

# STATES OF JERSEY



## DRAFT PET TRAVEL SCHEME (AMENDMENT) (JERSEY) REGULATIONS 201-

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Lodged au Greffe on 22nd September 2014  
by the Minister for Planning and Environment

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STATES GREFFE





Jersey

## **DRAFT PET TRAVEL SCHEME (AMENDMENT) (JERSEY) REGULATIONS 201-**

### **REPORT**

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#### **Background**

Council Regulation (EU) No. 576/2013 harmonises the animal health controls applicable to the non-commercial movement of pet animals (dogs, cats and ferrets) between Member States and from Third Countries, and repeals Regulation (EC) No. 998/2003.

The EU Regulation covers the identification and rabies vaccination of pet animals; and Commission Delegated Regulation (EU) No. 1152/2011 of 14th July 2011 requires preventative health measures for the control of *Echinococcus multilocularis* infection in dogs. Dogs entering Jersey require treatment at least 24 hours, and not more than 120 hours, prior to scheduled arrival. Commission Implementing Regulation (EU) No. 577/2013 of 28th June 2013 prescribes the forms of pet passport to be adopted for the purposes of pet travel under the amended scheme, the establishment of lists of territories and third countries, and the format requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No. 576/2013 of the European Parliament and of the Council. Jersey adopted the Pet Travel Scheme in line with UK to enable continued free movement of dogs and cats between the Island and the UK.

Pet animals that do not meet the entry requirements must be licensed by the Minister before entry into Jersey, and must be detained in an approved quarantine unit until compliant with the EU Regulation. No approved commercial quarantine unit is available in Jersey. Commercial importation of dogs, cats and ferrets (animals imported for rehoming or for sale) must comply with the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011.

Since the introduction of the UK Pet Travel Scheme in 2000 and the subsequent enactment of the Council Regulation, Europe has continued with an effective vaccination program to reduce rabies in the domestic and wild animal populations in Member States. There has not been one reported case of rabies in the EU associated with the legal movement of pets under the EU pet movement system since it was introduced in 2004.

#### **Details of the changes to be introduced to the Pet Travel Scheme**

Jersey, in line with the UK, implemented the harmonised EU pet travel scheme on 1st January 2012, making it cheaper and easier for pet owners to travel with their pet dogs, cats and ferrets and return to Jersey. The EU pet travel scheme places requirements on pet owners travelling with pets to keep Jersey free of diseases,

specifically rabies and *Echinococcus multilocularis* tapeworm. Pets have to travel to Jersey with an approved carrier. All requirements have to be officially certified.

The animal health preparations required for travel under the revised EU pet travel regime will remain largely the same; however, the new Regulations will –

- consolidate EU legislation governing pet travel and enhance the requirements for EU countries to make information on pet travel available to their citizens;
- tackle abuse of the pet travel regime by introducing a more secure pet passport, tightening eligibility requirements, and strengthening enforcement activity.

### List of changes

*Relevant Article in EU Regulation 576/2013*      *Details of changes introduced*

Maximum number of pet animals allowed to travel (Article 5)

The current Regulation permits more than 5 pets to travel with one owner, provided they are accompanied by a health certificate. Under the new Regulation, the maximum number of pets allowed to travel will be 5. Where an owner wishes to travel with more than 5 pets after 29th December 2014, they must comply with the rules governing commercial import.

Pets travelling to attend a show, sporting event or training for such an event will be exempt from this requirement and able to continue to travel under the pet travel scheme, providing they are aged over 6 months. Anyone wishing to make use of this derogation must provide written evidence of their attendance to the authorised pet checker.

Derogation to allow movement of unvaccinated pets between rabies-free member states (Article 8)

This derogation allows 2 rabies-free member states to enter into a bilateral agreement, authorised by the EU Commission, to allow the direct movement of unvaccinated pets.

Military and search-and-rescue dogs (Article 10)

Under the new Regulation, member states will be able to authorise the movement of military and search-and-rescue dogs into the country at a point of entry other than a travellers' point of entry, provided that a permit has been issued in advance and the dogs undergo the necessary compliance checks.

Implantation of microchips (Article 18)	The new Regulation requires that any member state permitting non-veterinarians to implant microchips (this measure applies to microchips inserted as part of the preparation necessary for pet travel) must lay down the minimum standards of training this person must have received.
Introduction of new pet passport (Article 21)	Pet passports issued after 29th December 2014 will conform to the format laid down in Commission Implementing Regulation 577/2013 and include a number of improved security and traceability features.
Veterinary record-keeping (Article 22)	Official Veterinarians authorised to issue pet passports must keep a record of the information entered into the passport for at least 3 years.
Quarantine (Article 32)	In exceptional circumstances, the new Regulation permits the movement of non-compliant pets directly into quarantine. This measure will enable pet owners who need to leave a country quickly to arrange for their pets to travel and enter quarantine upon arrival. These pets must remain in quarantine until they are compliant. No unit for elective quarantine is available in Jersey.
Checks on intra-EU movements (Article 33)	All EU member states are required, from 29th December 2014, to carry out some non-discriminatory compliance checks on pet movements.
Checking of movements from third countries (Article 34)	The competent authority is required to keep a record of the total number of checks carried out on movements into the UK from third countries, and to clearly indicate in the third country certificate that a check has been carried out on this documentation.
Information provisions (Article 37)	The new Regulation increases the requirements for member states to make information available to the public. Each country needs to provide information on minimum qualifications for the implantation of microchips and a list of approved rabies vaccinations.
Clearer definition of cat, dog and ferret (Annex I)	The new Regulation explicitly includes the Latin species names for domestic cats, dogs and ferrets, and restricts the pet travel regime to the movement of these animals. This may have an impact on owners of hybrid pets.

Minimum age for vaccination (Annex III)	All pets vaccinated for the purposes of pet travel after 29th December 2014 must be at least 12 weeks old at the time of vaccination. This requirement introduces a new compliance check by authorised pet checkers confirming the date of first vaccination was at least 12 weeks after the declared date of birth.
Tighter definition of 'non-commercial movement' (Commission Implementing Regulation 577/2013)	Pets entering the EU from third countries by air are only considered accompanied (and therefore eligible to travel under the pet travel scheme) if their movement is not separated from the movement of their owner or an authorised person by more than 5 days. If pet owners (or an authorised person) are not able to travel within 5 days of the pet's movement, then the commercial import regime must be followed.

### **Financial and manpower implications**

The Minister may, by Order, prescribe fees for the issue of approvals, certificates and functions. There are no staffing implications associated with the proposed amendment because Jersey has been carrying out compliance checks on a percentage of imported pets since the inception of the Pet Travel Scheme.

### **Conclusion**

To ensure Jersey's continued protection against rabies and the tapeworm *Echinococcus multilocularis*, compliance with EU legislation controlling the non-commercial movement of pet animals is necessary, and will be achieved by the adoption of the Draft Pet Travel Scheme (Amendment) (Jersey) Regulations 201-.

## Explanatory Note

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These draft Regulations would amend the Pet Travel Scheme (Jersey) Regulations 2011 (the “principal Regulations”, in this Note and in the draft by virtue of *Regulation 1*), to give effect in Jersey to recent changes to the European Union legislation which created the Scheme, made by 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 and repealing Regulation (EC) No. 998/2003 (O.J. L 178, 28.6.2013, p.1), which would be (by virtue of the definition substituted by draft *Regulation 2*) the “Community Regulation” for the purposes of the principal Regulations.

Draft *Regulation 3* would change the functions of the Minister for Planning and Environment as competent authority to bring these in line with the new Community Regulation. In particular, the function of granting derogations from the EU requirements is omitted as certain derogations now exist within the Community Regulation itself (for example in Articles 7 and 8 dealing with conditions applicable to the non-commercial movement of pet animals into a Member State of the European Union from another Member State, there is derogation from the anti-rabies vaccination condition for, respectively, young pet animals, and pet animals, of species listed in Part A of Annex 1 to the Community Regulation. Articles 11 and 12 create similar derogations in the case of non-commercial movement of pet animals into a Member State from a territory or third country).

Draft *Regulation 4* would make amendments to Regulation 3 of the principal Regulations, permitting prescribed fees to be charged in relation to the grant of approvals by the Minister for bringing non-compliant animals into Jersey from a Member State or third country listed in a new, associated Implementing Regulation (Commission Implementing Regulation (EU) No. 577 of 28 June 2013 (O.J. L 178, 28.6.2013, p.109)), and would update a cross-reference to that Implementing Regulation accordingly. The Implementing Regulation also prescribes the forms of pet passport to be adopted for the purposes of pet travel under the amended scheme. A minor typographical error in Regulation 3 would also be corrected.

Draft *Regulation 5* would extend the definition of carriers which may bring recognised assistance dogs which are compliant animals into Jersey. (Compliant and non-compliant animals are both defined by Regulation 1 of the principal Regulations.)

Draft *Regulation 6* would insert a new Regulation 7A into the principal Regulations, clarifying the Minister’s powers to prescribe fees for the exercise of certain functions under those Regulations and the Community Regulation, by the Minister, by veterinary surgeons and other approved persons and by inspectors.

Draft *Regulation 7* would update another cross reference to the Community Regulation.

Draft *Regulation 8* would insert a new Regulation 9A into the principal Regulations, creating offences of false representation as to purported compliance with certain conditions in, and requirements of, the Community Regulation, and providing for penalties for such offences.

Draft *Regulation 9* would make further and consequential amendments to related enactments, including in particular an amendment to the Schedule to the Veterinary Surgeons (Jersey) Law 1999, to permit the implantation of transponders (also known

as microchips) into pet animals by veterinary nurses and other persons approved by the Veterinary Officer.

Draft *Regulation 10* would provide for the citation of these Regulations and for their commencement on 29th December 2014.





Jersey

## **DRAFT PET TRAVEL SCHEME (AMENDMENT) (JERSEY) REGULATIONS 201-**

### **Arrangement**

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#### **Regulation**

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Jersey

## **DRAFT PET TRAVEL SCHEME (AMENDMENT) (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations, the “principal Regulations” means the Pet Travel Scheme (Jersey) Regulations 2011<sup>2</sup>.

### **2 Regulation 1 amended**

- (1) In Regulation 1(1) of the principal Regulations –
  - (a) after the definition “Commission Decision animal” there shall be inserted the following definition –

“ ‘Community instrument’ has the same meaning as is given to that expression by the European Communities (Jersey) Law 1973<sup>3</sup>”;
  - (b) for the definition “Community Regulation” there shall be substituted the following definition –

“ ‘Community Regulation’ means Regulation (EU) No. 576/2013<sup>4</sup> of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No. 998/2003 (O.J. L 146, 13.6.2003, p.1) and includes (except where otherwise specifically indicated) any other Community instrument amending, supplementing or implementing that Regulation or otherwise to be read with it;”;
  - (c) in the definition “compliant animal” for the words “and, if applicable the requirements of the Commission Decision” there shall be substituted the words “, the Implementing Regulation and, if applicable, of the Commission Decision”;
  - (d) after the definition “compliant animal” there shall be inserted the following definition –

“ ‘Implementing Regulation’ means Commission Implementing Regulation (EU) No. 577<sup>5</sup> of 28 June 2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No. 576/2013 of the European Parliament and of the Council (O.J. L 178, 28.6.2013, p.109);”

- (e) the definition “pet animal” shall be omitted;
- (f) after the definition “non-compliant animal” there shall be added the following definition –

“ ‘prescribed’ means prescribed by Order of the Minister.”.

- (2) After Regulation 1(2) there shall be added the following –

“(3) The Minister may by Order amend any reference in these Regulations to any Community instrument.”.

### 3 Regulation 2 substituted

For Regulation 2 of the principal Regulations there shall be substituted the following –

“(1) The Minister shall be the competent authority for the purposes of carrying out the functions conferred on such an authority by the Community Regulation, and in particular (but without limitation) for the purposes of –

- (a) appointing or authorizing any veterinarian to carry out the functions of an authorized or, as the case may be, official veterinarian under the Community Regulation;
- (b) carrying out documentary and identity checks in accordance with Articles 33 and 34 of the Community Regulation; and
- (c) taking action, in the case of a non-compliant animal, in accordance with Article 35 of the Community Regulation.

(2) An appointment or authorization made under paragraph (1)(a) shall be in writing and may be –

- (a) subject to such conditions as the Minister may consider necessary for the protection of public or animal health; and
- (b) amended, suspended or revoked by notice in writing at any time.”.

### 4 Regulation 3 amended

In Regulation 3 of the principal Regulations –

- (a) in paragraph (3) –
  - (i) after the words “The Minister may” there shall be inserted the words “, upon payment of the prescribed fee,”,

- (ii) for the words “section 2 of part B of Annex II to the Community Regulation,” there shall be substituted the words “Part 1 of Annex II to the Implementing Regulation,”;
- (b) in paragraph (5) –
  - (i) for sub-paragraph (b) there shall be substituted the following sub-paragraph –
    - “(b) in the case of a non-compliant animal, complies with such marking and identification requirements of the Community Regulation and of the Implementing Regulation (including requirements as to passports) as apply to a pet animal of the species in question,”.

## 5 Regulation 4 amended

In Regulation 4 of the principal Regulations –

- (a) in paragraph (1), after the words “by a Community air carrier” in sub-paragraph (b)(i) there shall be inserted the words “or a Union carrier”;
- (b) for paragraph (3) there shall be substituted the following –
  - “(3) In this Regulation –
    - (a) ‘Community air carrier’ has the same meaning as in Regulation (EC) No. 1107/2006 of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (O.J. L 204, 26.7.2006, p.1), and for the purposes of travelling by air ‘recognised assistance dog’ shall be interpreted in accordance with that Regulation;
    - (b) ‘Union carrier’ has the same meaning as in Regulation (EU) No. 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterways and amending Regulation (EC) No. 2006/2004 (O.J. L 334, 17.12.2010, p.1), and for the purposes of travelling by sea and inland waterway ‘recognised assistance dog’ shall be interpreted in accordance with that Regulation.”.

## 6 Regulation 7A inserted

After Regulation 7 of the principal Regulations, there shall be inserted the following Regulation –

### “7A Fees for approvals, certificates etc.

- (1) The Minister may prescribe fees in respect of –
  - (a) the exercise of a function of the Minister, referred to in Regulations 2 or 3;
  - (b) the exercise of such a function, or of a function under any provision of the Community Regulation, by a person

- appointed or authorized in writing by the Minister to carry out that function; and
- (c) the carrying out of any inspection, test or official examination carried out by or on behalf of an inspector under these Regulations or the Community Regulation.
- (2) Where a fee is prescribed under paragraph (1)(a) or (b) for the exercise of a function, the Minister or (as the case may be) the person appointed or authorized by the Minister may refuse to exercise that function until the prescribed fee is paid.
- (3) A fee prescribed under paragraph (1)(c) may be recovered by the Minister as a debt.
- (4) A fee prescribed under this Regulation may be calculated in such manner as the Minister may reasonably determine, including (but without limitation) calculation by reference to rates which represent reasonable costs and expenses incurred, or to particular units of time spent, in the exercise of the function or in carrying out the inspection, test or examination.”.

#### 7 Regulation 9 amended

In Regulation 9(1) of the principal Regulations, for the words “a veterinarian authorized under Article 5(1) of the Community Regulation” there shall be substituted the words “an authorized or official veterinarian”.

#### 8 Regulation 9A inserted

After Regulation 9 of the principal Regulations, there shall be inserted the following Regulation –

##### “9A False representations etc.

- (1) A person is guilty of an offence if, in purported compliance with a condition in Article 5(2) of the Community Regulation, the person –
- (a) makes a false representation as to the purpose for which the non-commercial movement of pet animals is undertaken; or
- (b) submits written evidence which is false in any material respect,
- knowing or having reason to believe the representation or (as the case may be) the evidence to be false.
- (2) A person is guilty of an offence if, in purported compliance with any of Articles 7(2), 11(2), 12(1)(c), 25(3) or 30(3) of the Community Regulation, the person provides a written declaration which is false in any material respect (including in particular, but not limited to, signature by the owner or other authorized person), knowing or having reason to believe the declaration to be false.

- (3) A person guilty of an offence under this Regulation is liable to imprisonment for 12 months and a fine.”.

## 9 Other enactments amended

- (1) In the Schedule to the Veterinary Surgeons (Jersey) Law 1999<sup>6</sup> –
- (a) in paragraph 4(a), for the words “2 weeks” there shall be substituted the words “1 week”;
  - (b) in paragraph 6(2)(b) –
    - (i) for the word “list” there shall be substituted the word “register”,
    - (ii) for the word “College” there shall be substituted the words “Royal College of Veterinary Surgeons”;
  - (c) at the end of Part 1 there shall be added the following paragraph –

“10. (1) The implantation into an animal of a transponder, if that procedure is carried out –

    - (a) by a veterinary nurse acting under the direction of a recognized veterinary surgeon; or
    - (b) by a person approved in writing by the Veterinary Officer (as defined in paragraph 8) in accordance with that approval.

(2) In this paragraph –

‘transponder’ means a read-only passive radio frequency identification device;

‘veterinary nurse’ has the meaning given by paragraph 6(2)(b).”.
- (2) In the Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011<sup>7</sup>, in Articles 1(5) and 4(2), for the words “within the meaning of the Pet Travel Scheme (Jersey) Regulations 2011” in both places in which they occur, there shall be substituted the words “in relation to which the Pet Travel Scheme (Jersey) Regulations 2011 apply”.
- (3) In the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011<sup>8</sup>, in Article 1(1) in the definition “pet animal” for the words “within the meaning of the Pet Travel Scheme (Jersey) Regulations 2011” there shall be substituted the words “in relation to which the Pet Travel Scheme (Jersey) Regulations 2011 apply”.

## 10 Citation and commencement

These Regulations may be cited as the Pet Travel Scheme (Amendment) (Jersey) Regulations 201- and shall come into force on 29th December 2014.

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- <sup>1</sup> *chapter 17.245*  
<sup>2</sup> *chapter 17.245.13*  
<sup>3</sup> *chapter 17.210*  
<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0001:0026:en:PDF>  
<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0109:0148:EN:PDF>  
<sup>6</sup> *chapter 02.900*  
<sup>7</sup> *chapter 02.400.23*  
<sup>8</sup> *chapter 02.400.70*