
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 502

**The Animals and Animal Products (Import and Export)
(Scotland) Amendment (No. 2) Regulations 2005**

**Amendment to the Animals and Animal Products (Import and Export) (Scotland)
Regulations 2000**

2.—(1) The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000⁽¹⁾ are amended in accordance with the following paragraphs of this Regulation.

(2) In regulation 1(2) (citation, commencement, interpretation and extent) after the definition of “border inspection post” insert—

““Council Directive [90/539/EEC](#)” means Council Directive [90/539/EEC](#) on animal health conditions governing intra Community trade in and imports from third countries of, poultry and hatching eggs⁽²⁾ as amended by and read with the provisions listed in paragraph 6 of Part I of Schedule 3;”.

(3) After regulation 5(4) (exports) insert—

“(5) No person shall export to another member State any hatching eggs, day old chicks or poultry to which Article 6 of Council Directive [90/539/EEC](#) applies, unless they originate from an establishment which—

(a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the Scottish Ministers in accordance with Schedule 3A to these Regulations; and

(b) conforms with the requirements of Annex II to Council Directive [90/539/EEC](#).

(6) Where, on 13th November 2005, the Scottish Ministers have allocated a distinguishing number to an establishment in accordance with Article 6.1(a) of Council Directive [90/539/EEC](#) that establishment shall be treated as a member of the Poultry Health Scheme operated by the Scottish Ministers in accordance with Schedule 3A to these Regulations.

(7) An establishment to which paragraph (5)(a) applies is to be considered an approved establishment for the purposes of Article 6(1)(a) of Council Directive [90/539/EEC](#).”.

(4) After regulation 9 (approval of centres and teams) insert—

“Approval of laboratories

9A.—(1) The Scottish Ministers shall approve laboratories in accordance with Schedule 3B to these Regulations for the purposes of carrying out the tests for Mycoplasma infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#).

(2) Where, on 13th November 2005, a laboratory was approved by the Scottish Ministers for the purposes of carrying out the tests for Mycoplasma infections required under Chapter III

(1) [S.S.I. 2000/216](#), amended by [S.S.I. 2000/300](#), [2002/125](#) and [196](#) and [2005/278](#).

(2) O.J. No. L 303,31.10.90, p.6.

of Annex II to Council Directive [90/539/EEC](#) that laboratory shall be treated as a laboratory approved in accordance with Schedule 3B to these Regulations.

(3) The tests for Salmonella infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#) shall be carried out by laboratories authorised under article 2(1) of the Poultry Breeding Flocks and Hatcheries Order 1993(3).”.

(5) For regulation 33(1) (penalties) substitute–

“(1) A person contravening any provision of these Regulations, except paragraph 6 of Part I of Schedule 3A and paragraph 2 of Part I of Schedule 3B, or any notice served under any such provision shall be guilty of an offence.”.

(6) For paragraph 6 of Part I of Schedule 3 (poultry and hatching eggs) substitute–

“Poultry and hatching eggs

6. Council Directive [90/539/EEC](#) on animal health conditions governing intra-community trade in, and imports from third countries of, poultry and hatching eggs (O.J. No. L 303,31.10.90, p.6) as amended by, and as read with:

Council Directive [90/425/EEC](#) (O.J. No. L 224, 18.8.90, p.29);

Council Directive [91/494/EEC](#) (O.J. No. L 268, 24.9.91, p.35);

Council Directive [91/496/EEC](#) (O.J. No. L 268, 24.9.91, p.56);

Council Directive [92/65/EEC](#) (O.J. No. L 268, 14.9.92, p.54);

Commission Decision [92/340/EEC](#) (O.J. No. L 188, 8.7.92, p.34);

Commission Decision [92/369/EEC](#) (O.J. No. L 195, 14.7.92, p.25);

Council Directive [93/120/EEC](#) (O.J. No. L 340, 31.12.93, p.35);

The Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (O.J. No. C241, 29.8.94, p.21);

Council Decision [95/410/EC](#) (O.J. No. L 243, 11.10.95, p.25) as amended by Council Decision [98/227/EC](#) (O.J. No. L 87, 21.4.97, p77);

Commission Decision [97/278/EC](#) (O.J. No. L 110, 26.4.97, p.77);

Council Directive [99/90/EC](#) (O.J. No. L 300, 23.11.1999, p.19);

Commission Decision [2000/505/EC](#) (O.J. No. L 201, 9.8.2000, p.8);

Commission Decision [2001/867/EC](#) (O.J. No. L 323, 7.12.2001, p.29);

Commission Decision [2003/644/EC](#) (O.J. No. L 228, 12.9.2003, p.29); and

Commission Decision [2004/235/EC](#) (O.J. No. L 72, 11.3.2004, p.86),

as read with the European international instruments.

Relevant provisions: Articles 6 to 11, 12.1, and 15 to 17–

(a) the official health certification accompanying breeding poultry exported from Scotland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision [2003/644/EC](#) of 8th September 2003;

(b) the official health certification accompanying day-old chicks exported from Scotland to Finland or Sweden must contain the statement that they come from flocks

which have been tested for salmonella with negative results in accordance with Commission Decision 2003/644 of 8th September 2003;

- (c) the official health certification accompanying laying hens exported from Scotland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision [2004/235/EC](#) of 11th March 2004; and
- (d) the official health certification accompanying poultry for slaughter exported from Scotland to Finland or Sweden must contain the statement that they have undergone microbiological testing with negative results in accordance with Council Decision [95/410/EC](#) of 22nd June 1995.”.

(7) After Schedule 3 insert the Schedules set out in the Schedule to these Regulations.

(8) For paragraph 8 of Part II of Schedule 5 (poultry) substitute—

“Poultry

8. Council Directive [90/539/EEC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (O.J. No. L 303,31.10.90, p.6) as amended by, and as read with—

- Council Directive [91/494/EEC](#) (O.J. No. L 268, 24.9.91, p.35);
- Council Directive [91/496/EEC](#) (O.J. No. L 268, 24.9.91, p.56);
- Council Directive [92/65/EEC](#) (O.J. No. L 268, 14.9.92, p.54);
- Commission Decision [92/340/EEC](#) (O.J. No. L188, 8.7.92, p.34);
- Commission Decision [92/369/EEC](#) (O.J. No. L 195, 14.7.92, p.25);
- Council Directive [93/120/EEC](#) (O.J. No. L 340, 31.12.93, p.35);
- Commission Decision [96/482/EC](#) (O.J. No. L 196, 7.8.96, p.13);
- Commission Decision [96/628/EC](#) (O.J. No. L 282, 1.11.96, p.73);
- Council Directive [99/89/EC](#) (O.J. No. L 300, 23.11.99 p.17);
- Council Directive [99/90/EC](#) (O.J. No. L 300, 23.11.1999, p.19);
- Commission Decision [2000/505/EC](#) (O.J. No. L 201, 9.8.2000, p.8);
- Commission Decision [2002/183/EC](#) (O.J. No. L 61, 2.3.2002, p.56);
- Commission Decision [2002/542/EC](#) (O.J. No. L 176, 5.7.2002, p.43); and
- Commission Decision [2004/118/EC](#) (O.J. No. L 36, 7.2.2004, p.34),

as read with the European international instruments.

Relevant provisions: Articles 20, 21.1, 22.1, 23, 24, 27.2 and 28.”.