



STATUTORY INSTRUMENTS.

S.I. No. 245 of 2019



ANIMAL HEALTH (TRADE IN SALAMANDERS) REGULATIONS 2019

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I, Michael Creed, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013) and for the purpose of giving effect to Commission Implementing Decision (EU) 2018/320 of 28 February 2018¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Animal Health (Trade in Salamanders) Regulations 2019.

Interpretation

2. (1) In these Regulations—

“Decision” means Commission Implementing Decision (EU) 2018/320 of 28 February 2018 on certain animal health protection measures for intra-Union trade in salamanders and the introduction into the Union of such animals in relation to the fungus *Batrachochytrium salamandrivorans*;

“disease (Bsal)” means *Batrachochytrium salamandrivorans* (Bsal);

“member state” means a member (other than the State) of the European Union.

(2) A word or expression that is used in these Regulations and is also used in the Decision has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Decision.

Application

3. These Regulations apply to the commercial movement of salamanders—

- (a) between the State and a member state, and
- (b) into the State from a third country.

Import from a member state

4. (1) A person shall not import a salamander into the State from a member state unless—

- (a) the salamander is accompanied by an animal health certificate relating to the salamander which complies with the model set out in Part A of Annex 1 to the Decision,

¹ OJ L 62, 5.3.2018, p. 18-33. http://data.europa.eu/eli/dec_impl/2018/320/oj

- (b) the salamander comes from a population where there have been no mortalities due to, or clinical signs of, disease (Bsal),
- (c) the salamander shows no clinical signs of disease (Bsal), and
- (d) the salamander—
 - (i) is part of a consignment that consists of at least 62 salamanders which complies with Article 3 (1) (d) (i), or
 - (ii) has been treated against disease (Bsal) to the satisfaction of the Minister in accordance with Article 3 (1) (d) (ii)
 of the Decision.

(2) A person shall not import a salamander that originated in a third country from a member state unless—

- (a) the salamander is accompanied by an animal health certificate relating to the salamander which complies with the model set out in Part A of Annex 1 to the Decision,
- (b) the salamander comes from a population where there have been no mortalities due to, or clinical signs of, disease (Bsal),
- (c) the salamander shows no clinical signs of disease (Bsal), and
- (d) the salamander was quarantined in the member state in accordance with the conditions listed in Part 1 of the Schedule.

Export to a member state

5. (1) A person shall not export a salamander to a member state unless—

- (a) the salamander is accompanied by an animal health certificate relating to the salamander which complies with the model set out in Part A of Annex 1 to the Decision,
- (b) the salamander comes from a population where there have been no mortalities due to, or clinical signs of, disease (Bsal),
- (c) the salamander shows no clinical signs of disease (Bsal),
- (d) the operator of the establishment of origin has, prior to the date of commencement of any quarantine, applied for, and been granted, registration of the establishment by the Minister under Regulation 6, and
- (e) the salamander—
 - (i) is part of a consignment that consists of at least 62 salamanders which complies with Article 3 (1) (d) (i), or
 - (ii) has been treated against disease (Bsal) to the satisfaction of the Minister in accordance with Article 3 (1) (d) (ii),
 of the Decision.

Import from a third country

6. A person shall not import a salamander from a third country unless—
- (a) the country is listed in an act referred to in Article 4 (a) of the Decision,
 - (b) the salamander is accompanied by an animal health certificate relating to the salamander which complies with the model set out in Part B of Annex 1 to the Decision,
 - (c) the salamander has been examined by an official veterinarian within 24 hours before dispatch of the salamander from the third country, and shows no clinical signs of disease (Bsal),
 - (d) the salamander is accompanied by a written attestation, signed by the operator of the establishment of destination, stating—
 - (i) the name of the person to whom the salamanders are consigned,
 - (ii) the address of the establishment of destination,
 - (iii) that the salamander will be quarantined in that establishment,
 - (iv) that the establishment of destination complies with the conditions listed in Part 1 of the Schedule, and
 - (e) the operator of the establishment of destination has, prior to the date of commencement of quarantine of salamanders, applied for, and been granted, registration of the establishment by the Minister under Regulation 7.

Registration of establishment of destination

7. (1) The Minister may grant registration, attach conditions to registration, revoke or vary a condition, insert a new condition, withdraw registration or refuse an application.

(2) An application for registration shall be in a form, be accompanied by any material and contain any particulars that the Minister specifies.

(3) The Minister shall not consider an application for registration if the application does not contain all the material and particulars sought by the Minister or is not accompanied by the fee (if any) fixed under section 73 of the Act.

(4) Without prejudice to the generality of paragraph (1), the Minister may refuse an application, or withdraw registration, if, in the opinion of the Minister,—

- (a) the applicant or person to whom registration is granted has committed an offence under the Act or under any enactment that relates to animal health or welfare,
- (b) the applicant or person to whom registration is granted has failed to comply with a condition attached to registration,

- (c) the applicant or person to whom registration is granted is not a fit person to hold registration,
- (d) in relation to the application, information required has not been furnished or information that is false or misleading has been furnished, or
- (e) it is necessary, incidental, supplementary or consequential for the purposes of giving effect or full effect to an act of the institutions of the European Union relating to animal health and welfare.

(5) Subject to paragraph (6), if the Minister proposes to refuse an application, or to withdraw registration, he or she shall—

- (a) notify the applicant or holder of the registration in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
- (b) consider a representation duly made, and
- (c) notify the applicant or holder of the registration in writing of the decision and the reasons for the decision.

(6) If the Minister is of the opinion that it is necessary to give effect to an act of an institution of the European Union, he or she may withdraw registration in accordance with paragraph (7).

(7) If the Minister withdraws registration because he or she is of the opinion that the withdrawal is necessary to give effect to an act of an institution of the European Union, he or she shall —

- (a) notify the holder of the registration in writing of the decision and the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the holder of the registration in writing of the decision and the reasons for the decision.

(8) A person to whom registration is granted under this Part shall make such returns to the Minister as and when, and in such form as, the Minister may from time to time direct.

(9) (a) The holder of the registration commits an offence unless he or she maintains accurate records in accordance with Part 1 of the Schedule.

- (b) A record maintained under this Regulation shall, in a form that the Minister may direct, be kept for a period of no less than 3 years and made available on request to an authorised officer.

Confirmation of infection during quarantine in an establishment of destination

8. (1) Where a salamander is affected with disease (Bsal) the operator of the establishment where it is located shall take all necessary measures to ensure that—

- (a) all salamanders that have been or may have been in contact with the affected salamander are—
 - (i) treated to the satisfaction of the Minister against disease (Bsal) in accordance with point 3 of Annex III to the Decision, or
 - (ii) killed and disposed of as animal by-products in accordance with Article 12 of Regulation (EC) No 1069/2009,

and,

- (b) following completion of the measures referred to in subparagraph (a), the area of the establishment of destination where the affected salamander had been kept is cleaned and disinfected to the satisfaction of the Minister.

(2) An authorised officer may direct—

- (i) that a salamander be tested to verify the effectiveness of treatment mentioned in paragraph (1), and
- (ii) that a salamander undergo repeated treatments.

(3) A direction under paragraph (2) may contain such measures as appear to the officer giving the direction to be necessary for the purposes of the direction having full effect.

(4) A person shall comply with a direction under this Regulation.

(3) Where an authorised officer directs the testing of a salamander under paragraph (2), the officer shall serve an animal health and welfare notice on the operator of the establishment where the salamander is located.

Costs

9. All costs associated with quarantine, testing and measures to mitigate the risk or spread of, and treatment of salamanders affected with or at risk of being affected with, disease (Bsal) shall be borne by the importer or operator of the establishment to which the quarantine, testing, treatment or measures apply.

Penal provisions

10. Regulations 4, 5, 6, 7, 8 and 9 are penal provisions to which section 36 (4) (b) of the Animal Health and Welfare Act 2013 applies.



GIVEN under my Official Seal,
29 May 2019.

MICHAEL CREED

Minister for Agriculture, Food and the Marine.

Schedule

Regulations 4 (2) (d) and 6 (e) (iv)

Part 1

**Conditions referred to in Regulation 4 (2) (d) and 6 (e) (iv)
Minimum conditions for quarantining salamanders in establishments of
destination**

1. The operator of the establishment of destination—
 - (a) puts in place a system that ensures adequate surveillance of the salamanders,
 - (b) shall ensure that the quarantine of the salamanders is under the control of a veterinary practitioner who has stated in writing that he or she shall fulfill this role and carry out the functions listed in Part 2, and
 - (c) shall ensure that the establishment is cleaned and disinfected in accordance with the instructions of an authorised officer.

2. The operator of the establishment shall ensure that—
 - (a) cleaning and disinfection of the tanks, crates or other fomites used for the transport of the salamanders is carried out unless they are destroyed, in such a manner as to prevent the spread of disease (Bsal),
 - (b) waste material and waste water is collected regularly, and is stored and treated in a manner that prevents the spread of disease (Bsal),
 - (c) carcasses of quarantined salamanders are examined in a laboratory specified by the Minister, and
 - (d) necessary tests and treatments of salamanders are carried out in consultation with, and under the control of, the veterinary practitioner referred to in point 1 (b).

3. The operator of the establishment shall inform the veterinary practitioner referred to in point 1 (b) of any suspected or confirmed cases of disease (Bsal), and of any death of a salamander.

4. The operator of the establishments shall keep a record of—
 - (a) the date, number and species of salamanders entering and leaving the establishment,

- (b) copies of the animal health certificates and the common veterinary entry documents accompanying each consignment of salamanders,
- (c) cases of illness and the number of deaths on a daily basis,
- (d) dates and results of testing, and
- (e) types and dates of treatment and the number of animals subjected to treatment.

Part 2

Functions of veterinary practitioner

1. The veterinary practitioner referred to in Part 1 shall record the arrival of each consignment of salamanders introduced into the Union from a third country in Box 45 of Part 3 in the electronic version of the common veterinary entry document relating to the consignment.
2. The veterinary practitioner referred to in Part 1 shall ensure that the operator of the establishment keeps each consignment of salamanders in quarantine in the establishment as a single epidemiological unit.
3. The veterinary practitioner referred to in Part 1 shall inspect the conditions of quarantine for each consignment of salamanders, including an examination of mortality records and a clinical inspection of the salamanders in the establishment, checking in particular for skin lesions and ulcers.
4. Where a consignment consists of 62 or more salamanders, the veterinary practitioner referred to in Part 1 shall carry out the examination, sampling, testing and treatment procedures for disease (Bsal) in accordance with the procedures referred to in points 1 and 2 of Annex III to the Decision, following the arrival of the consignment at the establishment.
5. Where a consignment consists of fewer than 62 salamanders, the veterinary practitioner referred to in Part 1 shall ensure that the consignment is treated to the satisfaction of the Minister against disease (Bsal) in accordance with point 3 of Annex III to the Decision.
6. The veterinary practitioner referred to in Part 1 shall only release a consignment of salamanders from the establishment by a written authorisation—

- (a) if at least 6 weeks has elapsed since the date of the commencement of the period of quarantine, and negative results for the presence of disease (Bsal) following appropriate diagnostic testing (as referred to in point 1(a) of Annex III to the Decision) have been received, or
- (b) in the case of treatment as referred to in point 1(b) of Annex III to the Decision, after satisfactory completion of the treatment.

EXPLANATORY NOTE

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

These Regulations give effect to Commission Implementing Decision (EU) 2018/320 of 28 February 2018. They set out animal health protection measures in relation to the fungus *Batrachochytrium salamandrivorans* for intra-EU trade in consignments of salamanders and the introduction of such consignments into the Union.

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