
STATUTORY INSTRUMENTS

2010 No. 1760

AGRICULTURE, ENGLAND

The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010

| | | |
|-------------------------------|---------|-----------------------|
| <i>Made</i> | - - - - | <i>5th July 2010</i> |
| <i>Laid before Parliament</i> | | <i>8th July 2010</i> |
| <i>Coming into force</i> | - - | <i>29th July 2010</i> |

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.

Council Directive 2009/158/EC

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

““Council Directive 2009/158/EC” means Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;”(4).

(2) Substitute “Council Directive 2009/158/EC” for “Council Directive 90/539/EEC”—

(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—

“Approval of centres and teams for the purposes of Council Directive 92/65/EEC and of laboratories for the purposes of Council Directive 2009/158/EC

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—

(4) OJ No L 343, 22.12.2009, p 74.

“PART I

Legislation in Relation to Intra-Community Trade

Bovine animals and swine

1. Council Directive [64/432/EEC](#) on health problems affecting intra-Community trade in bovine animals and swine⁽⁵⁾.

Bovine semen

2. Council Directive [88/407/EEC](#) laying down the animal health conditions applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species⁽⁶⁾.

Bovine embryos

3. Council Directive [89/556/EEC](#) on animal health conditions concerning intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species⁽⁷⁾.

Equidae

4. Council Directive [90/426/EEC](#) on health conditions governing the movement of equidae and their import from third countries⁽⁸⁾.

5. Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae⁽⁹⁾.

Porcine semen

6. Council Directive [90/429/EEC](#) laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species⁽¹⁰⁾.

Poultry and hatching eggs

7. Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽¹¹⁾.

Animal waste

8. Regulation [\(EC\) No 1774/2002](#) of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption⁽¹²⁾.

(5) OJ No L 121, 29.7.64, p 1977 – 2012 as last amended by Commission Decision 2009/976/EU (OJ No L 336, 18.12.2009, p 36).

(6) OJ No L 194, 22.7.98, p 10 as last amended by Council Directive [2008/73/EC](#) (OJ No L 219, 14.8.2008, p 40).

(7) OJ No L 302, 19.10.89, p 1 as last amended by Council Directive [2008/73/EC](#).

(8) OJ No L 224, 18.8.90, p 42 as last amended by Council Directive [2008/73/EC](#).

(9) OJ No L 224, 18.8.90, p 55 as last amended by Council Directive [2008/73/EC](#).

(10) OJ No L 224, 18.8.90, p 62 as last amended by Council Directive [\(EC\) 2008/73/EC](#).

(11) OJ No L 343, 22.12.2009, p 74.

(12) OJ No L 273, 10.10.2002, p 1 as last amended by Council Regulation [\(EC\) No 596/2009](#) (OJ No. L 188, 18.7.2009, p 14).

Fish

9. Council Directive [2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(13).

10. Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(14).

11. [Commission Regulation \(EC\) No 1251/2008](#) implementing Council Decision [2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species(15).

Ovine and caprine animals

12. Council Directive [91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals(16).

Other animals, semen, ova and embryos

13. 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 Council Directive [90/425/EEC](#)(17).

Circuses and animal acts

14. [Commission Regulation \(EC\) No. 1739/2005](#) laying down animal health requirements for the movement of circus animals between member States(18).

Pathogens

15. Council Directive [92/118/EEC](#) laying down animal and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#)(19).

Pure-bred animals of the bovine species

16. Council Directive [2009/157/EC](#) on pure-bred breeding animals of the bovine species(20).

(13) OJ No L 328, 24.11.2006, p 14 as last amended by Commission Directive [2008/53/EC](#) (OJ No. L 337, 16.12.2008, p 94).

(14) OJ No L 157, 30.4.2004, p 33 as corrected in OJ No L 195, 2.6.2004, p 12.

(15) OJ No L 337, 16.12.2008, p 41 as last amended by Commission Regulation (EU) No. 346/2010 (OJ No L 104, 24.4.2010, p 1).

(16) OJ No L 46, 19.2.91, p 19 as last amended by Council Directive [2008/73/EC](#) (OJ No L 219, 14.8.2008, p 40).

(17) OJ No L 268, 14.9.92, p 54 as last amended by Commission Regulation (EU) No 176/2010 (OJ No L 52, 3.3.2010, p 14).

(18) OJ No L 279, 22.10.2005, p 47.

(19) OJ No L 62, 15.3.93, p 49 as last amended by [Commission Regulation \(EC\) No 445/2004](#) (OJ No L 72, 11.3.2004, p 60).

(20) OJ No L 323, 10.12.2009, p 1.

Breeding animals of the porcine species

17. Council Directive [88/661/EEC](#) on the zootechnical standards applicable to breeding animals of the porcine species(21).

Pure-bred breeding sheep and goats

18. Council Directive [89/361/EEC](#) concerning pure-bred breeding sheep and goats(22).

Bluetongue susceptible animals

19. [Commission Regulation \(EC\) No 1266/2007](#) on implementing rules for Council Directive [2000/75/EC](#) as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue(23).

Transmissible spongiform encephalopathies

20. Regulation [\(EC\) No 999/2001](#) of the European Parliament and of the Council laying down rules for the prevention, control, and eradication of certain transmissible spongiform encephalopathies(24).

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

Regulation 16

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).

(21) OJ No L 382, 31.12.1988, p 36 as last amended by Council Directive [2008/73/EC](#) (OJ No L 219, 14.8.2003, p 40).

(22) OJ No L 153, 6.6.1989, p 30 as last amended by Council Directive [2008/73/EC](#).

(23) OJ No L 283, 27.10.2007, p 37 as last amended by [Commission Regulation \(EC\) No 1156/2009](#) (OJ No L 313, 28.11.2009, p 59).

(24) OJ No L 147, 31.5.2001, p 1 as last amended by [Commission Regulation \(EC\) No 220/2009](#) (OJ No L 87, 31.3.2009, p 155).

(25) OJ No L 172, 30.6.2007, p 84 as last amended by Commission Decision 2009/830 (OJ No L 295, 12.11.2009, p 11).

(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

3. [Commission Regulation \(EC\) No 318/2007](#) of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof⁽²⁸⁾.

Shellfish and finfish

4. [Commission Regulation \(EC\) No 1251/2008](#) implementing Council Decision [2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species⁽²⁹⁾.

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⁾.

7. Commission Decision 2010/57/EU laying down health guarantees for the transit of equidae being transported through the territories listed in Annex I to Council Directive [97/78/EC](#)⁽³²⁾.

Cats, dogs and ferrets

8. Commission Decision [2005/64/EC](#) implementing Council Directive [92/65/EEC](#) as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres⁽³³⁾.

(27) OJ No L 226, 23.8.2008, p 1 as last amended by Commission Regulation (EU) No 254/2010 (OJ No L 80, 26.3.2010, p 1).

(28) OJ No L 84, 24.3.2007, p 7 as last amended by [Commission Regulation \(EC\) No 239/2010](#) (OJ No L 75, 23.3.2010, p 18).

(29) OJ No L 337, 16.12.2008, p 41 as last amended by [Commission Regulation \(EC\) No 719/2009](#) (OJ No L 205, 7.8.2009, p 10).

(30) OJ No L 73, 20.3.2010, p 1.

(31) OJ No L 73, 11.3.2004, p 1 as last amended by Commission Decision [2009/624/EC](#) (OJ No L 227, 29.8.2009, p 7).

(32) OJ No L32, 4.2.2010, p 32.

(33) OJ No L 27, 29.1.2005, p 48.

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

10. Council Directive [2004/68/EC](#) laying down health rules for the importation into and transit through the Community of certain live ungulate animals⁽³⁵⁾.

General provisions for equidae

11. Council Directive [90/426/EEC](#) on health conditions governing the movement of equidae and their import from third countries⁽³⁶⁾.

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.

⁽³⁵⁾ OJ No L 139, 30.4.2004, p 321 as corrected in OJ No L 226, 25.6.2004, p 128.

⁽³⁶⁾ OJ No L 224, 18.8.1990, p 42 as last amended by Council Directive [2006/104/EC](#), (OJ No L 363, 20.12.2006, p 352).

⁽³⁷⁾ OJ No L 73, 11.3.2004, p 1 as last amended by Commission Decision [2009/624/EC](#) (OJ No. L 227, 29.8.2009, p 7).

⁽³⁸⁾ OJ No L 130, 15.5.1992, p 67 as last amended by [Commission Regulation \(EC\) No 1792/2006](#).

⁽³⁹⁾ OJ No L 86, 6.4.93, p 7 as last amended by Commission Regulation (EC) No 1792/2006 (OJ No L 362, 20.12.2006, p 1).

⁽⁴⁰⁾ OJ No L 86, 6.4.93, p 7 as last amended by Commission Regulation (EC) No 1792/2006.

⁽⁴¹⁾ OJ No L 86, 6.4.93, p 16 as last amended by Commission Regulation (EC) No 1792/2006.

Poultry

17. Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(42).

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

19. 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 Council Directive [90/425/EEC](#)(44).

Captive birds

20. [Commission Regulation \(EC\) No 318/2007](#) of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof(45).

Cats, dogs and ferrets

21. Commission Decision [2005/64/EC](#) implementing Council Directive [92/65/EEC](#) as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres(46).

Live animals from New Zealand

22. Commission Decision [2003/56/EC](#) on health certificates for the importation of live animals and animal products from New Zealand(47).

Zootechnical conditions

23. Council Directive [94/28/EC](#) laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive [77/504/EEC](#) on pure-bred breeding animals of the bovine species(48).

Transmissible spongiform encephalopathies

24. Regulation [\(EC\) No 999/2001](#) of the European Parliament and of the Council laying down rules for the prevention, control, and eradication of certain transmissible spongiform encephalopathies(49).

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).”.

(42) OJ No. L 343, 22.12.2009, p 74.

(43) OJ No L 226, 23.8.2008, p 1 as last amended by Commission Regulation (EU) No 254/2010 (OJ No L 80, 26.3.2010, p 1).

(44) OJ No L 268, 14.9.92, p 54 as last amended by Commission Regulation (EU) 176/2010 (OJ No L 52 3.3. 2010, p 14).

(45) OJ No L 84, 24.3.2007, p 7 as last amended by [Commission Regulation \(EC\) No 1118/2009](#) (OJ No. L 307, 21.11.2009, p 3).

(46) OJ No L 27, 29.1.2005, p 48.

(47) OJ No L 22, 25.1.2003, p 38 as last amended by Commission Decision [2006/855/EC](#) (OJ No L 338, 5.12.2006, p 45).

(48) OJ No L 178, 12.7.94, p 66 as amended by Council Directive [2008/73/EC](#) (OJ No L 219, 14.8.2008, p 40).

(49) OJ No L 147, 31.5.2001, p 1 as last amended by [Commission Regulation \(EC\) No 220/2009](#).

(50) OJ No L 172, 30.6.2007, p 84 as last amended by Commission Decision [2009/830/EC](#) (OJ No L 295, 12.11.2009, p 11).

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.

These Regulations delete references to Council Directive [90/539/EEC](#) (OJ No L 303, 31.10.1990, p 6) which has been subject to codification in Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ No L 343, 22.12.2009, p 74).

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.