
WELSH STATUTORY INSTRUMENTS

2006 No. 1536

**The Animals and Animal Products (Import
and Export) (Wales) Regulations 2006**

PART 3

Third Countries

Application of Part 3

- 14.** This Part applies in respect of animals imported into Wales—
- (a) from anywhere other than a member State, and
 - (b) from another member State if the animal originated in a country which is not a member State and all the checks provided for in Council Directive [91/496/EEC](#) have not been carried out.

Official veterinarians

15. The National Assembly may from time to time designate such veterinary inspectors to act as official veterinarians as are necessary for the purposes of this Part and may revoke such designation at any time.

Importation

- 16.—**(1) A person must not import any animal—
- (a) either for entry into the UK or for export to another member State unless the conditions in Article 4 of Council Directive [91/496/EEC](#) are complied with; or
 - (b) for immediate re-export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the National Assembly and the conditions in Article 9 of Council Directive [91/496/EEC](#) have been complied with.
- (2) A person must not import any animal to which an instrument in Part I of Schedule 7 applies unless, subject to paragraph (4) in relation to the import of captive birds, that animal is imported from a country or territory which is specified under an instrument in Part I of Schedule 7.
- (3) A person must not import any animal to which an instrument in Part II of Schedule 7 applies unless, subject to paragraph (4) in relation to the import of captive birds, it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.
- (4) In relation to imports of captive birds, this regulation as read with paragraph 3 of Part I and paragraph 6 of Part II of Schedule 7 does not apply to permit the import of such birds until 1st August 2006.
- (5) Where an animal is imported for slaughter, 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 notice served on the person appearing to the inspector to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(6) In the event of a notice served under paragraph (5) not being complied with an inspector may seize any animal to which it relates and arrange for the requirements of the notice to be complied with.

(7) The person in charge of an animal that has been imported for immediate re-export, either directly or indirectly, outside the European Community must comply with Article 4, second indent, of Commission Regulation (EC) No. 282/2004.

Places of import

17.—(1) A person must not import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(1) may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph 17, an inspector may by notice require the person appearing to the inspector to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this regulation will have effect.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to the veterinary inspector to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re-exported outside the European Community.

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

Import procedure

18.—(1) A person must not import any animal unless he or she has given notice of his or her intention to do so in accordance with Article 1 of Commission Regulation (EC) No. 282/2004.

(2) On importation, the importer or the importer's agent must convey the animal, under the supervision of the enforcement authority, directly to the examination area of the border inspection post or, where the instruments in Schedule 7 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub-paragraph of Article 10(1) of Council Directive 91/496/EEC.

(3) In relation to a captive bird, the importer or the importer's agent must at the expense of the importer ensure that—

(a) the bird is conveyed from the border inspection post referred to in paragraph (2) to an approved quarantine centre or approved quarantine facility as provided for in Articles 2(4) and 3(1) and (2) of Commission Decision 2000/666/EC; and

(b) the bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Articles 3(3) and (5), 4, 5 and 6 of Commission Decision 2000/666/EC and regulation 19.

(4) Without prejudice to regulation 19(7), a person must not remove any animal from a border inspection post or a quarantine centre unless the common veterinary entry document has been completed in accordance with Article 3(1) of Commission Regulation (EC) No. 282/2004 indicating that all necessary veterinary checks have been carried out to the satisfaction of the official veterinarian.

(5) A person must not remove any animal from Customs temporary storage arrangements—

(1) S.I. 1974/2211; relevant amending instruments are S.I. 1977/361, 1984/1182, 1986/2062, 1999/3443 and 2004/2364.

- (a) unless the common veterinary entry document has been produced in accordance with Article 3(3) of Commission Regulation (EC) No. 282/2004 to an officer of Her Majesty's Customs and Excise and the removal has been authorised by that officer;
- (b) to any place other than the place of destination specified in the common veterinary entry document, unless he or she has been required to remove it to another place by means of a notice served on him or her by an inspector.

(6) Subject to paragraphs (2) to (5), the person in charge of an animal imported from a third country must ensure that it is conveyed to its place of destination without delay and that the original of the common veterinary entry document accompanies it to its place of destination in accordance with Article 3(4) of Commission Regulation (EC) No. 282/2004.

(7) Where a check at a border inspection post involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may, by notice served on the owner or the person appearing to the official veterinarian to be in charge of an animal, permit the owner or person so served to move the animal from the border inspection post, and require that owner or person to keep the animal in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 22 apply as they apply at a border inspection post.

(8) In the event of a notice served under paragraph (5)(b) or (7) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

Quarantine for captive birds

19.—(1) The provisions of Part I of Schedule 8 have effect in relation to approvals for quarantine centres and quarantine facilities pursuant to Commission Decision 2000/666/EC (“the decision”).

(2) The quarantine manager must ensure that the specific requirements for the quarantine of captive birds described in Part II of Schedule 8 are met.

(3) The importer of a captive bird must meet the costs of sampling undertaken during the captive bird's quarantine and must pay the charges of the official laboratory for testing and analysis of samples (including the post mortem removal of tissue for testing) required under Articles 4(1), (3), (4) and (5) or undertaken in connection with reaching a suspected or confirmed diagnosis of *Chlamydia psittaci* referred to in Article 5 of Commission Decision 2000/666/EC as that laboratory may demand in writing in accordance with paragraphs (4) and, as the case may be, (5) of this regulation.

(4) For the purposes of testing and analysis of samples described in paragraph (3), the Veterinary Laboratories Agency (an executive agency of Defra) is designated the official laboratory and may make any charge as provided for in Part III of Schedule 8 for carrying out such testing and analysis.

(5) A demand for payment of charges made by the Veterinary Laboratories Agency under this regulation may be addressed to the importer concerned at his or her last known address, whether or not it is his or her address for business.

- (6) No person may enter a quarantine centre or a quarantine facility unless that person—
 - (a) wears protective clothing and footwear; and
 - (b) meets at least one of the following criteria—
 - (i) he or she is a member of staff at that quarantine centre or quarantine facility;
 - (ii) he or she has been authorised so to enter by the National Assembly or by a veterinary inspector; or

(iii) he or she otherwise does so in fulfilment of a statutory function relating to animal health, animal welfare or species conservation which he or she is appointed by the National Assembly or by the local authority to perform.

(7) A person must not remove a live captive bird from a quarantine centre or quarantine facility unless a veterinary inspector has authorised the removal.

(8) A person must not remove or dispose of a carcase of a captive bird which dies in quarantine unless a veterinary inspector has authorised the removal or disposal.

(9) In so far as not provided for under regulation 30, an inspector has the powers in relation to the quarantine of captive birds to—

- (a) enter a quarantine centre or quarantine facility to check compliance with these Regulations or with an approval granted under this regulation and Schedule 8, or to assess whether it is appropriate to grant such an approval;
- (b) inspect and arrange for copies of any documents or records (including those in electronic form) which he or she reasonably considers relevant for checking compliance as described in sub-paragraph (a); and
- (c) take such samples and carry out such inspections of a quarantine centre or quarantine facility and its equipment, and such clinical veterinary examinations, as are required under Commission Decision [2000/666/EC](#).

(10) An inspector exercising powers under paragraph (9) must produce, if required to do so, some duly authenticated document showing his or her authority to exercise those powers.

(11) “Quarantine manager” means the person in charge of a quarantine centre or quarantine facility for which approval is required under the Decision.

Payment of fees

20. The official veterinarian must not authorise the release of animals from a quarantine centre or border inspection post unless he or she is satisfied that all veterinary checks for which a charge is made have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 9(1)(a), 9(2), the second and third indents of Article 10(1), Article 10(6) and Article 12(2) of Council Directive [91/496/EEC](#) has been lodged.

Consignments constituting a danger to health

21.—(1) Subject to paragraph (2), where checks at a quarantine centre, quarantine facility or border inspection post or the test results referred to in regulation 18(7) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian must immediately seize and destroy the animal or consignment (as the case may be) and the costs of such action are payable by the importer or the importer’s representative.

(2) Where the presence of avian influenza or Newcastle disease is found at a quarantine centre or quarantine facility as described in Article 4(4) of Commission Decision [2000/666/EC](#), a veterinary inspector must—

- (a) kill and destroy all birds within the quarantine facility or at the unit at the quarantine centre where disease has been found, as required under Article 4(4)(a) of Commission Decision [2000/666/EC](#); and
- (b) by notice impose the other measures provided for in Article 4(4),

except that in relation to Newcastle disease, the veterinary inspector may instead serve notice specifying the terms on which the derogation in Article 4(5) is to be exercised.

(3) Where during quarantine required under Commission Decision [2000/666/EC](#) psittaciformes are suspected or found to be suffering Chlamydia psittaci, the veterinarian inspector must by notice—

- (a) require the treatment of all birds in the consignment by means specified in that notice; and
- (b) extend the period of quarantine as required under Article 5 of Commission Decision [2000/666/EC](#).

(4) A veterinary inspector serving a notice under paragraphs (2) and (3) must serve it upon the quarantine manager or other person appearing to be in charge of the centre or facility at the time of service; and must as soon as practically possible send a copy by way of information to the importer of the birds concerned.

Illegal consignments

22.—(1) Where checks at the quarantine centre, quarantine facility or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive [91/496/EEC](#) or Articles 3, 4 or 5 of Council Directive [91/628/EEC](#) on the protection of animals during transport and amending Directives [90/425/EEC](#) and [91/496/EEC](#)(2), as amended by Council Directive [95/29/EC](#)(3), a veterinary inspector must, by notice served on the person appearing to the veterinary inspector to be in charge of those animals, require that person to—

- (a) shelter, feed and water and, if necessary, treat the animals;
- (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease into or within Wales; or
- (c) re-despatch them outside the territory of the European Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.

(2) Before exercising any of the powers in paragraph 22 the veterinary inspector must consult the importer or the importer's representative.

(3) If the animals are re-despatched in accordance with sub-paragraph (1)(c), the official veterinarian must cancel the veterinary certificate accompanying the rejected consignment and complete the box 'details of re-consignment' in part 3 of the common veterinary entry document in accordance with the second indent of Article 3(1) of Commission Regulation (EC) No. [282/2004](#) as soon as the relevant information is known.

(4) If in the opinion of the veterinary inspector re-despatch is not possible, in particular for reasons of the welfare of animals, the veterinary inspector must serve a notice on the person appearing to him or her to be in charge of the animals in accordance with the following paragraph.

(5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, must either—

- (a) order the slaughter of the animals for purposes other than human consumption, or
- (b) order the slaughter of the animals and destruction of the carcasses, specifying in each case the conditions regarding control of the use of the products obtained.

(6) In the event of a notice served under paragraph (4) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) The importer or the importer's representative are liable for the costs incurred in measures under this regulation, but are entitled, after deduction of costs, to the proceeds of any sale.

(2) OJ No. L340, 11.2.91, p.17.

(3) OJ No. L148, 30.6.95, p. 52.

Arrival at the place of destination

23.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, must be detained at the premises by the person having control of those premises for at least 30 days and that person must not release them until authorised in writing by an authorised officer of the National Assembly.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (1) does not apply that are for breeding or production must be detained at the place of destination by the person having control of those premises, and that person must not release them unless authorised in writing by an authorised officer of the National Assembly.

Post-import controls

24.—(1) Where a veterinary inspector knows or suspects that import conditions (including requirements for the quarantine of imported animals) have not been complied with or there is doubt as to the identity of an animal, the veterinary inspector may carry out any veterinary checks on that animal that he or she deems appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 22 apply as the provisions apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or to isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.