
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 194

**The Animals and Animal Products (Import
and Export) (Scotland) Regulations 2007**

PART II

INTRA COMMUNITY TRADE

Application of Part II

4. This Part shall apply to trade between member States in live animals and animal products which are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#).

Exports

5.—(1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the instruments (“the listed instruments”) in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of the listed instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by the listed instruments, it is accompanied by—
 - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
 - (ii) any other document required by the listed instruments;
- (c) when required by the listed instruments, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the listed instruments; and
- (d) if the animal is acquired through or transits an assembly centre, that centre is an approved assembly centre.

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation the inspector may by notice served on the consignor, his representative or the person appearing to him to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with, an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) No person shall export to another member State any animal to which the provisions of Articles 6, 7, 9 or 10 of Council Directive [92/65/EEC](#) apply unless the animal originates from—

- (a) a holding that has been registered with the Scottish Ministers and the owner or person in charge of that holding has given to the Scottish Ministers undertakings in accordance with Article 4 of Council Directive 92/65/EEC; or
 - (b) a body, institute or centre that has been approved by the Scottish Ministers in accordance with regulation 9(1) and that conforms with the requirements of Annex C to Council Directive 92/65/EEC.
- (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 4 to these Regulations; and
 - (b) conforms with the requirements of Annex II to Council Directive 90/539/EEC.
- (6) 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.

Imports

6.—(1) No person shall import from another member State either for entry into the UK or by way of transit to another Member State any animal or animal product subject to an instrument listed in Part I of Schedule 3 and in free circulation in another member State unless it complies with the relevant provisions of that instrument and any additional requirements specified in Part I of Schedule 3.

(2) Where an animal subject to an instrument listed in Part 1 of Schedule 3 is imported from another Member State, either for entry into the UK or by way of transit to another Member State, the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves Scotland, as the case may be.

(3) If an animal is imported for slaughter, other than an animal taken to an assembly centre, the importer shall ensure that it is slaughtered without undue delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, their representative or the person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(4) Where cattle, pigs, sheep or goats are imported for slaughter and are taken to an assembly centre, the importer shall ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there—

- (a) in the case of sheep and goats within 5 days of their arrival at the assembly centre; and
- (b) in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(5) Where an animal to which paragraph (4) applies is not slaughtered within the specified period, an inspector may by notice served upon the importer, his representative, or person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(6) In the event of a notice served under paragraphs (3) or (5) not being complied with an inspector may seize or cause to be seized any animal to which the notice relates and arrange for the requirements of the notice to be complied with.

Transport of animals and animal products

7.—(1) No person shall transport any animal or animal product in intra Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive 90/425/EEC.

(2) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on that person by an inspector; and, if an animal or animal product

is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to the inspector to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to a withdrawal of an authorisation under Articles 10, 11 and 13 of Council Regulation (EC) No. 1/2005.

Dealers

8.—(1) For the purposes of paragraph (2) below the Scottish Ministers shall keep a register of dealers engaging in intra Community trade who have applied for registration in accordance with that paragraph.

(2) If required to do so by a notice served on them by the Scottish Ministers, a dealer engaging in intra Community trade in animals shall register as such with the Scottish Ministers and shall give to them such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) Any person who has registered under paragraph (2) above shall keep a record of all deliveries of animals and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals, and shall keep such records for 12 months from the arrival of the consignment.

(4) In the case of dealers in cattle, pigs, sheep or goats the provisions of Part III of Schedule 3 shall have effect instead of paragraphs (1) to (3) above.

Approval of centres and teams

9.—(1) For the purposes of Articles 5 and 13 of Council Directive [92/65/EEC](#), the Scottish Ministers shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Scottish Ministers shall suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the Scottish Ministers shall approve any semen collection centre or embryo collection team which has applied to the Scottish Ministers for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

Approval of laboratories

10. The Scottish Ministers shall approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for Mycoplasma and Salmonella infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#).

Inspection and checking at destination

11.—(1) A veterinary inspector shall have power to inspect all animals and animal products imported into Scotland from another member State, at their place of destination, so as to ensure

that the requirements (including requirements on documentation) of the relevant provisions of the Directives or other measures listed in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if they have information leading them to suspect an infringement of the Directives or other measures in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

Duties on consignees

12.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#)) unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector referred to in paragraph (1) shall be the inspector authorised by the Scottish Ministers to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

Assembly centres and slaughterhouses

13.—(1) Any person operating an assembly centre for the purpose of intra Community trade in cattle, pigs, sheep or goats shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Scottish Ministers and given a number, and approval shall only be given if the Scottish Ministers are satisfied that—

- (a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive [64/432/EEC](#);
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Council Directive [91/68/EEC](#); and
- (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive [90/425/EEC](#).

(3) In the case of cattle, pigs, sheep or goats, the operator shall admit only animals that are identified and come from herds or flocks that are eligible for intra Community trade.

(4) Where animals are consigned to an assembly centre, the operator of the assembly centre shall—

- (a) ensure that no animal is admitted unless it complies with Article 3.1 of Council Directive [90/425/EEC](#); and
- (b) record on a register—
 - (i) in the case of cattle, pigs, sheep and goats, the name of the owner, the registration number, the transporter and the licence number of the lorry delivering or collecting animals from the centre;
 - (ii) in the case of cattle, the origin, date of entry and exit, number and identification number and the proposed destination as well as the information in sub paragraph (4)(b)(i) above;

(iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination as well as the information in sub paragraph (4)(b)(i) above; and

(iv) in the case of sheep and goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in sub paragraph (4)(b)(i) above,

and shall preserve the register for a minimum of 3 years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon qualified in accordance with Regulation (EC) No. 854/2004 to act in such a capacity and appointed as such by the Food Standards Agency (in this paragraph and paragraph (6) “the official veterinary surgeon”), the official veterinary surgeon shall ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive 90/425/EEC.

(6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, the official veterinary surgeon shall forthwith notify a veterinary inspector authorised by the Scottish Ministers to receive that notification, who shall examine the animals and shall either—

- (a) certify that they are fit to be slaughtered and used for their intended purpose; or
- (b) by notice served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re exported, in each case at the expense of the importer.

(7) Where paragraphs (4) and (5) do not apply, any person who markets any animal consigned to them from another member State, or divides up batches of such animals for distribution or marketing—

- (a) shall check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly to a veterinary inspector authorised by the Scottish Ministers to receive such notification; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive 90/425/EEC, shall isolate the animals in question until a veterinary inspector authorised by the Scottish Ministers to do so has authorised their release in writing.

Illegal consignments

14.—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 6 or of a zoonosis or any other disease or cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, they may by notice served upon the person appearing to them to be in charge of those animals or products, require that person—

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to them as may be specified in the notice for the purpose of preventing the introduction or spreading of disease into or within Scotland; or

- (b) without delay, to slaughter them, or slaughter and destroy them, or, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.
- (2) Subject to the provisions of paragraph (3), if an inspector knows or suspects that animals or animal products do not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), they may, if animal health and welfare considerations so permit, give the consignor or the consignor's representative or the person appearing to the inspector to be in charge of those animals or products by way of notice the choice of—
- (a) where the cause of non compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997⁽¹⁾, maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring them to take whatever action is specified in that legislation;
 - (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or
 - (c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.
- (3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector shall not serve a notice under paragraph (2) unless—
- (a) they have given the consignor, the consignor's representative or the person appearing to the inspector to be in charge of those animals or products a notice requiring them to produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice; and
 - (b) the required consignment documentation has not been produced within that time.
- (4) In the event of any notice served under this regulation not being complied with an inspector may seize any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.

(1) [S.I.1997/1729](#), as amended by [S.I. 2001/3590](#), [S.I 2004/147](#) and [S.I.2006/755](#).