

---

WELSH STATUTORY INSTRUMENTS

---

**2005 No. 1158**

**The Animals and Animal Products (Import  
and Export) (Wales) Regulations 2005**

**PART 2**

Intra-Community Trade

**Application of Part 2**

4. This Part applies to trade between member States in live animals and animal products that are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#) (concerning the animal health conditions governing the placing on the market of aquaculture animals and products)(1).

**Exports**

5.—(1) A person must not export or consign for export to another member State any animal or animal product controlled under one or more of the instruments in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of those instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by such instrument, it is accompanied by —
  - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
  - (ii) any other document required by the instrument;
- (c) when required by such instrument, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the instrument; and
- (d) if the animal is acquired through or transits an assembly centre, that centre has been approved by the National Assembly in accordance with regulation 12 for the purposes of intra-Community trade and complies with the provisions of Article 11 of Council Directive [64/432/EEC](#)(2).

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation the inspector may by notice served on the consignor, the consignor's representative or the person appearing to the inspector to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

---

(1) OJNo. L46, 19.2.91, p. 1, as amended by and as read with the provisions listed in paragraph 8(1) of Part I of Schedule 3.

(2) OJ No. L109, 25.4.97, p. 1, as amended by and as read with the provisions listed in paragraph 1 of Part I of Schedule 3.

(3) In the event of a notice served under paragraph (2) not being complied with, an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) A person must not export to another member State any animal to which the provisions of Article 6, 7, 9 or 10 of Council Directive [92/65/EEC](#) (laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive [90/425/EEC](#))(3) apply unless the animal originates from —

- (a) a holding that has been registered with the National Assembly and the owner or person in charge of that holding has given to the National Assembly undertakings in accordance with Article 4 of Council Directive [92/65/EEC](#); or
- (b) a body, institute or centre that has been approved by the National Assembly in accordance with regulation 9(1) and that conforms with the requirements of Annex C to Council Directive [92/65/EEC](#).

(5) A person must not export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of Directive [90/539/EEC](#) (on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs)(4) applies unless they originate from an establishment that —

- (a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the National Assembly in accordance with Schedule 4 to these Regulations (such an establishment is to be considered an approved establishment for the purposes of Article 6(1)(a) of Directive [90/539/EEC](#)); and
- (b) conforms with the requirements of Annex II to Directive [90/539/EEC](#).

## Imports

**6.—(1)** A person must not import from another member State (either for entry into the UK or by way of transit to another member State) any animal or animal product subject to an instrument in Part I of Schedule 3 unless it complies with the relevant provisions of that instrument (subject to any derogations specified in that Part) and with any additional requirements specified in that Part.

(2) Where an animal subject to an instrument in Part I of Schedule 3 is imported from another member State (either for entry into the UK or by way of transit to another member State), the importer, and the person in charge of the animal, if different, must comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves Wales, as the case may be.

(3) Where cattle, pigs, sheep or goats are imported from another member State for slaughter in Wales and are taken to an assembly centre, the importer must ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there, in the case of sheep and goats within 5 days of their arrival at the assembly centre, and in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(4) Where an animal to which paragraph (3) relates is not slaughtered within the specified period, an inspector may, by notice served on the person appearing to him or her to be in charge of the animal, require the animal to be slaughtered as may be specified in the notice.

(5) Where an animal is imported from another member State for slaughter, other than an animal taken to an assembly centre, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by

---

(3) OJ No. L268, 14.9.92, p.54, as amended by and as read with the provisions listed in paragraph 10 of Part I of Schedule 3.

(4) OJ No. L303, 30.10.90, p. 6, as amended by and as read with the provisions listed in paragraph 6 of Part I of Schedule 3.

notice served on the person appearing to him or her to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(6) If a notice served under either paragraph (4) or (5) is not complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

### **Transport of animals and animal products**

7.—(1) A person must not transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive [90/425/EEC](#).

(2) A person must not deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him or her by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to him or her to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 3 have effect, and any failure to comply with those provisions may lead to the amendment, suspension or revocation of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997(5) in accordance with Schedule 9 to that Order.

### **Dealers**

8.—(1) Dealers in cattle, pigs, sheep or goats, engaging in intra-Community trade must comply with Part III of Schedule 3.

(2) Dealers in other animals engaging in intra-Community trade, if required to do so by a notice served by the National Assembly, must register as such with the National Assembly and must give such undertakings as to compliance with these Regulations as are specified in the notice.

(3) The National Assembly must keep a register of dealers registered under paragraph (2).

(4) Any person who has registered under paragraph (2) must keep a record of —

(a) all deliveries of animals; and

(b) where a consignment is divided up or subsequently marketed, the subsequent destination of the animals,

and must keep such records for 12 months from the arrival of the consignment.

### **Approval of centres and teams for the purposes of Directive [92/65/EEC](#) and laboratories for the purposes of Directive [90/539/EEC](#)**

9.—(1) For the purposes of Articles 5 and 13 of Council Directive [92/65/EEC](#), the National Assembly must approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

---

(5) S.I.1997/1480, to which there are amendments not relevant to these Regulations.

(2) The National Assembly must suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the National Assembly must approve any semen collection centre or embryo collection team which has applied to the National Assembly for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(4) The National Assembly must approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for Mycoplasma infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#).

(5) The tests for Salmonella infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#) must be carried out by laboratories authorised pursuant to article 2(1) of the Poultry Breeding Flocks and Hatcheries Order 1993<sup>(6)</sup>.

### **Inspection and checking at destination**

**10.**—(1) A veterinary inspector has power to inspect, at their place of destination, all animals and animal products imported from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the instruments in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector has power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he or she has information leading him or her to suspect an infringement of the instruments in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

### **Duties on consignees**

**11.**—(1) A person must not accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#) (on the zootechnical and genealogical conditions governing intra-Community trade in equidae)<sup>(7)</sup>) unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee must retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector referred to in paragraph (1) is the inspector authorised by the National Assembly to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

### **Assembly centres and slaughterhouses**

**12.**—(1) Any person operating an assembly centre must do so in accordance with this regulation.

(2) The assembly centre is to be approved by the National Assembly and given a number, and approval is only to be given if the National Assembly is satisfied that —

(a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive [64/432/EEC](#);

---

<sup>(6)</sup> S.I. 1993/1898.

<sup>(7)</sup> OJ No. L224, 1.8.90, p. 55, as amended by and as read with the provisions listed in paragraph 15 of Part I of Schedule 3.

- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Directive [91/68/EEC](#); and
  - (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive [90/425/EEC](#).
- (3) The operator of an assembly centre shall admit to those premises only animals that are identified and come from herds or flocks that are eligible for intra-Community trade.
- (4) Where animals are consigned to an assembly centre, the operator of the assembly centre must —
- (a) ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive [90/425/EEC](#); and
  - (b) record on a register —
    - (i) the name of the owner, the origin, date of entry and exit, number of the animals, and their proposed destination;
    - (ii) the registration number of the transporter and the licence number of the vehicle delivering or collecting animals from the centre;
    - (iii) in the case of cattle, the identification of the animals or the registration number of the holding of origin as well as the information in paragraphs (i) and (ii);
    - (iv) in the case of pigs, the registration number of the holding of origin or of the herd of origin as well as the information in paragraphs (i) and (ii); and
    - (v) in the case of sheep or goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in paragraphs (i) and (ii),and shall preserve the register for a minimum of three years.
- (5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995<sup>(8)</sup> or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995<sup>(9)</sup>, the official veterinary surgeon must ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).
- (6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, he or she must forthwith notify a veterinary inspector authorised by the National Assembly to receive such notification, who must examine the animals and must either —
- (a) certify that they are fit to be slaughtered and used for their intended purpose; or
  - (b) by notice served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re-exported, in each case at the expense of the importer.
- (7) Where paragraphs (4) and (5) do not apply, any person who markets any animal consigned to him or her from another member State, or divides up batches of such animals for distribution or marketing —

---

<sup>(8)</sup> S.I. [1995/539](#), to which there are amendments not relevant to these Regulations.

<sup>(9)</sup> S.I. [1995/540](#), to which there are amendments not relevant to these Regulations.

- (a) must check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) must immediately notify any irregularity or anomaly to a veterinary inspector authorised by the National Assembly to receive such notification; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive [90/425/EEC](#)(**10**), must isolate the animals in question until a veterinary inspector authorised by the National Assembly to do so has authorised their release in writing.

### **Illegal consignments**

**13.**—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 6 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, he or she may serve a notice in accordance with paragraph (2) on the person appearing to him or her to be in charge of those animals or products.

(2) The notice must require that person —

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to them as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or
- (b) without delay, to slaughter them, or slaughter and destroy them, or, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.

(3) Subject to the provisions of paragraph (4) if an inspector knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), he or she may, if animal health and welfare considerations so permit, give the consignor or the consignor's representative or the person appearing to him or her to be in charge of those animals or products by way of notice the choice of —

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(**11**), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring him or her to take whatever action is specified in that legislation; or
- (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(4) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector must not serve a notice under paragraph (3) unless —

- (a) he or she has given the consignor, the consignor's representative or the person appearing to him or her to be in charge of those animals or products a notice requiring him or her to

---

(10) OJ No. L224, 18.8.90, p. 29, as amended by and as read with the provisions listed in Schedule 1.

(11) S.I. [1997/1729](#), as amended by S.I. [2001/3590](#).

produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice; and

(b) the required consignment documentation has not been produced within that time.

(5) In the event of any notice served under this regulation not being complied with an inspector may seize any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.