

IMPLEMENTATION OF THE LIVE ANIMALS "BALAI" (CATCH-ALL) DIRECTIVE IN GREAT BRITAIN: COUNCIL DIRECTIVE 92/65/EEC (as amended)

The amended Directive 92/65 EEC can be accessed by [\[This link\]](#)

ANNEXES of this Guidance

- ANNEX 1 Annex A of Directive 92/65/EEC. List of diseases notifiable in the context of the Directive as amended by [EU Regulation 1398/2003](#).
- ANNEX1A [List of Diseases notifiable](#) in Great Britain is accessed via the link.
- ANNEX 2 Annex C of Directive 92/65/EEC conditions governing approval of bodies, institutes or centres as amended by [Regulation 1282/2002](#).
- ANNEX 3 Application for Approval of Bodies Institutes and Centres in accordance with Article 13 and Annex C of the Balai Directive 92/65/EEC EC3164.
- ANNEX 4 Checklist for approval under Annex C of the Directive.
- ANNEX 4 a Biosecurity guidance for zoo birds collection.
- ANNEX 4 b Biosecurity guidance for mammal collections.
- ANNEX 5 Surveillance programme for approved premises.
- Annex 5 a Zoonotic disease procedure.
- ANNEX 6 Added animals procedure for approved premises.
- ANNEX 7 Isolation conditions for Added Animals entering approved premises.
- ANNEX 8 Application for Balai Registration EC3163.
- ANNEX 9 Notes for Guidance for Balai Registration.
- ANNEX 10 Contact Points.
- ANNEX 11 Model health certificate for owner declaration and TRACES Commodity Codes for Intra Trade Animal Health Certificates (ITAHCs).
Examples of TRACES Commodity Codes.

GENERAL REQUIREMENTS

Preface

The Balai Directive 92/65/EEC provides a framework of rules for **trade** between Member States in live animals and germplasm and also imports from third countries, concerning those species that are not covered elsewhere by EU legislation. In practice, the Balai Directive applies to animals held for display, education, conservation or research

programmes, and laboratory animals. Equidae (horses, zebras, donkeys, mules) for which specific EU legislation exists are not included.

Requirements for health certification including model health certificates are set out in Annex E of the Directive. There are 2 levels of certification, depending on whether the premises of origin is '**registered**' under **Article 4**, or '**approved**' under **Article 13** of the Directive. Approved premises must have a disease surveillance programme, a controlled procedure for introducing new animals and additional responsibilities for the nominated 'approved veterinarian'. Therefore animals from approved premises meet a higher standard of disease security than those from 'Registered' premises. Approval conditions are contained in Annex C of the Directive.

For trade between Approved premises, the Directive requires that BOTH the premises of origin and the premises of destination are approved (although certain derogations are permitted). See Annex 6 Added animal procedures for more information.

However when trade takes place from a Registered premises, there is NO requirement for the premises of destination to be registered. This means that registration applies ONLY to the premises of origin.

The intended benefit for premises that become approved is that they should find it simpler to transfer animals to other approved premises in other Member States for purposes such as conservation breeding programmes. This guidance contains detailed instructions on how premises can obtain approval, and how they must be conducted once approved.

These instructions, which also apply to the Isle of Man and the Channel Islands, focus on Approval of premises in accordance with Article 13 and Annex C of the Balai Directive.

Annexes of 92/65EEC

The Directive 92/65EEC (as amended) has six Annexes.

- Annex A lists the diseases which are notifiable for Balai approved premises,
- Annex B lists other diseases for which there are national control programmes, and which are mainly not applicable in UK,
- Annex C (which was updated by Regulation 1282/2002) details the conditions of Balai approval,
- Annex D governs the conditions for germplasm for non bovine and non porcine (viz. equine, ovine, caprine (and cervine for New Zealand) collections centres,
- Annex E (which was also updated by Regulation 1282/2002) has three model Health Certificates: Type 1 are for mammals and birds from registered holdings, Type 2 is for honey bees and Type 3 are for mammals and birds from approved holdings,
- Annex F Lists the EU Directives specific to farmed animals and germplasm, which if not covered by these Directives, is covered by the Balai Directive.

Species covered by the Directive.

The Balai Directive covers species that are not otherwise provided for in Directives for domestic species namely, equidae (horses, zebras, donkeys, mules), cattle, sheep, goats, pigs and poultry. The Balai Directive lays down specific conditions for trade in:

- Primates
- Ungulates (other than those species mentioned above)
 - Artiodactyla: deer, llamas, alpacas, antelopes, wild pigs, etc.
 - Perissodactyla: tapirs, rhinos, etc.
- Captive Birds and poultry for exhibition, shows and contest which are not covered by EU Directive 90/539/EEC
- Honey bees (*Apis mellifera*)
- Lagomorphs: rabbits and hares (if commercially traded)
- Dogs and Cats (if commercially traded)
- Non domestic carnivora
- Certain other mammals listed in Schedule 1 of The Rabies (Importation of dogs, cats and other mammals) Order 1974 (as amended) which are subject to National Rabies Rules – see below.

Species other than those listed above, such as elephants, marsupials, rodentia, insectivora and mammals which are susceptible to the diseases listed in Annex A of the Directive, are also covered by the Balai Directive. If moved to and from approved bodies under Article 13 all species listed in Annex A must be accompanied by a health certificate as per Annex E type 3.

For movements from non-approved premises of species listed in Annex A (except non-human primates) which are not covered by Articles 6 to 10, there are no conditions laid down in the Directive. Consequently, trade conditions and certification requirements for such movements are subject to bilateral agreements between the trading States.

Guidance on the import conditions currently applicable to movements from other Member States to the UK where no harmonized documentation is laid down in the Directive may be found at the appropriate IIN on the Defra website using the following link:

<http://defraweb/foodfarm/animaltrade/imports/iins/livebalai/index.htm>

The Directive also covers Orders and species listed in Schedule 1 Parts 1 and 2 of The Rabies (importation of dogs, cats and other mammals) Order 1974 as amended. These Orders are listed in [RM25](#) of 09a but N.B. these Orders are also covered by the Rabies Importation Order.

[Council Directive 2004/68/EC](#). amending Directive 92/65/EEC, lays down animal health rules for the importation from 3rd countries and transit through the Community of certain live ungulates animals. No imports from 3rd countries of animals covered by Directive 2004/68/EC are permitted until such time as the Commission has published a list of authorised third countries. Should these create any difficulties please refer the case to Animal Health Imports Team Chelmsford (AHIT Chelmsford).

1. **Trade.** The Balai Directive covers 'trade' in the relevant species of animals. Trade is defined in the Treaty of Rome as 'products originating in Member States and products coming from Third Countries which are in free circulation in Member States'. The essential element is that the items (which includes live animals) are 'in free circulation', and any associated commercial transaction is not relevant. 'Trade' in EU legislation is understood to apply only to products moving between States, but not to products circulating within a Member State.

3. **Pets.** The Balai Directive does not apply to movement of pet animals accompanied by a 'natural' person, which normally means the owner not acting in a commercial capacity. In the UK, mammals listed in Schedule 1 of The Rabies (Importation of dogs, cats and other mammals) Order 1974 (as amended) are subject to National rules. These national rules were modified by [Regulation EC No. 998/2003](#) (governing the movement of pet animals between Member States) which came into effect on 3 July 2004. This Regulation changed the rules for movement of pet dogs, cats and ferrets in the EU and permitted the free trade of pet rodents and rabbits.

PERMITTED MOVEMENTS TO/FROM A REGISTERED HOLDING

National moves

Animals and birds may be moved to and from Registered holdings, ideally with such moves being recorded in a movement book.

Exports

Animals and birds may be exported from a Registered holding to a Registered or non-Registered holding for which the recipient Livestock Veterinary Unit will be notified via TRACES if an ITAHC has been generated.

As stated above when trade takes place from a Registered premises, there is NO requirement for the premises of destination to be registered. This means that registration applies ONLY to the premises of origin.

Animals and birds may be exported from a registered holding to an approved holding provided they undergo an added animal procedure at their destination. See Annex 6 of this Guidance 'Added Animals Procedures'.

Imports

Animals and birds covered by Articles 6 to 10 can be imported from a registered holding within the EU provided they satisfy the rules set out in those articles.

For legal reasons for the time being imports of ruminating animals from Member States are permitted under The Importation of Animals Order 1977.

General Licence [IMP/2003/02](#) applies to ruminating ungulates (EU Member States and Norway) from Balai Registered Holdings.

For certification purposes ungulates must be accompanied by a certificate as per model in Annex E part I. (TRACES generated ITAHC EI).

Psittacidae birds must be accompanied by a commercial document signed by the official veterinarian or by the veterinarian responsible for the holding or business of origin and empowered for this purpose by the competent authority.

Non psittacidae birds can be accompanied by self-certification by the owner/exporter.

Bees must be accompanied by a health certificate as per model in Annex E type II. (TRACES generated ITACH EII)

If no health certificate or commercial document is required under the specific Article then self-certification by the owner/exporter applies provided the exporting competent authority has declared that there is “no risk of spread of disease” and that the animals and birds come from a holding not subject to animal health restrictions

PERMITTED MOVEMENTS TO/FROM AN APPROVED HOLDING

Movements between approved bodies in GB

Movements to an approved holding from another approved holding within UK need only be recorded in a movement book. There is no need for the added animal procedures to be applied.

If being moved out from an approved holding to a non approved holding the AV must seek the permission from the RVL/DVM or VO nominally in charge of the approved premises after the AV has first declared that in his/her opinion there is “No risk of spread of disease”. If an animal or bird is moved from a non approved holding to an approved holding it needs to undergo the added animal procedures – see Annexes 6 and 7

Exports from approved bodies in GB

All primates, mammals and birds may be exported from an approved holding. The commodity will travel with an ITAHC as generated by TRACES modelled on an Annex E Type 3 Certificate.

For primates, if the recipient zoo is not Balai approved, their Competent Authority may need to issue a letter to say whilst not actually approved the premises meets the conditions of approval set out in Annexe C of 92/65 EEC. For clarification contact AHIT Chelmsford.

Imports into approved bodies in GB.

Non-human primates must be imported from approved to an approved holding. Other than being imported from Republic of Ireland, the Isle of Man or Channel Islands. They must also undergo rabies quarantine, as must non domestic carnivora and bats as required by the Rabies Importation Order.

There is derogation under Annex C.3 of the BALAI Directive to move animals including primates from a non-approved premise into a BALAI approved premise provided they undergo quarantine under official control. See 'Movements to an approved premises-added animal procedures' for more information.

Primates must only be consigned to a Balai Approved premises. A private individual is unlikely to meet the conditions for approval and any request for private quarantine should be declined.

Other mammals and birds being imported from approved premises do not need to undergo added animal procedures. However if they originate from a registered premises they must undergo the added animal procedures.

For legal reasons for the time being imports of ruminating animals from Member States are permitted under The Importation of Animals Order 1977. General Licence [IMP/2003/03](#) applies to ruminating ungulates from Balai approved premises (EU Member States and Norway).

Please see annex 6 -'Added animals procedure' for more information.

Very occasionally a request may be received to import a non-human primate from a non approved EU holding. If the exporting premises is an individual pet keeper or pet shop, such moves are not possible. If however, the exporting premises is a *bona fide* zoo, then the exporting Competent Authority must declare that this exporting zoo meets the condition of approval (whilst not actually being approved) in which case the non-human primates can travel with a TRACES generated ITAHC modelled on an Annex E Type 3 Certificate.