# EXPLANATORY MEMORANDUM TO THE

# Non-Commercial Movement Of Pet Animals (England) Regulations 2004 No.2363

**1.** This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs, and is laid before Parliament by Command of Her Majesty.

## 2. Description

2.1 The Non Commercial Movement of Pet Animals (England) Regulations 2004 (NCMPAR) enforce the EC Regulation on the non-commercial movement of pet animals (Regulation (EC) No 998/2003). This EC Regulation establishes the health requirements for pet animals travelling between Member States or into the Community from third countries. It allows the UK to broadly retain its requirements for dogs and cats from certain countries, i.e. if specified requirements are met, they can be imported without the need for quarantine, and covers import requirements for some other species, including ferrets, rabbits and rodents.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

## 4. Legislative background

4.1 These Regulations are made under the European Communities Act 1972 to enforce EC Regulation 998/2003 (the EC pets regulation), which establishes health conditions for pet dogs, cats, ferrets and some other species, including rabbits and rodents. The Regulation covers movement within the EU and imports from third countries. As the EC pets regulation is directly applicable, its provisions are not spelt out in domestic legislation.

4.2 The EC pets regulation allows the UK to broadly continue with its domestic Pet Travel Scheme for dogs and cats until at least 2008, and specifies the conditions under which these animals can enter the UK. The NCMPAR therefore revokes the domestic legislation establishing and amending the Pet Travel Scheme. Under the Regulation, dogs, cats and ferrets can move within the EU and from certain third countries provided they meet specified conditions. The UK can also retain its national requirements in some respects. These national requirements are laid down in the NCMPAR.

4.3 Dogs, cats and ferrets must enter the UK on approved routes. The responsibilities of transport companies operating these routes, including the checks they must carry out to ensure that these animals comply with the relevant requirements, are laid down in agreements with Defra. Approval of such routes is subject to any conditions considered necessary by the

Secretary of State. This gives assurances that all such animals are checked for compliance with the UK's requirements. The NCMPAR requires carriers to comply with the conditions of their approval and also sets out the general duties of transport companies in this respect. It also requires vets given approval to issue passports under this SI to comply with the terms and conditions of their approval. The NCMPAR also provides for inspectors to carry out spot checks on animals which have entered the UK in this way. Inspectors appointed under the Animal Health Act 1981 are inspectors for the purpose of the NCMPAR. It also provides for powers to carry out checks required to verify compliance with the rules.

4.4 Under the Regulation, dogs, cats and ferrets may move within the EU with a passport, and enter from third countries with a third country certificate. The format of both of these documents has been established in Brussels, and is designed to provide details of the requirements of the EC pets regulation (including the requirements for entry to the UK). To facilitate a smooth transition, as a temporary measure, these animals may also move within, and enter, the EU under previously agreed certification, provided this has been issued before 1 October 2004 and is still valid. This means that, as an alternative to the passport/third country certificate, dogs and cats can enter the UK with PETS certification (designed for entry under PETS before the EC pets regulation came into effect) which meets these conditions. The NCMPAR requires carriers to check these documents appropriately.

4.5 The NCMPAR makes it an offence for a transport company to fail to comply with the conditions of its approval or its duties as laid down in legislation, and also for an individual to provide false information or to obstruct any person executing these Regulations. Other offences relate to other failures to comply with approvals and falsification of documents. It is also an offence under the NCMPAR for pet owners to fail to produce appropriate documentation at the port of arrival in the UK upon demand by an inspector. Penalties are laid down in the NCMPAR which are in line with those previously applied under the UK's pet passport scheme and comply with the limits set by the European Communities Act. The Regulations are enforced by the local authority but may, in particular cases, be enforced by officials acting on behalf of the Secretary of State.

4.6 Consequential amendments are required to two other pieces of domestic legislation as a result of the EC pets regulation. Exemptions from the UK's quarantine requirements are set out in the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, and amendments to this Order have been laid (as the Rabies (Importation of Dogs, Cats and Other Mammals) (England) (Amendment) Order 2004) simultaneously with these Regulations along with an explanatory memorandum. The EC pets regulation also amends Council Directive 92/65/EEC, which deals with commercially traded animals, and subjects some large groups of pets to its requirements. This Directive is implemented in the UK by the Animal and Animal Products (Import and Export) Regulations 2004 (S.I. 2004/853). The NCMPAR also includes an amendment to these regulations.

4.7 Scrutiny Committees have considered the EC pets regulation, along with amendments proposed by the European Parliament in 2002, in both Houses on several occasions. Most recently, it was considered not legally or politically important by the Commons Committee on 20 November 2002, and was cleared from scrutiny by the Lords Committee on 19 November 2002.

## 5. Extent

5.1 This instrument applies to England.

## 6. European Convention on Human Rights

No matters of importance to raise.

## 7. Policy background

7.1 The NCMPAR enforces the EC pets regulation, the primary objective of which is to harmonise the animal health requirements applying to the non-commercial movement of pet animals between Member States and from third countries. The regulation allows the UK (along with Ireland and Sweden) to retain many of its current provisions for a transitional period which can be extended.

7.2 The Regulation allows the UK to broadly continue with its domestic Pet Travel Scheme (PETS) for cats and dogs. PETS is popular with the general public, and nearly 60,000 dogs and cats have entered the UK in the past year under the Scheme's conditions. Interest groups such as Passports for Pets and the Kennel Club are supportive of PETS and the EC pets regulation. The introduction of a passport which is valid throughout the EU, and replaces import and export certification for dogs, cats and ferrets, is popular with the veterinary profession. Some veterinary organisations, and the Advisory Committee on Dangerous Pathogens at the Department of Health, have expressed concerns about the risk of exotic diseases being imported into the UK as a result of PETS and the EC pets regulation. Information about animals in the UK which have contracted these diseases is reported to Defra by vets under DACTARI (Dog and Cat Travel and Risk Information), so that the level of risk can be assessed. Stakeholders have been regularly updated on developments in a variety of ways, including through the PETS Advisory and Steering Groups. Defra's Information Management Division has confirmed that there is no need to conduct a formal consultation exercise.

7.3 Under the Regulation, dogs and cats can be imported into the UK from Member States and listed third countries provided that they have been microchipped, then vaccinated, and blood tested. These animals must wait at least six months after the blood sample was drawn before they are able to enter the UK without quarantine, and must be treated against ticks and tapeworms 24-48 hours before being imported. Dogs and cats which come from other third countries, or do not meet the regulation's requirements, must continue to undergo quarantine. The blood test and tick and tapeworm treatment requirements will be reviewed within the EU by February 2007 to

determine the requirements that will apply after the transitional period, which ends during 2008 but may be extended.

7.4 Ferrets also come under the scope of the EC pets Regulation. As with dogs and cats, they can enter the UK from Member States and listed third countries provided that they meet the regulation's conditions. There is no validated blood test for ferrets, and requirements are slightly different for these species. Ferrets can enter the UK from Member States provided that they are microchipped, vaccinated against rabies and treated against tick and tapeworms. Ferrets from listed third countries must wait at least six months following rabies vaccination before they are able to enter the UK without quarantine.

7.5 The EC pets regulation also covers a number of other species. These are pet rodents, rabbits, birds, invertebrates (but not bees and crustaceans), ornamental tropical fish, amphibia and reptiles. Final decisions about the requirements applying to these species will be made in Brussels. In the meantime, these species can enter the UK from other Member States and some other European countries without meeting any rabies requirements. In practice, this only affects the import of pet rabbits and rodents, which were previously required to undergo 6 months quarantine. We are satisfied that this relaxation in our rabies controls presents very little risk to the UK. Rabbits and rodents from all other third countries are still required to undergo 6 months quarantine on arrival in the UK. Defra has consulted with the Department of Health, and its concerns about the risk of these species importing exotic diseases into the UK are reflected in the UK's position at ongoing discussions within the EU.

## 8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal. The EC pets regulation removes quarantine requirements for pet rabbits and rodents from certain countries, and also for ferrets from certain countries which meet the relevant criteria. The regulatory burden on local authorities, who enforce the UK's rabies legislation, has therefore been reduced. However, the number of these species imported into quarantine is minimal (52 were imported in 2002), so the impact in practice is not expected to be significant.

## 9. Contact

Andrew Baxter at the Department for Environment, Food and Rural Affairs (Tel: 020 7904 6296 or e-mail: andrew.g.baxter@defra.gsi.gov.uk) can answer any queries regarding the instrument.