

STATES OF JERSEY



Jersey

DRAFT EU LEGISLATION (WELFARE OF ANIMALS DURING TRANSPORT AND PET TRAVEL) (AMENDMENT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 16th October 2020
by the Minister for the Environment**

STATES GREFFE

REPORT

Background

As part of Jersey's preparations ahead of the end of the Transition Period, officers have prepared what is deemed as necessary legislation for consideration by the Assembly.

Detail

Trade in animals and animal products must be controlled by legislation to mitigate against the spread of disease, to ensure animal welfare is not compromised and to maintain the ability to trade with the UK and EU.

After the end of the Transition Period, the draft Regulations, if passed, will make amendments to the –

1. [Community Provisions \(Welfare of Animals during Transport\) \(Jersey\) Regulations 2013](#) which apply to transport of vertebrates for commercial purposes. With international links in both the livestock and domestic pet sectors, it is very important we demonstrate application, primarily to protect animal welfare but also as part of maintaining the Island's integrity; and
2. The [Pet Travel Scheme \(Jersey\) Regulations 2011](#) which regulate the movement of pet dogs, cats and ferrets moved between the British Islands and the EU, and the return of pets into the British Islands.

Without amendments to Jersey's legislation, some functionality would be lost. Veterinary services will no longer be able to enforce a range of fundamental controls, including controls on animal welfare during transport which would cease to function and certain import and export health controls for dogs. The consequences of failing to amend the current legislation would include –

- impaired ability to enforce or facilitate appropriate welfare standards during transport. Authorisations will continue to be recognised for movements in the British Islands, however British transporters will have to apply to an EU Member State for new authorisation and certificates to transport animals in the EU. The offence for having 2 authorisations will be removed;
- impaired ability to restrict the import of dogs of lower health status, including those from regions where *Echinococcus multilocularis* is present. It is not present in Jersey, and we would not wish it to be introduced. Should Jersey be seen as at risk of accepting low health status imports, other countries including the UK, may no longer accept the free movement of dogs.

Regulation 1 amends Regulation 3 of the Community Provisions (Welfare of Animals during Transport) (Jersey) Regulations 2013, which provides it as an offence to fail to comply with certain Articles of Council Regulation (EC) No 1/2005 of 22 December on the protection of animals during transport and related operations ("Council Regulation 1/2005"). The amendments to Regulation 3 clarify how Articles 5 and 6 of Council Regulation 1/2005 may be complied with when authorisations and certificates are issued by competent authorities in the British Islands. It also removes an offence relating to holding authorisations from more than one competent authority.

Regulation 2 amends Regulation 1 of the Pet Travel Scheme (Jersey) Regulations 2011. This ensures that a table in the Annex of Commission Implementing Regulation (EU)

2018/878 of 18 June 2018 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventative health measures for the control of *Echinococcus multilocularis* infection in dogs, will continue to be read as including the United Kingdom if it is after the [European Union \(Jersey\) Law 1973](#) is repealed.

Regulation 3 gives the name by which these Regulations may be known and provides for these Regulations to come into force when the European Union (Jersey) Law 1973 is repealed.

Financial and manpower implications

There are no new financial or manpower implications arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

These Regulations, if passed, would make amendments to the Community Provisions (Welfare of Animals during Transport) (Jersey) Regulations 2013 (“the Welfare of Animals During Transport Regulations”) and the Pet Travel Scheme (Jersey) Regulations 2011 (“the Pet Travel Regulations”) to make provision for the United Kingdom leaving the European Union.

Regulation 1 amends Regulation 3 of the Welfare of Animals during Transport Regulations, which provides that it is an offence to fail to comply with certain Articles of Council Regulation (EC) No 1/2005 of 22 December on the protection of animals during transport and related operations (“Council Regulation 1/2005”). The amendments to Regulation 3 clarify how Articles 5 and 6 of Council Regulation 1/2005 may be complied with when authorisations and certificates are issued by competent authorities in the British Islands. The amendments also remove an offence relating to holding authorisations from more than one competent authority in an EU Member State.

Regulation 2 amends Regulation 1 of the Pet Travel Regulations. This ensures that a table in the Annex of a particular EU Regulation will continue to be read as including the United Kingdom. The Regulation is the Commission Implementing Regulation (EU) 2018/878 of 18 June 2018 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventative health measures for the control of *Echinococcus multilocularis* infection in dogs.

Regulation 3 gives the name by which these Regulations may be known and provides for these Regulations to come into force when the European Union (Jersey) Law 1973 is repealed.



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

THE STATES make these Regulations under Article 5A of the European Union Legislation (Implementation) (Jersey) Law 2014¹ –

1 Amendment of the Community Provisions (Welfare of Animals during Transport) (Jersey) Regulations 2013

For Regulation 3(2) of the Community Provisions (Welfare of Animals during Transport) (Jersey) Regulations 2013² there is substituted –

- “(2) For the purposes of paragraph (1), a person complies with Article 5(1) of Council Regulation 1/2005 if that person contracts or subcontracts the transport of animals to transporters authorised by the competent authority of a British Island.
- (2A) For the purposes of paragraph (1), a person complies with Article 6 of Council Regulation 1/2005 if –
 - (a) in relation to paragraphs (1) and (2), the person holds an authorisation issued by the competent authority of a British Island and notifies to that competent authority any changes in to the information and documents required by that authorisation no more than 15 working days from the date the changes took place;
 - (b) in relation to paragraph (5), the person holds a certificate of competency issued by the competent authority of a British Island;
 - (c) in relation to paragraph (8), the person makes available a certificate of approval issued by a competent authority of a British Island.”.

2 Amendment of the Pet Travel Scheme (Jersey) Regulations 2011

In Regulation 1 of the Pet Travel Scheme (Jersey) Regulations 2011³ –

- (a) in paragraph (1) after the definition “Commission Decision animal” there is inserted –
- “ “Commission Implementing Regulation 2018/878” means Commission Implementing Regulation (EU) 2018/878 of 18 June 2018 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventative health measures for the control of *Echinococcus multilocularis* infection in dogs (O J L 155, 19.6.2018, p. 1);”;
- (b) after paragraph (3) there is inserted –
- “(4) For the purposes of these Regulations, the table in Part 2 of the Annex to Commission Implementing Regulation 2018/878 is to be read as including the United Kingdom, despite any amendments made to that Annex after Article 2 of the European Union (Jersey) Law 1973⁴ is repealed.”.

3 Citation and commencement

These Regulations may be cited as the EU Legislation (Welfare of Animals during Transport and Pet Travel) (Amendment) (Jersey) Regulations 202- and come into force on the commencement of Article 2 of the European Union (Repeal and Amendment) (Jersey) Law 2018⁵.

ENDNOTES

Table of Endnote References

1	<i>chapter 17.245</i>
2	<i>chapter 17.245.98</i>
3	<i>chapter 17.245.95</i>
4	<i>chapter 17.210</i>
5	<i>chapter 17.270</i>