SCOTTISH STATUTORY INSTRUMENTS

2002 No. 565

AGRICULTURE

The Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2002

Made - - - -		*19th December 2002*
Laid before the Scottish Parliament - - - -		*23rd December 2002*
Coming into force - -		*1st January 2003*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations extend to Scotland only.

Amendments to the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

2.—(1) The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002(**2**) are amended in accordance with this regulation.

(2) For regulation 3 substitute–

"**Exemptions for trade samples**

3. These Regulations do not apply to products introduced into Scotland from a third country with the previous written authorisation of the Scottish Ministers as trade samples, for exhibition or for particular studies or analyses.

(**1**) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) S.S.I. 2002/445.

Other exemptions

3A.—(1) Part III, with the exception of regulations 15, 21 and 25, and parts IV to IX does not apply to–

(a) meat, meat products, milk and milk products introduced into Scotland from Greenland, the Faeroe Islands, the Republic of Iceland, the Principality of Andorra, San Marino, Liechtenstein, Switzerland, Estonia, Lithuania, Latvia, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Malta and the Republic of Cyprus in the personal luggage of a traveller which are intended for the personal consumption of that traveller (or that of an infant travelling with him or her), taking into account the nature of the product and the quantity of it that could reasonably be consumed by an individual;

(b) powdered infant milk, infant food, and special foods required for medical reasons containing meat, meat products, milk, or milk products introduced into Scotland from a third country not specified in sub-paragraph (a) which–

(i) are carried in the personal luggage of a traveller and are intended for the personal consumption of that traveller (or that of an infant travelling with him or her), taking into account the nature of the product and the quantity of it that could reasonably be consumed by an individual;

(ii) do not require refrigeration before opening;

(iii) are packaged proprietary brand products for direct sale to the final consumer; and

(iv) are contained in unbroken packaging; and

(c) products which are not covered by sub-paragraphs (a) or (b), and–

(i) which are not meat, meat products, milk and milk products;

(ii) whose total weight does not exceed one kilogram;

(iii) which are introduced into Scotland–

(aa) in the personal luggage of a traveller and intended for the personal consumption of that traveller; or

(bb) by post or carrier and addressed to a private individual in the relevant territories otherwise than by way of trade or as a trade sample; and

(iv) which either come from a third country or part of a third country which satisfies the conditions laid down in paragraph (2) or have undergone heat treatment in a hermetically sealed container to an Fo value of 3.00 or more.

(2) The conditions referred to in paragraph (1)(c)(iv) are that the third country or part of a third country–

(a) appears on a list of third countries or parts of third countries from which member States shall authorise the importation of the product or products concerned, established by a Community instrument in force on the date on which these Regulations are made; and

(b) is not one from which importation of the product or products concerned is prohibited by any Community instrument in force on that date.

(3) In this regulation–

"meat" means any meat, including meat preparations;

"meat products" mean any meat products;

"milk" means milk of any type; and

"milk products" mean any milk products

covered by the Directives listed in Schedule 3.".

(3) In regulation 63(1) for "except in respect of the products referred to in regulation 3(1) and (2)" substitute "except the products referred to in regulations 3 and 3A".

St Andrew's House,
Edinburgh
19th December 2002

ALLAN WILSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002 (S.S.I.2002/445) ("the principal Regulations") as follows:

1. They implement Commission Decision of 9th December 2002 laying down interim safeguard measures with regard to imports of products of animal origin for personal consumption by substituting a new regulation 3 and a regulation 3A for the existing regulation 3 in the principal Regulations. This substitution amends the existing exemption from the general requirements of the principal Regulations for personal imports meeting certain criteria so that the exemption no longer applies, with two exceptions, to meat, meat products, milk and milk products (regulation 2(2)).

2. They make one consequential amendment in relation to the amended exemptions provision (regulation 2(3)).

A Regulatory Impact Assessment has not been prepared for these Regulations.