decision 2005/409/EC (Croatia removed from the countries permitted to export to Community and added names of places in America who could export to the Community.)	Regulation 16 and paragraph 4 of Part I, Schedule 7 and paragraph 10(1) of Part II, Schedule 7.
Commission Decision 2005/742/EC (amends a column in a table which lists countries from which imports into the Community of live fish, their eggs and gametes can take place. The amendment makes the content of the column clearer from a taxonomical viewpoint.)	Regulation 16 and paragraph 5, Part I, Schedule 7 and paragraph 10(2), Part II, Schedule 7.

Commission Decisions 2005/605/EC, 2005/771/EC and 2005/943/EC. (These Decisions deal with re-entry of registered horses into the Community.)	Regulation 16 and paragraph 3(4) of Part II, Schedule 7.
Council Regulation EC No. 1193/2005 (adds Argentina to the list of third countries that may participate in the Pet Travel Scheme.)	Regulation 2(2), regulation 16 and paragraph 5 of Part II, Schedule 7.
Commission Decision 2005/64/EC (specifies a model health certificate for movement of cats, dogs and ferrets between approved bodies, institutes or centres.)	Regulation 16 and paragraph 7 of Part II, Schedule 7.
Commission Decision 2004/784/EC (brings the TSE certification requirements for sheep and goats imported from New Zealand into line with those for intra Community trade.)	Regulation 16 and paragraph 8 of Part II, Schedule 7.
Commission Decision 2005/60/EC (permits to importation of queen bees and queen bumble bees from Hawaii into the Community and specifies the health certificate which must accompany them.)	Regulation 16 and paragraph 11 of Part II, Schedule 7.

DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS