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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 460**

**The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 4) Regulations 2007**

**Export of dairy products**

- 11.**—(1) No person shall export a dairy product produced or prepared in the restricted area.
- (2) The prohibition in paragraph (1) does not apply to a dairy product—
- (a) produced before 15th July 2007;
  - (b) prepared from milk complying with the provisions in regulation 10(2) or (3); or
  - (c) for export to a third country where import conditions permit a product to be subject to treatment, other than as laid down in regulation 10(2), that ensures the inactivation of the foot-and-mouth disease virus.
- (3) The prohibition in paragraph (1) does not apply to a dairy product intended for human consumption produced from—
- (a) milk of a controlled pH less than 7.0 and subject to a heat treatment at a temperature of at least 72°C for at least 15 seconds, on the understanding that such treatment is not necessary for a finished product the ingredients of which comply with the respective animal health conditions laid down in these Regulations;
  - (b) raw milk—
    - (i) of a bovine, ovine or caprine animal which has been resident for at least 30 days on a holding within the restricted area and situated in the centre of a circle of at least 10 km radius in which no outbreak of foot-and-mouth disease has occurred during the 30 days prior to the date of production of the raw milk; and
    - (ii) subjected to a maturation or ripening process of at least 90 days during which the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging.
- (4) The prohibition in paragraph (1) does not apply to a dairy product—
- (a) prepared in an approved establishment in the restricted area if—
    - (i) all milk used in the establishment conforms to the conditions of regulation 10(2) or is obtained from animals outside the restricted area;
    - (ii) all dairy products used in the final product conform to the conditions of paragraph (2) (a) or (b) or (3) or are made from milk obtained from animals situated outside the restricted area;
    - (iii) the establishment is operated under strict veterinary control;
    - (iv) the product is clearly identified; and
    - (v) the product is transported and stored separately from milk and dairy products which are not eligible for export;
  - (b) prepared in a part of the United Kingdom outside the restricted area using milk obtained before 15th July 2007 from the restricted area if the product is—

- (i) clearly identified; and
- (ii) transported stored separately from milk products not eligible for export.

(5) A dairy product exported to another member State must be accompanied by an official certificate which bears the words–

“Dairy products conforming to Commission Decision [2007/554/EC](#) of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(6) Paragraph (5) does not apply to dairy products which–

- (a) comply with paragraphs (2)(a) or (b), (3) or (4);
- (b) have been processed in an establishment operating HACCP and an auditable standard operating procedure that ensures that standards for treatment are met and recorded; and
- (c) are on dispatch accompanied by a commercial document endorsed in accordance with regulation 16 which states that the product complies with the requirements of paragraphs (2)(a) or (b), (3) or (4).

(7) Paragraph (5) does not apply to dairy products treated in accordance with paragraphs (2)(a) or (b), (3) or (4) and stored in hermetically sealed containers in such manner as to ensure that they are shelf stable, if the heat treatment applied is stated in the commercial document accompanying the dispatch of such products.