
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement 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) (OJNo. 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) (OJ No. L268, 24.9.91, p. 56).

They include the following provisions —

With respect to intra-Community trade, the Regulations make it an offence to export, import or transport for intra-Community trade any animal or animal product to which Directive [90/425/EEC](#) applies except in accordance with that Directive (regulations 5, 6 and 7). The Regulations also set out the procedures and requirements for the registration of dealers in animals and animal products (regulation 8), the approval of centres and teams engaging in intra-Community trade in animals and animal products (regulation 9), and the approval of assembly centres (regulation 12). They place duties on consignees of animals and animal products (regulation 11), and specify the procedure to be followed in the case of illegal consignments (regulation 13). They give to inspectors the powers of inspection and examination specified in Directive [90/425/EEC](#), together with the necessary powers of entry (regulations 10 and 29).

With respect to the importation of animals from third countries, the Regulations prohibit the importation of any animal unless the conditions of Council Directive [91/496/EEC](#) are complied with (regulation 16). They specify the places at which animals may be imported (regulation 17), and the procedure for importation (regulation 18), provide for the payment of fees (regulation 19) and the procedures to be followed where a consignment constitutes a danger to health or is otherwise illegal (regulations 20 and 21) and specify that, at the place of destination, certain animals may not be released until authorised by an authorised officer of the National Assembly (regulation 22).

The Regulations also give powers to the National Assembly to take action in the event of an outbreak of disease in another state (regulation 27) and make provision for the notification of decisions, powers of entry and penalties.

Principal changes made by these Regulations

Regulation 2(2) implements the requirement in Article 12 of Regulation [\(EC\) No. 998/2003](#) (OJ L146, 13.6.2003, p. 1) that where any person is travelling with more than 5 pets of certain species from certain third countries, those animals must be subject to the veterinary checks provided for in these Regulations, notwithstanding the general exemption for pets from veterinary checks in regulation 2(1).

These Regulations provide a statutory basis for the Poultry Health Scheme, which is implemented by the National Assembly in order to ensure compliance with the rules set out in Annex II to Council Directive [90/539/EEC](#) (on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs) (OJ No. L303, 31.10.90, p. 6) (regulation 5(5) and Schedule 4). Hatching eggs, day-old chicks and poultry to which Article 6 of that Directive applies may only be exported to another member State if they come from an establishment that is a member of the Poultry Health Scheme. Applications for establishments to join the Scheme must be accompanied by a registration fee and members of the Scheme must pay an

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annual membership fee. The arrangements for the approval of laboratories to undertake Mycoplasma testing under the Poultry Health Scheme, including the details of the annual approval fee, are set out in regulation 9(4) and Schedule 5.

These Regulations implement Council Directive [2003/50/EC](#) (amending Directive [91/68/EEC](#) as regards reinforcement of controls on movements of ovine and caprine animals) (OJ No. L169, 8.7.2003, p. 51). The amended provisions of Directive [91/68/EEC](#) relating to health controls for assembly centres, dealers and transporters, in the case of sheep and goats, are reflected in regulations 7 and 12, and Parts II and III of Schedule 3 to these Regulations.

Regulations 16(6), 18(1) and (3), 21(3) and 25 reflect the provisions of Commission Regulation ([EC](#)) [No. 282/2004](#) (introducing a document for the declaration of, and veterinary checks, on animals from third countries entering the Community) (OJ No. L49, 19.2.2004, p. 11), including the requirements relating to the new “common veterinary entry document”, which an importer must use to give notice of the importer’s intention to import an animal into the Community from a third country, and which the official veterinarian must use to record his or her decision on the consignment.

Regulation 22 reflects the requirements of Article 7(ii) of Commission Decision [2004/212/EC](#) (OJ No. L73, 11.3.2004, p. 11). Elephants and animals of the order Artiodactyla imported from third countries for certain purposes must be kept at their place of destination for 30 days and may not be released unless authorised by an authorised officer of the National Assembly. The order Artiodactyla includes animals commonly known as pigs, sheep, goats, cattle, camelids and hippopotamuses (this list is not exhaustive).

Schedules 1, 3, 6 (previously Schedule 4) and 7 (previously Schedule 5) also implement various Community instruments.

A regulatory appraisal has been prepared for these Regulations. Copies can be obtained from the Animal and Plant Health Division Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.