

2018 No. 000

EXITING THE EUROPEAN UNION

ANIMALS

ANIMAL HEALTH

The Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2018

Sift requirements satisfied ***

Made - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7, to the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

PART 2

Amendment of secondary legislation that applies in Great Britain

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

2.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(a) is amended as follows.

(a) 2018 c. 16.

(2) In article 4—

(a) in paragraph 2—

- (i) in sub-paragraph (a)(i), for “another” substitute “a”;
- (ii) in sub-paragraphs (a)(ii), (b)(ii), (c)(ii) and (d)(ii), for “Council Directive 92/65/EEC” substitute “the Trade in Animals and Related Products Regulations 2011**(b)**, the Trade in Animals and Related Products (Wales) Regulations 2011**(c)** or the Trade in Animals and Related Products (Scotland) Regulations 2012**(d)**”;

(b) in paragraph 11—

- (i) in sub-paragraph (a), omit paragraph (i) (together with the final “and”);
- (ii) omit sub-paragraph (b);

(c) in paragraph 12—

- (i) for “Council Directive 92/65/EEC” substitute “the Trade in Animals and Related Products Regulations 2011, the Trade in Animals and Related Products (Wales) Regulations 2011 or the Trade in Animals and Related Products (Scotland) Regulations 2012”;
- (ii) for “the requirement” substitute “a requirement”;
- (iii) omit “, as referred to in Article 10(4) of that Directive”.

The Artificial Insemination of Pigs (EEC) Regulations 1992

3.—(1) The Artificial Insemination of Pigs (EEC) Regulations 1992**(e)** are amended as follows.

(2) In regulation 2—

- (a) in the heading, omit “Intra-Community”;
- (b) in paragraph (1), for “another” substitute “a”;
- (c) in paragraph (2), in the words before sub-paragraph (a), for “another” substitute “a”;
- (d) after paragraph (2) insert a new paragraph—

“(3) Article 3 of Council Directive 90/429/EEC is to be read as if references—

- (a) to a Member State were to the Secretary of State, The Minister of Scotland or the Minister of Scotland as appropriate,
- (b) to intra Community trade were to trade within Great Britain.”.

(3) In regulation 3, for “another” substitute “a”.

The Animals (Post-Import Control) Order 1995

4.—(1) The Animals (Post-Import Control) Order 1995**(f)** is amended as follows.

(2) For article 3(2) substitute—

“(2) Paragraph (1) does not apply in the case of the importation of pigs from any of the territories specified in Annex 1 of Commission Decision 2008/185/EC as at exit day.”.

(3) In articles 5(1) and 6, omit “in any of the circumstances specified in a provision listed in Schedule 3 to this Order” in both places.

(4) Omit Schedules 1 and 3.

(a) S.I. 1974/2211, relevant amending instruments are S.I. 2011/2883, 2014/3158, S.S.I 2012/177.

(b) S.I. 2011/1197.

(c) S.I. 2011/2379 (W. 252).

(d) S.S.I. 2012/177.

(e) S.I. 1992/3161.

(f) S.I. 1995/2439, to which there are amendments not relevant to these Regulations.

The Bovine Embryo (Collection, Production and Transfer) Regulations 1995

5.—(1) The Bovine Embryo (Collection, Production and Transfer) Regulations 1995(a) are amended as follows.

- (2) In regulation 2(1), for the definition of “intra-Area trade” substitute—
““national trade” means trade within Great Britain;”.
- (3) Omit regulation 5.
- (4) In regulation 6—
 - (a) in the heading, for “purposes other than intra-Area” substitute “national”;
 - (b) omit “other than for the purposes of intra-Area” substitute “for national”.
- (5) In regulation 9, omit “5,”.
- (6) Omit regulation 10.
- (7) In regulation 11—
 - (a) in the heading, for “not intended for intra-Area” substitute “for national”;
 - (b) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), for “not intended for intra-Area” substitute “for national”;
 - (ii) in sub-paragraph (a), omit “regulation 5 or”;
 - (c) in paragraph (2), in the words before sub-paragraph (a), omit “Schedule 4 or”;
 - (d) in paragraph (3), omit the words from “provided” to the end.
- (8) In regulation 12(c), omit the words from “in accordance” to “intra-Area trade,”.
- (9) Omit regulations 13 to 15.
- (10) In regulation 16—
 - (a) in the heading, for “not intended for use in intra-Area” substitute “for national”;
 - (b) in paragraph (1), for “not intended for intra-Area” substitute “for national”.
- (11) In regulation 17, in the heading, for “use in intra-Area” substitute “national”.
- (12) In regulation 18—
 - (a) in the heading, for “not intended for intra-Area” substitute “for national”;
 - (b) for “use other than in inter-Area” substitute “national”;
 - (c) omit “regulation 13 or”.
- (13) Omit regulation 20(2).
- (14) Omit Schedule 1.
- (15) In Schedule 2—
 - (a) in the heading, for “purposes other than for intra-Area” substitute “national”;
 - (b) in paragraph 3—
 - (i) in the words before sub-paragraph (a), omit “either”;
 - (ii) for sub-paragraph (a) (and the following “or”) substitute—
“(a) a permanent laboratory facility where the team has at its disposal—
 - (i) a work surface, a microscope and cryogenic equipment,
 - (ii) a room where bovine embryos can be manipulated, which is adjacent to but physically separate from the area used to handle the donor animals during collection,

(a) S.I. 1995/2478, to which there are amendments not relevant to these Regulations.

- (iii) a room or area equipped for cleansing and sterilising instruments and with equipment used in bovine embryo collection and manipulation, and
- (iv) where micromanipulation of the bovine embryo which involves penetration of the zona pellucida is to be carried out, suitable laminar-flow facilities,”;
- (iii) for sub-paragraph (b) substitute—
 - “(b) a mobile laboratory facility where the team has at its disposal—
 - (i) a work surface, a microscope and cryogenic equipment, and
 - (ii) a specially equipped part of the vehicle consisting of two separate sections, one for the examination and manipulation of bovine embryos which is a clean section, and the other for accommodating equipment and materials used in contact with the donor animals,”.
- (16) In Schedule 4—
 - (a) in the heading—
 - (i) for “the purposes of intra-Area” substitute “national”;
 - (ii) in the shoulder heading, for “Regulations 10 and 11” substitute “Regulation 11”;
 - (b) in paragraph (1), for “intra-Area” substitute “national”.
- (17) In Schedule 5—
 - (a) in the heading—
 - (i) omit ““10 or”,
 - (ii) in the shoulder heading, for “Regulations 10 and 12” substitute “Regulation 12”;
 - (b) in paragraph (1), omit “10 or”.
- (18) In Schedule 6, in the heading, for “not intended for intra-Area” substitute “for national”.
- (19) In Schedule 7—
 - (a) for paragraph 2 substitute—

“2. Bovine embryos must be produced by an approved production team and must not come into contact with any other consignment of bovine embryos not meeting the requirements of these Regulations.”;
 - (b) in paragraph (13), in the first sentence, for “intra-Area” substitute “national”.

The Non-Commercial Movement of Pet Animals Order 2011

- 6.—(1) The Non-Commercial Movement of Pet Animals Order 2011(a) is amended as follows.
- (2) In article 4(1), omit sub-paragraph (b) (together with the preceding “and”).
- (3) In article 5(1)(c), for “another” substitute “a”.
- (4) In article 11—
 - (a) in paragraph 2(b)—
 - (i) for “carrier or a” substitute “carrier,”;
 - (ii) after “Union carrier” insert “UK air carrier or United Kingdom carrier,”;
 - (b) in paragraph 6—
 - (i) in the definition of “Community air carrier”—
 - (aa) for “has” substitute “and “UK air carrier” have”;
 - (bb) omit the “and” at the end;

(a) S.I. 2011/2883, amended by S.I. 2014/3158; there are other amending instruments but none is relevant.

- (ii) in the definition of “Union carrier”, for “and amending Regulation (EC) No 2006/2004” to the end substitute “as it applies in the European Union^(a) as amended from time to time; and”;
- (iii) after the definition of “Union carrier” insert—
 - ““United Kingdom carrier” has the meaning given by Article 3 of Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway, and for the purposes of travelling by sea and inland waterway, “recognised assistance dog” shall be interpreted in accordance with that Regulation.”.
- (5) In article 15(2), omit “, including any representative of the European Commission”.
- (6) Omit articles 19 and 22(2).

PART 3

Amendment of secondary legislation that applies in England

The Bovine Semen (England) Regulations 2007

- 7.—(1) The Bovine Semen (England) Regulations 2007^(b) are amended as follows.
- (2) In the Regulations—
 - (a) for “an EC”, in each place it occurs, substitute “a licensed”;
 - (b) for “EC”, in each place it occurs, substitute “licensed”.
 - (3) In regulation 2—
 - (a) in paragraph (1)—
 - (i) after the definition of “inspector” insert—
 - ““licensed” means licensed by the Secretary of State;”,
 - (ii) after the definition of “teaser animal” insert—
 - ““third country” means any country other than the British Islands, unless otherwise stated;”,
 - (iii) in the definition of “unlicensed processing premises”, in paragraph (a)(ii) for “intra-Community trade” substitute “trade with a member State”.
 - (4) In regulation 3—
 - (a) in paragraph (2), in the words after sub-paragraph (c), for “intra-Community trade” substitute “trade with a member State”;
 - (b) omit paragraph (4).
 - (5) In regulation 4—
 - (a) in paragraph (b)—
 - (i) in sub-paragraph (i), for “intra-Community trade (an “EC” substitute “trade with a member State (a “licensed”;
 - (ii) in sub-paragraph (ii), for “intra-Community” substitute “international”;
 - (b) in paragraph (c)—
 - (i) in sub-paragraph (i), for “intra-Community trade (an “EC”)” substitute “trade with a member State (a “licensed”;
 - (ii) in sub-paragraph (ii), for “intra-Community” substitute “international”.

(a) OJ No L 364, 9.12.2004, p. 1.

(b) S.I. 2007/1319, amended by S.I. 2011/454; there are other amendments which are not relevant to these Regulations.

- (6) In regulation 29(c), for “another” substitute “a”.
- (7) Omit regulation 30.
- (8) In regulation 38(1), for “another” substitute “a”.
- (9) In Schedule 3—
 - (a) in Part 2—
 - (i) in paragraph 2—
 - (aa) in sub-paragraph (1), for “supplied for intra-Community trade” substitute “placed on the market”;
 - (bb) in sub-paragraph (2), for “the subject of intra-Community trade” substitute “placed on the market”;
 - (ii) in paragraph 3, for “intra-Community trade” substitute “trade with a member State”;
 - (b) in Part 3, in paragraphs 1(b)(i) and (c), for “intra-Community” substitute “other”.
- (10) In Schedule 5, in Part 3, in paragraph 1—
 - (a) in sub-paragraph (a)(ii), for “another”, in the second place it occurs, substitute “in a”;
 - (b) in sub-paragraph (b), for the words from “a marking” to the end substitute “distinct marking to ensure it is used for domestic trade only”.
- (11) In Schedule 8, in Part 1, in sub-paragraphs (a)(ii) and (b)(ii), for “another” substitute “a”.

The Trade in Animals and Related Products Regulations 2011

8.—(1) The Trade in Animals and Related Products Regulations 2011^(a) are amended as follows.

- (2) In regulation 2(1)—
 - (a) after the definition of “genetic material” insert—
 - ““Import Control System” is the electronic trade notification system in the United Kingdom which replaces the TRACES system established under Commission Decision 2004/292/EC;”;
 - (b) after the definition of “product” insert—
 - ““third country” means any country other than the British Islands or a member State.”.
- (3) In regulation 4, for “between member States” substitute “with member States in accordance with such agreements”.
- (4) In Part 2, in the heading, for “Movement between Member” substitute “Import from member”.
- (5) In regulation 5—
 - (a) for the heading, substitute “Import of animals and genetic material from member States”;
 - (b) in paragraph (1), for the words from “consigned” to the end substitute “brought into England from a member State unless it is accompanied by a relevant completed and signed health certificate for that animal or genetic material”.
- (6) Omit regulation 6.
- (7) In regulation 7—
 - (a) in the heading, for “between member States” substitute “into England”;
 - (b) omit paragraph (1);
 - (c) in paragraph (2)—
 - (i) for “another” substitute “a”, and
 - (ii) after the words “Secretary of State” insert “via the Import Control System”.

^(a) S.I. 2011/1197, as amended by S.I. 2012/2897, 2013/2996, 2014/3158, 2018/575 and 2018/1037.

- (8) In regulation 11—
- (a) in paragraph (1), for “European Commission” substitute “Secretary of State”;
 - (b) in paragraph (4)—
 - (i) omit the words “set out” to “third countries”, and
 - (ii) omit the words from “and must inform” to “reason”.
- (9) In regulation 12(4), after “approval” insert “by the Secretary of State”.
- (10) In regulation 14—
- (a) for paragraph (4) substitute—

“(4) In the case of a product from a third country that has first arrived at a member State border inspection post, and has received full animal health and public health checks, the person responsible for the importation of the consignment must, at least one working day before the arrival of the consignment in England, provide written evidence that full third country checks have been carried out by officials at that border inspection post without any issues identified.”;
 - (b) after paragraph (4) insert—

“(5) If full animal health and public health checks on third country products have not been carried out at a member State border inspection post, the person responsible for the importation of the consignment into England must give at least one working days’ notice before the consignment is due to arrive, must only bring the product through an England border inspection post, and must notify the official veterinary surgeon at the chosen border inspection post of—

 - (a) the estimated time of arrival of the consignment,
 - (b) the estimated time of unloading the consignment,
 - (c) the current location of the consignment, and
 - (d) the estimated time of departure of the consignment from the current location bound for the England border inspection post.”.
- (11) In regulation 15—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), the reference to Article 4 of Council Directive 97/78/EC(a) is to be read as if—
 - (aa) for “Member States” there were substituted “Secretary of State”;
 - (bb) for “Community rules” and “Community law” there were substituted “retained EU law”;
 - (cc) paragraphs 2 and 5 were omitted;
 - (ii) in sub-paragraph (b), the reference to Article 4 of Council Directive 91/496(b) is to be read as if—
 - (aa) in paragraph 1, for “Member States” there were substituted “the Secretary of State”;
 - (bb) in paragraph 1, in the second indent, the words from “at Community level” to the end of the indent were to be omitted;
 - (cc) in paragraph 1, in the third indent, for “Community rules” there were substituted “retained EU law”;
 - (dd) in paragraph 1, the last indent were omitted;
 - (ee) in paragraph 2(d), the words “For the purposes of” to “his direction” were omitted;

(a) OJ L 024, 30.1.1998, p.9.

(b) OJ L 268, 24.9.1991, p.56.

- (ff) in paragraph 3, the last sentence commencing with the words “In such cases” were omitted;
- (gg) paragraphs 4 and 5 were omitted;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (a), for the words from “the lists” to the end substitute “a list of approved third countries, or where imports from that territory are otherwise prohibited”;
 - (ii) in sub-paragraphs (b), (c) and (e), for “legislation of the European Union” substitute “retained EU law”.
- (12) In regulation 17, in the words before paragraph (a)—
 - (a) omit “box 30, 31, 33 or 34 of”;
 - (b) for “the European Union” substitute “England”.
- (13) In regulation 18—
 - (a) in paragraph (2), for “European Union” substitute “United Kingdom”;
 - (b) omit paragraph (4).
- (14) In regulation 20(1)(b), for “outside the European Union” substitute “to a third country”.
- (15) For regulation 22(1) substitute—

“(1) If veterinary checks reveal that third country products are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, the Secretary of State may apply this regulation to subsequent similar products brought into England from a particular third country, part of a third country or a particular establishment until satisfied that further infringements are no longer recurring.”.
- (16) In regulation 23—
 - (a) in paragraph (1)(c), omit “, outside the European Union”;
 - (b) in paragraph (3)(b), omit “outside the European Union”.
- (17) In regulation 27—
 - (a) in paragraph (1), in the words before sub-paragraph (a), for “European Union” substitute “United Kingdom”;
 - (b) in paragraph (3)(a), omit “in the member State”.
- (18) In regulation 33(2), omit “, including any representative of the European Commission”.
- (19) In regulation 35—
 - (a) in the heading and paragraph (1), in the words before sub-paragraph (a), for “another” substitute “a”;
 - (b) for paragraph (2)(c) substitute—

“(c) returning the animals or genetic material to the member State of despatch, with the authorisation of its competent authority, and following prior notification to any member State of transit.”.
- (20) In regulation 39, in the table —
 - (a) in column 1, omit “regulation 5(1)” and the corresponding entry in column 2;
 - (b) in column 1, omit “regulation 6(5)” and the corresponding entry in column 2;
 - (c) in column 1, omit “regulation 6(6)” and the corresponding entry in column 2.
- (21) Schedule 2 is amended in accordance with paragraphs (22) to (24).
- (22) In Part 1—
 - (a) in the heading, for “trade between” substitute “imports from”;
 - (b) in paragraph 2(1), for “between” substitute “from”;

- (c) omit paragraph 3;
 - (d) in paragraph 4, in the words before sub-paragraph (a), omit “relating to trade between member States”;
 - (e) in paragraph 5—
 - (i) for sub-paragraph (1) substitute—

“(1) No person may import an ape (simia and prosimian) unless it comes from a centre approved by the competent authority of a member State and is destined for a centre approved by the Secretary of State. But the Secretary of State may authorise in writing an approved body to acquire an ape from an individual.”;
 - (ii) in sub-paragraph (2), at the end insert “(with references in Article 13 to a member State of destination to be read as a reference to England, a reference to a competent authority of a member state to be read as the Secretary of State, and paragraphs 2(d) and (e) being omitted)”;
 - (iii) in sub-paragraph (3), at the end insert “(with references in point 6 of Annex 3 to the competent authority to be read as a reference to the Secretary of State, references to Community legislation to be read as a reference to retained EU law, and paragraph (d) being omitted)”;
 - (iv) in sub-paragraph (4), for the words from “between member” to the end substitute “in ova and embryos of the ovine, caprine and equine species and semen of the ovine, caprine and equine species and of swine”;
 - (v) omit sub-paragraph (5);
 - (f) for paragraph 6(3) substitute—

“(3) No person may contravene Article 10(1) of that Commission Regulation (notification of movement).”;
 - (g) for paragraph 7 substitute—

“7. No person may import into England an animal by-product to which Article 48 of Regulation (EC) No 1069/2009 applies unless it is imported in accordance with that Article.”.
- (23) In Part 2—
- (a) in paragraph 9, before “Commission” insert “the import of certain birds and quarantine conditions for the purpose of”;
 - (b) for paragraph 10 substitute—

“(10) When a registered horse is imported temporarily from a third country, the provisions of Section 7 of Commission Implementing Regulation (EU) 2018/659 apply.”.
- (24) In Schedule 3, in paragraph 5—
- (a) in the heading, for “member State” substitute “part of the United Kingdom”;
 - (b) after “products” insert “from a third country”;
 - (c) omit “another member State or”.

name
 Parliamentary Under Secretary of State
 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations are made in exercise of the powers in the European Union (Withdrawal) Act 2018 (c. 16) in order to address deficiencies of retained EU law to operate effectively and other deficiencies (in particular section 8(2)(b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to imports in animals, germinal products and animal products.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

DRAFT