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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 391**

**The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018**

**PART 8**

Amendments to legislation concerning animal health

**The Diseases of Poultry (Scotland) Order 2003**

- 23.**—(1) The Diseases of Poultry (Scotland) Order 2003(1) is amended as follows.
- (2) In article 3(1) (interpretation)—
- (a) after the definition of “Chief Veterinary Officer” insert—
- ““Council [Directive 2005/94/EC](#)” means Council [Directive 2005/94/EC](#) on Community measures for the control of avian influenza and repealing [Directive 92/40/EEC](#)(2), as last amended by Commission Implementing Decision (EU) 2018/662(3),”,
- (b) omit the definition “Council [Directive 92/40/EEC](#)”,
- (c) in the definition of “Council [Directive 92/66/EEC](#)” after “Newcastle disease” insert “, as last amended by Directive (EU) 2018/597 of the European Parliament and of the Council(4)”, and
- (d) in the definition of “disinfect”, for “the Diseases of Animals (Approved Disinfectants) Order 1978(5)” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008(6)”.
- (3) In article 6(3) (veterinary inquiry as to the existence of a designated disease), for “Annex III of Council [Directive 92/40/EEC](#)” substitute “Article 50 of Council [Directive 2005/94/EC](#)”.
- (4) In schedule 1 (premises where a designated disease is suspected or confirmed)—
- (a) in paragraph 6 (restriction on removal of eggs), for “article 4.2(e) of and Annex I to Council [Directive 92/40/EEC](#)” substitute “Article 7(2)(f) of, and Annex III to, Council [Directive 2005/94/EC](#)”, and
- (b) in paragraph 11 (disinfection and restocking), for “Annex II of Council [Directive 92/40/EEC](#)” substitute “Annex VI to Council [Directive 2005/94/EC](#)”.

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(1) [S.S.I. 2003/354](#), to which there are amendments not relevant to these Regulations.  
(2) OJ L 10, 14.1.2006, p.16.  
(3) OJ L 110, 30.4.2018, p.134.  
(4) OJ L 103, 23.4.2018, p.4.  
(5) [S.I. 1978/32](#), revoked in relation to Scotland by [S.S.I. 2008/219](#).  
(6) [S.S.I. 2008/219](#), to which there are amendments not relevant to these Regulations.

### **The Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005**

**24.**—(1) The Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005(7) are amended as follows.

- (2) In regulation 2 (interpretation), for the definition of “the Commission Decision”, substitute—  
 ““the Commission Decision” means “Commission [Decision 2007/598/EC](#) concerning measures to prevent the spread of highly pathogenic avian influenza to other captive birds kept in zoos and approved bodies, institutes or centres in Member States(8),”.
- (3) Omit regulation 4(6) (risk assessment and imposition of restrictions).

### **The Foot-and-Mouth Disease (Scotland) Order 2006**

**25.**—(1) The Foot-and-Mouth Disease (Scotland) Order 2006(9) is amended as follows.

(2) In article 2(1) (interpretation)(10), in the definition of “Regulation (EU) No 142/2011”, omit “as last amended by [Commission Regulation \(EU\) No 717/2013](#); and references to that Regulation of 2011 are references to that Regulation”.

(3) In article 43(1)(b)(ii) (further provision relating to certain premises), for “regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000” substitute “paragraph 4 of Part 1 of schedule 2 of the Trade in Animals and Related Products (Scotland) Regulations 2012(11)”.

(4) In paragraph 4(a) of schedule 1 (cleansing and disinfection of premises), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.

(5) In schedule 4 (measures applicable in protection zones and surveillance zones)—

- (a) in paragraph 25(2)(a)(i) (collection, transport and processing of milk and milk products produced in a protection zone), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009(12)”, and
- (b) in paragraph 32(2)(a)(i) (collection, transport and processing of raw milk produced in a surveillance zone), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

(6) In paragraph 2 (hides and skins) of schedule 5 (treatment of products to ensure the destruction of disease virus)(13), after “point 28(c) and (d)” insert “of Annex I”.

(7) In paragraph 1 of schedule 8 (movement of horses), from “Annex C” to the end substitute—  
 “Annex III of Council [Directive 2009/156/EC](#) on animal health conditions governing the movement and importation from third countries of equidae(14) and an identification document as provided for in Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives [90/427/EEC](#) and [2009/156/EC](#) as regards the methods for the identification of equidae (Equine Passport Regulation)(15).”.

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(7) [S.S.I. 2005/531](#), to which there are amendments not relevant to these Regulations.

(8) OJ L 230, 1.9.2007, p.20.

(9) [S.S.I. 2006/44](#).

(10) Article 2(1) was relevantly amended by [S.S.I. 2011/171](#) and [2013/307](#).

(11) [S.S.I. 2012/177](#), to which there are amendments not relevant to these Regulations.

(12) [S.S.I. 2009/45](#), to which there are amendments not relevant to these Regulations.

(13) Paragraph 2 of schedule 5 was amended by [S.S.I. 2011/171](#) and [S.S.I. 2013/307](#).

(14) OJ L 192, 23.7.2010, p.1, to which there are amendments not relevant to these Regulations.

(15) OJ L 59, 3.3.2015, p.1.

## The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006

26.—(1) The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006<sup>(16)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)<sup>(17)</sup>—

(a) in the definition of “Regulation (EC) No 1069/2009”, at the end insert “, as last amended by Council Regulation (EU) No 1385/2013<sup>(18)</sup>”, and

(b) in the definition of “Regulation (EU) No 142/2011”, omit “as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation”.

(3) In regulation 7 (disinfection)—

(a) in paragraph (a), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008 (“the 2008 Order”)", and

(b) in paragraph (b), for “the 1978 Order” substitute “the 2008 Order”.

(4) In regulation 10(1)(b)(ii) (exemption from slaughter for certain susceptible animals), at the end insert “, as last amended by Commission Implementing Decision (EU) 2017/2174<sup>(19)</sup>”.

(5) In regulation 11(2) (prohibition on vaccination except under licence)—

(a) in sub-paragraph (a) for “the Specified Animal Pathogens Order 1998”, substitute “the Specified Animal Pathogens (Scotland) Order 2009”, and

(b) in sub-paragraph (b) for “section 32 of the Medicines Act 1968”, substitute “paragraph 9 of schedule 4 of the Veterinary Medicines Regulations 2013<sup>(20)</sup>”.

(6) In regulation 12(1)(b)(ii)(bb) (factors informing a decision to permit suppressive vaccination or protective vaccination), for “regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000” substitute “paragraph 4 of Part 1 of schedule 2 to the Trade in Animals and Related Products (Scotland) Regulations 2012”.

(7) In regulation 23(1) (marking of cattle passports)—

(a) omit “or” after sub-paragraph (b),

(b) after sub-paragraph (c) insert—

“, or

(d) a cattle passport issued under Council Regulation (EC) No 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(21)</sup> or Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97<sup>(22)</sup>, as last amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council<sup>(23)</sup>.”.

(8) In paragraph 13(2)(a)(i) (collection, transport and processing of milk produced in a vaccination zone) of the schedule (measures applicable in respect of a vaccination zone), for “the

<sup>(16)</sup> S.S.I. 2006/45.

<sup>(17)</sup> Regulation 2(1) was relevantly amended by S.S.I. 2011/171 and S.S.I. 2013/307.

<sup>(18)</sup> OJ L 354, 28.12.2013, p.86.

<sup>(19)</sup> OJ L 306, 22.11.2017, p.28.

<sup>(20)</sup> S.I. 2013/2033, to which there are amendments not relevant to these Regulations.

<sup>(21)</sup> OJ L 117, 7.5.1997, p.1

<sup>(22)</sup> OJ L 204, 11.8.2000, p.1.

<sup>(23)</sup> OJ L 189, 27.6.2014, p.33.

Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

### **The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006**

**27.**—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006(**24**) is amended as follows.

(2) In article 2 (interpretation)—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2018/662”,
- (b) in the definition of “dispose”, for “the Animal By-Products (Scotland) Regulations 2003” substitute “the Animal By-Products (Enforcement) (Scotland) Regulations 2013(**25**)”, and
- (c) in the definition of “regulated place”, for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

(3) In article 3(5) (scope of the Act and of the Order), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

(4) In article 65(4)(a) (cleansing, disinfection and treatment), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.

(5) In article 70(3) (designation of premises to which things may be moved)(**26**)—

- (a) in sub-paragraph (a), for “section 8 of the Medicines Act 1968” substitute “regulation 17 of the Human Medicines Regulations 2012(**27**)”,
- (b) in sub-paragraph (b), for “the Veterinary Medicines Regulations 2005” substitute “the Veterinary Medicines Regulations 2013”, and
- (c) in sub-paragraph (d), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”.

### **The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006**

**28.**—(1) The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006(**28**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2018/662”,
- (b) after the definition of “preventive vaccination” insert—

““Regulation (EC) No 852/2004” means Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**29**), as last amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council(**30**),

“Regulation (EC) No 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for

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(24) S.S.I. 2006/336.

(25) S.S.I. 2013/307, to which there are amendments not relevant to these Regulations.

(26) Article 70(3) was amended by S.I. 2012/2039.

(27) S.I. 2012/1916; relevant amending instrument is S.I. 2013/1855.

(28) S.S.I. 2006/337, to which there are amendments not relevant to these Regulations.

(29) OJ L 139, 30.4.2004, p.1.

(30) OJ L 87, 31.3.2009, p.109, to which there are amendments not relevant to these Regulations.

food of animal origin<sup>(31)</sup>, as last amended by Commission Regulation (EU) 2017/1981<sup>(32)</sup>,” and

(c) in the definition of “slaughterhouse”, in paragraph (a), after “rules” insert “, as last amended by Commission Regulation (EU) 2018/455<sup>(33)</sup>”.

(3) In regulation 11(2) (prohibition on vaccination)—

(a) in sub-paragraph (a), for “the Specified Animal Pathogens Order 1998” substitute “the Specified Animal Pathogens (Scotland) Order 2009”, and

(b) in sub-paragraph (b), for “the Veterinary Medicines Regulations 2005” substitute “the Veterinary Medicines Regulations 2013”.

### **The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007**

**29.**—(1) The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007<sup>(34)</sup> is amended as follows.

(2) In article 2 (interpretation)<sup>(35)</sup>—

(a) in the definition of “Regulation (EC) No. 853/2004”, at the end insert “, as last amended by Commission Regulation (EU) 2017/1981”,

(b) in the definition of “Regulation (EC) 1069/2009”, at the end insert “, as last amended by Council Regulation (EU) No 1385/2013”, and

(c) in the definition of “Regulation (EU) No 142/2011”, omit the words “as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation”.

(3) In article 18(1)(a) (cleansing and disinfection), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.

(4) In paragraph 9(2)(a) (restriction on the movement of controlled meat out of a wild bird control area) of schedule 1 (measures applicable in respect of a wild bird control), at the end insert “, as last amended by Commission Implementing Regulation (EU) 2018/981<sup>(36)</sup>”.

### **The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007**

**30.**—(1) The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007<sup>(37)</sup> is amended as follows.

(2) In article 2 (interpretation)<sup>(38)</sup>—

(a) in the definition of “the Commission Decision”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2017/2410<sup>(39)</sup>”,

(b) in the definition of “Regulation (EC) No 1069/2009”, at the end insert “, as last amended by Council Regulation (EU) No 1385/2013”, and

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<sup>(31)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(32)</sup> OJ L 285, 1.11.2017, p.10.

<sup>(33)</sup> OJ L 77, 20.3.2018, p.4.

<sup>(34)</sup> S.S.I. 2007/61.

<sup>(35)</sup> Article 2(1) was amended by S.S.I. 2011/171 and S.S.I. 2013/307.

<sup>(36)</sup> OJ L 176, 12.7.2018, p.11.

<sup>(37)</sup> S.S.I. 2007/62.

<sup>(38)</sup> Article 2 was amended by S.S.I. 2011/171 and S.S.I. 2013/307.

<sup>(39)</sup> OJ L 342, 21.12.2017, p.13.

- (c) in the definition of “Regulation (EU) No 142/2011”, omit “as last amended by Commission Regulation (EU) 717/2013; and references to that Regulation of 2011 are references to that Regulation”.
- (3) In article 11(2)(b) (restrictions on the movement of wild game bird products)—
- (a) in sub-paragraph (i), after “animal origin” insert “as last amended by Commission Regulation (EU) 2017/1981”, and
- (b) in sub-paragraph (ii), after “consumption” insert “, as last amended by Commission Implementing Regulation (EU) 2018/981”.
- (4) In article 12 (requirements for the marking of wild game bird meat and meat products)—
- (a) in paragraph (1)—
- (i) omit “or” after sub-paragraph (a), and
- (ii) omit sub-paragraph (b), and
- (b) omit paragraph (2).
- (5) In article 17(1)(a) (cleansing and disinfection), for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008”.

#### **The Cattle Identification (Scotland) Regulations 2007**

**31.** In regulation 2(1) (interpretation) of the Cattle Identification (Scotland) Regulations 2007(**40**), in the definition “[Commission Regulation \(EC\) No. 911/2004](#)”, at the end insert “, as last amended by Commission Implementing Regulation (EU) 2017/949(**41**)”.

#### **The Zoonoses (Monitoring) (Scotland) Regulations 2007**

- 32.**—(1) The Zoonoses (Monitoring) (Scotland) Regulations 2007(**42**) are amended as follows.
- (2) In regulation 2(1) (interpretation), in the definition of “the Directive”, at the end insert “, as last amended by Council [Directive 2013/20/EU](#)(**43**)”.
- (3) In regulation 6(2) (examination of isolates), for “the Poultry Breeding Flocks and Hatcheries (Scotland) Order 2007” substitute “the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009(**44**)”.

#### **The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009**

- 33.**—(1) The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009(**45**) is amended as follows.
- (2) In article 2(1) (interpretation), in the definition of “the Council Regulation”, at the end insert “, as last relevantly amended by Council Regulation (EU) No 517/2013(**46**)”.
- (3) In article 9(4) (animals sent for export), at the end insert “, as last relevantly amended by Commission Implementing Decision (EU) 2016/2002(**47**)”.

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(40) [S.S.I. 2007/174](#), to which there are amendments not relevant to these Regulations.

(41) OJ L 143, 3.6.2017, p.1.

(42) [S.S.I. 2007/420](#).

(43) OJ L 158, 10.6.2013, p.234.

(44) [S.S.I. 2009/229](#), to which there are amendments not relevant to these Regulations.

(45) [S.S.I. 2009/414](#).

(46) OJ L 158, 10.6.2013, p.1.

(47) OJ L 308, 16.11.2016, p.29.

### **The Control of Salmonella in Turkey Flocks (Scotland) Order 2009**

**34.**—(1) The Control of Salmonella in Turkey Flocks (Scotland) Order 2009(**48**) is amended as follows.

(2) In article 2 (interpretation), for the definition of “Regulation 584/2008” substitute—

““Regulation (EU) No 1190/2012” means [Commission Regulation \(EU\) No 1190/2012](#) concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys, as provided for in Regulation ([EC](#)) No 2160/2003 of the European Parliament and of the Council(**49**)”.

(3) In article 3(a) (competent authority), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

(4) In article 5(a) (sampling), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

(5) In article 7(1) (submission of samples to an approved laboratory), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

(6) In article 9 (duties of the person in charge of a laboratory), for “Regulation 584/2008” substitute “Regulation (EU) No 1190/2012”.

### **The Trade in Animals and Related Products (Scotland) Regulations 2012**

**35.**—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012(**50**) is amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Commission [Decision 92/260/EEC](#)”,

(b) after the definition of “Council [Directive 97/78/EC](#)” insert—

““Commission Implementing Regulation (EU) 2018/659” means Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae(**51**), as last amended by Commission Implementing Regulation (EU) 2018/1301(**52**)”.

(c) in the definition of “Commission [Decision 2007/275/EC](#)”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2016/1196(**53**)”,

(d) in the definition of “Council [Directive 64/432/EEC](#)”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2015/819(**54**)”,

(e) in the definition of “Council [Directive 91/68/EEC](#)”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2016/2002”,

(f) in the definition of “Council [Directive 92/65/EEC](#)”, at the end insert “, as last amended by Commission Implementing Decision (EU) 2017/2174”,

(g) in the definition of “Regulation ([EC](#)) No 1069/2009”, at the end insert “, as last amended by Council regulation (EU) No 1385/2013”, and

(h) omit the definition of “Regulation ([EC](#)) No 450/2008”.

(48) [S.S.I. 2009/417](#), to which there are amendments not relevant to these Regulations.

(49) [OJ L 340](#), 13.12.2012, p.29, corrected by Corrigendum to [Commission Regulation \(EU\) No 1190/2012](#) ([OJ L 68](#), 13.3.2015, p.91).

(50) [S.S.I. 2012/177](#), to which there are amendments not relevant to these Regulations.

(51) [OJ L 110](#), 30.4.2018, p.1.

(52) [OJ L 244](#), 28.9.2018, p.10.

(53) [OJ L 197](#), 22.7.2016, p.10.

(54) [OJ L 129](#), 27.5.2015, p.28.

(3) In regulation 5(4) (movement of animals and genetic material between member states), from “Council Directive” to the end substitute—

“Commission Delegated Regulation (EU) 2017/1940 supplementing Regulation (EU) 2016/1012 of the European Parliament and of the Council as regards the content and format of zootechnical certificates issued for purebred breeding animals of the equine species contained in a single lifetime identification document for equidae(55).”.

(4) In regulation 21(5) (action following non-compliance – animals), for “Commission Decision 92/260/EEC” substitute “Commission Implementing Regulation (EU) 2018/659”.

(5) For regulation 24 (admission of products into warehouses) substitute—

**“Admission of products into warehouses**

**24.** No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in a free zone or a customs warehouse (which have the same meaning as in Title VII, Chapter 3, Section 2 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(56)).”.

(6) In regulation 27(3) (enforcement), from “Articles” to the end substitute—

“Articles 134 and 135 of Regulation (EU) 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.”.

(7) In regulation 30(2)(a) (consignments from another member state constituting a risk to health), for “the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997” substitute “the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015(57)”.

(8) In schedule 2 (additional requirements in specific cases)—

(a) in paragraph 3 (poultry health scheme), after “eggs” insert “, as last relevantly amended by Commission Implementing Decision 2011/879/EU(58)”,

(b) in paragraph 8(1) (imported birds), from “Commission” to the end substitute “Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof(59).”, and

(c) in paragraph 9 (horses), for “Commission Decision 92/260/EEC” substitute “Commission Implementing Regulation (EU) 2018/659”.

(9) In schedule 3 (cases to which Part 3 does not apply), in paragraph 1 (case 1: personal imports and small consignments), at the end insert “, as last amended by Commission Regulation (EU) No 519/2013(60)”.

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(55) OJ L 275, 25.10.2017, p.1.

(56) OJ L 269, 10.10.2013, p.1, to which there are amendments not relevant to these Regulations.

(57) S.I. 2015/787.

(58) OJ L 343, 23.12.2011, p.105.

(59) OJ L 47, 20.2.2013, p.1.

(60) OJ L 158, 10.6.2013, p.74, to which there are amendments not relevant to these Regulations.