

**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>(a)</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>(b)</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”;
- (b) omit the definition of “Commission Decision 2006/115/EC”;

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<sup>(a)</sup> 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.

<sup>(b)</sup> S.S.I. 2007/194, as amended by S.S.I. 2007/375 and 2008/155.

- (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(a);
- “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(b);
- “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(c);”;
- (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(d);
- “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(e);
- “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(f);”;
- (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(g);”;
- (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”;
- (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(h);”;

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(a) 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).  
 (b) 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).  
 (c) O.J. No. L 27, 29.1.05, p.48.  
 (d) O.J. No. L 226, 23.8.08, p.1.  
 (e) O.J. No. L 337, 16.12.08, p.41.  
 (f) 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).  
 (g) 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).  
 (h) 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).

- (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<sup>(a)</sup>;
    - “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<sup>(b)</sup>”;
  - (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”.

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
3rd June 2009

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(a) 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).  
(b) 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(a).

###### **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(b).

###### **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(c).

###### **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(d).

###### **Fish**

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

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(a) 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).

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

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

(d) 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).

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(a).

#### **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(b).

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

13. Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species(c).

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

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

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

15. Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats(e).

#### **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(f).”.

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

(b) 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).

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

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

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

(f) 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(a).

## **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(b).

## **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(c).

## **Equidae for slaughter**

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

## **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(e).

## **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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(a) O.J. No. L 139, 30.4.04, p.321.

(b) 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).

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

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

(e) 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(a).

### **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(b).

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

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

### **Bees**

15. Commission Decision 2003/881/EC.”.

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(a) 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).  
(b) 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).



## 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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