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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 227**

**ANIMALS**

**ANIMAL HEALTH**

**The Animals and Animal Products (Import and  
Export) (Scotland) Amendment Regulations 2009**

<i>Made</i>	- - - -	<i>3rd June 2009</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>4th June 2009</i>
<i>Coming into force</i>	- -	<i>26th June 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(1)</sup> and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in that section and it appears to the Scottish Ministers that it is expedient for the references to Community Instruments in the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007<sup>(2)</sup> to be construed as references to that legislation as amended from time to time.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2009 and come into force on 26th June 2009.

(2) In these Regulations “the 2007 Regulations” means the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007.

**Amendment to the 2007 Regulations**

2.—(1) The 2007 Regulations are amended as follows.

(2) In regulation 1 (citation, commencement, interpretation and extent), in paragraph (2)—  
(a) omit the definition of “bluetongue susceptible animal”;

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46) (“the 1998 Act”), Schedule 8, paragraph 15(3), and the Legislative and Regulatory Reform Act 2006 (c. 51) (“the 2006 Act”), section 27(1). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act. The functions conferred upon a 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 1998 Act.

(2) S.S.I.2007/194, as amended by S.S.I. 2007/375 and 2008/155.

- (b) omit the definition of “Commission Decision [2006/115/EC](#)”;
- (c) after the definition of “captive birds” insert–
- ““Commission Decision [2003/881/EC](#)” means Commission Decision [2003/881/EC](#) concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus spp.*) from certain third countries and repealing Decision [2000/462/EC](#)(3);
- “Commission Decision [2004/211/EC](#)” means Commission Decision [2004/211/EC](#) establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species and amending Decisions [93/195/EEC](#) and [94/63/EC](#)(4);
- “Commission Decision [2005/64/EC](#)” means Commission Decision [2005/64/EC](#) implementing Council Directive [92/65/EEC](#) as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres(5);”;
- (d) omit the definition of “Commission Regulation (EC) No. 1/2005”;
- (e) after the definition of “Commission Regulation (EC) No. 318/2007” insert–
- ““Commission Regulation (EC) No. [798/2008](#)” means Commission Regulation (EC) No. [798/2008](#) laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements(6);
- “Commission Regulation (EC) No. [1251/2008](#)” means Commission Regulation (EC) No. [1251/2008](#) implementing Council Directive [2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species(7);
- “Council Decision [79/542/EEC](#)” means Council Decision [79/542/EEC](#) drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat(8);”;
- (f) in the definition of “Council Directive [64/432/EEC](#)” omit from “as amended by” to the end of that definition;
- (g) in the definition of “Council Directive [90/425/EEC](#)” omit from “as amended by” to the end of that definition;
- (h) after the definition of “Council Directive [90/425](#)” insert–
- ““Council Directive [90/426/EEC](#)” means Council Directive [90/426/EEC](#) on animal health conditions governing the movement and import from third countries of equidae(9);”;
- (i) in the definition of “Council Directive [90/427/EEC](#)” omit from “), as amended by” to the end of that definition;
- (j) in the definition of “Council Directive [90/539/EEC](#)” omit from “, as amended by” to the end of that definition;
- (k) omit the definition of “Council Directive [91/67/EEC](#)”;

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(3) O.J. No. L 328, 17.12.03, p.26, as last amended by Commission Decision [2005/60/EC](#) (O.J. No. L 25, 28.1.05, p.64).

(4) O.J. No. L 73, 11.3.04, p.1, as last amended by Commission Decision [2008/804/EC](#) (O.J. No. L 277, 18.10.08, p.36).

(5) O.J. No. L 27, 29.1.05, p.48.

(6) O.J. No. L 226, 23.8.08, p.1.

(7) O.J. No. L 337, 16.12.08, p.41.

(8) O.J. No. L 146, 14.6.79, p.15, as last amended by Commission Decision [2009/317/EC](#) (O.J. No. L 94, 8.4.09, p.100).

(9) O.J. No. L 224, 18.8.90, p.42, as last amended by Council Directive [2008/73/EC](#) (O.J. No. L 219, 14.8.08, p.40).

- (l) for the definition of “Council Directive 91/68” substitute–  
““Council Directive 91/68/EEC” means Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(10);”;
- (m) in the definition of “Council Directive 91/496/EEC” omit from “, as amended by” to the end of that definition;
- (n) in the definition of “Council Directive 92/65/EEC” omit from “, as amended by” to the end of that definition;
- (o) after the definition of “Council Directive 92/65/EEC” insert–  
““Council Directive 2006/88/EC” means Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(11);  
“Council Regulation (EC) No. 1/2005” means Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No. 1255/97(12);”;
- (p) omit the definition of “European international instruments”; and
- (q) in the definition of “Regulation (EC) No. 998/2003” omit from “, as amended by” to the end of that definition.
- (3) In regulation 1, after paragraph (6) insert–  
“(7) Any reference to a Community instrument in these Regulations is a reference to that instrument as amended from time to time.”.
- (4) In regulation 4 (application of Part II) for “91/67/EEC” substitute “2006/88/EC”.
- (5) In regulation 23 (illegal consignments), in paragraph (1) for “Commission Regulation (EC) No. 1/2005” substitute “Council Regulation (EC) No. 1/2005”.
- (6) Omit Schedule 1 (amendments to Council Directives 90/425/EEC and 91/496/EEC).
- (7) For Part I (legislation in relation to intra-community trade) of Schedule 3 (intra-community trade: legislation and additional requirements) substitute the Part in Schedule 1 to these Regulations.
- (8) For Schedule 7 (community legislation in relation to imports from third countries) substitute the Schedule in Schedule 2 to these Regulations.
- (9) In paragraph 3(c) of Part I (approvals) of Schedule 8 (quarantine of captive birds), after “owner” in the second place where that word occurs insert “of the”.
- (10) In paragraph 4 of Part I of Schedule 8, for “3(c) and (d)” substitute “3(b) and (c)”.
- (11) In paragraph 4(2) of Part II (charges in relation to approvals of avian quarantine centres and facilities, official supervision, sampling and laboratory testing) of Schedule 8, before “inspector rate” insert “veterinary”.

St Andrew’s House, Edinburgh  
3rd June 2009

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

(10) O.J. No. L 46, 19.2.91, p.19, as last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.08, p.40).

(11) O.J. No. L 328, 24.11.06, p.14, as amended by Commission Directive 2008/53/EC (O.J. No. L 117, 1.5.08, p.27).

(12) O.J. No. L 3, 5.01.05, p.1.

SCHEDULE 1

Regulation 2(7)

Replacement of Part I of Schedule 3 to the Animals and Animal  
Products (Import and Export) (Scotland) Regulations 2007

“PART I

Legislation in relation to intra-Community trade

**Bovine animals and swine**

1. Council Directive [64/432/EEC](#).

**Bovine semen**

2. Council Directive [88/407/EEC](#) laying down the animal health conditions applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species(13).

**Bovine embryos**

3. Council Directive [89/556/EEC](#) on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(14).

**Equidae**

- 4.—(1) Council Directive [90/426/EEC](#).
- (2) Council Directive [90/427/EEC](#).

**Porcine Semen**

5. Council Directive [90/429/EEC](#) laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(15).

**Poultry and hatching eggs**

6. Council Directive [90/539/EEC](#).

**Animal waste**

7. Commission Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption(16).

**Fish**

- 8.—(1) Council Directive [2006/88/EC](#).

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(13) O.J. No. L 194, 22.7.88, p.10, as last amended by Council Directive [2008/73/EC](#) (O.J. No. L 219, 14.8.08, p.40).

(14) O.J. No. L 302, 19.10.89, p.1, as last amended by Council Directive [2008/73/EC](#).

(15) O.J. No. L 224, 18.8.90, p.62, as last amended by Council Directive [2008/73/EC](#).

(16) O.J. No. L 273, 10.10.02, p.1, as last amended by Commission Regulation (EC) No. [777/2008](#) (O.J. No. L 207, 5.8.08, p.9).

(2) Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(17).

#### **Ovine and caprine animals**

9. Council Directive [91/68/EEC](#).

#### **Other animals, semen, ova and embryos**

10. Council Directive [92/65/EEC](#).

#### **Circuses and animal acts**

11. Commission Regulation ([EC](#)) No. [1739/2005](#).

#### **Pathogens**

12. Council Directive [92/118/EEC](#) laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#)(18).

#### **Pure-bred animals of the bovine species**

13. Council Directive [77/504/EEC](#) on pure bred breeding animals of the bovine species(19).

#### **Breeding animals of the porcine species**

14. Council Directive [88/661/EEC](#) on the zootechnical standards applicable to breeding animals of the porcine species(20).

#### **Pure-bred breeding sheep and goats**

15. Council Directive [89/361/EEC](#) concerning pure bred breeding sheep and goats(21).

#### **Bluetongue susceptible animals**

16. Commission Regulation ([EC](#)) No. [1266/2007](#) on implementing rules for Council Directive [2000/75/EC](#) as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue(22).”.

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(17) O.J. No. L 157, 30.4.04, p.33.

(18) O.J. No. L 62, 15.3.93, p.49, as last amended by Directive [2004/41/EC](#) of the European Parliament and of the Council (O.J. No. L 195, 2.6.04, p.12).

(19) O.J. No. L 206, 12.8.77, p.8, as last amended by Council Directive [2008/73/EC](#).

(20) O.J. No. L 382, 31.12.88, p.36, as last amended by Council Directive [2008/73/EC](#).

(21) O.J. No. L 153, 6.6.89, p.30, as last amended by Council Directive [2008/73/EC](#).

(22) O.J. No. L 283, 27.10.07, p.37, as last amended by Commission Regulation ([EC](#)) No. [1108/2008](#) (O.J. No. L 299, 8.11.08, p.17).

SCHEDULE 2

Regulation 2(8)

Replacement of Schedule 7 to the Animals and Animal  
Products (Import and Export) (Scotland) Regulations 2007

“SCHEDULE 7

Regulations 1(2), 17(2) and (3), 19(2) and  
37(b)

**COMMUNITY LEGISLATION IN RELATION  
TO IMPORTS FROM THIRD COUNTRIES**

**PART I**

Instruments specifying third countries and territories in third  
countries from which Member States may authorise certain imports

**Cloven-hoofed animals, elephants and zoo ungulates**

1. Council Decision [79/542/EEC](#).

**Poultry**

2. Commission Regulation [\(EC\) No 798/2008](#).

**Captive birds**

3. Commission Regulation [\(EC\) No 318/2007](#).

**Finfish and shellfish**

4. Commission Regulation [\(EC\) No. 1251/2008](#).

**Bees**

5. Commission Decision [2003/881/EC](#).

**Equidae**

6. Commission Decision [2004/211/EC](#).

**Cats, Dogs & Ferrets**

7. Commission Decision [2005/64/EC](#).

**PART II**

Detailed provisions

**Cloven-hoofed animals and elephants**

1. Council Decision [79/542/EEC](#).

### **Zoo ungulates**

2. Council Directive [2004/68/EC](#) laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives [90/426/EEC](#) and [92/65/EEC](#) and repealing Directive [74/462/EEC](#)(23).

### **General: Equidae**

3.—(1) Council Directive [90/426/EEC](#).

(2) Commission Decision [2004/211/EC](#).

### **Temporary admission of registered horses**

4. Commission Decision [92/260/EEC](#) on animal health conditions and veterinary certification for temporary admission of registered horses(24).

### **Registered horses for racing, etc, upon re-entry**

5. Commission Decision [93/195/EEC](#) on animal health conditions and veterinary certification for the re entry of registered horses for racing, competition and cultural events after temporary export(25).

### **Equidae for slaughter**

6. Commission Decision [93/196/EEC](#) on animal health conditions and veterinary certification for imports of equidae for slaughter(26).

### **Registered equidae and equidae for breeding and production**

7. Commission Decision [93/197/EEC](#) on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production(27).

### **Poultry**

8.—(1) Council Directive [90/539/EEC](#).

(2) Commission Regulation (EC) No. [798/2008](#).

### **Other specified animals, semen, ova and embryos**

9. Council Directive [92/65/EEC](#).

### **Captive birds**

10. Commission Regulation (EC) No. [318/2007](#).

### **Cats, Dogs & Ferrets**

11. Commission Decision [2005/64/EC](#).

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(23) O.J. No. L 139, 30.4.04, p.321.

(24) O.J. No. L 130, 15.5.92, p.67, as last amended by Commission Regulation (EC) No. [1792/2006](#) (O.J. No. L 362, 20.12.06, p.1).

(25) O.J. No. L 86, 6.4.93, p.1, as last amended by Commission Regulation (EC) No. [1792/2006](#).

(26) O.J. No. L 86, 6.4.93, p.7, as last amended by Commission Regulation (EC) No. [1792/2006](#).

(27) O.J. No. L 86, 6.4.93, p.16, as last amended by Commission Regulation (EC) No. [1792/2006](#).

### **Live animals from New Zealand**

12. Commission Decision [2003/56/EC](#) on health certificates for the importation of live animals and animal products from New Zealand(28).

### **Zootechnical conditions**

13. Council Directive [94/28/EC](#) laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive [77/504/EEC](#) on pure bred breeding animals of the bovine species(29).

### **Finfish and shellfish from third countries**

14. Commission Regulation (EC) No. 1251/2008.

### **Bees**

15. Commission Decision [2003/881/EC](#).”.

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## **EXPLANATORY NOTE**

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

These Regulations amend the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 (“the principal Regulations”).

Schedule 1 (amendments to Council Directives [90/425/EEC](#) and [91/496/EEC](#)) is omitted (regulation 2(6)). That Schedule is no longer needed as these Regulations insert a provision into the principal Regulations which provides that references to Community instruments are to be read as references to the text of those instruments as amended from time to time (“ambulatory references”) (regulation 2(3)). “As amended” versions of the Community instruments can be found on the Eur-Lex website (<http://eur-lex.europa.eu/en/index.htm>).

Part I of Schedule 3 (Legislation in relation to intra-Community trade) and Schedule 7 (Community legislation in relation to imports from third countries) are replaced (regulations 2(7) and (8)).

New Part I of Schedule 3 and Schedule 7 of the principal Regulations provide updated references to the Community instruments that set out the requirements to be enforced when the animals and animal products in question are imported or exported. The references in the principal Regulations to those instruments are to be read as ambulatory references.

Further minor amendments to the principal Regulations are made.

No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

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(28) O.J. No. L 22, 25.1.03, p.38, as last amended by Commission Decision [2006/855/EC](#) (O.J. No. L 338, 5.12.06, p.45).

(29) O.J. No. L 178, 12.7.94, p.66, as amended by Council Directive [2008/73/EC](#) (O.J. No. L 219, 14.8.08, p.40).

