

Guidance on Trade in Animals and Related Products Regulations 2011

Introduction	3
The Miscellaneous Products of Animal Origin (Import Conditions) Regulations 1999	3
The Products of Animal Origin (Third Country Import) (England) Regulations 2006 (as amended).....	3
The Animals and Animal Products (Import and Export) Regulations 2006 (as amended).....	3
The Products of Animal Origin (Import and Export) Regulations 1996 (as amended).....	4
Overview of the New Regulations	4
PART 1	4
Interpretation	4
Exceptions for pet animals	5
International agreements	5
PART 2	5
Movement between member States	5
Additional requirements in specific cases	6
PART 3	6
Importation from a third country	6
Scope of this Part	6
Meaning of “CVED”	6
Border inspection post.....	7
Appointment of official veterinary surgeons and official fish inspectors	7
Place of importation	7
Notification of importation	7
Procedure on importation.....	8
Removal from the border inspection post	8
Channelling	9
Destination outside the United Kingdom	9
Unchecked consignments.....	9
Action following failure of checks or seizure – products	10
Special feeding purposes.....	11
Consignments of products likely to constitute a risk to animal or human health.....	11
Serious or repeated infringements and breach of maximum residue limits	12
Action following failure of checks or seizure – animals.....	12
Appeals	12
Additional requirements in specific cases	12

Exclusions	13
Re-importation of products	13
Admission of products into warehouses	13
PART 4 - Safeguard measures.....	13
PART 5 - Administration.....	14
Notifications and authorisations	14
Enforcement authorities/Enforcement	14
Powers of entry.....	14
Powers of authorised officers	14
Consignments from another member State constituting a risk to health	14
Obstruction.....	14
Exchange of information	15
Fees.....	15
Offences.....	15
Offences by bodies corporate/Offences by partnerships and unincorporated associations.....	15
Penalties	15
Review	15
Revocations.....	15
SCHEDULE 1 — European Union legislation.....	16
SCHEDULE 2 — Specific requirements for individual cases	16
PART 1 — Additional requirements for trade between member States	16
Dealers in cattle, sheep, pigs and goats	16
Transport of cattle, pigs, sheep or goats	16
Horses.....	16
Poultry health scheme	16
Approvals for the Balai Directive.....	17
Circuses.....	17
Animal by-products	17
SCHEDULE 2 — Specific requirements for individual cases	18
PART 2 — Additional provisions relating to imports from third countries	
Arrival at premises of destination	18
Imported birds.....	18
Horses.....	18
Ships stores.....	18
Charges for veterinary checks from New Zealand.....	19
SCHEDULE 3 — Cases to which Part 3 does not apply	19
Case 1 – Personal imports	19
Case 2 – International means of transport.....	19
Case 3 – trade samples and samples for particular study or analysis	20
Case 4 – consignments cleared in another member State	20

Case 5 – Composite products	20
Case 6 – Animals subject to rabies control	21

Introduction

The Trade in Animals and Related Products Regulations 2011 (TARP) give effect to EU legislation concerning trade in animals and animal products from other member States and the importation of animals and animal products from third countries.

These Regulations amalgamate and simplify several Statutory Instruments which covered the animal and public health controls on intra-Union trade in live animals and animal products, border veterinary checks on third country imports and import conditions for live animals and animal products from third countries:

The Regulations repeal :

The Fresh Meat (Import Conditions) Regulations 1996

Implemented Directives 72/461/EEC and 72/462/EEC (both now repealed)

The Miscellaneous Products of Animal Origin (Import Conditions) Regulations 1999

Implemented Council Directive 96/90/EC amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of miscellaneous products of animal origin.

The Products of Animal Origin (Third Country Import) (England) Regulations 2006 (as amended)

Implemented Council Directive 97/78/EC setting out the principles governing the organisation of veterinary checks on products entering the Community from third countries and import conditions for imports of animal products from third countries.

The Animals and Animal Products (Import and Export) Regulations 2006 (as amended)

Implemented several Directives and Regulations controlling intra Union trade of live animals and products, (semen, ova and embryos) and imports from third countries of live animals.

The Products of Animal Origin (Import and Export) Regulations 1996 (as amended)

Implemented Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market.

The full list of these statutory instruments and the consequential amendments is given at Regulation 44 of TARP. The relevant EU legislation is listed in Schedule 1 of the Regulation.

The new Regulations do not change the legislative requirements but are much more concise due to the avoidance of duplication (e.g. of enforcement procedures) and the use of references to EU legislation rather than direct quotations (e.g. the definitions). They should therefore be read in conjunction with the relevant EU Council Directives and Defra Importer Information Notes:

<http://archive.defra.gov.uk/foodfarm/animaltrade/imports/iins/index.htm>

Intended audience

This guidance is for use by the responsible inspection and control bodies to assist in interpreting TARP and how the Regulations are applied. These include the Animal Health and Veterinary Laboratories Agency, UK Border Agency, Local Authorities and Port Health Authorities responsible for Border Inspection Posts.

Regional Coverage

This guidance is applicable in England only.

Purpose and Legal Status

This guidance provides advice on complying with the requirements of the Trade in Animals and Related Products Regulations 2011 that give effect to EU legislation concerning the importation of animals and animal products from other member States and third countries.

Overview of the New Regulations

PART 1

Interpretation

Regulation 2 defines the terms used in these Regulations which are distinct to these Regulations and not in or are different from those in common usage.

Exceptions for pet animals

These Regulations do not apply to the movement of pet animals covered by Regulation (EC) No 998/2003 which are accompanying their owners or a person responsible for such animals on behalf of the owner during their movement and are not intended to be sold or transferred to another owner.

For the purposes of these Regulations only dogs, cats, ferrets invertebrates (except bees and crustaceans), ornamental tropical fish, amphibia, reptiles are eligible to be considered as pet animals and only if they meet the conditions stated above. Birds: all species (except poultry covered by Council Directives 90/539/EEC (1) and 92/65/EEC), rodents and domestic rabbits.

International agreements

Trade with Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is treated as trade between member States for the purposes of these Regulations. Iceland have a similar agreement which applies to fish, fishery products and by-products of fish origin only.

This means that animals and/or products from these countries will have been produced in accordance with EU legislation and does not have to come through a Border Inspection Post. This only applies to animals/products for which the relevant agreement applies.

PART 2

Movement between member States

Regulation 5 requires that any animal or genetic material sent to another member State or brought into England from another member State must be accompanied by the relevant health certificate.

It is an offence under Regulation 39 to import or export a live animal without a health certificate. It is also an offence not to keep the health certificate required for your import for three years.

Regulation 6 requires that this health certificate must be signed by a person authorised by the Secretary of State.

It is an offence under Regulation 39 for anybody not authorised by the Secretary of State to sign a health certificate or to sign it knowing it to be false.

Regulation 7 requires that the Competent Authority in the member State of destination is notified in advance of the arrival of the consignment using the TRACES system. Pre-notification is not required for registered horses. The exporter can accomplish this by completion of form TRACES EXA31 which is available on the Animal Health and Veterinary Laboratories Agency (AHVLA) web site

<http://animalhealth.defra.gov.uk/about/formsandfees/formdisplay.asp?ref=EXA31>

This application will begin the process of generating the health certificate (ITAHC). The certificate will need to be signed off by an Official Veterinarian which AHVLA will then use to complete the TRACES entry prior to export.

Products of animal origin such as feed and food coming into the UK from other European Union (EU) member States is considered to be in 'free circulation', as part of the European single market and not subject to routine checks at UK ports. This is because all member States are operating to the same safety controls. The European Commission, through the Food and Veterinary Office (FVO), checks that there are sufficient controls across the member States. These products are subject to sectoral legislation and can in general move between member States on a commercial document.

Additional requirements in specific cases

Part 1 of Schedule 2 makes additional requirements for specific cases – see guidance on [page 16](#) for further information.

PART 3

Importation from a third country

Scope of this Part

Part 3 of the Regulations applies to any animal or product specified in Commission Decision 2007/275/EC.

Meaning of “CVED”

Regulation 10 sets out the meaning of a CVED which is the Common Veterinary Entry Document. This term is used later in the Regulations. Commission Regulation (EC) No 136/2004 contains the model for products of animal origin and Commission Regulation (EC) No 282/2004 the model for live animals.

Border inspection post

Regulation 11 lays down that a Border Inspection Post (BIP) is a port or airport approved by the European Commission. Where all or part of the inspection facility no longer meets the requirements for approval the Regulation also gives powers to the enforcement authorities responsible for the BIP to serve a notice on the operator specifying the reasons why it does not and requiring the faults to be rectified within a given time frame. If the fault is not rectified the enforcement authority may suspend the use of that part of the BIP.

Appointment of official veterinary surgeons and official fish inspectors

As in the Products of Animal Origin (Third Country Imports) (England) Regulations, regulation 12 provides for the appointment of suitably trained veterinarians to be the official veterinary surgeon (OVS) and for BIPs where fish and fishery products are imported for this role to be undertaken by a suitably approved official fish inspector (OFI).

Place of importation

Regulation 13 requires that imports of third country animals and animal products may only take place via a border inspection post approved for the animal/product.

Failure to comply with this requirement is an offence – see Reg. 39.

Notification of importation

The requirements for pre-notification are carried over from the previous regulations in regulation 14.

Imports of live animals is at least one working day.

Imports of products is before the consignment is unloaded from the transport. Additional requirements for transshipments are detailed here too.

The regulation does not require Part 1 of the CVED to be submitted via the TRACES system so a paper/fax copies are still acceptable. It does require all the information contained in Part 1 of the CVED to be supplied to the OVS before the consignment arrives.

Failure to notify remains an offence – see Reg. 39.

Procedure on importation

The principles of importation remain the same as the previous regulations but greater emphasis has been put on using the CVED to control consignments rather than using notices. However Reg. 15(2) does make provisions for the OVS/OFI to issue a notice specifying a time the consignment should be presented.

It is an offence to not comply with 15(1) (presenting the consignment to the BIP and 15(2) (a notice served requiring consignments are present at a specified time).

As in the POAO (TCI) Regulations, the checks to be carried out also include Official Food and Feed Controls, this will include checks for composition labelling requirements, pesticides and irradiation. If the consignment fails to meet the checks carried out under Article 14 of Regulation (EC) No 882/2004, the OVS may reject the consignment under Regulation 15(3).

Regulation 15 requires animals from a third country to come from a territory or part of a territory included in the list for the species concerned.

Where EU legislation requires an animal to come from an approved third country list but no list has been drawn up, such as Council Directive 2004/68 which covers the import of ungulate animals, then the import of those animals is effectively prohibited. Where no third country list is required or there is a transitional arrangement pending the Commission providing a list then imports may take place either from any third country or, for the transitional arrangements, a list of third countries approved by the member State of destination.

Reg. 15(4) contains a list of instances when a CVED for free circulation should not be issued. This is included as these issues are specifically mentioned in Directive 91/496/EEC. If a problem is identified which is not listed here the consignment may still be rejected.

Reg. 15(5) extends the use of authorisations to imports which are covered by these Regulations but no detailed rules have been made. We envisage that this will be mainly used for live animals but we could also use for reptile and insect meat.

Record keeping requirements in Reg. 15(6) have been carried over from the previous regulations.

Removal from the border inspection post

Regulation 16 requires that consignments are not removed from the border inspection post unless a CVED has been issued. The regulations do allow for the removal of live animals under the authority of the OVS but this should only be used in very limited circumstances for example, the movement of an animal

into quarantine until a specific issue has been resolved. This Regulation also requires that consignments are moved to the destination given in the CVED.

Removal of consignments from the BIP without a CVED or agreement of the OVS and transporting to a destination other than the one given in the CVED are offences – see Reg. 39.

Channelling

The procedures for channelling remain the same but these are now clearly set out in regulation 17. The controls depend upon whether a relevant box is completed in the CVED rather than trying to list all of the circumstances when channelling is required. The introduction of new controls on trade samples has extended the channelling procedures. All circumstances are listed in the BIP Manual. The Regulation does provide for “soft channelling” (no Customs supervision). For “soft channelling” the Border Inspection Post will not expect any notification of arrival and therefore it is unnecessary for AHVLA to follow up these consignments.

Failure to transport in accordance with the channelling arrangements is an offence – see Reg. 39.

Destination outside the United Kingdom

The procedures for transits and transhipments remain as laid down in the POAO(TCI) Regulations. Channelling arrangements are laid down in Regulation 17. Time limits remain the same. The regulations also make it clear that consignments should not be sent on to another member State if it does not comply with EU rules – a point which has been made by the FVO. Re-imports should meet the requirements of Article 15 of Directive 97/78/EC.

Detailed rules on transit and transhipment can be found on the Commission web site at:

http://ec.europa.eu/food/animal/bips/docs/guidance_transit_transhipment.pdf

Unchecked consignments

Regulation 19 has been carried over from previous Regulations. There is no requirement for the OVS to issue a notice but the enforcement officer should provide the importer with details of why the consignment has been seized, who to complain to and what the rights of appeal are. As this only provides powers to seize, no offence is associated with this Regulation but the importer whose products are liable for seizure under this regulation will have committed an offence by failing to comply with Reg. 13 or Reg. 16.

Action following failure of checks or seizure – products

Regulation 20 of TARP replaces Regulation 21 of The POAO (TCI) Regulations. Regulation 21 of POAO(TCI) contained a list of “other irregularities” these included:

- (i) its introduction into England from a third country, or its presentation to a border inspection post of destination in England, without notice;
- (ii) any false or misleading information contained in a notice;
- (iii) any false or misleading information given with regard to ships’ stores and re-imports;
- (iv) any error, omission or false or misleading information in a required document, and any discrepancy between a required document and—
 - (aa) the notice of the product’s introduction or presentation;
 - (bb) the product itself; or
 - (cc) the seals, stamps, marks or labels on the product, on the consignment which includes the product or on the container holding the product or the consignment;
- (v) any defect in the product rendering it unfit for the purpose for which, according to the required documents, it is intended;
- (vi) any defect in the seals, stamps, marks or labels referred to in paragraph (10)(b)(iv)(cc), including, in the case of a packaged product, any contravention of the labelling requirements laid down for that product in any Directive, Decision or Regulation listed in Schedule 1;
- (vii) in the case of a product intended for import, any indication in the required documents that the product does not comply with the import conditions; and
- (viii) in the case of a non-conforming product which is a transit product, or a product whose destination a ship, a ships’ store or custom warehouse any contravention of the requirements laid down for that non-conforming product in any Directive, Decision or Regulation listed in Schedule 1.

This list was not exhaustive and a product could fail veterinary checks for contravention of the official controls required by Article 14(1) of Regulation (EC) No 882/2004 which requires the competent authority designated in accordance with Directive 97/78 to carry out official controls to verify compliance with aspects of feed and food law that the Directive does not cover.

As the list was for illustrative purposes only it was decided not to replicate it in TARP.

Regulation 20(1)(a) permits the use of a failed consignment as animal by-products in accordance with Regulation (EC) 1069/2009 which defines products that are imported or introduced from a third country and fail to comply with Community veterinary legislation for their import or introduction into the Community except where Community legislation allows their import or introduction subject to specific restrictions or their return to the third country as category 2 material. Therefore rejected consignments should be considered to be Category 2 material.

Category 2 material has to be disposed of in accordance with article 13 of Regulation (EC) 1069/2009. There is a derogation at Article 18 which permits category 2 material to be used for special feeding purposes (see below). We believe that the consignment should go directly to processing establishment and that it is not appropriate for it to go to an intermediate store.

If the consignment is destroyed, destruction should take place at an establishment approved under the Animal By-products Regulations. The consignment should be accompanied by a commercial document and confirmation of destruction should be received by the BIP.

There is no requirement for a notice to be issued but the OVS should provide the importer with details of why the consignment has failed the veterinary checks and rights of appeal.

Special feeding purposes

The competent authority may, by way of derogation from Articles 13 and 14, authorise, under conditions which ensure the control of risks to public and animal health, the collection and use of Category 2 material, provided that it comes from animals which were not killed or did not die as a result of the presence or suspected presence of a disease communicable to humans or animals, and of Category 3 material for feeding to:

- (a) zoo animals;
- (b) circus animals;
- (c) reptiles and birds of prey other than zoo or circus animals;
- (d) fur animals;
- (e) wild animals;
- (f) dogs from recognised kennels or packs of hounds;
- (g) dogs and cats in shelters;
- (h) maggots and worms for fishing bait.

Consignments of products likely to constitute a risk to animal or human health

Regulation 21 of these regulations replicated the provision of Regulation 23 of the previous Regulations. There is no requirement for the OVS to issue a notice but you should provide the importer with details of why the consignment has been seized, who to complain to and what the rights of

appeal are. As this only provides powers to seize, no offence is associated with this Regulation

Serious or repeated infringements and breach of maximum residue limits

Regulation 22 of the Regulations replicate the provisions of Regulations 23 and 26 of the POAO (TCI) Regulations. There is no requirement for the OVS to issue a notice but you should provide the importer with details of why the consignment has not been released. The Regulations anticipate the upgrade of the TRACES system which will allow BIPs to see which products are subject to procedures under Article 24 of Council Directive 97/78 which requires the next 10 consignments to be subject to additional checks.

Action following failure of checks or seizure – animals

Regulation 23 provides that where an animal fails veterinary checks or such checks reveal an irregularity the official veterinary surgeon must take charge of the animal and if necessary place it in quarantine or isolate it to ensure that there is no risk to human or animal health. If animal health and welfare requirements can be met the animal should be redispached outside the EU.

If an animal has been found that has not been presented to a border inspection post the enforcement authority must isolate the animal so that it can be examined. If the examination shows that the animal does not present a risk to human or animal health the animal may be released. If these conditions are not met the enforcement authority can order the slaughter of the animal or its redispach outside the EU. Under Regulation 34, authorised officers may sample/test the animal either at the BIP or during quarantine/isolation.

Any cost incurred by the enforcement authority under this Regulation must be paid by the importers representative.

Appeals

Regulation 24 of the TARP Regs provide the right of appeal to a magistrate's court in respect of action taken by the enforcement body under Regulation 20 (rejected animal products) and Regulation 23 (rejected animals). If a person/company want to appeal against a decision taken under any other regulation, they must do so via a Judicial Review.

Additional requirements in specific cases

Part 2 of Schedule 2 lays down additional requirements for specific cases these include:

Authorisation of assembly centres and dealers premises;
Requirements for transporting animals; and
Approval of Balai premises

See guidance on [page 18](#) for further information.

Exclusions

Schedule 3 lays down the cases where the import conditions included in Part 3 of these Regulations do not apply. These include:

Personal imports;
Trade samples; and
Composite products.

Re-importation of products

Regulation 27 has been carried over from previous Regulations and replicate the provision of Article 15 of Directive 97/78/EC. Consignments return to the establishment of origin or be destroyed (as category 2 ABP).

Admission of products into warehouses

Regulation 28 lays down that no non-conforming products may enter a warehouse, free zone or free warehouse and anybody who does so commits an offence.

PART 4 - Safeguard measures

Regulation 29 allows the Secretary of State or the Food Standards Agency to issue a declaration banning or restricting the import of any animal or product of animal origin if there are reasonable grounds for suspicion that in the country of origin there exists a serious threat to human or animal health that could be introduced into England by that animal or product.

Anybody bringing in an animal or product into England in breach of the declaration commits an offence.

PART 5 - Administration

Notifications and authorisations

Regulation 30 provides that any notice or authorisation made under these Regulations must be made in writing. Any notice or authorisation may be amended suspended or revoked by the enforcement authority who issued it.

Enforcement authorities/Enforcement

Regulations 31 provides for any local authority to enforce action against a person who commits an offence. Regulation 32 lays down who is responsible for providing enforcement officers to implement the Regulations. These remain as laid down in the previous Regulations. There is no provision for the Secretary of State to provide inspectors at BIPs only handling animal by-products as there are no longer any by-product-only BIPs in England.

Powers of entry

Officers may enter any premises including means of transport and may be accompanied by other persons as the officer think is necessary. For premises used solely as a dwelling the enforcement officer should obtain a warrant from a justice of peace which will be valid for one month. Unoccupied premises should be secured as they were before entry.

Powers of authorised officers

The powers for authorised officers remain as laid down in the previous Regulations. However some in-land enforcement activity should now be carried using the provisions in Regulation (EC) No 882/2004.

Consignments from another member State constituting a risk to health

Regulation 35 replaces Regulation 13 in the AAP Regulation. The Regulation has been simplified but provides officers with the same enforcement provisions as laid down in the previous Regulations.

Obstruction

Carried over from the previous Regulation. Anyone who obstructs an officer, fails to give the assistance or information or provide false or misleading information is guilty of an offence.

Exchange of information

This makes provisions for UKBA/HMRC/Local Authorities/AHVLA and Port Health to share information and creates an offence for divulging information provided by UKBA/HMRC. This is the only offence where the court may impose a prison sentence.

Fees

As provided for in the AAP Regulations, AHVLA may charge for enforcement of non-compliant animals from another member State. Charging provisions for veterinary checks which are included in Council Regulation 882/2004 have not been replicated in the Regulations as they are directly applicable and do not need to be transposed.

Offences

All offences are gathered into this one Regulation and should be read in conjunction with the relevant regulation.

Offences by bodies corporate/Offences by partnerships and unincorporated associations

Standard clauses carried over from the previous Regulations.

Penalties

In line with current Government policy, the penalties do not include a prison sentence. On conviction a person will be liable to a fine not exceeding the statutory maximum (which is £5,000). The only offence for which a prison sentence remains is disclosure of HMRC information.

Review

This is a standard clause to review all Regulations within 5 years in line with current Government policy.

Revocations

This regulation revokes the previous Regulations.

SCHEDULE 1 — European Union legislation

Schedule 1 only lists the main Directives and Regulations to which animals and animal products need to comply. Detailed rules e.g. third country lists, model health certificates, other import conditions are laid down in other legislation made under the listed legislation.

SCHEDULE 2 — Specific requirements for individual cases

PART 1 — Additional requirements for trade between member States

Dealers in cattle, sheep, pigs and goats

The Regulations provide for the Secretary of State to approve assembly centres and dealers premises where cattle sheep pigs and goats are gathered together together prior to export. These premises have to be in accordance with the provisions of Council Directive 64/432 or Council Directive 91/68. Failure to comply with the conditions of approval will result in the approval being withdrawn effectively preventing further trade.

Transport of cattle, pigs, sheep or goats

The Regulations provide for the Secretary of State to approve persons transporting cattle, pigs, sheep and goats between member States. The main requirement is for the transporter to keep records over and above those required under the welfare of animals in transport regulations. Failure to comply with the requirements will result in the approval being withdrawn.

Horses

The Regulations provide for an exemption from Regulation 5, requirement for a health certificate, to permit the movement of registered equidae for breeding and production to move between the signatories of the tripartite agreement (UK, Ireland and France) without a health certificate.

Poultry health scheme

The Regulations provide for the Secretary of State to approve establishments under Council Directive 2009/158 to export poultry to other member States. The conditions for approval are laid down by the Secretary of State and failure to comply will result in the approval being withdrawn effectively preventing that establishment from exporting.

Approvals for the Balai Directive

The Regulations restrict intra-Union trade in primates to premises approved under the Balai Directive 92/65/EEC however a primate may be imported from an individual to a Balai premises if the movement has been authorised by the Secretary of State. The Regulations also provide for the Secretary of State (Animal Health) to approve, withdraw or suspend a premise under the Balai Directive.

Circuses

The Regulations make the Secretary of State the competent authority for the purposes of Commission Regulation (EC) No. 1739/2005 which lays down animal health requirements for the movement of circus animals between member States. The Regulations provide that it is an offence not to keep the required records or to move circus animals without giving the required notice.

Animal by-products

Movements between member States of Category 1 material, category 2 material and meat-and-bone meal or animal fat derived from Category 1 or 2 material must be notified to the competent authority of the member State of origin and destination, and the MS of destination must authorise the movement. The consignment must be transported directly to the establishment plant of destination which must have been registered or approved in accordance with Articles 23, 24 and 44 of Regulation (EC) No 1069/2009. Manure must be transported to the farm of destination.

The movement of products referred to above and processed animal protein derived from category 3 material must be notified by the MS of origin to the MS of destination using the TRACES system. The MS of destination must inform the MS of origin of the arrival of the consignment.

SCHEDULE 2 — Specific requirements for individual cases

PART 2 — Additional provisions relating to imports from third countries

Arrival at premises of destination

The Regulations require that elephants, cattle, pigs, sheep, goats and other animals of the taxa Artiodactyla must be detained at the holding of destination for at least 30 days unless they are moved from that holding direct to a slaughterhouse.

If imported for slaughter, the Regulations require that these species are slaughtered within 5 days.

Imported birds

The Regulations make the Secretary of State the competent authority in respect of Commission Regulation (EC) No. 318/2007 and can therefore lay down the conditions for quarantine. The birds have to be moved directly to a quarantine facility and cannot be removed without written authorisation by an official veterinarian.

An offence is committed if the birds are not moved directly to quarantine or removed without authorisation

Horses

In derogation from Regulations 15 (6), retention of the original health certificate by the OVS at the BIP the Regulations provide that in the case of horses temporarily imported (less than 90 days) the health certificate can be returned to the importer to facilitate movement to another member State

Ships stores

The Regulations provide for the movement of non conforming goods which meet the animal health conditions for import but not the public health conditions, accompanied by a transit certificate to be moved directly from the BIP to a ship. When the consignment arrives at the ship the Captain must sign the certificate required by Commission Decision 2000/571/EC confirming that the goods have been received.

Failure to comply with these provisions is an offence.

Charges for veterinary checks from New Zealand

This Regulation provides for the application of the reduced fees for goods from New Zealand that are not covered by the charging provisions of Regulation 882/2004.

SCHEDULE 3 — Cases to which Part 3 does not apply

Cases listed in Part 3 are for those that are not subject to veterinary checks.

Case 1 – Personal imports

The Regulations do not apply to personal imports specified in Article 2 of Commission Regulation (EC) No 206/2009. Meat and dairy products cannot be brought in as a personal import. However, it is possible to bring in the following products:

- 2kg total weight combined per person – bivalves (live), egg products, eggs and honey.
- 20kg total weight combined per person or the weight of one fish, whichever weight is the highest (fish must be fresh and gutted or processed - i.e. cooked, cured, dried or smoked) – bivalves (dead) and fish/fishery products

For more information please see

<http://www.defra.gov.uk/food-farm/food/personal-imports/>

Case 2 – International means of transport

The Regulations do not apply to products on board means of transport operating internationally that are intended for consumption by the crew and passengers and that are either—

- (a) not unloaded;
- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as they are unloaded (as international catering waste therefore Category 1 ABP).

This means that unused provisions on ships from outside the territory of the EU that call at an EU port do not have to be subject to veterinary checks or meet the requirements for import into the EU.

Case 3 – trade samples and samples for particular study or analysis

In accordance with Article 16(e) and (f) of Directive 97/78/EC, trade samples or certain products imported from third countries for exhibitions are not subject to veterinary checks provided that they have been authorised in advance. Once the exhibition or study is complete, these products must be destroyed or redispached.

This does not apply to products covered by the animal by-products legislation which requires 'trade samples' and 'display items' as defined in Regulation (EU) 142/2011 (Animal By-product Regulations) to be authorised in advance, to enter the EU via a BIP where they will be subject to veterinary checks and trade samples must be channelled in accordance with Article 8(4) of Directive 97/78/EC. Research and diagnostic samples do not need to be vet checked, but do need to be authorised in advance. R&D samples entering the EU via a member State that is not the member State of destination must come through a BIP and notified via the TRACES system to the MS of destination*. Research and Diagnostic Samples, Trade Samples and Display Items as defined in the Animal By-product Regulations that have not been authorised in advance should not be permitted.

Further detailed advice on importing these products are in [Importer Information Notes](#).

*for a transitional period until the TRACES team develop the system, these notifications should be made via fax or e-mail.

Case 4 – consignments cleared in another member State

Consignments of animals and products that have been presented to a border inspection post in another member State or another part of the United Kingdom and have been cleared for free circulation do not have to come through a BIP in the UK or be subject to veterinary checks.

Case 5 – Composite products

Composite products listed in Annex II of Commission Decision 2007/275/EC do not need to be vet checked. These products should be of a basic nature and have been fully baked. Any toppings or fillings must not contain meat and must meet the stability criteria laid down in Article 6 of the Decision. Thus cakes with fresh cream or meat (e.g. mooncakes) or speciality bread with meat or visible cheese layers are not exempted.

Composite products containing meat, regardless of the amount are treated as a meat product. Further advice on importing composite products is available via [Importer Information Notes](#).

Case 6 – Animals subject to rabies control

There is no change from the previous Regulations.