



# TRADE IN ANIMAL AND RELATED PRODUCTS ORDER 2016

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Statutory Document No. 2016/0358

*Animal Health Act 1996*

# TRADE IN ANIMAL AND RELATED PRODUCTS ORDER 2016<sup>1</sup>

*Laid before Tynwald:* 17 January 2017  
*Coming into Operation:* 1 January 2017

The Department of Environment, Food and Agriculture makes the following Order under sections 8 and 9 of and Schedule 1 to the Animal Health Act 1996.

## PART 1

### INTRODUCTION

#### 1 Title

This Order is the Trade in Animal and Related Products Order 2016.

#### 2 Commencement

This Order comes into operation on 1 January 2017.

#### 3 Interpretation

(1) In this Order—

“**animal**” means an animal of any kind, including a bird, fish or invertebrate;

“**border inspection post**” means a port or airport approved as such by the European Commission;

“**CVED**” means the Common Veterinary Entry Document specified in—

- (a) Commission Regulation (EC) No. 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries<sup>1</sup>; and

<sup>1</sup>OJ No. L 21, 28.1.2004, p.11 as last amended by Commission Regulation (EC) No 206/2009 (OJ L 77, 24.03.2009, p.1)

- (b) Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community<sup>2</sup>;

“**genetic material**” means hatching eggs and animal semen, ova or embryos;

“**member State**” means a country of the European Union;

“**product**” means a product listed in Annex I to Commission Decision 2007/275/EC<sup>3</sup> (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC<sup>4</sup> and 97/78/EC<sup>5</sup>) and, in addition, hay and straw.

- (2) Terms and expressions used in this Order and any EU Regulation or Council Directive referred to in this Order have the same meanings as in those Regulations or Directives.
- (3) All references in Schedule 1 to European Union instruments are references to those instruments as amended from time to time.

#### 4 Exceptions for pet animals

- (1) This Order does not apply in relation to pets accompanied by and under the responsibility of a person, where—
- (a) the movement is not the subject of a commercial transaction; and
- (b) (in the case of cats, dogs and ferrets) not more than 5 animals are travelling with the person.
- (2) In this article “pet” means any animal of a species listed in Annex I to Regulation (EC) No. 576/2013<sup>6</sup> (on the animal health requirements applicable to the non-commercial movement of pet animals).

#### 5 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 this Order.

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<sup>2</sup> OJ No. L 49, 19.2.2004, p.11 as last amended by Commission Regulation (EC) No 585/2004 (OJ L 91, 30.03.2004 p.17)

<sup>3</sup> OJ L 116, 4.5.2007, p. 9–33

<sup>4</sup> OJ L 268, 24.9.1991, p. 56–68

<sup>5</sup> OJ L 24, 30.1.1998, p. 9–30

<sup>6</sup> OJ L 178, 28.6.2013, p. 1–26

## PART 2

### MOVEMENT BETWEEN MEMBER STATES

#### 6 **Movement of animals and genetic material between member States**

- (1) No animal or genetic material may be consigned to any member State, or brought into the Island from a member State other than the United Kingdom, unless it is accompanied by the completed, signed health certificate required for that animal or genetic material in the relevant instrument in Schedule 1.
- (2) The consignee of an incoming consignment must keep the certificate for at least 3 years, from the date of issue of that certificate.

#### 7 **Preparation of a health certificate**

- (1) In order to prepare a health certificate for the consignment of an animal or genetic material to another member State, the person intending to despatch the consignment must apply to the Department for a uniquely numbered certificate.
- (2) The certificate must then be completed by a person authorised to do so by the Department, in accordance with the instructions sent by the Department with the certificate.
- (3) The person completing the certificate must ensure that the conditions specified in the certificate are fulfilled and that all necessary examinations have been carried out.
- (4) If everything is in order the person must sign the certificate.
- (5) No person may sign a certificate unless authorised by the Department.
- (6) No person may sign a certificate knowing it to be false, or not believing it to be true

#### 8 **Notification of movement of animals and genetic material between member States**

- (1) No animal or genetic material may be consigned to another member State unless the consignor has ensured that he or she has notified the competent authority of the member State of destination, at least 24 hours in advance of the intended arrival of the consignment and using the Traces system established under Commission Decision 2004/292/EC (on the introduction of the Traces system<sup>7</sup>).

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<sup>7</sup> OJ No. L. 94, 31.3.2004, p.63 as last amended by Commission Decision 2005/515/EC (OJ No. L 187, 19.7.2005)

- (2) No animal or genetic material may be brought into the Island from another member State unless the person bringing in the consignment has notified the Department, at least 24 hours in advance of the intended arrival of consignment.

## **9 Disapplication of Part 2**

Articles 6 to 8 do not apply in respect of the movement of animals and genetic material between the Island and the United Kingdom.

## **10 Additional requirements in specific cases**

Part 1 of Schedule 2 makes additional requirements for specific cases.

# **PART 3**

## **IMPORTATION FROM A THIRD COUNTRY**

### **11 Scope of this Part**

This Part applies in relation to the importation into the Island from a country outside the European Union of any animal or product specified in Commission Decision 2007/275/EC<sup>8</sup>, including a situation where the ultimate destination is outside the Island.

### **12 Importation**

No person shall import any animals or animal products either for entry into the Island or for export to the European Union, or for immediate re-export, either directly or indirectly, outside the European Union —

- (a) from anywhere other than a member State; and
- (b) from the European Union if the animals originated in a country which is not a member State and the consignment is not accompanied by a CVED issued by the official veterinary surgeon at the border inspection post and the movement is in accordance with the CVED.

### **13 Channelling**

In the case of a product, if box 30, 31, 33 or 34 of the CVED requires a consignment to be taken to a specific destination in the European Union—

- (a) the movement must be under customs supervision if this is specified in the CVED; and

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<sup>8</sup> OJ L 116, 4.5.2007, p. 9–33

- (b) on arrival, the occupier of the premises of consignment must immediately notify the Department of its arrival.

#### **14 Unchecked consignments**

- (1) The Department must seize any consignment—
  - (a) brought into the Island other than through a border inspection post approved for that animal or product;
  - (b) removed from a border inspection post without a CVED or the authority of the official veterinary surgeon at the border inspection post; or
  - (c) transported from the border inspection post to a destination other than that specified in the CVED.
- (2) Where the Department suspects that a consignment does not satisfy the conditions in Schedule 2 relating to that animal, product or genetic material —
  - (a) it may detain or, seize or cause the consignment to be detained or seized, pending investigations; and
  - (b) any costs incurred shall be at the expense of the person responsible for the consignment.

#### **15 Action following seizure – products**

- (1) Subject to article 16, if a consignment of products is seized outside a border inspection post under article 14 the Department must—
  - (a) dispose of the consignment as Category 1 material in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council<sup>9</sup> laying down health rules as regards animal by-products and derived products not intended for human consumption provided there is no risk to human or animal health; or
  - (b) where health conditions permit, require the person in charge of the consignment to re-dispatch the product outside the European Union from the same border inspection post to a destination agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days; or
  - (c) if the person responsible for the consignment gives immediate agreement and re-dispatch is impossible or the 60-day time limit has elapsed, destroy the products.
- (2) Pending re-dispatch or confirmation of the reasons for rejection, the person responsible for the consignment shall store the consignment under

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<sup>9</sup> OJ No L 300, 14.11.2009, p. 1–33

the supervision of the Department at the expense of the person responsible for the consignment.

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

If a veterinary inspection indicates that a consignment of products seized under article 14 is likely to constitute a danger to animal or human health, the inspector must immediately seize and destroy it at the expense of the person responsible for it.

## **17 Serious or repeated infringements and breach of maximum residue limits**

- (1) If veterinary checks in any member State reveal that products entering the European Union from a particular third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, the inspector must carry out a physical check on the product, and take samples and have them analysed.
- (2) The person responsible for the consignment must lodge with the inspector a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.
- (3) If any veterinary check carried out on the consignment reveals an infringement of any requirement laid down in a Community instrument relating to animal or public health, the inspector shall re-dispatch or dispose of the consignment in accordance with article 15.

## **18 Action following seizure – animals**

- (1) If an animal is seized under article 14 the Department must isolate it and, following examination of the animal, either—
  - (a) release the animal from restriction; or
  - (b) require the animal to be slaughtered or re-exported outside the European Union.
- (2) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the slaughter value of the animal after deduction of these costs.

## **19 Appeals**

Any person who is aggrieved by a decision referred to in article 15 or 18 may appeal within one month of the decision to a court of summary jurisdiction by

way of complaint for an order and the Summary Jurisdiction Act 1989<sup>10</sup> applies to the proceedings.

## **20 Additional requirements in specific cases**

Part 2 of Schedule 2 makes additional requirements for specific cases.

## **21 Exclusions**

The provisions of this Part do not apply in the cases specified in Schedule 3.

## **22 Re-importation of a consignment of products that originated in the Island and was refused by a third country**

The importer must either –

- (a) transport the consignment directly from the border inspection post to the establishment of origin in the Island where the certificate was issued, in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border inspection post so that the seals will be broken whenever the container is opened, or
- (b) destroy the consignment as animal by-products.

## **23 Admission of products into warehouses**

No person may bring a consignment of products that does not comply with the import requirements of this Order into a warehouse in a free zone, a free warehouse (as defined in Title IV chapter 3 section 1 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code) or a customs warehouse.

# **PART 4**

## **SAFEGUARD MEASURES**

## **24 Safeguard measures**

- (1) This article applies where the Department has reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance outside the Isle of Man liable to present a serious threat to human or animal health.
- (2) The Department may by written declaration suspend, or impose conditions upon, the entry into the Island of any animal, product or genetic material from the whole or any part of the country concerned.

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<sup>10</sup> 1989 c.15

- (3) The declaration must be published in such manner as the Department thinks fit.
- (4) No person may bring anything into the Island in breach of such declaration.

## PART 5

### ADMINISTRATION

#### 25 Notifications and authorisations

Any notification or authorisation must be in writing, may be subject to conditions and may be amended, suspended or revoked by further notice in writing at any time.

#### 26 Consignments from another member State constituting a risk to health

- (1) If an animal or genetic material brought in from another member State constitutes a serious risk to human or animal health or comes from a region contaminated by an epizootic disease, an inspector may serve a notice on the person appearing to be in charge of the animal or genetic material requiring that person—
  - (a) to detain and isolate—
    - (i) the animals;
    - (ii) any animals with which they have been in contact;
    - (iii) the product;
    - (iv) the genetic material;and take such further action as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or
  - (b) without delay, to slaughter an animal, or, in the case of genetic material, destroy it, in accordance with such conditions as may be specified in the notice.
- (2) An inspector who knows or suspects that animals or genetic material does not comply with the provisions of Article 3 of Council Directive 90/425/EEC, may, if animal health and welfare considerations so permit, give the person in charge of the consignment or the person appearing to be in charge of those animals or genetic material by way of notice the choice of—
  - (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under the provisions contained in the European Communities (Food Hygiene Laws) (Application)

- Order 2007<sup>11</sup>, maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation;
- (b) slaughtering the animals or destroying the genetic material in accordance with such conditions as may be specified in the notice; or
  - (c) returning the animals or genetic material to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.
- (3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector may not serve such a notice unless—
- (a) the inspector has given the person in charge of the consignment a notice requiring the production of the required documentation within 7 days and to detain the consignment in accordance with the terms of the notice; and
  - (b) the required documentation has not been produced within that time.
- (4) If a notice served under this article is not complied with an inspector may seize any animal or genetic material to which it relates, and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.

## 27 Exchange of information

- (1) The Collector of Customs and Excise, a general customs official and the Department may exchange information for the purposes of this Order, and may divulge information to the enforcement authorities in the United Kingdom for the purposes of this Part or the equivalent legislation in those jurisdictions.
- (2) Paragraph (1) is without prejudice to any other power in the Customs and Excise Acts, any general customs official or the Department to disclose information.
- (3) No person, including a servant of the Crown, may disclose any information received from the Collector of Customs and Excise or a general customs official under paragraph (1) if—
  - (a) the information relates to a person whose identity —
    - (i) is specified in the disclosure; or
    - (ii) can be deduced from the disclosure;
  - (b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and

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<sup>11</sup> SD 593/07

- (c) the Collector of Customs and Excise have not given their prior consent to the disclosure.

## 28 Offences

Breach of the following provisions is an offence—

<i>Provision</i>	<i>Description of the offence</i>
article 6(1)	Consigning an animal or genetic material without a health certificate
article 6(2)	Failing to keep a certificate for at least 3 years
article 7(5)	Signing a certificate without being authorised by the Department
article 7(6)	Signing a certificate knowing it to be false, or not believing it to be true
article 8	Failure to Notify
article 12	Removal from a border inspection post without a CVED
article 12	Failing to transport a consignment to the place specified in the CVED
article 13	Movement other than under Customs supervision and failure to notify the Department
article 23	Bringing a non-compliant product into a warehouse etc.
article 24(4)	Bringing in an animal or product in breach of a declaration
article 27(3)	Disclosure of information
Schedule 2:	
paragraph 5(1)	Trading in apes
paragraph 6(2)	Failure to keep records
paragraph 6(3)	Notification of movement
paragraph 7	Movement of animal by-products
paragraph 8(2)	Slaughter of animals
paragraph 8(3)	Keeping animals at their place of destination
paragraph 9(2)	Transport of birds to approved quarantine facilities or centres
paragraph 9(3)	Release of birds from quarantine
paragraph 11	Failure to use a certificate relating to ships' stores
Schedule 3	
paragraph 4(3)	Failure to destroy or re-dispatch in accordance with the authorisation

## 29 Offences by bodies corporate

- (1) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—
- (a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) For the purposes of this article “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### 30 Offences by partnerships and unincorporated associations

(1) Proceedings for an offence under this Order alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under this Order is to be paid out of the funds of the partnership or association.

(4) Where an offence under this Order committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “**partner**” includes a person purporting to act as a partner.

(5) Where an offence under this Order committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “**officer**” means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

### 31 Penalties

(1) A person guilty of an offence of disclosure in breach of article 27(3) (disclosure of information) is liable—

(a) on summary conviction, to a fine not exceeding £5,000, to imprisonment not exceeding 3 months, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.

(2) A person guilty of any other offence under this Order is liable on summary conviction to a fine not exceeding £5,000 or, on conviction on indictment, to a fine.

### **32 Disapplication of provisions**

The provisions of the legislation listed in Schedule 4 shall not apply to imports from the European Union of animals and animal products to which a Directive listed in Part 1 of Schedule 2 applies, or to imports of an animal to which a decision listed in Part 2 of Schedule 2 applies from the country subject to that decision, to the extent specified in column 2 of Schedule 4.

### **33 Revocations**

The following are revoked—

- (a) The Animal and Animal Products (Import and Export) Order 2001<sup>12</sup>;
- (b) The Importation of Carcases (Prohibition) Order 1974<sup>13</sup>.

**MADE 5 DECEMBER 2016**

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<sup>12</sup> SD 43/01

<sup>13</sup> 4/9/1974

## SCHEDULE 1

Articles 3 and 6

## EUROPEAN UNION LEGISLATION

EU Legislation	Subject
Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine <sup>14</sup>	Bovine animals and Swine
Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species <sup>15</sup>	Bovine semen Veterinary checks Fresh and frozen
Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species <sup>16</sup>	bovine embryos Veterinary checks
Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to completion of the internal market <sup>17</sup>	Porcine semen Veterinary checks
Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>18</sup>	Sheep and goats
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 <sup>19</sup>	
Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries <sup>20</sup>	
Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals <sup>21</sup>	

EU Legislation	Subject
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	Other animals and products specified in the Directive

<sup>14</sup> OJ No. L 121, 29.7.64, p. 1977 as last amended by Commission Decision 2009/976/EU (OJ No. L 336, 18.12.2009 p. 36).

<sup>15</sup> OJ No. L 194, 22.7.1988, p. 10 as last amended by Council Directive 2008/73/EC (OJ No. L 219, 14.8.2008, p.40).

<sup>16</sup> OJ No. L 302, 19.10.1989, p. 1 as last amended by Council Directive 2008/73/EC.

<sup>17</sup> OJ No. L 395, 30.12.1989, p. 13 as last amended by Directive 2004/41/EC (OJ No. L 157, 30.4.2004, p.33)

<sup>18</sup> OJ No. L 224, 18.8.1990, p. 29 as last amended by Directive 2002/33/EC (OJ No. L315, 19.11.2002, p.14)

<sup>19</sup> OJ No. L 224, 18.8.1990, p. 62 as last amended by Council Directive 2008/73/EC.

<sup>20</sup> OJ No. L 268, 24.9.1991, p. 56 as last amended by Directive 2008/73/EC, (OJ No. L219, 14.8.2008, p. 40)

<sup>21</sup> OJ No. L 46, 19.2.1991, p. 19 as last amended by Council Directive 2008/73/EC.

<p>laid down in specific Community rules referred to in Annex A (I) (1) to Directive 90/425/EEC<sup>22</sup></p> <p>Council Directive 92/118/EEC laying down animal health 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<sup>23</sup></p> <p>Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC<sup>24</sup></p> <p>Council Directive 97/78/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>25</sup></p> <p>Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety<sup>26</sup></p> <p>Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>27</sup></p> <p>Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals<sup>28</sup></p>	<p>Miscellaneous products</p> <p>Residues</p> <p>Veterinary checks</p> <p>Animal products for human consumption</p> <p>Animal products for human consumption</p> <p>Certain live ungulate animals including bovine, ovine, caprine, porcine</p>
<p><b>EU Legislation</b></p>	<p><b>Subject</b></p>
<p>Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries<sup>29</sup></p> <p>Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs<sup>30</sup></p>	<p>Hay and Straw</p> <p>Animal products for human consumption</p> <p>Animal products for human consumption</p> <p>Animal products for human consumption</p>

<sup>22</sup> OJ No. L 268, 14.9.1992, p. 54 as last amended by Commission Regulation (EU) No 176/2010 (OJ No. L 52, 3.3.2010, p. 14).

<sup>23</sup> OJ No. L 62, 15.3.1993, p. 49 as last amended by Commission Regulation (EC) No 445/2004 (OJ No. L 72, 11.3.2004, p. 60).

<sup>24</sup> OJ No. L 125, 23.5.1996, p. 10 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council (OJ No. 188, 18.7.2009, p. 14).

<sup>25</sup> OJ No. L24, 30.1.1998, p. 9 as last amended by Directive 2006/104/EC (OJ L.363, 20.12.2006)

<sup>26</sup> OJ No. L 31, 1.2.2002, p. 1 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council.

<sup>27</sup> OJ No. L 21, 28.1.2004, p. 11 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council.

<sup>28</sup> OJ No. L 139, 30.4.2004, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council (OJ No. L 87, 31.3.2009, p. 109).

<sup>29</sup> OJ No. L 139, 30.4.2004, p. 55 as last amended by Commission Regulation (EU) 150/2011 (OJ No. L 46, 19.2.2011, p. 14).

<sup>30</sup> OJ No. L 139, 30.4.2004, p. 206 as last amended by Commission Regulation (EU) No 151/2011 (OJ No. 46, 19.2.2011, p. 17).

<p>Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>31</sup></p> <p>Regulation (EC) No. 854/2004 of the European Parliament and the Council laying down specific hygiene rules for the organisation of official controls on products of animal origin intended for human consumption<sup>32</sup></p> <p>Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>33</sup></p> <p>Council Regulation (EC) No. 183/2005 laying down requirements for feed hygiene<sup>34</sup></p> <p>Commission Decision 2007/275 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC<sup>35</sup></p> <p>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</p> <p>Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae</p>	<p>Official controls on feed, food, animal health and animal welfare</p> <p>Animal feed</p> <p>Composite products</p> <p>Aquatic animals</p> <p>Equidae</p>
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EU Legislation	Subject
<p>Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs</p> <p>Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed</p> <p>Council Regulation (EC) No 1069/2009 laying down the health rules as regards animal by-products and derived products not intended for human consumption</p>	<p>Poultry and hatching eggs</p> <p>Animal feed</p> <p>Animal by-products</p>

<sup>31</sup> OJ No. L 35, 8.2.2005, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council.

<sup>32</sup> OJ No. L 328, 24.11.2006, p. 14 as last amended by Commission Directive 2008/53/EC (OJ No. L 117, 1.5.2008, p. 27).

<sup>33</sup> OJ No. L 343, 22.12.2009, p. 74 as amended by Commission Decision 2011/214/EU (OJ No. L90, 6.4.2011, p. 27).

<sup>34</sup> OJ No. L 229, 1.9.2009, p. 1 as last amended by Commission Regulation (EU) No 939/2010 (OJ No. L 277, 21.10.2010, p. 4).

<sup>35</sup> OJ No. L 300, 14.11.2009, p.1 as last amended by Directive 2010/63/EU of the European Parliament and of the Council (OJ No. L 276, 20.10.2010, p. 33).

**SCHEDULE 2**

Articles 10 and 20

**SPECIFIC REQUIREMENTS FOR INDIVIDUAL CASES****PART I****ADDITIONAL REQUIREMENTS FOR TRADE BETWEEN MEMBER STATES****1 Dealers in cattle, sheep, pigs or goats**

- (1) The Department may authorise premises to operate as an assembly centre or dealer's premises in accordance with Council Directive 64/432/EEC<sup>36</sup> (in the case of cattle and pigs) or Council Directive 91/68/EEC<sup>37</sup> (in the case of sheep and goats).
- (2) The authorisation must specify the dealer or operator authorised to operate the premises.
- (3) The Department must be satisfied that the dealer or operator will operate the premises in accordance with Council Directive 64/432/EEC or Council Directive 91/68/EEC.

**2 Transport of cattle, pigs, sheep or goats**

- (1) Any person transporting cattle, pigs, sheep or goats between member States must comply with this paragraph.
- (2) The transporter must be approved for the purpose by the Department.
- (3) The transporter must, for each vehicle used for the transport of those animals, keep a register containing the following information —
  - (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
  - (b) places and dates of delivery, and the name or business name and address of the consignee;
  - (c) species and number of animals carried;
  - (d) date and place of disinfection; and
  - (e) the unique identifying number of accompanying health certificates.
- (4) The register must be kept for at least 3 years.

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<sup>36</sup> OJ 121, 29.7.1964, p. 1977–2012

<sup>37</sup> OJ L 46, 19.2.1991, p. 19–36

- (5) The transporter must ensure that the means of transport is constructed in such a way that animal faeces, litter or feed cannot leak or fall out of the vehicle.
- (6) The transporter must give a written undertaking to the Department stating that—
  - (a) in the case of cattle or pigs, Council Directive 64/432/EEC<sup>38</sup>, and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with;
  - (b) in the case of sheep or goats, Council Directive 91/68/EEC<sup>39</sup>, and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with; and
  - (c) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.

### **3 Horses**

Registered equidae and equidae for breeding and production (other than registered horses accompanied by identification documentation provided for by Council Directive 90/427/EEC<sup>40</sup> (on the zootechnical and genealogical conditions governing intra-Community trade in equidae) covered by a bi-lateral agreement made under Article 6 of Council Directive 2009/156/EC<sup>41</sup> on animal health conditions governing the movement and importation from third countries of equidae may move between member states without a health attestation or a health certificate.

### **4 Poultry Health Scheme**

For the purposes of Articles 2 and 6 of, and Annex II to, Council Directive 2009/158/EC<sup>42</sup> (which establishes a poultry health scheme relating to trade between member States) —

- (a) the approval of establishments and laboratories is granted by the Department;
- (b) an annual inspection of an approved establishment must be carried out by an inspector appointed for the purpose by the Department for the establishment to remain on the register.

### **5 Approvals for the Balai Directive**

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<sup>38</sup> OJ 121, 29.7.1964, p. 1977–2012

<sup>39</sup> OJ L 46, 19.2.1991, p. 19–36

<sup>40</sup> OJ L 224, 18.8.1990, p. 55–59

<sup>41</sup> OJ L 192, 23.7.2010, p. 1–24

<sup>42</sup> OJ L 343, 22.12.2009, p. 74–113

- (1) No person may trade in apes (*simiae* and *prosimiae*) other than between a centre approved by the Department and a centre approved by the competent authority for the other member State in accordance with Article 5 of Council Directive 92/65/EEC<sup>43</sup> (“the Balai Directive”).
- (2) A body seeking approval to use the different health provisions set out in Article 13 of the Balai Directive must be approved by the Department.
- (3) The Department must suspend, withdraw or restore approvals in sub-paragraph (1) or (2) in the circumstances set out in point 6 of Annex C to that Directive.
- (4) The Department must approve a body authorised to engage in trade between member States in ova and embryos in accordance with Article 11 of the Balai Directive if the body 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.
- (5) By way of derogation from sub-paragraph (1), the Department may authorise in writing a body approved under this paragraph to acquire an ape (*simiae* and *prosimiae*) belonging to an individual.

## 6 **Circuses**

- (1) The Department is the competent authority for the purposes of Commission Regulation (EC) No. 1739/2005<sup>44</sup> laying down animal health requirements for the movement of circus animals between member States.
- (2) No person may contravene Article 8 of that Commission Regulation (keeping of records).
- (3) Notwithstanding article 6(1) of this Order, no person may contravene Article 10(1) of that Commission Regulation (notification of movement).

## 7 **Animal by-products**

Animal by-products to which Article 48 of Regulation (EC) No 1069/2009<sup>45</sup> apply may only be consigned to another member State, or brought into the Isle of Man from another member State, in accordance with that Article.

## PART 2

### ADDITIONAL PROVISIONS RELATING TO IMPORTS FROM THIRD COUNTRIES

## 8 **Arrival at premises of destination**

- (1) This paragraph applies to elephants and to cattle, pigs, sheep, goats and all other animals of the taxa *Artiodactyla*, and their crossbreeds.

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<sup>43</sup> OJ L 268, 14.9.1992, p. 54–72

<sup>44</sup> OJ L 279, 22.10.2005, p. 47–62

<sup>45</sup> OJ L 300, 14.11.2009, p. 1–33

- (2) Animals intended for immediate slaughter must be conveyed without delay from the border inspection post to the slaughterhouse of destination and slaughtered within 5 working days.
- (3) In any other case the animals must be taken without delay from the border inspection post to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).

## **9 Imported birds**

- (1) The Department is the competent authority for Commission Regulation (EC) No. 139/2013<sup>46</sup> laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof.
- (2) An importer must comply with Article 7 (transport of birds) of that Regulation.
- (3) No person may release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

## **10 Horses**

When a horse is imported from a third country under Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses, the official veterinary surgeon must return the health certificate to the person accompanying the horse, and make a record of the certificate.

## **11 Ships stores**

A product that does not comply with import requirements and is sent from a border inspection post to a ship must be accompanied by the certificate referred to in the instrument in Schedule 1 relating to that product, and the master of the vessel must confirm delivery of the product by signing the certificate specified in Commission Decision 2000/571/EC<sup>47</sup> (laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport) and returning it as soon as is reasonably practicable to the official veterinary surgeon at the border inspection post.

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<sup>46</sup> OJ L 47, 20.2.2013, p. 1–17

<sup>47</sup> OJ L 240, 23.9.2000, p. 14–18

**SCHEDULE 3**

## Article 21

**CASES TO WHICH PART 3 DOES NOT APPLY****1 Disapplication of Part 3**

Part 3 of this Order does not apply in the cases set out in this Schedule.

**2 Case 1: Personal imports and small consignments**

The products of animal origin specified in Article 2 of Commission Regulation (EC) No. 206/2009<sup>48</sup> on the introduction into the Community of personal consignments of products of animal origin.

**3 Case 2: International means of transport**

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.

**4 Case 3: Trade samples and samples for particular study or analysis**

- (1) Products sent as trade samples or intended for exhibitions provided that they are not intended to be marketed and have been authorised in advance for that purpose by the Department.
- (2) Products intended for particular studies or analyses provided that such products are not intended for human consumption and have been authorised in advance for that purpose by the Department.
- (3) When the exhibition is finished or when the particular studies or analyses have been carried out, these products, with the exception of the quantities used for the analyses, must be destroyed or re-dispatched as specified in the import authorisation.
- (4) This case does not apply in relation to any product controlled under Regulation (EC) No. 1069/2009<sup>49</sup> of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002<sup>50</sup> (Animal by-products Regulation) (the rules for those products are laid down in that Regulation).

**5 Case 4: Consignments cleared in any member State**

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<sup>48</sup> OJ L 77, 24.3.2009, p. 1–19

<sup>49</sup> OJ L 300, 14.11.2009, p. 1–33

<sup>50</sup> OJ L 273, 10.10.2002, p. 1–95

Consignments of animals and products that have been presented to a border inspection post in any member State or the United Kingdom and have been cleared for free circulation.

**6 Case 5: Composite products**

- (1) Composite products and foodstuffs listed in Annex II to Commission Decision 2007/275/EC<sup>51</sup>.
- (2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are —
  - (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
  - (b) clearly identified as intended for human consumption;
  - (c) securely packaged or sealed in clean containers; and
  - (d) accompanied by a commercial document and labelled in an official language of a member State, so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

**7 Case 6: Animals subject to rabies control**

Animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 2016<sup>52</sup> and imported in accordance with a licence under that Order.

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<sup>51</sup> OJ L 116, 4.5.2007, p. 9–33

<sup>52</sup> SD 2016/0360

## SCHEDULE 4

## Article 32

## LEGISLATION WHICH DOES NOT APPLY

Title	Extent
The Rabies (Importation of Dogs, Cats and Other Mammals) Order 2016 <sup>53</sup>	The Order shall continue to apply to all carnivores, primates and bats it shall continue to apply to the importation of all other animals unless such animals are imported by way of trade and can be shown to have been born on the holding of origin and kept in captivity since birth.
The Animals (Importation) Order 1988 <sup>54</sup>	Articles 3 to 9 and 11, except that article 3 shall continue to apply to ruminating animals and swine other than animals which are the subject of Council Directives 64/432/EC <sup>55</sup> and 91/68/EEC <sup>56</sup> .
The Importation of Embryos, Ova and Semen (Prohibition) Order 1980 <sup>57</sup>	The whole Order except that article 4 shall continue to apply to embryos, ova and semen (as defined in the Order) other than – (a) bovine embryos which is the subject of Council Directive 88/407/EEC <sup>58</sup> , (b) bovine embryos which are the subject of Council Directive 89/556/EEC <sup>59</sup> , (c) porcine semen which is the subject of Council Directive 90/429/EEC <sup>60</sup> , (d) equine ova and embryos which are the subject of Commission Decision 95/294/EC <sup>61</sup> , (e) equine semen which is the subject of Commission Decision 95/307/EC <sup>62</sup> , (f) ovine and caprine semen, ova and embryos which are the subject of Commission Decision 95/388/EC <sup>63</sup> , and (g) porcine ova and embryos which are the subject of Commission Decision 95/483/EC <sup>64</sup>

<sup>53</sup> SD 2016/0360

<sup>54</sup> GC 97/88

<sup>55</sup> OJ L 121, 29.7.1964, p. 1977–2012

<sup>56</sup> OJ L 46, 19.2.1991, p. 19–36

<sup>57</sup> GC 255/80

<sup>58</sup> OJ L 194, 22.7.1988, p. 10–23

<sup>59</sup> OJ L 302, 19.10.1989, p. 1–11

<sup>60</sup> OJ L 224, 18.8.1990, p. 62–73

<sup>61</sup> OJ L 182, 2.8.1995, p. 27–29

<sup>62</sup> OJ L 185, 4.8.1995, p. 58–61

<sup>63</sup> OJ L 234, 3.10.1995, p. 30–32

<sup>64</sup> OJ L 275, 18.11.1995, p. 30–31

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.