

**EXPLANATORY MEMORANDUM TO**  
**THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT)**  
**(ENGLAND) (AMENDMENT) REGULATIONS 2007**

**2007 No. 3277**

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 explanatory memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 The Animals and Animal Products (Import and Export) (England) Regulations 2006 (“the principal Regulations”) (SI 2006 No. 1471) regulate intra-Community trade in live animals and animal products (namely, semen, ova and embryos i.e. “germplasm”) and imports from third countries of live animals. These Regulations were amended by SI 2007/1621 which introduced new EC legislation concerning regulation of avian quarantine, laboratories and circuses.

- 2.2 The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2007 (“the amendment Regulations”) amend the principal Regulations for the second time to provide for enforcement of EC Regulation 1266/2007 (OJ L283, 27.10.2007, p. 37) on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain species of susceptible animals in relation to bluetongue (“the EC Regulation”).

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

- 3.1 None.

4. **Legislative Background**

- 4.1 The principal Regulations were 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, they implement Directive 90/425/EEC<sup>1</sup> relating to intra-Community trade in live animals and animal products (semen,

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<sup>1</sup> 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 (OJ No. L 224, 18.8.1990, p.29).

ova and embryos) and Directive 91/496/EEC<sup>2</sup> relating to imports of live animals from non-EU countries.

- 4.2 Regulation 1(2) of the principal Regulations defines the terms used in the Regulations. Regulation 2(2) of the amendment Regulations adds to regulation 1(2) of the principal Regulations a definition for 'bluetongue susceptible animal'.
- 4.3 Regulation 2(1) of the principal Regulations has been revised by regulation 2(3) of the amendment Regulations to include a definition of 'pet animal' to reflect that it relates only to an animal defined as a 'pet' in EC Regulation 998/2003<sup>3</sup>.
- 4.4 Regulation 5 of the principal Regulations prohibits exports to other Member States of live animals and germplasm unless they meet the provisions of the EC legislation listed in Part I of Schedule 3 and any additional requirements specified in that Part. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.
- 4.5 A new paragraph 16 has been added to Part I of Schedule 3 to the principal Regulations, so that these Regulations make it an offence to export any ruminating animal or its germplasm unless it complies with the relevant provisions listed in that paragraph.
- 4.6 The amendment Regulations also introduce regulations 27A and 27B into the principal Regulations which when read with the new Schedule 8A provide the basis for regulating third country exports in relation to the bluetongue measures.

## **5. Territorial Extent and Application**

- 5.1 The SI applies in England. Similar legislation is to be made for Wales, Scotland and Northern Ireland.

## **6. European Convention on Human Rights**

- 6.1 The Minister of State, Jeff Rooker makes these Regulations in exercise of the powers conferred on him. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

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<sup>2</sup> Council Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC (OJ No. L 268, 24.9.1991, p.56).

<sup>3</sup> EC Regulation 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ No. L146, 13.6.2003, p1)

- 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 EC Council Directive 2000/75/EC<sup>4</sup> lays down specific provisions for the control and eradication of bluetongue. The Bluetongue Order 2007 (SI 2007/3154) revokes and remakes the Bluetongue Order 2003 (S.I. 2003/130) to give effect to EC Regulation 1266/2007 to movements within England. The 2007 Order continues to implement Directive 2000/75/EC and requires new movement licences in zones controlled or restricted for the purposes of bluetongue to be in accordance with the EC Regulation rather than Commission Decision 2005/393/EC which it replaces. Part 2 of the Order provides for the establishment of control zones and restricted zones. It provides for the separation of a restricted zone into a protection zone and a surveillance zone and controls movements between the zones. It also controls the movements from these zones.
- 7.3 The EC Regulation aims to reduce the risk of spread of bluetongue within Member States, to other Member States and to third countries. In controlling movements from the zones (referred to in 7.2) it requires that cattle, sheep, deer, other ruminating animals including camels, llamas, alpacas, giraffes and okapi and their germplasm must comply with specific conditions (which, depending on the circumstances, may include testing for bluetongue).
- 7.4 Articles 7, 8 and 9 of the EC Regulation explain the movements which may take place. All animals and germplasm moved to another Member State or a third country must be accompanied by a health certificate annotated with a statement confirming compliance with the EC Regulation.
- 7.5 EC Regulation 1266/2007 has applied to Member States since 1 November 2007 and Regulations are necessary to provide immediate enforcement to minimise the risk of spread of bluetongue to other Member States and third countries. Although ruminating animals cannot currently be exported due to the foot and mouth disease restrictions, germplasm can be. It has therefore been necessary to break the 21 day rule, to provide the required enforcement measures should they be needed. Work is continuing to develop the detailed policy.

#### Imports into England

- 7.6 As stated above, controls on bluetongue previously existed via Commission Decision 2005/393/EC. This Decision and its subsequent amendments listed the restriction zones in Member States (including the UK). It had applied to movements into the UK since November 2005 and was given legal effect in England via Declarations issued

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<sup>4</sup> EC Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue (OJ No. L 327, 22.12.2000, p. 74).

under regulation 28 of the principal regulations. EC Regulation 1266/2007 repealed that Decision and established alternative measures for notification of restricted zones to the EU Commission and other Member States. In future, these zones will be notified to Member States via the meetings of the Standing Committee on the Food Chain and Animal Health. The lists of the restricted zones will also be placed on the EU Commission Website and made available to Member States and the public. Consideration is being given as to how Declarations might be produced in the future to provide effective enforcement.

## **8. Impact**

- 8.1 A full Impact Assessment (RIA) was prepared for the Animals and Animal Products (Import and Export) Regulations 2000 which has been revised by successive amendments, including the latest principal Regulations “the Animals and Animal Products (Import and Export) (England) Regulations 2006”. Work is underway to determine the detailed policy measures required to give full effect to this EC Regulation. Consideration will be given to the impact of any new policy measures on businesses.
- 8.2 The current Import and Export Restrictions (Foot-And-Mouth Disease) (No.6) Regulations 2007 prohibit exports of ruminant animals. However, the EU Regulation will have some impact on exports of ruminating animals depending on the origin, destination and route taken. This impact will be considered when the detailed policy measures mentioned in paragraph 8.1 are considered.
- 8.3 Exports of frozen semen, ova and embryos collected and exported from a designated area known as “the free export area” are permitted. The new measures in EC Regulation 1266/2007 require businesses to comply with one of the options stated in Annex III of that Regulation. However the impact of these measures will be minimal as businesses voluntarily started complying with them in August 2007.
- 8.4 Guidance has been provided to traders, in the form of Customer Information notes to explain the requirements in detail.

## **9. Contact**

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