

EXPLANATORY MEMORANDUM TO
THE NON-COMMERCIAL MOVEMENT OF PET ANIMALS (AMENDMENT)
ORDER 2014

2014 No. 3158

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. **Purpose of the instrument**

- 2.1. The rules for the non-commercial movement of pet dogs, cats and ferrets into and around the European Union are set out at EU level and their purpose is to protect against the spread of rabies. A new EU pet travel Regulation (No. 576/2013, ‘the EU Pets Regulation’) will come into effect on 29 December 2014 to repeal and replace Regulation (EC) No. 998/2003, and update the existing pet travel scheme.
- 2.2. The EU Pets Regulation is directly applicable but offers Member States flexibility in a number of specific areas. The Non-Commercial Movement of Pet Animals (Amendment) Order 2014 (‘the Amendment Order’) ties down these areas of flexibility and updates the provisions of the Non-Commercial Movement of Pet Animals Order 2011 (‘the Pets Order’), and other legislation, to enable effective enforcement of the EU Pets Regulation in Great Britain.

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

- 3.1. The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (‘the Rabies Order’) has been extensively amended and its interaction with the Pets Order is complicated. The Department’s plans to consolidate the Rabies Order have been overtaken by proposals for a new EU framework Regulation on animal health which was published by the EU Commission in May 2013 with a view to it being adopted in 2015, and will introduce a consistent approach to preventing animal diseases (including rabies) across all EU Member States. When the EU framework Regulation comes into force, the Rabies Order will need to be replaced.

4. **Legislative Context**

- 4.1. The Amendment Order implements the EU Pets Regulation where Member States have flexibility, updates enforcement provisions and revises the import requirements for pets entering Great Britain. It achieves this through amendments to the Pets Order, the Rabies Order and the following trade-related legislation: the Trade in Animals and Related Products Regulations 2011, the Trade in Animals and Related Products (Wales) Regulations 2011, and the Trade in Animals and Related Products (Scotland) Regulations 2012.

Scrutiny History

- 4.2 The European Scrutiny Committees first considered the draft EU Pets Regulation in March 2012. It cleared the House of Commons in March 2012 and was released from scrutiny by the House of Lords in April 2012. Regular updates were supplied to the House of Lords EU Committee.

5. Territorial Extent and Application

- 5.1. This Amendment Order applies in Great Britain.

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 UK harmonised its domestic laws with the EU pet travel scheme (Regulation EC No. 998/2003) on 1 January 2012 following the expiry of a transitional regime. This pet travel scheme establishes the animal health requirements that must be met for the non-commercial movement of pet animals (dogs, cats and ferrets) and provides a framework for animal health rules to be established for other pet animals (e.g. certain birds, invertebrates, amphibians, reptiles, rodents and lagomorphs). In particular, provisions are included relating to the identification of pets (e.g. microchip and passport), vaccination against rabies, blood test (if applicable) and an appropriate waiting period depending on the country of origin. To travel, pets must have the correct documentation (see “*Documentation*”) issued by an authorised veterinarian.
- 7.2. The EU Commission announced at harmonisation in 2012 that they intended to review and consolidate the existing pet travel regime. The UK was fully involved in the subsequent negotiations and the EU Pets Regulation was published in June 2013 and applies from 29 December 2014.
- 7.3. Many of the fundamental requirements of the pet travel regime will remain the same, including:
- a) the approval system for commercial carriers in the Pets Order which authorises routes and sets out the checking procedures required for pets;
 - b) the import conditions for pet dogs in relation to the *Echinococcus multilocularis* tapeworm which will continue to apply;
 - c) the regime under the Rabies Order for licensing non-compliant pet animals into Great Britain.
- 7.4. A number of changes introduced by the EU Pets Regulation are designed to create greater consistency across the EU, improve the security of the regime and enhance the traceability of the pet passport. Existing arrangements in relation to those derogations which have been carried forward into the EU Pets Regulation will be maintained. The EU Pets Regulation also includes a new derogation permitting unvaccinated pets to travel between two rabies free Member States. The Department has confirmed with the Regulatory Policy Committee that there will be a formal assessment of any decision to make use, or alternatively to not make use of this derogation.

Microchipping

- 7.5. The EU Pets Regulation requires Member States to lay down the minimum qualifications required for persons, other than veterinarians, permitted to implant microchips for the purpose of preparing a pet for overseas travel. In the Amendment Order, those implanting microchips must be either a veterinarian, registered veterinary nurse, student veterinarian or student veterinary nurse, or have attended a training course approved by the appropriate authority. An exception is also made for those who have been previously trained on a microchipping course that contains a practical element. This requirement is in line with proposed domestic microchipping requirements in England and Wales, which will apply to all dogs. Similar domestic microchipping requirements for dogs are currently being considered in Scotland.

Documentation

- 7.6. Pet passports are currently produced by Defra's executive agency, the Animal and Plant Health Agency (APHA) and are issued by Official Veterinarians (OVs) who have been authorised by APHA on behalf of Ministers. A new-style pet passport and third country health certificate have been introduced, the formats of which are established in Commission Implementing Regulation (EU) No 577/2013. Records of those passports provided to OVs will be kept by APHA for three years.
- 7.7. In order to improve traceability and assist pet owners the EU Pets Regulation introduces a requirement for authorised veterinarians to keep records of those passports issued for at least three years.

Non-commercial movements of rodents and lagomorphs from third countries

- 7.8. The EU Pets Regulation permits Member States to apply national rules to the movement of pet rodents and lagomorphs where these are proportionate and no more onerous than the rules applicable to those animals moved for the purposes of trade. In Great Britain, existing national rules are established in the Rabies Order and require these animals to complete a four month quarantine period. In light of the remote disease risk posed by these movements, such a quarantine requirement would not be proportionate for those travelling from EU countries. The Amendment Order therefore dis-applies the 4 month quarantine requirement for pet rodents and lagomorphs entering GB from EU countries, which brings it into line with the current Pets Order. In the absence of EU rules for third country movements, or a list of countries which are considered to have equivalent status for these pet animals, all rodents and lagomorphs entering Great Britain from outside the EU will be subject to the requirements of the Rabies Order.

Quarantine

- 7.9. Where a non-compliant pet is licensed into quarantine under the Rabies Order, or where an owner applies in advance for a licence (for example when the owner needs to travel urgently at short notice), the EU Pets Regulation requires these pets to remain in quarantine until they are compliant, for a maximum period of no more than six months. However, where a pet animal has complied with all of the applicable preventive health measures other than the requirements in relation to rabies, in GB the maximum quarantine period has been set at four months. This is consistent with the maximum period that applies to other animals that require quarantine under the Rabies Order, and is based on veterinary advice in relation to the incubation period of rabies.

- 7.10. As a transitional measure, the new rules on quarantine (i.e. a maximum period of four months where the pet animal is compliant with all relevant health requirements except for the rabies requirements) will apply to pet animals detained in quarantine prior to the coming into force of the Amendment Order.

Other miscellaneous changes

- 7.11. The Amendment Order makes other small changes to the pet travel scheme:
- a) it updates the list of designated enforcement bodies, including amendments to enable the Common Council of the City of London to act as the enforcement body for all London boroughs;
 - b) it makes it clear when pet animals are subject to trade-related import requirements; and
 - c) it removes the requirement for maritime carriers transporting recognised assistance dogs to be approved, to reflect EU disability legislation.

Consolidation

- 7.12. Unofficial consolidated versions of the legislation amended by this Amendment Order and comprehensive guidance on the updated pet travel scheme will be made available on the Department's website.

8. Consultation Outcome

- 8.1. A six week consultation on the changes to the pet travel scheme took place from 4 August 2014 to 14 September 2014 seeking views on the impact of the changes and on those areas where flexibility exists in relation to how the Regulation is implemented in Great Britain. Invitations to respond to the consultation were sent to companion animal sector organisations, animal welfare organisations, rehoming charities, Local Authorities, transport companies, quarantine kennels and over 2,000 veterinary practices across Great Britain. The consultation documents are available at: <https://consult.defra.gov.uk/animal-health-and-welfare/changes-to-the-eu-pet-travel-scheme>
- 8.2. Alongside the public consultation and throughout 2014, the Department met with representatives of many of these organisations and gave presentations at a number of events, workshops and conferences. The British Veterinary Association also invited the Department to take part in a webinar about the forthcoming changes, for which over 1,000 people registered. The consultation was also promoted on social media sites and through proactive press briefings.
- 8.3. There were 170 responses to the public consultation. A total of 45% of respondents indicated that they either 'agreed' or 'strongly agreed' that the changes to the pet travel scheme would bring benefits, whilst a further 35% indicated that they 'neither agreed nor disagreed'. Strong support was received for those changes designed to strengthen the pet travel regime against abuse, together with proposals for microchipping qualifications and veterinary record keeping. A clear view was expressed by many respondents that the introduction of a new four month maximum quarantine period should only go ahead if supported by scientific evidence regarding the incubation period of rabies. The evidence base to justify a four month maximum is outlined in the GB consultation response that is available at:

<https://www.gov.uk/government/consultations/pet-travel-planned-changes-to-the-eu-scheme>

9. Guidance

- 9.1. Guidance to pet owners on the forthcoming changes to the EU pet travel scheme was published on the Department website in August and is available alongside detailed information on the necessary requirements for travelling with pets: <https://www.gov.uk/pet-travel-information-for-pet-owners>. The GOV.UK website also provides guidance to transport companies that carry pets or are seeking approval. This guidance will be updated before this instrument comes into force.
- 9.2. Information on the changes will also be issued to OV's who are approved to issue pet passports by APHA. Guidance on enforcement options has also been provided to Local Authorities and will be kept up to date.

10. Impact

- 10.1. This instrument is out of scope of the Government's one-in-two-out rules and the Regulatory Policy Committee has agreed that the cost to business, charities or voluntary bodies will be minimal. This assessment was supported by the responses to the public consultation.
- 10.2. This instrument will have minimal impact on the public sector.
- 10.3. No impact assessment has therefore been prepared for this instrument.

11. Regulating small business

- 11.1. The legislation applies to all sizes of business, including small businesses. The new requirements regarding record keeping and microchip implantation will impact veterinary practices, many of which are small businesses. Engagement with stakeholders and veterinary practices through the consultation indicates that these new requirements will have minimal impact as suitable records are likely to already be kept by veterinary practices. Additionally, the microchipping requirements only apply where an animal is being prepared for travel. Where a pet is not already microchipped this procedure is likely to be carried out at a veterinary practice by a veterinarian or veterinary nurse authorised to carry out implantation without further training.

12. Monitoring and review

- 12.1. The Secretary of State is required to review the Pets Order which this instrument amends. The first report must be published on or before 31 December 2016.

13. Contact

- 13.1. Deborah Wells (Tel: 0207 238 5811 or email: deborah.wells@defra.gsi.gov.uk) at the Department for Environment, Food and Rural Affairs.