



STATUTORY INSTRUMENTS.

S.I. No. 504 of 2012



EUROPEAN COMMUNITIES (PET PASSPORT) REGULATIONS 2012

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972, (No. 27 of 1972) for the purpose of giving effect to Regulation No. 998/2003 of the European Parliament and of the Council of 26 May 2003¹ (as amended by Commission Regulation (EC) No. 1467/2006 of 4 October 2006², Commission Regulation (EC) No. 245/2007 of 8 March 2007³, Regulation (EC) No. 454/2008 of the European Parliament and of the Council of 21 May 2008⁴, Commission Regulation (EC) No. 1144/2008 of 18 November 2008⁵, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009⁶, Commission Regulation (EC) No. 898/2009 of 25 September 2009⁷, Regulation (EU) No. 438/2010 of the European Parliament and of the Council of 19 May 2010⁸, Commission Delegated Regulation (EU) No. 1153/2011 of 30 August 2011⁹ and Commission Regulation (EU) No. 52/2012 of 20 January 2012¹⁰) and Commission Delegated Regulation (EU) No. 1152/2011 of 14 July 2011¹¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Pet Passport) Regulations 2012.

Interpretation.

2. (1) In these Regulations—

“authorised officer” means—

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a member of the Garda Síochána, or
- (c) an officer of Customs and Excise

“Minister” means Minister for Agriculture, Food and the Marine;

¹OJ No. L.146, 13.6.2003, p.1

²OJ No. L.274, 5.10.2006, p.3

³OJ No. L.73, 13.3.2007, p.9

⁴OJ No. L.145, 4.6.2008, p.238

⁵OJ No. L.308, 19.11.2008, p.15

⁶OJ No. L.87, 31.3.2009, p.109

⁷OJ No. L.256, 29.9.2009, p.10

⁸OJ No. L.132, 29.5.2010, p.3

⁹OJ No. L.296, 15.11.2011, p.13

¹⁰OJ No. L.18, 21.1.2012, p.1

¹¹OJ No. L.296, 15.11.2011, p.6

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th December, 2012.*

“Pet Passport Regulation” means Regulation No. 998/2003 of the European Parliament and of the Council of 26 May 2003 as amended by Commission Regulation (EC) No. 1467/2006 of 4 October 2006, Commission Regulation (EC) No. 245/2007 of 8 March 2007, Regulation (EC) No. 454/2008 of the European Parliament and of the Council of 21 May 2008, Commission Regulation (EC) No. 1144/2008 of 18 November 2008, Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009, Commission Regulation (EC) No. 898/2009 of 25 September 2009, Regulation (EU) No. 438/2010 of the European Parliament and of the Council of 19 May 2010; Commission Delegated Regulation (EU) No. 1153/2011 of 30 August 2011 and Commission Regulation (EU) No. 52/2012 of 20 January 2012.

“premises” includes land (including land under water) with or without buildings.

(2) A word or an expression used in these Regulations and which is also used in the Pet Passport Regulation has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Pet Passport Regulation.

Movement of pets

3. A person, including the operator of a transport business, who brings a pet cat, dog or ferret—

- (a) into the State from another Member State or from a territory listed in section 2 of Part B of Annex II to the Pet Passport Regulation, or
- (b) from the State to another Member State or to a territory listed in section 2 of Part B of Annex II to the Pet Passport Regulation,

commits an offence, unless the animal is—

- (i) identified by means of a clearly readable tattoo applied before 3 July 2011, or
- (ii) identified by an electronic identification system,

and accompanied by a passport as required by Article 5(1) of the Pet Passport Regulation.

Movement from third countries

4. A person, including the operator of a transport business, who brings a pet cat, dog or ferret into the State from a third country or a territory not listed in Part A or Part B of Annex II to the Pet Passport Regulation, commits an offence unless the cat, dog or ferret is—

- (a) identified by an electronic identification system as required by Article 8(1),
- (b) has undergone vaccination and testing as required by Article 8(1), and
- (c) is accompanied by a certificate or passport that complies with Article 8(2), of the Pet Passport Regulation.

Points of landing

5. A person, including the operator of a transport business, who brings a pet dog, cat or ferret to which Regulation 4 refers other than through Dublin Airport, the Port of Cork or Rosslare commits an offence.

Transporter Responsibilities

6. (1) The operator of a transport business who transports a dog, cat or ferret into the State from a third country shall carry out all necessary checks to ensure that the animal is being brought into the State in compliance with these Regulations.

(2) The operator of a transport business shall maintain for a period of three years a detailed record of the checks carried out to ensure compliance with paragraph (1) and make it available on request to an authorised officer.

(3) The Minister may direct the form of record to be maintained for the purposes of paragraph (2) and a person shall comply with the direction.

(4) A record maintained for the purposes of this regulation may be maintained in non-legible form if it is capable of being reproduced in legible form.

(5) A person who contravenes this regulation commits an offence.

Tapeworm treatment

7. (1) A person, including a transporter, who brings a dog into the State commits an offence unless—

(a) the dog has been treated against *Echinococcus multilocularis*

(i) in accordance with Article 7(1),

(ii) in accordance with Article 8, and

(b) is accompanied by a certificate as provided for in Article 7(3),

of Commission Delegated Regulation (EU) No. 1152/2011 of 14 July 2011.

(2) Paragraph (1) does not apply to a dog brought into the State from Finland, the United Kingdom, Malta or Norway.

Issue of passport

8. (1) A registered veterinary practitioner (within the meaning of the Veterinary Practice Act 2005) may—

(a) on application being made to him or her by the owner of a pet animal, and

(b) after examining the animal to which the application relates,

issue a passport in relation to that animal for the purposes of the Pet Passport Regulation.

(2) A Pet passport shall be in a form and contain such information as the Minister may determine.

(3) A registered veterinary practitioner may obtain a reasonable supply, anticipating future use, of blank pet passports from the Minister on payment of the fee set by the Minister.

(4) A registered veterinary practitioner—

(a) shall store blank pet passports in a secure manner and in accordance with the directions (if any) of an authorized officer,

(b) shall not sell or supply a blank pet passport,

(c) shall maintain an accurate record for at least five years of the pet passports issued by him or her in a form (if any) as the Minister may require, and

(d) shall make such returns to the Minister as the Minister may require.

(5) A record maintained in accordance with paragraph (4)(c) shall be made available for inspection on request to an authorized officer.

(6) A Pet Passport remains the property of the Minister and must be produced for inspection or surrendered on request to an authorized officer.

Functions of authorised officer

9. (1) An authorised officer may—

(a) enter and inspect, at all reasonable times, a premises of which he or she has reasonable grounds for believing that—

(i) a pet animal is, may be or has been present, or

(ii) a record or passport relating to a pet animal is, may be or has been present,

(iii) a record relating to a thing referred to in subparagraph (i) or (ii) is, may be or has been present,

(b) examine a pet animal,

(c) inspect a vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with a pet animal and require a person in charge or control of such to refrain from moving it,

(d) require the owner or person in charge of a premises to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a copy in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,

- (e) require the name and address of a person, including the owner or person in possession or control of a pet animal, or
- (f) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form) or extracts from the record that the officer finds or is produced to him or her during an inspection.

(2) If an authorised officer has reasonable grounds for believing that an offence is being or has been committed under these Regulations or evidence of an offence may be, is or has been on a premises, the officer may, in addition to the powers exercisable by him or her under paragraph (1)—

- (a) search the premises;
- (b) if necessary, stop, or cause to have stopped, a vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with a pet animal, and may require it to be moved for inspection to such places he or she directs;
- (c) stop and, where he or she believes there is or may be evidence on a person of an offence referred to in this paragraph, if the officer is not a member of the Garda Síochána or an officer of Customs and Excise, cause the search of the person in accordance with paragraph (5);
- (d) take, without making a payment, samples from a pet animal, animal product, animal feed or other thing relating to a pet animal, as he or she may reasonably require and carry out or cause to be carried out on the sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient;
- (e) give such direction to a person who has a pet animal, a vehicle, vessel, container, equipment, machinery or other thing used in connection with an animal or animal product in his or her possession or under his or her control or information relating to such, as the authorised officer may reasonably consider necessary for the purposes of these Regulations;
- (f) seize and detain a pet animal, vehicle, container, equipment, machinery, record or other thing;
- (g) mark or otherwise identify a pet animal, vessel, vehicle, machinery, equipment or other thing used in connection with a pet animal or a sample taken under subparagraph (d).

(3) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 11 other than where he or she has reasonable grounds for believing that before a search warrant could be sought in relation to the dwelling under Regulation 11, any evidence of an offence referred to in paragraph (2)(c) is being or is likely to be disposed of or destroyed.

(4) Where a member of the Garda Síochána or an officer of Customs and Excise upon the request of an authorised officer has reasonable grounds for believing that there is evidence on a person of an offence referred to in paragraph (2)(c), the member or officer may without warrant—

- (a) search or cause to be searched by such a member or officer the person and, if the member or officer considers it necessary for that purpose, detain the person for such time as is reasonably necessary to carry out the search,
- (b) search or cause to be searched by such a member or officer any vehicle in which the member or officer suspects that such substance may be found and for the purpose of carrying out the search, if any such member or officer thinks fit, require the person who is, for the time being, in charge or control of the vehicle to bring it to a stop and when stopped to refrain from moving it or, in case the vehicle is already stationary, to refrain from moving it, or
- (c) seize and detain, or cause to be seized and detained by such a member or officer, anything found in the course of a search under this section which any such member or officer reasonably suspects to be something which might be required as evidence in proceedings for an offence referred to in paragraph (2)(c).

(5) Where a member of the Garda Síochána or an officer of Customs and Excise decides to search or cause to be searched a person under paragraph (4) the member or officer may require the person to accompany that member or officer to either a Garda Síochána station or a customs office for the purpose of being so searched at that station or office.

(6) An authorised officer, when exercising a power under this Regulation, may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the performance of the power.

(7) An authorised officer may use reasonable force, if necessary, in the exercise of his or her powers under this Regulation.

(8) An authorised officer is not liable in any proceedings for an offence under these Regulations for anything done in the purported exercise of his or her powers under this Regulation if the court is satisfied that the act was done in good faith and that there were reasonable grounds for so doing it.

(9) If, in the course of exercising a power under this Regulation, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, it may be seized and retained for use in evidence in criminal proceedings for an offence under these Regulations.

(10) An authorised officer who is not a member of the Garda Síochána or an officer of Customs and Excise in uniform, shall not stop a vehicle in a public place for the purposes of paragraph (2)(c), unless he or she is accompanied by such a member.

(11) Nothing in these Regulations affects a power conferred by another enactment to search, or to stop, seize or detain property, which may be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

(12) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a power conferred on him or her by these Regulations.

(13) An authorized officer may exercise a function mentioned in the third or fourth paragraphs of Article 14 of the Pet Passport Regulation.

Assistance to authorised officer

10. (1) A person who has a pet animal, or a vehicle, vessel, aircraft, container, equipment, machinery or other thing used in connection with a pet animal, in his or her possession or under his or her control, or information or a record relating to any of them, shall give such—

- (a) assistance to an authorised officer, or person who accompanies the officer, and
- (b) information to an authorised officer on request being made in that behalf by the officer,

as the officer may reasonably require for the exercise of his or her functions under these Regulations.

(2) The owner or person in charge of a premises used in connection with a pet animal shall, if required by an authorised officer, where it is practicable and possible, provide a suitable part of the premises for the officer to carry out his or her functions under these Regulations.

(3) A statement or admission made by a person pursuant to a requirement under this Regulation is not admissible as evidence in proceedings brought against that person for an offence (other than an offence under Regulation 12 for failing to give information under this Regulation) under these Regulations.

Search warrant

11. (1) If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,

- (b) a record related to a thing to which subparagraph (a) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this section shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter the premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.

Obstruction, etc.

12. A person who—

- (a) obstructs or impedes an authorised officer (or any person who accompanies an authorised officer) in the performance of his or her functions under these Regulations,
- (b) fails, without reasonable cause, to comply with a direction of an authorised officer under Regulation 9,
- (c) fails, without reasonable cause, to give assistance or requested information to an authorised officer in accordance with Regulation 10,
- (d) fails, without reasonable cause, to comply with a requirement of an authorised officer under Regulation 9, or
- (e) in making an application for a pet passport, a certificate or other thing required by or under these Regulations or in purporting to give information to an authorised officer for the performance of the officer's functions under Regulation 9
 - (i) makes a statement that he or she knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
 - (ii) fails to disclose a material particular,

commits an offence.

Power of member of Garda Síochána to arrest without warrant

13. (1) Where a person is seen or found committing, or reasonably suspected of being engaged in committing or having committed, an offence under these Regulations, a member of the Garda Síochána may, without warrant arrest the person.

(2) Section 4 of the Criminal Justice Act 1984 applies to a person arrested under this Regulation as if he or she were arrested under that provision.

Forgery

14. (1) A person shall not forge or utter knowing it to be forged—
- (a) a pet passport or a certificate,
 - (b) a form of identification relating to an animal,
 - (c) a direction of an authorised officer under Regulation 9, if the direction is in writing, or
 - (d) a requirement of an authorised officer under Regulation 9, if the requirement is in writing.
- (2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered—
- (a) a pet passport or a certificate
 - (b) a form of identification relating to an animal,
 - (c) a direction of an authorised officer under Regulation 9, if the direction is in writing, or
 - (d) a requirement of an authorised officer under Regulation 9, if the requirement is in writing.
- (3) A person who contravenes this section commits an offence.
- (4) A person who, without lawful authority (the proof of which lies on him or her), has in his or her possession or under his or her control a document that has been forged, uttered or altered in contravention of paragraph (1) or (2) commits an offence.

Fixed payment notice

15. (1) If an officer of the Minister authorised in that behalf has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing on that person stating that—
- (a) the person is alleged to have committed the offence,
 - (b) the person may during the period of 28 days from the date of the notice make to the Minister a payment of €250 accompanied by the notice, and
 - (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) If notice is given under paragraph (1)—

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice accompanied by the notice,
- (b) the Minister may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under these Regulations, the onus of proving that a payment pursuant to a notice under this Regulation has been made lies on the defendant.

Offences and penalties

16. (1) A person who commits an offence under these Regulations is liable—

- (a) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both, or
- (b) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 12 months, or to both.

(2) Proceedings for an offence under these Regulations may be brought summarily by the Minister.

(3) If an offence under these Regulations is committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence is committed, is a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if guilty of the first-mentioned offence.

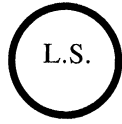
(4) If the affairs of a body corporate or unincorporated body are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with functions of management as if the member is a director or manager of the body corporate.

Revocations and savers

17. (1) The European Communities (Pet Passport) Regulations 2012 (S.I. No. 7 of 2012) are revoked.

(2) The Diseases of Animals Act 1966 (Import of Cats and Dogs) (Control on Tapeworm (*Echinococcus multilocularis*) and Ticks) Order 2003 (S.I. No. 193 of 2003) is revoked.

(3) A pet passport, certificate, or other document granted under the Regulations revoked by paragraph (1) remains in force and may be dealt with as if granted under the corresponding provisions of these Regulations.



GIVEN under my Official Seal,
11 December 2012.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations deal with the movement of certain pet animals within the EU and from third countries.

Le ceannach ó
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