EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

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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

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a 'third country'.[1] The Withdrawal Agreement[2] provides for a transition period ending on 31 December 2020.[3] Until that date, EU law in its entirety applies to and in the United Kingdom.[4]

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom's participation in the internal market,[5] in the EU Customs Union, and in the VAT and excise duty area.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation as of the end of the transition period (Part A below). This notice also explains certain relevant separation provisions of the Withdrawal Agreement (Part B below), as well as the rules applicable to Northern Ireland as of the end of the transition period (Part C below).

Advice to stakeholders:

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

2 Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 ("Withdrawal Agreement").

3 The transition period may, before 1 July 2020, be extended once for up to 1 or 2 years (Article 132(1) of the Withdrawal Agreement). The UK government has so far ruled out such an extension.

4 Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

5 In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the 'country of origin principle', and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

To address the consequences set out in this notice, stakeholders are in particular advised to:

- consider the location of live animals which are frequently moved, such as for sport events in the EU; and
- adapt transportation arrangements to take into account importation requirements.

Please note:

This notice is also relevant for live animals entering the EU from the Channel Islands and the Isle of Man.[6]

This notice does not address:

- EU rules on authorisations and certificates for transporters of live animals, drivers and attendants;[7]
- EU rules on accompanying pets.[8]

Regarding the rules for imports of goods, including live animals, into the EU, attention is drawn to the notices on customs procedures, customs debt and customs tariffs, rules of origin, tariff rate quota, and VAT.[9]

A. LEGAL SITUATION AS OF THE END OF THE TRANSITION PERIOD

As of the end of the transition period, the EU public and animal health rules in the field of intra-Union trade in live animals[10] [11] [12] [13] [14], the placing on the market of aquaculture

[6] 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).

[7] See, for these aspects, the '*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/info/brexit/brexit-preparedness/preparedness-notices_en#sante).

[8] See, for these aspects, the '*Notice on travelling between the EU and the United Kingdom following withdrawal of the United Kingdom from the EU*' (https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en#travel).

[9] These notices are available here: (https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en#tradetaxud).

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

[11] 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).

[12] 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).

[13] 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).

animals,[15] the controls carried out on such movements[16] and EU law on animal transport[17] no longer apply to the United Kingdom.[18] This has in particular the following consequences:

1. ENTRY OF LIVE ANIMALS INTO THE EU

Public and animal health:

As of the end of the transition period, the entry of certain live animals[19] from the United Kingdom into the EU is prohibited for public and animal health reasons, unless:

- The United Kingdom is "listed" as a third country by the Commission for animal health purposes;
- 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; and
- The United Kingdom is "listed" by the Commission as a third country having a residue control plan approved in accordance with Regulation (EU) 2017/625.

As of the end of the transition period, these substantial requirements are controlled upon entry into the EU 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 through 'border control posts'[20] designated for the species and categories of animals concerned;

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14 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).

15 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).

16 Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, OJ L 95, 7.4.2017, p. 1.

17 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).

18 Regarding the applicability of the EU animal health and welfare law to Northern Ireland, see Part C of this notice.

19 Such as cattle, pigs, sheep and goats, equidae, poultry and hatching eggs, aquaculture animals, bees and bumble bees, other "ungulates" listed in Directive 2004/68/EC. For other animals, national animal health conditions may apply (Article 18(2) of Directive 92/65/EEC). In any case, the EU rules on border checks apply.

20 Articles 47(1) and 60(1) of Regulation (EU) 2017/625; cf. also https://ec.europa.eu/food/animals/vet-border-control/bip_en.

- The responsible operator has to give prior notification of the arrival of the consignment;[21]
- Each consignment has to be accompanied by a duly completed official certificate in compliance with EU animal health import legislation;[22]
- Each consignment undergoes documentary, identity and physical checks[23] [24] which are subject to fees in accordance with Article 79 of Regulation (EU) 2017/625;
- Live animals are only allowed to enter the EU with the official document (Common health entry document - CHED)[25] attesting that the border checks were satisfactorily carried out in compliance with the applicable animal and, public health rules.

Animal welfare:

Live animals admitted to enter the EU will have to be transported according to all the animal welfare rules laid down in Council Regulation (EC) No 1/2005,[26] and will be submitted to checks at the border control post in accordance with Regulation (EU) 2017/625.

Rules applicable to entry of equines:

The rules on animal and public health as well as animal welfare set out above apply also, as of the end of the transition period, to equines. The "Tripartite Agreement"[27] 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 end of the transition period.

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[21] Article 1 of Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union (OJ L 165, 21.6.2019, p. 8).

[22] Article 50(1) of Regulation (EU) 2017/625.

[23] Article 49(1) of Regulation (EU) 2017/625.

[24] Regarding serological sampling of registered horsing, an exception apples (cf. point 1(a) of section III of Annex I of Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts, OJ L 321, 12.12.2019, p. 128).

[25] Regulation (EU) 2017/625 and Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (‘the IMSOC Regulation’) (OJ L 261, 14.10.2019, p. 37).

[26] 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).

[27] https://www.daera-ni.gov.uk/articles/exporting-equines-eu-member-states#toc-3.

However, EU law provides for specific rules for the temporary admission[28] and re-entry after temporary export[29] of registered horses as defined in Article 2(c) of Regulation (EU) 2018/659. [30] [31]

2. EXIT OF LIVE ANIMALS FROM THE EU

Public and animal health:

As of the end of the transition period, the exit of certain live animals[32] from a Member State to the United Kingdom through the territory of another Member State is subject to the following conditions:

- Each consignment of animals is accompanied by a health certificate 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 the EU Trade Control and Expert System (TRACES) to the place of destination, which is the border control 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 border control post in accordance with Regulation (EU) 2017/625.

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[28] See Section A of Part 1 of Annex II to Regulation (EU) 2018/659.

[29] See Part 2 of Annex II to Regulation (EU) 2018/659.

[30] Commission Implementing Regulation (EU) 2018/659 of 12 April 2018 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae (OJ L 110, 30.4.2018, p. 1).

[31] Those registered horses must be purebred breeding animals of the equine species as defined in Article 2(9) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof (OJ L 171, 29.6.2016, p. 66),

- identified by an identification document issued by a breeding body listed in accordance with Article 34 of that Regulation, or
- identified by an identification document issued by any international association or organisation which manages horses for competition or racing.

[32] Such as cattle, pigs, sheep, goats, equidae, poultry and hatching eggs, dogs, cats and ferrets, bees and bumble bees and aquaculture animals.

3. TRANSIT OF LIVE ANIMALS

The rules on 'entry' and 'exit' apply, in principle, also to live animals transited through a third country between two Member States, and transited through the EU between two third countries or between two parts of the territory of a third country. However, the following specificities apply:

3.1. From an EU Member State through a third country to another EU Member State

Public and animal health:

In case of transit from the EU through the United Kingdom to the EU, live animals have to be accompanied by an intra-Union trade certificate.[33]

They must be presented for official controls to the competent authority of the exit point or of the border control post of exit from the EU and to the border control post at the re-entry into the EU, including the respective notifications in TRACES.[34] At the border control post of re-entry, each consignment undergoes a documentary check to verify that the animals originate in the EU.

The responsible operator has to give prior notification of the arrival of the consignment to the border control post of re-entry into the EU.[35]

These checks are subject to fees set out in Article 79 of Regulation (EU) 2017/625.

These provisions apply regardless of the conditions which might be required by the United Kingdom to transit on its territory.

3.2. From a third country through the EU to another third country

Public and animal health:

The conditions for entry of live animals set out above also apply to the entry into the EU, as of the end of the transition period, 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.[36]

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[33] In the case of transit from the EU through the United Kingdom to the EU of registered equidae, it is sufficient that those animals are accompanied by an attestation as set out in Annex II to Directive 2009/156/EC, provided the movement is recorded in the TRACES system.

[34] In addition, depending on the animal health status of the UK, additional animal health requirements might apply. For example, concerning ungulates, please check Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

[35] Article 1 of Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union (OJ L 165, 21.6.2019, p. 8).

[36] However, Regulation (EU) 2018/659 provides for specific rules for the transit of equidae.

In addition, the consignment has to pass through border control posts both at entry into and exit from the Union, including the respective notifications in the TRACES system.

The responsible operator has to give prior notification of the arrival of the consignment to the border control post of entry into the Union.[37]

These checks are subject to fees set out in Article 79 of Regulation (EU) 2017/625.

B. RELEVANT SEPARATION PROVISIONS OF THE WITHDRAWAL AGREEMENT

Article 41(4) of the Withdrawal Agreement provides that a movement of live animals between a Member State and the United Kingdom, or vice versa, ongoing at the end of the transition period is subject to the rules for intra-EU movements of live animals as set out in its Annex II.

In any case, animals will have to go, as of the end of the transition period, through a border control post.

C. APPLICABLE RULES IN NORTHERN IRELAND AFTER THE END OF THE TRANSITION PERIOD

As from the end of the transition period, the Protocol on Ireland/Northern Ireland ('IE/NI Protocol') applies.[38] The IE/NI Protocol is subject to periodic consent of the Northern Ireland Legislative Assembly, the initial period of application extending to 4 years after the end of the transition period.[39]

The IE/NI Protocol makes certain provisions of EU law applicable also to and in the United Kingdom in respect of Northern Ireland. It also provides that insofar as EU rules apply to and in the United Kingdom in respect of Northern Ireland, it is assimilated to a Member State.[40]

The IE/NI Protocol provides that EU law on animal health and welfare and public health applies to and in the United Kingdom in respect of Northern Ireland.[41]

This means that references to the EU in Parts A and B of this notice have to be understood as including Northern Ireland, whereas references to the United Kingdom have to be understood as referring only to Great Britain.

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[37] Article 1 of Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union, OJ L 165, 21.6.2019, p. 8.

[38] Article 185 of the Withdrawal Agreement.

[39] Article 18 of the IE/NI Protocol.

[40] Article 7(1) of the Withdrawal Agreement in conjunction with Article 13(1) of the IE/NI Protocol.

[41] Article 5(4) and sections 36 and 43 of annex 2 to the IE/NI Protocol.

More specifically, this means *inter alia* the following:

- The movement of live animals from Northern Ireland to the EU is not an import but an intra-EU movement;
- The movement of live animals from Great Britain to Northern Ireland is an import.

However, the IE/NI Protocol excludes the possibility for the United Kingdom in respect of Northern Ireland to

- participate in the decision-making and decision-shaping of the Union;[42]
- initiate objections, safeguard or arbitration procedures to the extent that they concern technical regulations, standards, assessments, registrations, certificates, approvals and authorisations issued or carried out by EU Member States; [43]
- invoke the country of origin principle or mutual recognition for products placed legally on the market in Northern Ireland.[44]

The website of the Commission on EU rules on imports of live animals (https://ec.europa.eu/food/animals/live_animals_en) provides general information concerning Union legislation applicable to imports of live animals. These pages will be updated with further information, where necessary.

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[42] Where an information exchange or mutual consultation is necessary, this will take place in the joint consultative working group established by Article 15 of the IE/NI Protocol.

[43] Fifth subparagraph of Article 7(3), of the IE/NI Protocol.

[44] First subparagraph of Article 7(3) of the IE/NI Protocol.