The Secretary of State is a Minister designated(1) for the purpose of making Regulations under section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Union.

The Animals and Animal Products (Import and Export) (England) Regulations 2006(3) (“the principal Regulations”) and these regulations make provision for a purpose mentioned in that section and it appears to the Secretary of State that it is expedient for the references to the European Union instruments set out in the provisions of Schedules 3 and 7 of the principal Regulations substituted by these Regulations to be construed as references to that legislation as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

Title, application and commencement

1. These Regulations—
   (a) may be cited as the Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010;
   (b) apply in England; and
   (c) come into force on 29th July 2010.

(1) S.I. 1972/1811.
(2) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(3) S.I. 2006/1471 as last amended by S.I. 2008/3203.
Amendment to the Animals and Animal Products (Import and Export) (England) Regulations 2006

2. The Animals and Animal Products (Import and Export) (England) Regulations 2006 are amended in accordance with regulations 3 to 5.


3.—(1) In regulation 1(3) substitute for the definition of “Council Directive 90/539/EEC” the following definition—


(a) in both places that it occurs in regulation 5(5); and

(b) in Schedule 4 at paragraph 1.

(3) For regulation 5(6) substitute—

“(6) An establishment to which paragraph (5)(a) applies is to be considered an approved establishment for the purposes of Article 6(a)(i) of Council Directive 2009/158/EC.”.

(4) For regulation 9 substitute—


9.—(1) For the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, the Secretary of State shall 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.

(2) The Secretary of State shall 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 Secretary of State shall approve any semen collection centre or embryo collection team which has applied to the Secretary of State 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 Secretary of State shall approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for Mycoplasma and Salmonella infections required under Chapter III of Annex II to Council Directive 2009/158/EC.”.

Part 1 of Schedule 3

4. For Part 1 of Schedule 3 substitute—

“PART I
Legislation in Relation to Intra-Community Trade

Bovine animals and swine


Bovine semen


Bovine embryos


Equidae


Porcine semen


Poultry and hatching eggs


Animal waste


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Fish


Ovine and caprine animals


Other animals, semen, ova and embryos


Circuses and animal acts


Pathogens


Pure-bred animals of the bovine species


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(18) OJ No L 279, 22.10.2005, p 47.
Breeding animals of the porcine species


Pure-bred breeding sheep and goats


Bluetongue susceptible animals


Transmissible spongiform encephalopathies


21. Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to the BSE risk(25).

Parts I and II of Schedule 7

5. For Schedule 7 substitute—

"SCHEDULE 7

EU legislation in relation to imports from third countries

PART I

Instruments specifying Third Countries and territories in Third Countries from which Member States may authorise certain imports

Cloven-hoofed animals and elephants and zoo ungulates

1. Commission Regulation (EC) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the EU of certain animals and fresh meat and the veterinary certification requirements(26).

(26) OJ No L 73, 20.3.2010, p 1.
Poultry

2. Commission Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements(27).

Captive birds


Shellfish and finfish


Bees

5. Commission Regulation (EC) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the EU of certain animals and fresh meat and the veterinary certification requirements(30).

Equidae

6. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species(31).


Cats, dogs and ferrets


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(30) OJ No L 73, 20.3.2010, p 1.
(32) OJ No L32, 4.2.2010, p 32.
PART II
Detailed provisions

Cloven-hoofed animals and elephants and zoo ungulates

9. Commission Regulation (EC) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the EU of certain animals and fresh meat and the veterinary certification requirements\(^{(34)}\).

Zoo ungulates


General provisions for equidae


12. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species\(^{(37)}\).

Temporary admission of registered horses

13. Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses\(^{(38)}\).

Registered horses for racing etc, upon re-entry

14. Commission Decision 93/195/EEC on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export\(^{(39)}\).

Equidae for slaughter

15. Commission Decision 93/196/EEC on animal health conditions and veterinary certification for imports of equidae for slaughter\(^{(40)}\).

Registered equidae and equidae for breeding and production

16. Commission Decision 93/197/EEC on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production\(^{(41)}\).

\(^{(34)}\) OJ No L 73, 20.3.2010, p 1.
Poultry


18. Commission Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements(43).

Other specified animals, semen, ova and embryos


Captive birds


Cats, dogs and ferrets


Live animals from New Zealand


Zootechnical conditions


Transmissible spongiform encephalopathies


25. Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to the BSE risk(50).”.

5th July 2010

Jim Paice
Minister of State
Department for Environment Food and Rural Affairs
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace Part I of Schedule 3 and Schedule 7 to the Animals and Animal Products (Import and Export) (England) Regulations 2006 (S.I. 2006/1471) (“the principal Regulations”). The changes to these Schedules incorporate new and amended EU legislation that have come into force since the last amendment to these Schedules in the principal Regulations.


The principal Regulations give effect to EU law concerning the import of animals from third countries and intra-EU trade in animals and animal products. To be eligible for intra-EU trade, animals and genetic material must meet the provisions of the EU legislation listed in Part I of Schedule 3, and any additional requirements specified in that list. Consignments must be accompanied to their destination by a valid health certificate. The principal Regulations require that animals imported from non-EU countries must comply with Council Directive 91/496/EC and the EU legislation set out in Schedule 7. Such animals must enter the EU via an approved Border Inspection Post, where they are checked to ensure they meet EU requirements.

A full Impact Assessment has not been produced for this instrument as no impact on private, voluntary or public sectors is foreseen.