

2007 No. 304

AGRICULTURE

**The Products of Animal Origin (Third Country Imports)
(Scotland) Amendment Regulations 2007**

<i>Made</i>	<i>5th June 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>6th June 2007</i>
<i>Coming into force</i>	<i>7th June 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2007.

(2) These Regulations come into force on 7th June 2007.

Amendment of the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007

2.—(1) The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007(b) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “Community establishment of origin” insert—

““composite product” means a foodstuff intended for human consumption that contains both processed products of animal origin and products of plant origin and includes those products where the processing of primary product is an integral part of the production of the final product, but does not include foodstuffs containing any milk product that is derived from, and treated as provided for, countries not listed in Annex I to Commission Decision 2004/438/EC (laying down animal and public health and veterinary certifications conditions for introduction in the Community of heat-treated milk, milk-based products and raw milk intended for human consumption) (L 92, 12.4.2005, p.47);” and

(a) 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, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2007/1.

(b) for the definition of “product” substitute–

““product” means any product of animal origin listed in Chapters 2, 3, 4, 5, 12, 15, 16, 17, 19, 20, 21, 23, 28, 30, 31, 35, 41, 42, 43, 51 and 97 of the Table in Annex I to Commission Decision 2007/275/EC (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC)(a), but does not mean–

(a) composite products and foodstuffs listed in Annex II to Commission Decision 2007/275/EC; or

(b) composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are–

(i) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;

(ii) clearly identified as intended for human consumption;

(iii) securely packaged or sealed in clean containers; and

(iv) accompanied by a commercial document and labelled in an official language of a Member State, so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient;”.

(3) In regulation 4 (exemption for authorised products and personal imports), for paragraph (8) substitute–

“(8) In this regulation “meat”, “meat products”, “milk” and “milk products” mean products of those types listed in Chapters 2 and 4 of the Table in the Annex to Commission Decision 2007/275/EC.”.

(4) In Schedule 1 (import conditions), Part VIII (miscellaneous products), after paragraph 19 insert–

“Composite products

20. Commission Decision 2007/275/EC (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directive 91/496/EEC and 97/78/EC) (O.J. No. L 166, 4.5.2007, p.9).”.

RICHARD LOCHHEAD

A member of the Scottish Executive

St. Andrew’s House.
Edinburgh.
5th June 2007

(a) O.J. No. L 116, 4.5.2007, p.9.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 (“the principal Regulations”).

They give effect to Commission Decision 2007/275/EC (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496 and 97/78/EC), which repeals Commission Decision 2002/349/EC (laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC) (O.J. No. L 121, 8.5.2002, p.6).

It is now Commission Decision 2007/275/EC that specifies the products of animal origin to which the principal Regulations and 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, 30.1.98, p.9) apply in respect of imports from third countries.

These Regulations extend the ambit of the principal Regulations to cover composite products.

No regulatory impact assessment has been prepared in respect of these Regulations as they have no additional impact on costs to business.

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£3.00

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland