
STATUTORY INSTRUMENTS

2019 No. 795

The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019

PART 4

Amendments to retained direct EU legislation

Commission Decision 1997/794/EC laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries

9.—(1) Commission Decision 1997/794/EC laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries is amended as follows.

(2) In Article 1, at the end, insert as a new subparagraph—

“In this Decision:

“the appropriate authority” means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales), the Scottish Ministers (in relation to Scotland) and the Department of Agriculture, Environment and Rural Affairs (in relation to Northern Ireland); but “the appropriate authority” is the Secretary of State if consent is given by:

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

“EU-derived domestic legislation” means an enactment made under the European Communities Act 1972;

“third country” means any country other than a member State or the British Islands.”.

(3) In Article 3, in paragraph 3, for “Community rules”, substitute “EU-derived domestic legislation”.

(4) In Article 4—

(a) in paragraph 1—

- (i) for the words from “the physical check” to “equidae”, substitute “a physical check”,
- (ii) at the end insert, as a new subparagraph—

“The physical check must include a clinical examination of the animals to ensure that they conform to the information provided in the accompanying documents and are clinically healthy as well as any laboratory tests thought necessary.”;

(b) in paragraph 6, for “Member States”, substitute “The appropriate authority”;

(c) for paragraph 7, substitute—

“7. The results of the checks, together with the information referred to in paragraph 4, shall be communicated to the appropriate authority on a routine basis at intervals of every six months together with copies of the relevant veterinary certificates.

However, in the case of positive sampling results, or in any other circumstances where the official veterinarian or other inspector considers justified, the results of the tests shall be communicated to the appropriate authority immediately and copies of the relevant veterinary certificates shall be sent to the appropriate authority as soon as possible thereafter.”.

(5) In Article 6—

- (a) in each of paragraphs 1 and 2, for “certificate as laid down in [Decision 92/527/EEC](#)”, substitute “Common Veterinary Entry Document (CVED)”;
- (b) in paragraph 3, in the seventh indent, for “Member State”, substitute “place”;
- (c) in paragraph 4, for “Article 2(c) of Council [Directive 90/426/EEC](#)”, substitute “Article 2(c) of Council [Directive 2009/156/EC](#)”;
- (d) in paragraph 5, for “certificate as laid down in [Decision 92/527/EEC](#)”, substitute “CVED”;
- (e) in paragraph 7, omit “as laid down in [Decision 92/527/EEC](#)”;
- (f) after paragraph 7, insert—

“8. In this Decision, “Common Veterinary Entry Document (CVED)” means a document published by the appropriate authority from time to time based on national requirements but which is otherwise equivalent to the model for the certificate referred to in Article 7(1) of Council [Directive 91/496/EEC](#).”.

(6) Omit Articles 7 and 10.

(7) In Annex 1—

- (a) in paragraph 1—
 - (i) in point (a), for “at least one of the official languages of the Member States of the border inspection post and of the final destination”, substitute “English, whether or not it also appears in other languages”;
 - (ii) in points (b) and (f), for “Community, substitute “United Kingdom” in each place;
- (b) in paragraph 2—
 - (i) for the first sentence, substitute “The competent authority must check the transport documentation required by Article 4 of Regulation [\(EC\) No 1/2005](#).”;
 - (ii) in the second sentence, for “written undertaking and route plan”, substitute “transport documentation”;
 - (iii) for “at least one of the official languages of the Member States of the border inspection post and of the final destination”, substitute “English and may also appear in other languages”.

(8) In Annex 2, in paragraph 1, in the second subparagraph, for “[Directive 91/628/EEC](#)”, substitute “Regulation [\(EC\) No 1/2005](#)”.