



STATUTORY INSTRUMENTS.

S.I. No. 784 of 2021

IMPORT AND EXPORT OF ANIMALS AND ANIMAL PRODUCTS
(ANIMAL HEALTH CERTIFICATES) REGULATIONS 2021

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Arrangement of Regulations

1. Citation
2. Interpretation
3. Breach of EU Regulation (animal health certification)
4. Import and Export of certain animals and products
5. Restriction on certain animals imported from third country, etc.
6. Issue of animal health certificate
7. Export of certain animals
8. Possession of certain records
9. Notice
10. Penal provisions, etc.

S.I. No. 784 of 2021

**IMPORT AND EXPORT OF ANIMALS AND ANIMAL PRODUCTS
(ANIMAL HEALTH CERTIFICATES) REGULATIONS 2021**

I, CHARLIE MC CONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 and section 36A (inserted by the Greyhound Racing Act 2019 (No. 15 of 2019) of the Animal Health and Welfare Act 2013 (No. 15 of 2013), for the purpose of giving further effect to Section 7 of Chapter 3 of Title I of Part IV of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016¹, Sections 1, 2, 3 and 4 of Chapter 8 of Part II of Commission Delegated Regulation (EU) 2020/688 of 17 December 2019², Commission Delegated Regulation (EU) 2020/692 of 30 January 2020³, Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020⁴, Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020⁵, Commission Implementing Regulation (EU) 2021/403 of 24 March 2021⁶, Commission Implementing Regulation (EU) 2021/404 of 24 March 2021⁷, Commission Implementing Regulation (EU) 2021/1329 of 10 August 2021 (amending the last three cited Regulations)⁸, make the following regulations:

Citation

1. These are the Import and Export of Animals and Animal Products (Animal Health Certificates) Regulations 2021.

Interpretation

2. (1) In these Regulations “issue” in relation to an animal health certificate includes endorsing or signing such certificate.

(2) A word or expression in these Regulations has the same meaning as in the act of the institutions of the European Union mentioned in the preamble to these Regulations.

Breach of EU Regulation (animal health certification)

3. A person who contravenes Articles 126, 134, 143, 148, 151, 159, 161, 166 or 167 of Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 commits an offence.

¹ O.J. L 084 of 31.3.2016, p. 01; <http://data.europa.eu/eli/reg/2016/429/oj>.

² O.J. L 174 of 3.6.2020, p. 140; http://data.europa.eu/eli/reg_del/2020/688/oj.

³ O.J. L 174 of 3.6.2020, p. 379; http://data.europa.eu/eli/reg_del/2020/692/oj.

⁴ O.J. L 442, 30.12.2020, p. 01; http://data.europa.eu/eli/reg_impl/2020/2235/oj.

⁵ O.J. L 442, 30.12.2020, p. 410; http://data.europa.eu/eli/reg_impl/2020/2236/oj.

⁶ O.J. L 113, 31.3.2021, p. 01; http://data.europa.eu/eli/reg_impl/2021/403/oj.

⁷ O.J. L 114, 31.3.2021, p. 01; http://data.europa.eu/eli/reg_impl/2021/404/oj.

⁸ O.J. L 288, 11.8.202, p. 48; http://data.europa.eu/eli/reg_impl/2021/1329/oj.

Import and Export of certain animals and products

4. (1) A person shall not import, export or transit an animal or animal product of a class or description to which Commission Implementing Regulation (EU) 2021/ 404 of 24 March 2021 applies from a third country unless the third country or part of the third country is entered on the list relating to that class of animal or animal product contained in that Regulation and the animal or animal product is accompanied by an animal health certificate that –

- (a) relates to the animal or animal product,
- (b) conforms to the model relating to the animal or animal product mentioned in that Regulation, and
- (c) is completed in accordance with the act of the institutions of the European Union.

(2) A person shall not import, export or transit an animal or animal product of a class or description to which Section 1 of Chapter 8 of Part II of Commission Delegated Regulation (EU) 2020/ 688 of 17 December 2019 applies unless the animal or animal product is accompanied by an animal health certificate that –

- (a) relates to the animal or animal product,
- (b) conforms to the applicable rules set down in that Section, and
- (c) conforms to the model and is completed in accordance with the applicable provision of Commission Implementing Regulation (EU) 2021/ 403 of 24 March 2021.

(3) A person who has an animal, of a class or description to which Sections 1,2,3,5,6 and 7 of Chapter2 of Commission Delegated Regulation (EU) 2020/ 688 of 17 December 2019 applies, that has been imported from a third country, in his or her possession or under his or her control commits an offence unless the animal–

- (a) Is kept at the place of destination stated on the animal health certificate mentioned in paragraph (1) that relates to the animal for a period of not less than thirty days from the date of entry of the animal into that place of destination, and
- (b) is kept separate so as to prevent direct and indirect contact with all other animals on that establishment for at least 30 days.

(4) A person who contravenes paragraph (1) or paragraph (2) commits an offence.

Restriction on certain animals imported from third country, etc.

5. (1) A person who imports or transits an animal or animal product of a class or description to which Commission Delegated Regulation (EU) 2020/692 of 30 January 2020, relates from a third country commits an offence unless that animal or animal product is accompanied by –

- (a) an animal health certificate that relates to the animal, animal product or consignment drawn up in accordance with the appropriate model set down in Commission Implementing

Regulation (EU) 2021/403 of 24 March 2021, Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020, or Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020 or

- (b) until 15 January 2022, an animal health certificate referred to in an act of the institutions of the European Union mentioned in Article 35 of Commission Implementing Regulation (EU) 2020/2235 of 16 December 2020, Article 10 of Commission Implementing Regulation (EU) 2020/2236 of 16 December 2020, Article 27 of Commission Implementing Regulation (EU) 2021/403 of 24 March 2021, or Article 6 of Commission Implementing Regulation (EU) 2021/404 of 24 March 2021, as the case may be.

(2) A person who moves -

- (a) an imported animal in contravention of Article 26 of Commission Delegated Regulation (EU) 2020/692 of 30 January 2020, or
- (b) any other bovine animal, camelid animal, cervine animal, ovine animal or porcine animal from the place of destination stated on the animal health certificate mentioned in paragraph (1) (a),

unless a period of 30 days has elapsed from the entry of the animal mentioned in sub-paragraph (a) into the place of destination stated on the animal health certificate mentioned in paragraph (1) that relates to the animal commits an offence.

(3) Paragraph (2) (b) does not apply to –

- (a) registered equine animals, or
- (b) an animal that is moved directly to slaughter at an establishment engaged in the lawful slaughter of animals of that class or description.

(4) A person shall not import a lagomorph, rodent, reptile or amphibian from a third country unless the animal is accompanied by an animal health certificate as provided for, and the import is otherwise carried out in accordance with, animal health and welfare regulations.

(5) A person who has an animal that has been

- (a) imported in contravention of paragraph (1) or (4), or
- (b) moved in contravention of paragraph (2),

in his or her possession or under his or her control or sells or supplies such an animal commits an offence.

Issue of animal health certificate

6 A person other than a person lawfully entitled to do so who purports to issue an animal health certificate commits an offence.

Export of certain animals

7 (1) A person who exports an animal or consigns an animal for export in contravention of Article 126 (1) (b) (i) of Regulation (EU) 2016/429 of the European Parliament and the Council of 9 March 2016 commits an offence.

(2) A person who has an animal that is being exported in contravention of paragraph (1) in his or her possession or under his or her control or sells or supplies such an animal commits an offence.

Possession of certain records

8. A person shall not without lawful excuse, the proof of which lies with him or her, have a record purporting to be an animal health certificate issued in contravention of an act of the institutions of the European Union mentioned in the preamble to these Regulations or these Regulations in his or her possession or under his or her control.

Notice

9. (1) An authorised officer may, by notice in writing, served on the person who has possession or control of an animal to which these Regulations apply restrict the movement of such an animal for a period of 30 days.

(2) A person on whom a notice under this Regulation is served shall comply with the notice.

Penal provisions, etc.

10. (1) Regulations 4 (other than paragraph (2) (b)), 5 (other than paragraph (5) (3) (a)), 6, 7 (2), 8 and 9 (2) are penal provisions to which section 36 (4) (b) of the Animal Health and Welfare Act 2013 applies.

(2) A contravention or failure to comply with a provision of a Regulation of an institution of the European Union cited in Regulation 3, 4 (2) (b), or 7 (1) of these Regulations is a breach to which section 36A (b) (inserted by the Greyhound Racing Act 2019) of the Animal Health and Welfare Act 2013 applies.



GIVEN under my Official Seal,
20 December, 2021.

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

These Regulations, in accordance with EU Regulations, provide controls on animals and animal products imported from third countries and for the matters relating to the certification of animals and animal products being exported within the EU.

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