



Brussels, 27 February 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON ANIMAL HEALTH AND WELFARE AND PUBLIC HEALTH RELATED TO THE MOVEMENT OF LIVE ANIMALS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, operators involved in trade in live animals⁴ are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.^{5 6}

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU public and animal health rules in the field

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ This notice does not address non-commercial movements of pet animals (Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals, OJ L 178, 28.6.2013, p. 1).

⁵ For live animals the movement of which is ongoing on the withdrawal date, the EU is trying to agree solutions with the United Kingdom in the withdrawal agreement. The essential principles of the EU's position on goods placed on the market, including live animals the movement of which has started before the withdrawal date are available here:
https://ec.europa.eu/commission/publications/position-paper-goods-placed-market-under-union-law-withdrawal-date_en.

⁶ Since the EU veterinary *acquis* is very detailed, this notice can only set out the essential rules. The website of the Commission on imports of live animals (https://ec.europa.eu/food/animals/live_animals_en) provides for general information concerning EU animal health legislation for imported live animals.

of intra-Union trade in live animals^{7 8 9 10 11}, the placing on the market of aquaculture animals,¹² the controls carried out on such movements¹³ and EU law on animal transport¹⁴ no longer apply to the United Kingdom.

This notice is also relevant for the movement of live animals and hatching eggs from and to the Channel Islands and the Isle of Man.¹⁵

1. ENTRY OF LIVE ANIMALS INTO THE EU

Public and animal health:

As of the withdrawal date, the entry of live animals^{16 17} from the United Kingdom into the EU-27 is prohibited for public and animal health reasons, unless:

⁷ Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ L 121, 29.7.1964, p. 1977/64).

⁸ Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ L 46, 19.2.1991, p. 19).

⁹ Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1).

¹⁰ Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74).

¹¹ Council Directive 92/65/EEC of 13 July 1992 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 laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).

¹² Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).

¹³ Council Directive 90/425/EEC of 26 June 1990 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 (OJ L 224, 18.8.1990, p. 29).

¹⁴ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations (OJ L 3, 5.1.2005, p. 1).

¹⁵ Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products (OJ L 68, 15.3.1973, p. 1).

¹⁶ Cattle, pigs, sheep and goats, equidae, poultry and hatching eggs, aquaculture animals, bees and bumble bees, other "ungulates" listed in Directive 2004/68/EC. Dogs, cats and ferrets in commercial movements.

¹⁷ For other animals than those in footnote 16, including certain animals consigned to and from bodies, institutes or centres approved in accordance with Annex C to Directive 92/65/EEC, national animal health conditions may apply to the entry from third countries of animals (Article 18(2) of Directive 92/65/EEC). However, the EU rules on border checks apply.

- The United Kingdom is "listed" as a third country by the Commission for animal health¹⁸ purposes. For the "listing", Directive 2004/68/EC as well as specific legislation applies;
- The specific animal health requirements and veterinary certification conditions set out with the "listing" for the species or categories of animals from the United Kingdom are fulfilled;
- The United Kingdom is "listed" by the Commission as a third country having a residue control plan approved in accordance with Directive 96/23/EC¹⁹ for the animals and animal products specified therein. For the "listing" Chapter VI of Directive 96/23/EC applies.

The "Tripartite Agreement" concluded in accordance with Article 6 of Directive 2009/156/EC between France, Ireland and the United Kingdom no longer applies to the United Kingdom as of the withdrawal date.

As of the withdrawal date, these substantial requirements are controlled upon entry into the EU-27 by applying mandatory border checks, including veterinary checks, at the first point of entry into the Union territory:

- Live animals can only enter the EU-27 through "border inspection posts"²⁰ approved for the species and categories of animals concerned;
- Each consignment has to be accompanied by a duly completed health certificate in compliance with EU animal health import legislation;²¹
- Each consignment undergoes documentary, identity and physical checks;²²
- Live animals are only allowed to enter the EU-27 with the official document (Common Veterinary Entry Document) attesting that the border checks were satisfactorily carried out in compliance with the applicable animal and, public health rules.

These conditions also apply to the entry into the EU-27, as of the withdrawal date, of live animals from the United Kingdom for the purpose of **transit from the United Kingdom to another third country or to another part of the United Kingdom.**²³ In addition, the

¹⁸ Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals (OJ L 139, 30.4.2004, p. 321). For equidae, poultry, aquaculture animals, and other animals see footnotes above.

¹⁹ Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products (OJ L 125, 23.5.1996, p. 10).

²⁰ Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces (OJ L 296, 12.11.2009, p. 1).

²¹ Article 4 of Council Directive 91/496/EEC.

²² Article 4 of Council Directive 91/496/EEC.

²³ For equidae, specific transit rules are laid down in Commission Decision 2010/57/EU of 3 February 2010 laying down health guarantees for the transit of equidae being transported through the territories listed in Annex I to Council Directive 97/78/EC (OJ L 32, 4.2.2010, p. 9).

consignment has to pass through border inspection posts both at entry into and exit from the Union, including the respective notifications in the EU Trade Control and Expert System (TRACES).^{24 25}

In case of **transit from the EU-27 through the United Kingdom to the EU-27**, live animals have to be accompanied by an intra-Union trade certificate and pass through a border inspection post at entry into the EU-27, including the respective notifications in TRACES.^{26 27}

Animal welfare:

Live animals admitted to enter the EU-27 will have to be transported according to all the animal welfare rules laid down in Council Regulation (EC) No 1/2005²⁸, and will be submitted to checks at border inspection posts by the competent authorities as laid down in Article 21 of that Regulation.²⁹

2. EXIT OF LIVE ANIMALS FROM THE EU

Public and animal health:

As of the withdrawal date, the exit of live animals³⁰ from a Member State to the United Kingdom through the territory of another Member State is subject to the following conditions:

- The transport operation must ensure that in accordance with Decision 93/444/EEC³¹ the consignment remains under customs supervision up to the point of exit³² from Union territory;

²⁴ Commission Decision 2003/623/EC of 19 August 2003 concerning the development of an integrated computerised veterinary system known as Traces (OJ L 216, 28.8.2003, p. 58).

²⁵ Article 9 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries (OJ L 268, 24.9.1991, p. 56).

²⁶ In addition, for the transit of certain ungulates, Article 12 of Commission Regulation (EC) No 206/2010 applies.

²⁷ In addition, the rules on exit of live animals apply, see section 2 of this Notice.

²⁸ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations (OJ L 3, 5.1.2005, p. 1).

²⁹ See also the Commission Notice to stakeholders withdrawal of the United Kingdom and EU rules for authorisations and certificates for transporters of live animals, drivers and attendants (https://ec.europa.eu/food/animals/welfare/practice/transport_en).

³⁰ Cattle, pigs, sheep, goats, equidae, poultry and hatching eggs, dogs, cats and ferrets, bees and bumble bees and aquaculture animals.

³¹ Commission Decision 93/444/EEC of 2 July 1993 on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries (OJ L 208, 19.8.1993, p. 34). For the exit of live animals to a third country without passing through another Member State, no specific EU rules apply.

- Each consignment of animals is accompanied by veterinary documents or veterinary certificates meeting relevant veterinary requirements of the United Kingdom and health certificates for intra-Union trade, which contain, where necessary and applicable, the additional guarantees provided for by Union legislation for animals intended for slaughter;
- A message must be addressed in TRACES to the place of destination, which is the border inspection post of exit or the local authority of the place in which the point of exit is situated, and to the central authorities of the place of destination and of the Member State(s) of transit.

Animal welfare:

The transport of live animals exiting the EU to the United Kingdom will have to comply with Council Regulation (EC) No 1/2005 up to the final place of destination and will be submitted to checks at the exit point by the competent authorities as laid down in Article 21 of that Regulation.

Private parties are advised that the specific conditions regarding the movement and importation of live animals are regularly updated. The website of the Commission on imports of live animals (https://ec.europa.eu/food/animals/live_animals_en) provides for general information concerning EU animal health legislation for imported live animals. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Health and Food Safety

³² In accordance with Article 1(2)(a) of Decision 93/444/EEC "exit point" means any place situated in close proximity to the external frontier of one of the territories listed in Annex I to Council Directive 90/675/EEC (5) offering customs supervision facilities.