

## **EXECUTIVE NOTE**

### **THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORT) (SCOTLAND) AMENDMENT REGULATIONS 2010**

**2010 No. 225**

#### **1. Introduction**

- 1.1 This instrument is made under Section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. It is subject to negative resolution procedure.

#### **2. Purpose of the instrument**

- 2.1 This instrument amends the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 (“the Principal Regulations”) to give effect to EU law concerning the import of products of animal origin from third countries. New Schedule 1 (import conditions) to the Principal Regulations is a rolling consolidation of that Schedule, listing both the EU instruments when the Principal Regulations were made and relevant EU instruments adopted since then

#### **4. Legislative Context**

- 4.1 The Regulations implement Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the EU from third countries.
- 4.2 The Regulations require that products of animal origin to which the directive applies (listed in commission Decision 2007/275/EC) for import from third countries must be presented to an approved Border Inspection Post for veterinary examination to ensure that the product complies with the relevant import requirements. The Regulations require importers to comply with the import requirements listed in Schedule 1.
- 4.3 Although there are currently no approved Border Inspection Posts in Scotland it is essential that we have enforcement legislation in place not only to comply with our Community obligations, but so that products cannot enter Scotland illegally.

#### **5. European Convention on Human Rights**

- 5.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

#### **6. Policy background**

- 6.1 The objective of Directive 97/78/EC and the related legislation implemented through this instrument is to protect the health of animals within the European Union.

## **7. Consultation**

- 7.1. There has been no consultation as the changes in the import conditions are as a result of the need to implement EU rules and keep up to date the legislative base for enforcement.

## **8. Impact**

- 8.1. The Cabinet Secretary for Rural Affairs and the Environment agreed that a Business Regulatory Impact Assessment need not be prepared for these Regulations as no impact on businesses, charities or voluntary bodies is foreseen. There are no cost implications for the public sector from the making of these Regulations, nor will there be any costs accruing to industry.

## **9. Monitoring and Review**

- 9.1. These Regulations implement changes to EU legislation. As they are now ambulatory the Schedules will only need to be amended if a quoted piece of EU legislation is repealed and replaced. New EU legislation will be monitored and the Schedules updated as and when necessary.

## **10. Contact**

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