

**DECLARATION OF SPECIAL MEASURES: BELARUS, POLAND, ROMANIA, UKRAINE
THE TRADE IN ANIMALS AND RELATED PRODUCTS REGULATIONS 2011 (SI 2011/1197)**

The Secretary of State for Environment, Food and Rural Affairs:

- a. has reasonable grounds for suspecting the existence of rabies in Belarus, Poland, Romania and Ukraine, such that certain animals originating in or dispatched from those countries are liable to pose risk to human or animal health; and
- b. is of the opinion there is serious non-compliance with official control rules under the Official Controls Regulation in relation to imports originating in or dispatched from those countries.

In exercise of the powers conferred by regulation 29(1) of the Trade in Animals and Related Products Regulations 2011¹, the Secretary of State for Environment, Food and Rural Affairs declares the following special measures to be necessary in England in order to contain the risk to human or animal health and the risk of non-compliant animals entering Great Britain:

Additional conditions of entry for certain animals from certain third countries imported into England

1. No person may import a relevant animal originating in or dispatched from a specified third country into England unless the following conditions, and where applicable, the conditions in paragraph 2, are met—
 - a. they are authorised by the Secretary of State to import relevant animals, in accordance with paragraph 3;
 - b. they have submitted to the Secretary of State—
 - (i) at least seven working days before the expected date of its arrival into England, the information required for the purpose of pre-notification through the appropriate computerised management system;
 - (ii) two working days before the expected date of its arrival into England, the appropriate health certificate published by the Secretary of State, as amended from time to time.

¹ S.I. 2011/1197. Regulation 29 was amended by S.I. 2019/1488 and S.I 2020/1462.

2. Notwithstanding Schedule 5 (application of, derogations from, and modifications to, Part 3 in relation to certain territories subject to transitional import arrangements) to the Trade in Animals and Related Products Regulations 2011, relevant animals originating in a relevant third country during the transitional staging period must enter England through—

- a. a border control post designated for such imports, or
- b. a specified point of entry, on a working day, between the hours of 10am and 4pm.

Authorisation to import

3. The Secretary of State must grant an authorisation to an importer, following an application made in the form published by the Secretary of State and amended from time to time, provided the following conditions are met—

- a. the applicant is established in the United Kingdom, or in the case of an applicant established in a third country, represented in the United Kingdom;
- b. the applicant and their representatives have no record of serious non-compliances of the relevant animal health requirements or the official control rules applicable to the importation of animals, in the twelve months preceding the date of the application;
- c. the applicant has provided details of the transporters and their authorisation pursuant to Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations² that will be used for the importation of relevant animals originating in or dispatched from specified third countries into England;
- d. the applicant has provided details of the holdings or businesses registered or approved with the competent authority of the third country from which relevant animals originating in or dispatched from specified third countries will be imported into England, accompanied by an official attestation by the competent authority of the third country that the premises are registered or approved.

Duration of an authorisation

4. Subject to paragraph 7, an authorisation granted under paragraph 3 applies until such time as this Declaration is revoked.

² EUR 1/2005.

Amendment of an authorisation

5. The Secretary of State may amend an authorisation granted under paragraph 3 by giving notice in writing to the authorisation holder.
6. The amendment may be made—
 - a. following an application made by the authorisation holder to the Secretary of State in the form published by the Secretary of State and amended from time to time, or
 - b. on the Secretary of State's initiative.

Suspension or revocation of an authorisation

7. The Secretary of State may suspend or revoke the authorisation referred to in paragraph 3 by giving notice in writing to the authorisation holder, if—
 - a. the importer fails to comply with any of the provisions of this declaration;
 - b. the Secretary of State considers that the requirements of paragraph 3(a) or (b) were not satisfied at the time the authorisation was granted;
 - c. there is a change of circumstance after the authorisation is granted which, if the importer were to make a new application for authorisation under paragraph 3, would result in an authorisation being refused on the grounds of non-compliance with paragraph 3(a) or (b);
 - d. the importer uses a transporter to import a relevant animal originating or dispatched from a specified third country into England other than a transporter for which the details required by paragraph 3(c) have been provided;
 - e. the importer imports a relevant animal originating or dispatched from a specified third country into England from a holding or business other than a holding or business for which details required by paragraph 3(d) have been provided.

Review of decisions by an appointed person

9. Any person aggrieved by a decision made under this declaration may request a review of that decision in accordance with the procedure in regulation 35A of the Trade in Animals and Related Products Regulations 2011³.

Exclusion for non-commercial movements

10. This declaration does not apply in relation to the non-commercial movement of pet animals into England.

Interpretation

11. In this Declaration:

- a. “non-commercial movement” has the same meaning as in Article 3 of Regulation (EU) 576/2013⁴;
- b. “relevant animal” means a dog, cat or ferret;
- c. “relevant third country” has the same meaning as in Annex 6 to Regulation (EU) 2017/625⁵;
- d. “specified third country” means Ukraine, Belarus, Poland or Romania;
- e. “specified point of entry” means Eurotunnel Folkestone Terminal or the Port of Dover;
- f. “transitional staging period” has the same meaning as in Annex 6 to Regulation (EU) 2017/625;
- g. “working day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;
- h. a reference to an expression of time in this Declaration is a reference to the Greenwich mean time.

Revocation

³ S.I. 2011/1197.

⁴ EUR 2013/576.

⁵ EUR 2017/625.

12. The Declaration of Special Measures: Belarus, Poland, Romania, Ukraine made on 2 September 2022 is revoked.

Coming into force of the Declaration

13. This Declaration comes into force on the day following the day on which the Declaration is made.

Date made: 12:00 28 October 2022

Signed *Marc Casale*, Deputy Director for Animal Welfare

A person duly authorised by the Secretary of State for Environment, Food and Rural Affairs

Importing in breach of this declaration is an offence under regulation 39 of the Trade in Animals and Related Products Regulations 2011.