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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 645**

**AGRICULTURE**

**The Products of Animal Origin (Third Country Imports)  
(Scotland) Amendment (No. 2) Regulations 2005**

*Made* - - - - 15th December 2005  
*Laid before the Scottish  
Parliament* - - - - 15th December 2005  
*Coming into force* - - 16th December 2005

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

**Citation and commencement**

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Scotland) Amendment (No. 2) Regulations 2005 and shall come into force on 16th December 2005.

**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<sup>(2)</sup> are amended in accordance with this regulation.

(2) In Part VIII of Schedule 2 (import conditions for products)—

(a) after paragraph 3 of cross- heading A (General) insert—

“4. Commission Decision [2005/760/EC](#) concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds (O.J. No. L 285, 28.10.2005, p.60), as amended by Commission Decision [2005/862/EC](#) (O.J. No. L 317, 3.12.2005, p.19).”;

(b) after paragraph 16 of cross-heading D (Health Certification Requirements) add—

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(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](#), as amended by [S.S.I. 2002/565](#), [S.S.I. 2003/165](#), [S.S.I. 2003/225](#), [S.S.I. 2003/333](#), [S.S.I. 2003/411](#) and [S.S.I. 2005/323](#).

**“E. Animal By-Products**

1. Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption (O.J. No. L 273, 10.10.2002, p.1) as last amended by Commission Regulation (EC) No. 416/2005 (O.J. No. L66, 12.3.2005, p.10), and as read with Commission Decision 2005/760/EC (O.J. No. L 285, 28.10.2005, p.60), as amended by Commission Decision 2005/862EC (O.J. No. L 317, 3.12.2005, p.19).”.

St Andrew’s House, Edinburgh  
15th December 2005

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002 (S.S.I. 2002/445) (“the principal Regulations”) which implement Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (O.J. No. L 24, 30.1.1998, p.9).

They give effect to the restriction on the importation of products derived from birds, other than poultry, contained in Commission Decision 2005/760/EC (concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds) (O.J. No. L 285, 28.10.2005, p.60) as amended by Commission Decision 2005/862/EC (O.J. No. L 317, 3.12.2005, p.19).

Schedule 2 to the principal Regulations lists the import conditions with which products must comply, by reference to the relevant Community legislation. These Regulations amend Part VIII of Schedule 2 to the principal Regulations to refer to Commission Decision 2005/760/EC, as amended (regulation 2(2)(a)). That Part of that Schedule is also amended to refer to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption (O.J. No. L 273, 10.10.2002, p.1) as read with Commission Decision 2005/760/EC, as amended (regulation 2(2)(b)).

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