

Scottish Statutory Instrument 2000 No. 216

The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000

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SCOTTISH STATUTORY INSTRUMENTS

2000 No. 216

ANIMALS

The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000

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| <i>Made</i> | <i>23rd June 2000</i> |
| <i>Laid before the Scottish Parliament</i> | <i>27th June 2000</i> |
| <i>Coming into force</i> | <i>28th July 2000</i> |

The Scottish Ministers, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972[1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1. - (1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000 and shall come into force on 28th July 2000.

(2) In these Regulations, unless the context otherwise requires, any expressions used have the meaning they bear in Council Directive 90/425/EEC (concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the single market)[2] and Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries)[3], both of which have been amended by the legislation listed in Schedule 1, and, for cattle and pigs, Council Directive 64/432 EEC (on health problems affecting intra-community trade in bovine animals and swine)[4];

"assembly centre" means holdings, collection centres and markets, at which bovine animals, swine, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade and approved by the Scottish Ministers in accordance with regulation 12;

"border inspection post" means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

"dealer" means any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within 30 days of purchasing animals resells or relocates them from the first premises to other premises not within his ownership;

"European international instruments" means the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland[5], the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation[6] and the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded[7];

"herd" means an animal or group of animals kept as an epidemiological unit;

"import" means import into Scotland;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Scottish Ministers or a local authority, and when used in relation to a person so appointed by the Scottish Ministers includes a veterinary inspector;

"local authority" means each council constituted under section 2 of the Local Government (Scotland) Act 1994[8];

"place of destination" means the address or addresses to which the consignment is consigned by the consignor;

"required consignment documentation" means any certificates or other documents which are required by these Regulations to accompany the consignment;

"veterinary inspector" means a person appointed as a veterinary inspector by the Scottish Ministers.

(3) Any reference in these Regulations to a Schedule, unless the context otherwise requires, is a reference to a Schedule to these Regulations.

(4) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended at the time these Regulations are made.

(5) A notice or approval under these Regulations shall be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

(6) These Regulations extend to Scotland only.

Exception

2. These Regulations shall not apply to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

Enforcement

3. - (1) Except where otherwise expressly provided, these Regulations shall be executed and enforced by the local authority.

(2) The Scottish Ministers may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) above shall be discharged by the Scottish Ministers and not by the local authority.

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part of these Regulations shall apply to trade between member States in live animals and all animal products which are the subject of the Directives and other measures referred to in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC (concerning the animal health conditions governing the placing on the market of aquaculture animals and products) [2].

Exports

5. - (1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the Directives or other measures referred to in Part I of Schedule 3 unless-

(a) it complies with the relevant provisions of those Directives or measures (including any option permitted by those Directives or measures which has been exercised by the member State of destination);

(b) when required by a Directive or other measure, it is accompanied by an export health certificate signed by a veterinary inspector (or, where specified in a Directive or other measure, signed by a veterinary surgeon nominated by the exporter) or any other document required by a Directive or other measure;

(c) when required by a Directive or other measure, any notification of a disease on the holding from which the animal has been consigned has been made within

the time and in the manner (if any) specified in the Directive or other measure; and

(d) if the animal is acquired through an assembly centre, that centre has been approved by the Scottish Ministers for the purposes of intra-Community trade, and it complies with the provisions of Article 11 of Council Directive 64/432/EEC, and Part I of Schedule 3.

(2) If an inspector has reasonable cause to suspect that a person in charge of animals or animal products intends to export them in contravention of this regulation he may by notice served on the consignor, his representative or person in charge of the animals or animal products prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) above not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) No person shall export to another member State any animal to which the provisions of Articles 7, 9 and 10 of Council Directive 92/65/EEC (laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive 90/425/EEC) [10] apply unless the animal originates from a holding which has been registered with the Scottish Ministers and the owner or person in charge of that holding has given to the Scottish Ministers undertakings in accordance with Article 4 of Council Directive 92/65/EEC.

Imports

6. - (1) No person shall import from another member State any animal or animal product subject to a Directive or other measure listed in Part I of Schedule 3 and in free circulation in another member State unless it complies with the relevant provisions of that Directive or measure and any additional requirements specified in Part I of Schedule 3.

(2) If an animal is imported for slaughter, the importer shall ensure that it is slaughtered without undue delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, his representative or person in charge of the animals require the animals to be slaughtered as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize or cause to be seized any animal to which it relates and arrange for the requirements of the notice to be complied with.

Transport of animals and animal products

7. - (1) No person shall transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3.1.d of Council Directive 90/425/EEC.

(2) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person

appearing to him to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle or pigs, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to a withdrawal of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997[11] in accordance with Schedule 9 of that Order.

Dealers

8. - (1) For the purposes of paragraph (2) below the Scottish Ministers shall keep a register of dealers engaging in intra-Community trade who have applied for registration in accordance with that paragraph.

(2) If required to do so by a notice served on him by the Scottish Ministers, a dealer engaging in intra-Community trade in animals and animal products shall register as such with the Scottish Ministers and shall give to him such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) Any person who has registered under paragraph (2) above shall keep a record of all deliveries of animals and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals, and shall keep such records for 12 months from the arrival of the consignment.

(4) In the case of dealers in cattle and pigs the provisions of Part III of Schedule 3 shall have effect instead of paragraphs (1) to (3) above.

Approval of centres and teams

9. - (1) For the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, the Scottish Ministers shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Scottish Ministers shall suspend, withdraw or restore the approval referred to in paragraph (1) above in accordance with point 3 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive 92/65/EEC, the Scottish Ministers shall approve any semen collection centre or embryo collection team which has applied to the Scottish Ministers for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 and Annex D to that Directive.

Inspection and checking at destination

10. - (1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into Scotland from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the Directives or other measures listed in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he has information leading him to suspect an infringement of the Directives or other measures listed in Part I of Schedule 3 and any

additional requirements specified in Part I of Schedule 3.

Duties on consignees

11. - (1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae)[12] unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector in regulation 11(1) shall be the inspector authorised by the Scottish Ministers to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

Assembly centres and slaughterhouses

12. - (1) Any person operating an assembly centre for the purposes of intra-Community trade in cattle, pigs, sheep or goats shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Scottish Ministers and given a number, and approval shall only be given if the Scottish Ministers are satisfied that the centre complies with the requirements of paragraphs (a) to (d) of Article 11.1 of Council Directive 64/432/EEC.

(3) In the case of cattle or pigs, the operator shall admit only animals that are identified and come from herds that are eligible for intra-Community trade.

(4) Where animals are consigned to an approved assembly centre, the operator of the assembly centre shall-

(a) ensure that no animal is admitted unless it complies with Article 3.1 of Council Directive 90/425/EEC; and

(b) record on a register-

(i) in the case of cattle and pigs, the name of the owner, the registration number of the transporter and the licence number of the lorry delivering or collecting animals from the centre;

(ii) in the case of cattle, the origin, date of entry and exit, number and identification number and the proposed destination as well as the information in paragraph 4(b)(i) above; and

(iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination as well as the information in paragraph 4(b)(i) above,

and shall preserve the register for a minimum of three years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 8 of the Fresh

Meat (Hygiene and Inspection) Regulations 1995[13] or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995[14], the official veterinary surgeon shall ensure that no animal is slaughtered unless it complies with Article 3.1 of Council Directive 90/425/EEC.

(6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, he shall forthwith notify a veterinary inspector authorised by the Scottish Ministers to receive such notification, who shall examine the animals and shall either-

(a) certify that they are fit to be slaughtered and used for their intended purpose; or

(b) by notice in writing served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re-exported, in each case at the expense of the importer.

(7) Where paragraphs (4) and (5) above do not apply, any person who markets any animal consigned to him from another member State, or divides up batches of such animals for distribution or marketing-

(a) shall check, before the batch is divided up or marketed, that all the animals comply with the relevant provisions of the Directives or other measures listed in Part I of Schedule 3, with respect to identification marks and required consignment documentation;

(b) shall immediately notify any irregularity or anomaly to a veterinary inspector authorised by the Scottish Ministers to receive such notification; and

(c) if there is a breach of Article 3.1.d of Council Directive 90/425/EEC[15], shall isolate the animals in question until a veterinary inspector authorised by the Scottish Ministers to do so has authorised their release in writing.

Illegal consignments

13. - (1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 4 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, he may by notice served on the person appearing to him to have charge of those animals or products, require that person-

(a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of disease into or within Scotland; or

(b) without delay, to slaughter them, or slaughter and destroy them, or cause them to be slaughtered and destroyed, or, in the case of products, destroy them

or cause them to be destroyed, in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of paragraph (3) below, if an inspector knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive 90/425/EEC, he may, if animal health and welfare considerations so permit, give the consignor or his representative or the person appearing to him to have charge of those animals or products by way of notice the choice of-

(a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of and Schedule 1 to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997[16], maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring him to take whatever action is specified in that legislation;

(b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or

(c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(3) If the consignment fails to comply with legislation only by reason of irregularity in documentation, an inspector shall not cause the animals or animal products to be returned to the country of despatch without first giving the consignor, his representative or the person appearing to him to have charge of those animals or products a notice requiring him to produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice.

(4) In the event of any notice served under this Regulation not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.

PART III

THIRD COUNTRIES

Application of Part III

14. This Part of these Regulations shall apply in respect of animals imported into Scotland-

(a) from anywhere except from another part of the United Kingdom or from another member State; and

(b) from another member State if the animals originated in a country which is not a member State and all the checks provided for in Council Directive 91/496/EEC[17] have not been carried out.

Official veterinarians

15. The Scottish Ministers shall from time to time designate such veterinary inspectors to act as official veterinarians as shall be necessary for the purposes of this Part of these Regulations and may revoke such designation at any time.

Importation

16. - (1) No person shall import any animal-

(a) either for entry into Scotland or for export to another member State unless the conditions in Article 5 of Council Directive 91/496/EEC are complied with; or

(b) for immediate re-export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the Scottish Ministers and the conditions in Article 9 of Council Directive 91/496/EEC have been complied with.

(2) No person shall import any animal except from a country or territory specified under the Decisions in Part I of Schedule 5.

(3) No person shall import any animal to which a Directive or Decision listed in Part II of Schedule 5 applies unless it complies with the relevant provisions of that Directive or Decision and any additional requirements specified in that Part.

(4) If an animal is imported for slaughter, the importer shall ensure that it is slaughtered without delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, his representative or person in charge of the animals require the animals to be slaughtered as may be specified in the notice.

(5) In the event of a notice served under paragraph (4) not being complied with an inspector may seize or cause to be seized any animal to which it relates and arrange for the requirements of the notice to be complied with.

Places of import

17. - (1) No person shall import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974[18] may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph (1) above, an inspector may, by notice in writing, require the person appearing to him to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this regulation shall have effect.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to him to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re-exported outside the European Community.

(4) In the event of a notice served under paragraphs (2) or (3) above not being complied with, an inspector may seize the animal or cause it to be seized and arrange for the requirements of the notice to be complied with.

Import procedure

18. - (1) No person shall import any animal unless he has given one working day's

notice in writing of his intention to do so, specifying the number, nature and estimated time of arrival of the animal, to the official veterinarian of the border inspection post through which the animal is to be imported.

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the border inspection post examination area or, where the decisions listed in Schedule 5 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub-paragraph of Article 10.1 of Council Directive 91/496/EEC.

(3) No person shall remove any animal from a quarantine centre or border inspection post unless there has been provided by the official veterinarian a certificate in the form required under Council Directive 91/496/EEC that all necessary veterinary checks have been carried out in accordance with Articles 4.1, 4.2.a, 4.2.b, 4.2.d, 8 and 9 of that Directive to his satisfaction.

(4) No person shall remove any animal from Customs temporary storage arrangements-

(a) unless the certificate provided under paragraph (3) above has been provided by that person to an officer of Her Majesty's Customs and Excise and the removal has been authorised by that officer; or

(b) to any place other than the address specified in the required consignment documentation unless he has been required to remove it to another place by means of a notice served on him by an inspector.

(5) Where a check involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may by notice served on the owner or the person in charge of an animal release that animal from the border inspection post, and require that person to keep the animal in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 21 below shall apply as they apply at a border inspection post.

(6) In the event of a notice served under paragraph (4) or (5) above not being complied with a veterinary inspector may seize or cause to be seized any animal to which it relates, and arrange for the requirements of the notice to be complied with.

Payment of fees

19. The official veterinarian shall not authorise the release of animals from a quarantine centre or border inspection post unless he is satisfied that all veterinary checks for which a charge is made have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 9.1.a, 9.2, the second and third indents of Article 10.1, Article 10.6 and Article 12.2 of Council Directive 91/496/EEC has been lodged.

Consignments constituting a danger to health

20. Where checks at the quarantine centre or border inspection post or the test results referred to in regulation 18(5) above reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian shall immediately seize and destroy the animal or consignment (as the case may be), and the costs of such action shall be payable by the importer or his representative.

Illegal consignments

21. - (1) Where checks at the quarantine centre or border inspection post reveal that the animals do not comply with Article 5 of Council Directive 91/496/EEC[19] or Articles 3, 4 or 5 of Council Directive 91/628/EEC[20], a veterinary inspector shall, by notice served on the person appearing to him to have charge of those animals, require that person to-

- (a) shelter, feed and water and, if necessary, treat the animals;**
- (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease into or within Scotland; or**
- (c) re-dispatch them outside the territory of the European Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.**

(2) Before exercising any of the powers in paragraph (1) above the veterinary inspector shall consult the importer or his representative.

(3) If the animals are re-dispatched in accordance with paragraph (1)(c) above, the official veterinarian shall cancel the veterinary certificate or document accompanying the rejected consignment.

(4) If in the opinion of the veterinary inspector re-dispatch is not possible, in particular for reasons of the welfare of animals, he shall serve a notice on the person appearing to him to have charge of the animals in accordance with the following paragraph.

(5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, shall either-

- (a) order the slaughter of the animals for purposes other than human consumption; or**
- (b) order the slaughter of the animals or the destruction of the carcasses,**

specifying in each case the conditions regarding control of the use of the products obtained.

(6) In the event of a notice served under paragraph (1) or (4) above not being complied with a veterinary inspector may seize or cause to be seized any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) The importer or his representative shall be liable for the costs incurred in measures under this regulation, but shall be entitled, after deduction of costs, to the proceeds of any sale.

Arrival at the place of destination

22. On their arrival at the place of destination, animals for breeding and production shall be detained at the premises by the person having control of those premises, and that person shall not release them from those premises unless authorised in writing by

an authorised officer of the Scottish Ministers.

Post-import controls

23. - (1) Where a veterinary inspector knows or suspects that import conditions have not been complied with or there is doubt as to the identity of an animal, he may carry out any veterinary checks on that animal that he deems appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 21 above shall apply as they apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.

PART IV

IMPORTS WHERE CHECKS HAVE BEEN CARRIED OUT IN ANOTHER MEMBER STATE

Application of Part IV

24. This Part of these Regulations shall apply in respect of animals imported into Scotland and which originated outside the European Community but in respect of which all the checks required under Council Directive 91/496/EEC have been carried out in another member State.

Imports

25. No person shall import any animal to which this Part applies unless it is accompanied by the certificate of examination and the authenticated copy of the original health certificate issued at the point of importation into the European Community under Article 7.1 of Council Directive 91/496/EEC.

Import procedure

26. The provisions of regulations 7 to 13, 16(2) and (3), 22 and 23 of these Regulations shall apply in relation to animals to which this Part applies.

PART V

GENERAL

Outbreaks of disease in other states

27. - (1) This regulation shall apply where the Scottish Ministers learn of or have reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive 90/425/EEC^[21] or Article 18 of Council Directive 91/496/EEC, or through any other means, the presence in any other state of a disease referred to in Schedule 4, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1) above, the Scottish Ministers may, for the purpose of preventing the introduction or spreading of disease into or within Scotland, by a declaration to be published in such manner as they think fit, give notice of the existence in another state of any disease or zoonosis or other cause likely to constitute a serious hazard, the area subject to the outbreak, and the types of animal or animal product affected.

(3) Upon such declaration being made, the entry into Scotland of any animal or animal product which is the subject of the declaration shall be in breach of the

conditions of import in these Regulations unless it satisfies such conditions as may be specified in the declaration.

(4) A declaration made under this regulation may specify conditions under which the animal or animal product which is the subject of the declaration may be imported.

Notification of decisions

28. If the consignor or his representative, or the importer or his representative, so requests, any decision taken refusing entry or varying the conditions of entry shall be forwarded to him in writing by the person taking the decision, giving the reasons for the decision and the details of his right of appeal against the decision, including the relevant time limits.

Powers of inspectors

29. - (1) Subject to regulation 10 above, an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Council Directive 90/425/EEC and Council Directive 91/496/EEC, and in particular may-

(a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;

(b) carry out checks on whether staff are complying with the requirements of the Directives or other measures listed in Part I of Schedule 3 relating to animal products;

(c) take samples (and, if necessary, send the samples for laboratory testing) from-

(i) animals held with a view to being sold, put on the market or transported;

(ii) products held with a view to being stored or sold, put on the market or transported;

(iii) animals or animal products being transported in the course of intra-Community trade;

(iv) animals at a border inspection post in the case of third country imports; or

(v) animals or animal products at the place of destination in the case of an import from another member State;

(d) examine documentary or data processing material relevant to the checks carried out under these Regulations; and

(e) take with him a representative of the European Commission acting for the purposes of Council Directives 90/425/EEC or 91/496/EEC.

Recovery of expenses

30. The consignor, his representative and the person in charge of any animals or animal product shall be jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by these Regulations relating to those animals or animal products.

Obstruction

31. - (1) No person shall-

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by bodies corporate

32. - (1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of-

(a) any director, manager, secretary or other similar officer of the body corporate; or

(b) any person who was purporting to act in any such capacity,

he as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be deemed to be guilty of that offence and be liable to be proceeded against and punished accordingly.

Penalties

33. - (1) A person contravening any provision of these Regulations or any notice served under them shall be guilty of an offence.

(2) A person guilty of an offence under regulation 31(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable-

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Disapplication of provisions

34. The provisions of the legislation listed in Schedule 6 shall not apply to imports from another member State of animals and animal products to which a Directive or other measure referred to in Part I of Schedule 3 applies, or to imports of an animal to which a Directive or other measure referred to in Schedule 5 applies from the country subject to that Directive or other measure, to the extent specified in column 3 of Schedule 6.

Revocations

35. The Animals and Animal Products (Import and Export) Regulations 1998[22] are revoked.

ROSS FINNIE

A member of the Scottish Executive

**St Andrew's House, Edinburgh
23rd June 2000**

SCHEDULE 1

Regulation 1(2)

AMENDMENTS TO COUNCIL DIRECTIVES 90/425/EEC AND 91/496/EEC

1. Council Directive 90/425/EEC (O.J. L 224, 18.8.90, p.29) as amended by, and as read with:

Council Directive 90/539/EEC (O.J. No. L 303, 31.10.90, p.6);

Council Directive 90/667/EEC (O.J. No. L 363, 27.12.90, p.51);

Council Directive 90/675/EEC (O.J. No. L 373, 31.12.90, p.1);

Council Directive 91/67/EEC (O.J. No. L 46, 19.2.91, p1);

Council Directive 91/68/EEC (O.J. No. L 46, 19.2.91, p19);

Council Directive 91/174/EEC (O.J. No. L 85, 5.4.91, p.37);

Council Directive 91/496/EEC (O.J. No. L 268, 24.9.91, p.56);

Council Directive 91/628/EEC (O.J. No. L 340, 11.12.91, p.17);

**Council Directive 92/60/EEC (O.J. No. L 268, 14.9.92, p.75);
 Council Directive 92/65/EEC (O.J. No. L 268, 14.9.92, p.54);
 Council Directive 92/118/EEC (O.J. No. L 62, 15.3.93, p.49);
 Commission Decision 93/444/EEC (O.J. No. L 208, 19.8.93, p.34);
 Commission Decision 94/338/EC (O.J. No. L 151, 17.6.94, p.36);
 Commission Decision 94/339/EC (O.J. No. L 151, 17.6.94, p.38); and
 Council Directive 97/78/EC (O.J. No. L 24, 30.1.98, p.9),
 and as read with the European international instruments.**

2. Council Directive 91/496/EEC (O.J. L 268, 24.9.91, p.56) as amended by, and as read with:

**Council Directive 89/662/EEC (O.J. No. L 395, 30.12.1989, p.13);
 Council Directive 90/424/EEC (O.J. No. L 224, 18.08.1990, p.19);
 Council Directive 90/425/EEC (O.J. No. L 224, 18.08.1990, p.29);
 Council Directive 91/628/EEC (O.J. No. L 340, 11.12.91, p.17);
 Commission Decision 92/424/EEC (O.J. No. L 232, 14.8.92, p.34);
 Commission Decision 92/432/EEC (O.J. No. L 237, 20.8.92, p.29);
 Council Decision 92/438/EEC (O.J. No. L 243, 25.8.92, p.27);
 Commission Decision 92/527/EEC (O.J. No. L 332, 18.11.92, p.22);
 Commission Decision 94/467/EC (O.J. No. L 190, 26.7.94, p.28);
 Council Directive 96/43/EC (O.J. No. L 162, 1.7.96, p.1); and
 Commission Decision 97/794/EC (O.J. No. L 323, 26.11.97, p.31-36),
 and as read with the European international instruments.**

SCHEDULE 2

Regulations 1(2) and 17(1)

BORDER INSPECTION POSTS[23]

| <i>Border inspection post</i> | <i>Animals which may be imported</i> |
|-------------------------------|--------------------------------------|
| | |
| Glasgow Airport | All animals other than ungulates (i) |

(i) Ungulates include registered equidae as defined in Council Directive

90/426/EEC (O.J. No. L 224, 18.8.90, p.42) (as amended).

SCHEDULE 3

Regulations 4, 5(1), 6, 10, 12(4)(a), 29(2)(b) and 34

PART 1

LEGISLATION ON INTRA-AREA TRADE

1. Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine as replaced by the Annex to Council Directive 97/12/EC (O.J. No. L 109, 25.4.97, p.1).

Council Directive 97/12/EC and Council Directive 64/432/EEC have been amended by:

Commission Decision 90/208/EEC (O.J. No. L 108, 28.4.90, p.102);

Commission Decision 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);

Commission Decision 91/52/EEC (O.J. No. L 34, 6.2.91, p.12);

Commission Decision 95/108/EC (O.J. No. L 79, 7.4.95, p.29);

Commission Decision 95/109/EC (O.J. No. L 79, 7.4.95, p.32);

Council Directive 98/46/EC (O.J. No. L 198, 15.7.98, p.22);

Council Directive 98/99/EC (O.J. No. L 358, 31.12.98, p.107);

Commission Decision 98/362/EC (O.J. No. L 163, 6.6.98, p.48);

Commission Decision 98/548/EC (O.J. No. L 263, 26.9.98, p.35);

Commission Decision 98/621/EC (O.J. No. L 296, 5.11.98, p.15);

Commission Decision 99/384/EC (O.J. No. L 146, 11.6.99, p. 52);

Commission Decision 99/399/EC (O.J. No. L 150, 17.6.99, p.32); and

Commission Decision 99/579/EC (O.J. No. L 219, 19.8.99, p.53),

Relevant provisions: Articles 3.2, 4.1, 5.1, 5.2, 5.5, 6.1, 6.2, 6.3, 7 (in the case of imports) and 12.3.

(a) The official health certificate accompanying all cattle imported into Scotland from Spain must contain the statement: "Live cattle in accordance with Commission Decision 90/208/EEC on contagious bovine pleuro-pneumonia".

(b) The official health certificate accompanying all cattle imported into Scotland from Portugal must contain the statement: "Live cattle in accordance with Commission Decision 91/52/EEC on contagious bovine pleuro-pneumonia".

(c) The official health certificate accompanying all swine imported into Scotland from any other member State except Austria, Denmark, Finland and Sweden

and those regions of France and Germany specified in Commission Decisions amending Decision 93/24/EEC[24] must contain the statement: "Pigs in accordance with Commission Decision 93/24/EEC of 11 December 1992 concerning Aujeszky's disease. In the case of pigs for breeding, the test used was the whole virus ELISA/ELISA for g1 antibodies (delete where applicable)".

(d) In the event of the prohibition on the export of cattle from Scotland imposed by Commission Decision 98/256/EC on emergency measures to protect against Bovine Spongiform Encephalopathy (O.J. No. L 113, 15.4.98, p.32) being revoked so as to allow the despatch of cattle from Great Britain to another member State or a third country, the official health certificate accompanying all cattle exported from Scotland to Denmark or Finland must contain the statement: "Bovines in accordance with Commission Decision 93/42/EEC of 21st December 1992 concerning IBR for bovines being sent to Member States or Regions listed in the Annex to the said Decision".

(e) In the event of the prohibition on the export of cattle from Great Britain imposed by Commission Decision 98/256/EC on emergency measures to protect against Bovine Spongiform Encephalopathy (O.J. No. L 113, 15.4.98, p.32) being revoked so as to allow the despatch of cattle from England or Wales to another member State or a third country, the official health certificate accompanying all cattle exported from Scotland to Austria and Sweden must contain the statement: "Bovines in accordance with Commission Decision 95/109/EC".

(f) In accordance with Commission Decision 95/108/EC the importation into Scotland from the Italian region of Sardinia of animals of the suidae family is prohibited.

Bovine semen

2. Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (O.J. No. L 194, 22.7.88, p. 10) as amended by:

Council Directive 90/120/EEC (O.J. No. L71, 17.3.90, p.37);

Council Directive 90/425/EEC ((O.J. No. L 224, 18.8.90, p.29); and

Council Directive 93/60/EEC (O.J. No. L 186, 28.7.93, p.28),

and as read with the European international instruments.

Relevant provisions: Articles 3, 4.1 and 6.

Bovine embryos

3. Council Directive 89/556/EEC on animal health conditions concerning intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (O.J. No. L302, 19.10.1989, p. 1), as amended by, and as read with:

Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);

Commission Decision 92/290/EEC (O.J. No. L 152, 4.6.92, p.37);

Council Directive 93/52/EEC (O.J. No. L 175, 19.7.93, p.21); and

Commission Decision 94/113/EC (O.J. No. L 53, 24.2.94, p.23),

and as read with the European international instruments.

Relevant provisions: Articles 3 and 6.

Equidae

4. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries (O.J. No. L 224, 18.8.90, p.42), as amended by, and as read with:

Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);

Council Directive 91/496/EEC (O.J. No. L 268, 24.9.91, p.56);

Council Directive 92/36/EEC (O.J. No. L 157, 10.6.92, p.28); and

Commission Decision 92/130/EEC (O.J. No. L 47, 22.2.92, p.26),

and as read with the European international instruments.

Relevant provisions: Articles 4, 5, 7.1, 7.2 and 8.

(a) The requirements of Articles 4.1, 4.2 and 8 shall not apply in respect of the export to or the import from the Republic of Ireland of any equidae, or the export to or the import from France of registered horses accompanied by an identification document provided for in Council Directive 90/427/EEC (O.J. No. L 224, 18.8.90, p.55).

(b) The derogation permitted under Article 7.2 shall not apply in relation to equidae brought into Scotland.

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 (O.J. No. L 224, 18.8.90, p.62) and Commission Decision 99/608/EC (O.J. No. L 242, 14.9.99, p.20), as read with the European international instruments.

Relevant provisions: Articles 3, 4.1, 4.2 and 6.1.

The official health certification accompanying all porcine semen imported into Scotland from any other member State must state that the semen was collected from boars "on a collection centre which only contains animals that have not been vaccinated against Aujeszky's disease and which have reacted negatively to the serum neutralisation test or to the ELISA test for Aujeszky's disease, in accordance with the provisions of Council Directive 90/429/EEC" and paragraph 13(b)(ii) of the model health certificate provided in Annex D of Council Directive 90/429/EEC must be deleted in all cases.

Poultry and hatching eggs

6. Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs (O.J. No. L 303, 30.10.90, p.6) as amended by, and as read with:

Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);

Council Directive 91/494/EEC (O.J. No. L 268, 24.9.91, p.35);

Council Directive 91/496/EEC (O.J. No. L 268, 24.9.91, p.56);

Council Directive 92/65/EEC (O.J. No. L 268, 14.9.92, p.54);

Commission Decision 92/340/EEC (O.J. No. L 188, 8.7.92, p.34);

Commission Decision 92/369/EEC (O.J. No. L 195, 14.7.92, p.25);

Council Directive 93/120/EEC (O.J. No. L 340, 31.12.93, p.35);

The Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (O.J. No. C241, 29.8.94, p.21);

Commission Decision 95/160/EC (O.J. No. L 105, 9.5.95, p.40);

Commission Decision 95/161/EC (O.J. No. L 05, 9.5.95, p.44);

Council Decision 95/410/EC (O.J. No. L 243, 11.10.95, p.25);

Commission Decision 97/278/EC (O.J. No. L 110, 26.4.97, p.77); and

Council Directive 99/90/EC (O.J. No. L 300, 23.11.1999, p.19). effective date 1.7.2000,

as read with the European international instruments.

Relevant provisions: Articles 6 to 11, 12.1 and 15 to 17.

(a) The official health certification accompanying breeding poultry exported from Scotland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision 95/160/EC of 21 April 1995.

(b) The official health certification accompanying day-old chicks exported from Scotland to Finland or Sweden must contain the statement that they come from flocks which have been tested for salmonella with negative results in accordance with Commission Decision 95/160/EC of 21 April 1995.

(c) The official health certification accompanying laying hens exported from Scotland to Finland or Sweden must contain the statement that they have been tested for salmonella with negative results in accordance with Commission Decision 95/161/EC of 21 April 1995.

(d) The official health certification accompanying poultry for slaughter exported from Scotland to Finland or Sweden must contain the statement that they have undergone microbiological testing with negative results in accordance with Council Decision 95/410/EC of 22 June 1995.

Animal waste

7. Council Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feeding stuffs of animal or fish origins (O.J. No. L 363, 27.12.90, p.51) as amended by, and as read with:

Council Directive 92/118/EEC (O.J. No. L 62, 15.3.93, p.49) laying down animal 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, as amended by Decision 95/339/EC, 94/466/EC, 96/103/EC, 95/338/EC, 94/723, 96/340/EC, 96/405/EC and 96/90/EC (O.J. No. L 62, 15.3.93, p.49);

Commission Decision 92/562/EEC (O.J. No. L 359, 9.12.92, p.23);

Commission Decision 97/735/EC (O.J. No. L 294, 28.10.97, p.7); and

Commission Decision 99/534/EC (O.J. No. L 204, 4.8.99, p.37),

and as read with the European international instruments.

Relevant provisions: Articles 3, 5 and 15.

FISH

Farmed fish

8. - (1) Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products (O.J. No. L 46, 19.2.91, p.1), as amended by, and as read with:

Commission Decision 92/528/EEC (O.J. No. L 332, 18.11. 92, p.25);

Commission Decision 92/538/EEC (O.J. No. L 347, 28.11.92, p.67) (as amended by

Commission Decision 94/817/EC (O.J. No. L 337, 24.12.94, p.88));

Commission Decision 93/22/EEC (O.J. No. L 16, 25.1.93, p.8);

Commission Decision 93/39/EEC (O.J. No. L 16, 25.1.93, p.46);

Commission Decision 93/40/EEC (O.J. No. L 16, 25.1.93, p.47);

Commission Decision 93/44/EEC (O.J. No. L 16, 25.1.93, p.53) (as amended by Commission Decision 94/865/EC (O.J. No. L 352, 31.12.94, p.75));

Council Directive 93/54/EEC (O.J. No. L 175, 19.7.93, p.34) insofar as it applies to exports;

Commission Decision 93/55/EEC (O.J. No. L 14, 22.1.93, p.24) (as amended by Commission Decision 93/169/EC (O.J. No. L 71, 24.3.93, p.16));

Commission Decision 93/56/EEC (O.J. No. L 14, 22.1.93, p.25);

Commission Decision 93/57/EEC (O.J. No. L 14, 22.1.93, p.26);

Commission Decision 93/58/EEC (O.J. No. L 14, 22.1.93, p.27);

Commission Decision 93/59/EEC (O.J. No. L 14, 22.1.93, p.28);

Commission Decision 93/73/EEC (O.J. No. L 27, 4.2.93, p.34) (as amended by Commission Decision 97/804/EC (O.J. No. L 329, 29.11.97, p.70));

Commission Decision 93/74/EEC (O.J. No. L 27, 4.2.93, p.35) (as amended by

Commission Decision 94/450/EC (O.J. No. L 187, 22.7.94, p.8), Commission Decision 96/218/EC (O.J. No. L 74, 22.3.96, p.42) and Commission Decision 99/489/EC (O.J. No. L 190, 23.7.99, p.41));

Commission Decision 94/862/EC (O.J. No. L 352, 31.12.94, p.72);

Commission Decision 94/863/EC (O.J. No. L 352, 31.12.94, p.73);

Commission Decision 94/864/EC (O.J. No. L 352, 31.12.94, p.74);

Commission Decision 95/336/EC (O.J. No. L 195, 18.8.95, p.26);

Commission Decision 95/352/EC (O.J. No. L 204, 30.8.95, p.13);

Commission Decision 95/124/EC (O.J. No. L 84, 14.4.95, p.6) (as amended by Commission Decision 96/265/EC (O.J. No. L 91, 12.4.96, p.72), Commission Decision 97/228/EC (O.J. No. L 91, 5.4.97, p.35), Commission Decision 99/521/EC (O.J. No. L 199, 30.7.99, p.73), Commission Decision 2000/173/EC (O.J. No. L 55, 29.2.2000, p.74) and Commission Decision 2000/312/EC (O.J. No. L 209, 29.4.2000, p.80));

Commission Decision 95/125/EC (O.J. No. L 84, 14.4.95, p.8) (as amended by Commission Decision 95/481/EC (O.J. No. L 275, 18.11.95, p.26) and Commission Decision 99/550/EC (O.J. No. L 209, 7.8.99, p.39));

Commission Decision 95/470/EC (O.J. No. L 269, 11.11.95, p.28);

Commission Decision 95/473/EC (O.J. No. L 269, 11.11.95, p.31) (as amended by Commission Decision 96/289/EC (O.J. No. L 109, 3.5.96, p.23), Commission Decision 97/227/EC (O.J. No. L 91, 5.4.97, p.33), Commission Decision 99/556/EC (O.J. No. L 211, 11.8.99, p.50) and Commission Decision 2000/172/EC (O.J. No. L 55, 29.2.2000, p.71));

Commission Decision 95/479/EC (O.J. No. L 275, 18.11.95, p.23);

Commission Decision 96/94/EC (O.J. No. L 21, 21.1.96, p.73);

Commission Decision 96/233/EC (O.J. No. L 77, 27.3.96, p.33) (as amended by Commission Decision 97/234/EC (O.J. No. L 94, 9.4.97, p.15) and Commission Decision 99/512 (O.J. No. L 195, 28.7.99, p.37));

Commission Decision 96/490/EC (O.J. No. L 202, 10.8.96, p.21);

Commission Directive 97/79/EC (O.J. No. L 24, 30.1.98, p.31);

Commission Decision 97/185/EC (O.J. No. L 77, 19.3.97, p.31);

Commission Decision 98/357/EC (O.J. No. L 162, 5.6.98, p.42);

Commission Decision 98/359/EC (O.J. No. L 163, 6.6.98, p.43);

Commission Decision 98/361/EC (O.J. No. L 163, 6.6.98, p.46) (as amended by Commission Decision 99/513/EC (O.J. No. L 195, 28.7.99, p.39), Commission Decision 2000/187/EC (O.J. No. L 59, 4.3.2000, p.14) and Commission Decision 2000/311/EC (O.J. No. L 104, 29.4.2000, p.77));

Commission Decision 98/395/EC (O.J. No. L 176, 20.6.98, p.30);

Commission Directive 98/45/EC (O.J. No. L 189, 3.7.98, p.12);

Commission Decision 99/567/EC (O.J. No. L 216, 14.8.99, p.13;
Commission Decision 2000/171/EC (O.J. No. L 55, 29.2.2000, p.70);
Commission Decision 2000/173/EC (O.J. No. L 55, 29.2.2000, p.74);
Commission Decision 2000/174/EC (O.J. No. L 55, 29.2.2000, p.77);
Commission Decision 2000/188/EC (O.J. No. L 59, 4.3.2000, p.17);
Commission Decision 2000/310/EC (O.J. No. L 104, 29.4.2000, p.76); and
Commission Decision 2000/312/EC (O.J. No. L 104 29.4.2000, p.80),
and as read with the European international instruments.

Relevant provisions: The following provisions in so far as they apply to live fish and gametes: Articles 3, 4, 7 to 11, 14 and 16.

(a) Aquaculture animals and products from Iceland and Norway to which Directive 91/67/EEC applies must be imported at a border inspection post.

(b) In accordance with the derogation in paragraph 8 of Annex 1 of the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation the provisions of Directive 91/67/EEC shall not apply to imports of live fish and crustaceans as well as eggs and gametes of fish and crustaceans for farming or restocking which come from Iceland or Norway. Great Britain shall retain existing national measures in respect of imports of these animals and animal products.

(2) Fish other than farmed fish.

Council Directive 91/493/EEC laying down the health conditions for the production and the placing on the market of fishery products (O.J. No. L 268, 24.9.91, p.15), as amended by, and as read with:

Council Directive 95/71/EC (O.J. No. L 332, 30.12.95, p.40); and

Council Directive 92/48/EEC (O.J. No. L 187, 7.7.92, p.41), laying down minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(I) of Council Directive 91/493/EEC.

Relevant provisions: Article 4 of Council Directive 91/493/EEC.

(3) Live bivalve molluscs.

Council Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live shellfish (O.J. No. L 268, 24.9.91, p.1), as amended by, and as read with Council Directive 97/61/EC (O.J. No. L 295, 29.10.97, p.35).

Relevant provisions: Articles 3(1) a-i, 3(2), 4, 7, 8 and 9.

Ovine and caprine animals

9. Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals (O.J. No. L 46, 19.2.91, p.19) as read with:

Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);

Council Directive 92/102/EEC (O.J. No. L 355, 5.12.92, p. 32);

Commission Decision 93/52/EEC (O.J. No. L 13, 21.1.93, p.14);

Commission Decision 94/164/EEC (O.J. No. L 74, 17.3.94, p.42);

Commission Decision 94/877/EC (O.J. No. L 352, 31.12.94, p.102);

Commission Decision 94/953/EEC (O.J. No. L 371, 31.12.94, p.14);

Commission Decision 94/965/EEC (O.J. No. L 371, 31.12.94, p.31);

Commission Decision 94/972/EEC (O.J. No. L 371, 31.12.94, p.48); and

Commission Decision 97/315/EC (O.J. No. L 137, 28.5.97, p.20),

as read with the European international instruments.

Relevant provisions: Articles 4, 5, 6 and 9.

(a) Only uncastrated rams for breeding which have been tested for contagious epididymitis (*Brucella ovis*) in accordance with Article 6.c of Council Directive 91/68/EEC may be imported into Scotland.

(b) The official health certification accompanying all sheep and goats for fattening and breeding imported into Scotland must confirm that the animals are eligible for entry into an officially brucellosis free ovine or caprine holding in accordance with Annex A, Chapter 1, point D of Council Directive 91/68/EEC.

Other animals, semen, ova and embryos

10. Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Council Directive 90/425/EEC (O.J. No. L 268, 14.9.92, p.54), as amended by, and as read with:

Commission Decision 95/176/EC (O.J. No. L 117, 24.5.95, p.23);

Commission Decision 95/294/EC (O.J. No. L 182, 2.8.95, p.27);

Commission Decision 95/307/EC (O.J. No. L 185, 4.8.95, p.58);

Commission Decision 95/388/EC (O.J. No. L 234, 3.10.95, p.30); and

Commission Decision 95/483/EC (O.J. No. L 275, 18.11.95, p.30),

as read with the European international instruments and Joint Committee Decision 69/96 of 17th July 1998 amending Annex 1 (Veterinary and Phytosanitary Matters) to the Agreement on the European Economic Area (O.J. No. L 158, 24.6.99).

Relevant provisions: Articles 3 to 9, 10.1, 10.2 (only insofar as it concerns exports) and 11 to 13.

(a) By way of derogation from the requirements of article 5.1, the Scottish Ministers may authorise in writing the purchase by a body, institute or centre approved under regulation 9 of these Regulations of apes belonging to an individual.

(b) The importation into Scotland of lagomorphs which cannot be shown to have been born on the holding of origin and kept in captivity since birth is prohibited except in accordance with the provisions of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974. Lagomorphs born on the holding of origin and kept in captivity since birth must be accompanied on importation by an official health certificate confirming that status and that the holding of origin has been free from rabies for at least one month.

(c) Animals (other than carnivores, primates, bats and lagomorphs) born on the holding of origin and kept in captivity since birth must be accompanied on importation by a certificate completed by the exporter confirming that status and that the animals do not show any obvious signs of disease at the time of export, and that the premises of origin are not subject to any animal health restrictions.

Pathogens

11. Council Directive 92/118/EEC laying down animal 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 (O.J. No. L 224, 18.8.90, p.29).

Relevant provisions: Articles 6 and 7.1.

Pure-bred animals of the bovine species

12. Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species (O.J. No. L 06, 12.8.1977, p.8), as amended by, and as read with:

The Act concerning the conditions of accession of the Hellenic Republic to the European Communities (O.J. No. L 91, 19.11.79, p.17);

Council Directive 79/268/EEC (O.J. No. L 62, 13.3.79, p.5);

Council Regulation 3768/85/EEC (O.J. No. L 362, 31.12.85, p.8);

Council Directive 85/586/EEC (O.J. No. L 372, 31.12.85, p.44);

Commission Decision 86/404/EEC (O.J. No. L 233, 20.8.86, p.19);

Commission Decision 88/124/EEC (O.J. No. L 62, 8.3.88, p.32);

Council Directive 91/174/EEC (O.J. No. L 85, 5.4.91, p.37);

Council Directive 94/28/EC (O.J. No. L 178, 12.7.94, p.66);

Commission Decision 96/80/EC (O.J. No. L 19, 25.1.96, p.50); and

**Commission Decision 96/510/EC (O.J. No. L 210, 20.08.96, p.53),
and as read with the European international instruments.**

Relevant provisions: Articles 5 and 7.

Breeding animals of the porcine species

13. Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (O.J. No. L 382, 31.12.1988, p.36), as amended by, and as read with:

Commission Decision 89/503/EEC (O.J. No. L 247, 23.8.89, p.22);

Commission Decision 89/506/EEC (O.J. No. L 247, 23.8.89, p.34);

Council Directive 94/28/EC (O.J. No. L 178, 12.7.94, p.66); and

Commission Decision 96/510/EC (O.J. No. 210, 20.8.96, p.53),

and as read with the European international instruments.

Relevant provisions: Articles 2.2, 5, 7.2 and 9.

Pure-bred breeding sheep and goats

14. Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats (O.J. No. L 153, 6.6.1989, p.30), as amended by, and as read with:

Commission Decision 90/258/EEC (O.J. No. L 145, 8.6.90, p.39);

Council Directive 94/28/EC (O.J. No. L 178, 12.7.94, p.66); and

Commission Decision 96/510/EC (O.J. No. L 210, 20.8.96, p.53),

and as read with the European international instruments.

Relevant provisions: Articles 3.2 and 6.

Equidae

15. Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (O.J. No. L 224, 18.8.1990, p.55), as amended by, and as read with:

Commission Decision 92/353/EEC (O.J. No. L 192, 11.7.92, p.63);

Commission Decision 92/354/EEC (O.J. No. L 192, 11.7.92, p.66);

Commission Decision 93/623/EEC (O.J. No. L 298, 3.12.93, p.45);

Council Directive 94/28/EC (O.J. No. L 178, 12.7.94, p.66);

Commission Decision 96/78/EC (O.J.. No. L 19, 25.1.96, p.39);

Commission Decision 96/79/EC (O.J.. No. L 19, 25.1.96, p.41); and

Commission Decision 96/510/EC (O.J.. No. L 210, 20.8.96, p.53),

and as read with the European international instruments.

Relevant provisions: Articles 6 and 8.

PART II

Regulation 7(4)

ADDITIONAL REQUIREMENTS FOR THE TRANSPORT OF CATTLE AND PIGS

- 1. Any person transporting cattle or pigs in intra-Community trade shall do so in accordance with this Part.**
- 2. He shall, for each vehicle used for the transport of those animals, keep a register containing the following information, and shall keep the register for three years-**
 - (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;**
 - (b) places and dates of delivery, and the name or business name and address of the consignee;**
 - (c) species and number of animals carried;**
 - (d) date and place of disinfection; and**
 - (e) the unique identifying number of accompanying health certificates.**
- 3. He shall ensure that the means of transport is constructed in such a way that the animal faeces, litter or feed cannot leak or fall out of the vehicle.**
- 4. He shall have cleansing and disinfection facilities for the vehicles which are approved for the purpose by the Scottish Ministers under this paragraph (and which must include facilities for storing litter and faeces) or he shall provide documentary evidence to the Scottish Ministers that the cleansing and disinfection operations are carried out by a third party approved by the Scottish Ministers.**
- 5. He shall give a written undertaking to the Scottish Ministers stating that-**
 - (a) all measures have been taken to ensure compliance with Council Directive 64/432/EEC as amended, and in particular the provisions laid down in Article 12 of that Directive relating to the appropriate documentation that must accompany the animals; and**
 - (b) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.**

PART III

Regulation 8(4)

ADDITIONAL REQUIREMENTS FOR DEALERS IN CATTLE AND PIGS

- 1. Every dealer in cattle or pigs engaging in intra-Community trade in cattle or pigs shall comply with the provisions of this Part.**

2. The dealer shall-

- (a) be approved by the Scottish Ministers under this paragraph; and**
- (b) be registered with, and have a registration number issued by the Scottish Ministers,**

and the Scottish Ministers shall only issue an approval if they are satisfied that the dealer will comply with the provisions of this Part.

3. The dealer shall ensure that he only imports or exports animals that are identified and come from herds that are officially free of tuberculosis, brucellosis and leukosis, or are slaughter animals meeting the requirements of Article 6.3, or if slaughter animals under a disease control programme of Article 13.1(a), of Council Directive 64/432/EEC.

4. The dealer shall keep a record for all cattle and pigs which he imports or exports, either on the basis of identification numbers or marks on the animals, and keep the record for three years, of-

- (a) the name and address of the seller;**
- (b) the origin of the animals;**
- (c) the date of purchase;**
- (d) the categories, number and identification of bovine animals;**
- (e) the registration number of the holding of origin or the herd of origin of pigs;**
- (f) the registration number of the transporter or the licence number of the lorry delivering and collecting animals;**
- (g) the name and address of the buyer and the destination of the animals; and**
- (h) copies of route plans and numbers of health certificates.**

5. In the case of a dealer who keeps animals on his premises, he shall ensure that-

- (a) specific training in the care and welfare of animals is given to the staff in charge of the animals; and**
- (b) all necessary steps are taken to prevent the spread of disease.**

6. - (1) The dealer shall only use premises approved for the purpose by the Scottish Ministers under this paragraph.

(2) The Scottish Ministers shall issue an approval number for premises approved under this paragraph.

(3) The Scottish Ministers shall only issue an approval under this paragraph if they are satisfied that the premises comply with Article 13.2 of Council Directive 64/432/EEC.

SCHEDULE 4

Regulations 13(1) and 27(1)

LIST OF DISEASES

Foot and mouth disease

Classical swine fever

African swine fever

Swine vesicular disease

Newcastle disease

Rinderpest

Peste des petits ruminants

Vesicular stomatitis

Blue tongue

African horse sickness

Viral equine encephalomyelitis

Teschen disease

Avian influenza

Sheep and goat pox

Lumpy skin disease

Rift valley fever

Contagious bovine pleuropneumonia

Bovine spongiform encephalopathy

Infectious haematopoietic necrosis

SCHEDULE 5

Regulations 16(2) and (3), 18(2) and 34

COMMUNITY LEGISLATION ON THIRD COUNTRIES

PART I

Third countries from which member States may authorise certain imports

1. - (1) Council Decision 79/542/EEC drawing up a list of third countries from which the member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products (O.J. No. L 146, 14.6.79, p.15), as amended by and as read with:

Commission Decision 92/160/EEC (O.J. No. L 71, 18.3.92, p.27);

Commission Decision 92/161/EEC (O.J. No. L 71, 18.3.92, p.29);

Commission Decision 93/100/EEC (O.J. No. L 40, 17.2.93, p.23);

Commission Decision 93/344/EEC (O.J. No. L 138, 9.6.93, p.11);

Commission Decision 95/536/EC (O.J. No. L 304, 16.12.95, p.49);

Commission Decision 96/279/EC (O.J. No. L 107, 30.4.96, p.1);

Commission Decision 96/624/EC (O.J. No. L 279, 31.10.96, p.33);

Commission Decision 97/10/EC (O.J. No. L 3, 7.1.97, p.9);

Commission Decision 97/160/EC (O.J. No. L 62, 4.3.97, p.39);

Commission Decision 97/350/EC (O.J. No. L 150, 7.6.97, p.44);

Commission Decision 97/685/EC (O.J. No. L 287, 21.10.97, p.54);

Commission Decision 98/594/EC (O.J. No. L 286, 23.10.98, p.53);

Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77);

Commission Decision 99/236/EC (O.J. No. L 87, 31.2.99, p.13);

Commission Decision 99/558/EC (O.J. No. L 211, 11.8.99, p.53);

Commission Decision 99/759/EC (O.J. No. L 300, 23.11.99, p.30); and

Commission Decision 00/02/EC (O.J. No. L 1, 4.1.00, p.17-19).

(2) Commission Decision 95/233/EC drawing up lists of third countries from which member States authorise imports of live poultry and hatching eggs (O.J. No. L 156, 7.7.95, p.76), as amended by and as read with:

Commission Decision 96/619/EC (O.J. No. L 276, 29.10.96, p.18);

Commission Decision 96/628/EC (O.J. No. L 282, 1.11.96, p.73);

Commission Decision 96/659/EC (O.J. No. L 302, 26.11.96, p.27); and

Commission Decision 97/183/EC (O.J. No. L 76, 18.3.97, p. 32).

(3) Commission Decision 97/232/EC drawing up lists of third countries from which the member States authorise imports of sheep and goats (O.J. No. L 93, 8.4.97, p.43), as amended by, and as read with Commission Decision 99/541/EC (O.J. No. L 207, 6.8.99, p.31).

PART II

DETAILED PROVISIONS

Bovine, ovine and caprine animals and swine from third countries

1. Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, and fresh meat or meat products from third countries (O.J. L 302, 31.12.72, p.28), as amended by, and as read with:

Council Directive 90/423/EEC (O.J. No. L 224, 18.8.90, p.13);

Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);

Council Directive 91/69/EEC (O.J. No. L 46, 19.2.91, p.37);

Council Directive 91/496/EEC (O.J. No. L 268, 24.9.91, p.56);

Council Directive 91/688/EEC (O.J. No. L 377, 31.12.91, p.18); and

Commission Decision 98/372/EC (O.J. No. L 170, 16.6.98, p.16) as amended by Commission Decision 98/505/EC and Commission Decision 99/539/EC) as read with Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11),

and as read with the European international instruments.

Relevant provisions: Articles 6, 10, 11 and 13.

Bovine and porcine animals from Canada

2. Commission Decision 83/494/EEC concerning animal health conditions and veterinary certification for the importation of domestic animals of the bovine and porcine species from Canada (O.J. No. L 273, 6.10.83, p.37) as amended by, and as read with:

Commission Decision 84/421/EEC (O.J. No. L 237, 5.9.84, p.14); and

Commission Decision 88/212/EEC (O.J. No. L 95, 13.4.88, p.21).

(a) The official health certification accompanying all cattle imported into Scotland from Canada must state that the animals do not originate from herds in the geographic region of the Okanagan Valley in British Columbia as defined by Commission Decision 88/212/EEC on health protection measures concerning bluetongue in respect of Canada (O.J. No. L 95, 13.4.88, p.21).

(b) The official health certification accompanying all swine imported into Scotland from Canada must state that the animals comply with the requirements of Commission Decision 93/24/EEC of 11 December 1992 concerning additional guarantees relating to Aujeszky's disease for pigs destined to member States or regions free of the disease (O.J. No. L 16, 25.1.93, p.16).

(c) The importation of cattle from herds in which not all bovines over 24 months old have been tested negative for enzootic bovine leukosis within the twelve months prior to the date of export from Canada is permitted subject to the following provisions:

(i) in the case of females, the animals must have been non-pregnant at the time of entry into pre-export isolation and at the time of loading for export;

(ii) in the case of bulls not intended for direct entry into semen collection centres, and in the case of females, the animals must be at least 18 months old at the time of loading for export and must undergo six months isolation following importation;

(iii) in the case of bulls intended for direct entry into a semen collection centre, the animals must undergo nine months isolation following importation.

Relevant provisions: Articles 1 and 3.

Equidae

General

3. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries (O.J. No. L 224, 18.8.90, p. 42), as amended by, and as read with:

Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);

Council Directive 91/496/EEC (O.J. No. L 268, 24.9.91, p.56);

Council Directive 92/36/EEC (O.J. No. L 157, 10.6.92, p.28);

Commission Decision 92/130/EEC (O.J. No. L 47, 22.2.92, p.26);

Commission Decision 95/329/EC (O.J. No. L 191, 12.8.95, p.36); and

Commission Decision 96/81/EC (O.J. No. L 19, 25.1.96, p.53),

as read with the European international instruments.

Relevant provisions: Articles 11, 12.1, 13 to 16 and 18.

Temporary admission of registered horses

4. Commission Decision 92/260/EEC (O.J. No. L 130, 15.5.92, p.67);

Commission Decision 93/344/EEC (O.J. No. L 138, 9.6.93, p.11);

Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11);

Commission Decision 94/561/EC (O.J. No. L 214, 19.8.94, p.17);

Commission Decision 96/81/EC (O.J. No. L 19, 25.1.96, p.53);

Commission Decision 96/279/EC (O.J. No. L 107, 30.4.96, p.1);

Commission Decision 96/486/EC (O.J. No. L 198, 8.8.96, p.49);

Commission Decision 97/10/EC (O.J. No. L 3, 7.1.97, p.9);

Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44);

**Commission Decision 98/594/EC (O.J. No. L 286, 23.10.98, p.53);
Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77); and
Commission Decision 99/613/EC (O.J. No. L 24,15.9.99, p.12),
and as read with the European international instruments.**

Relevant provisions: Article 1.

Registered horses for racing, etc.

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 (O.J. No. L 86, 6.4.93, p.1), as amended by, and as read with:

**Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11);
Commission Decision 94/561/EC (O.J. No. L 214, 19.8.94, p.17);
Commission Decision 95/99/EC (O.J. No. L 76, 5.4.95, p.16);
Commission Decision 95/461/EC (O.J. No. L 265, 8.11.95, p.40);
Commission Decision 96/279/EC (O.J. No. L 107, 30.4.96, p.1);
Commission Decision 96/486/EC (O.J. No. L 198, 8.8.96, p.49);
Commission Decision 97/684/EC (O.J. No. L 287, 21.10.97, p.49);
Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44);
Commission Decision 98/567/EC (O.J. No. L 276, 13.10.98, p.11);
Commission Decision 98/594/EC (O.J. No. L 286, 23.10.98, p.53);
Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77); and
Commission Decision 99/558/EC (O.J. No. L 211, 11.8.99, p.53),
and as read with the European international instruments.**

Relevant provisions: Article 1.

Equidae for slaughter

6. Commission Decision 93/196/EEC on animal health conditions and veterinary certification for imports of equidae for slaughter (O.J. No. L 86, 6.4.93, p.7), as amended by:

**Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11);
Commission Decision 96/81/EC (O.J. No. L 19, 25.1.96, p.53);
Commission Decision 96/82/EC (O.J. No. L 19, 25.1.96, p.56);
Commission Decision 96/279/EC (O.J. No. L 107, 30.4.96, p.1);**

Commission Decision 96/486/EC (O.J. No. L 198, 8.8.96, p.49);
Commission Decision 97/36/EC (O.J. No. L 14, 17.1.97, p.57);
Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44); and
Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77),
and as read with the European international instruments.

Relevant provisions: Article 1.

Equidae for breeding and production

7. Commission Decision 93/197/EEC on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production (O.J. No. L86, 6.4.93, p. 16), as amended by:

Commission Decision 93/510/EEC (O.J. No. L 238, 23.9.93, p.45);
Commission Decision 93/682/EEC (O.J. No. L 317, 18.12.93, p.82);
Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11);
Commission Decision 94/561/EC (O.J. No. L 214, 19.8.94, p.17);
Commission Decision 96/81/EC (O.J. No. L 19, 25.1.96, p.53);
Commission Decision 96/82/EC (O.J. No. L 19, 25.1.96, p.56);
Commission Decision 96/279/EC (O.J. No. L 107, 30.4.96, p.1);
Commission Decision 96/486/EC (O.J. No. L 198, 8.8.96, p.49);
Commission Decision 97/10/EC (O.J. No. L 3, 7.1.97, p.9);
Commission Decision 97/36/EC (O.J. No. L 14, 17.1.97, p.57);
Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44);
Commission Decision 98/594/EC (O.J. No. L 286, 23.10.98, p.53);
Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77);
Commission Decision 99/236/EC (O.J. No. L 87, 31.3.99, p.13);
Commission Decision 99/252/EC (O.J. No. L 96, 10.4.99, p.31); and
Commission Decision 99/613/EC (O.J. No. L 243, 15.9.99, p.12),
and as read with the European international instruments.

Relevant provisions: Article 1.

(a) All pre-export tests of registered equidae and equidae for breeding and production imported from Belarus, Bosnia Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Kyrgyzstan, Latvia, Lithuania, ex-Yugoslav Republic of Macedonia, Poland, Romania, Russian Federation, the Slovak Republic, Slovenia and the Ukraine must be carried out as follows: for vesicular stomatitis at the Institute of Animal Health, Pirbright; the mandatory tests for

infectious anaemia, dourine and glanders and, if necessary, the test for equine viral arteritis at the Veterinary Laboratories Agency, Weybridge.

(b) The test results must be attached to the health certificate accompanying the imported equidae.

Poultry

8. Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs (O.J. No. L 303, 30.10.90, p.6), as amended by, and as read with:

Council Directive 91/494/EEC (O.J. No. L 268, 24.9.91, p.35);

Council Directive 91/496/EEC (O.J. No. L 268, 24.9.91, p.56);

Council Directive 92/65/EEC (O.J. No. L 268, 14.9.92, p.54);

Commission Decision 92/340/EEC (O.J. No. L 188, 8.7.92, p.34);

Commission Decision 92/369/EEC (O.J. No. L 195, 14.7.92, p.25);

Council Directive 93/120/EEC (O.J. No. L 340, 31.12.93, p.35);

Commission Decision 96/482/EC (O.J. No. L 196, 7.8.96, p.13-27);

Commission Decision 96/483/EC (O.J. No. L 196, 7.8.96, p.28-29); and

Commission Decision 96/628/EC (O.J. No. L 282, 1.11.93, p.73-74),

as read with the European international instruments.

Relevant provisions: Articles 20, 21.1, 22.1, 23, 24, 27.2 and 28.

Other specified animals

9. Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Council Directive 90/425/EEC (O.J. No. L 268, 14.9.92, p.54), as amended by, and as read with Commission Decision 95/176/EC (O.J. No. L 127, 24.5.95, p.23), the European international instruments and Joint Committee Decision 69/96 of 17th July 1998 amending Annex 1 (Veterinary and Phytosanitary Matters) to the Agreement on the European Economic Area (O.J. No. L 158, 24.6.99, p.1).

Relevant provisions: Articles 17.1, 17.2 and 18.

Bovine and porcine animals from Hungary, Poland, Bulgaria, Romania, Latvia, Slovenia, Lithuania, Estonia, Croatia, the Slovak Republic and the Czech Republic

10. Commission Decision 98/372/EC concerning animal health conditions and veterinary certificates for the import of live animals of the bovine and porcine species from Hungary, Poland, Bulgaria, Romania, Latvia, Slovenia, Lithuania, Estonia, Croatia, the Slovak Republic and the Czech Republic (O.J. No. L 170, 16.6.98, p.34) as amended by, and as read with, Commission Decision 99/539/EC (O.J. No. L 207, 6.8.99, p.26).

Relevant provisions: Articles 2 and 3.

The official health certification accompanying all swine imported into Scotland from the above countries must state that the animals comply with the requirements of Commission Decision 93/24/EEC of 11 December 1992 concerning additional guarantees relating to Aujeszky's disease for pigs destined to member States or regions free of the disease (O.J. No. L 16, 25.1.93, p.16).

Bovine and porcine animals from Switzerland

11. Commission Decision 92/460/EEC concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Switzerland (O.J. No. L 261, 7.9.92, p1).

Relevant provisions: Articles 2, 3 and 4.

The official health certification accompanying all swine imported into Scotland from Switzerland must state that the animals comply with the requirements of Commission Decision 93/24/EEC of 11 December 1992 concerning additional guarantees relating to Aujeszky's disease for pigs destined to member States or regions free of the disease (O.J. No. L 16, 25.1.93, p.16).

Bovine and porcine animals from Iceland

12. Commission Decision 92/463/EEC concerning animal health conditions and veterinary certificates for the import of domestic animals of the bovine and porcine species from Iceland (O.J. No. L 261, 7.9.92, p50).

Relevant provisions: Article 1.4.

The official health certification accompanying all swine imported into Scotland from Iceland must state that the animals comply with the requirements of Commission Decision 93/24/EEC of 11 December 1992 concerning additional guarantees relating to Aujeszky's disease for pigs destined to member States or regions free of the disease (O.J. No. L 16, 25.1.93, p.16).

Ovine and caprine animals

13. Commission Decision 93/198/EEC laying down a model for the animal health conditions and veterinary certification for the importation of domestic ovine and caprine animals from third countries (O.J. No. L 86, 6.4.93, p.34), as amended by:

Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11);

Commission Decision 97/231/EC (O.J. No. L 93, 8.4.97, p.22); and

Commission Decision 97/232/EC (O.J. No. L 93, 8.4.97, p.43-46),

and as read with the European international instruments.

Relevant provisions: Article 1.

Live animals in relation to foot-and-mouth disease

14. Commission Decision 93/242/EEC concerning the importation into the Community of certain live animals and their products originating from certain European countries in relation to foot-and-mouth disease (O.J. No. L 110, 4.5.93, p.36), as amended by, and as read with:

Commission Decision 94/81/EC (O.J. No. L 40, 11.2.94, p.58);

Commission Decision 95/295/EC (O.J. No. L 182, 2.8.95, p.30);

Commission Decision 96/730/EC (O.J. No. L 331, 20.12.96, p.49); and

Commission Decision 97/782/EC (O.J. No. L 319, 21.11.97, p.16).

Relevant provisions: Articles 1, 2 and 5.

Bovine and porcine animals from New Zealand

15. Commission Decision 93/491/EEC on animal health conditions and veterinary certificates for the importation of domestic animals of the bovine and porcine species from New Zealand (O.J. No. L 229, 10.9.93, p.18).

Relevant provisions: Articles 1 and 2.

The official health certificate accompanying all swine imported into Scotland from New Zealand must state that the animals comply with the requirements of Commission Decision 93/24/EEC of 11 December 1992 concerning additional guarantees relating to Aujeszky's disease for pigs destined to member States or regions free of the disease (O.J. No. L 16, 25.1.93, p.16).

Zootechnical conditions

16. 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 (O.J. No. L 178, 12.7.94, p.66) as read with:

Commission Decision 96/509/EC (O.J. No. L 210, 20.8.96, p.47); and

Commission Decision 96/510/EC (O.J. No. L 210, 20.8.96, p.53).

Shellfish from third countries for relaying in Community waters

17. Commission Decision 95/352/EC on animal health conditions and the certification requirements for the importation from third countries of *Crassostrea gigas* for relaying in Community waters (O.J. No. L 204, 30.8.95, p.13).

Porcine animals from Cyprus

18. Commission Decision 96/650/EC concerning animal health conditions and veterinary certificate for the importation of domestic animals of the porcine species from the Republic of Cyprus (O.J. No. L 294, 19.11.96, p.18).

The official health certification accompanying all swine imported into Scotland from the Cyprus must state that the animals comply with the requirements of Commission Decision 93/24/EEC of 11 December 1992 concerning additional guarantees relating to Aujeszky's disease for pigs destined to member States or regions free of the disease (O.J. No. L 16, 25.1.93, p.16).

Relevant provisions: Articles 1 and 2.

SCHEDULE 6

Regulation 34

LEGISLATION WHICH DOES NOT APPLY

| <i>Title</i> | <i>Reference</i> | <i>>Extent</i> |
|---|--|--|
| The Diseases of Fish Act 1937 | 1937 c. 33 | Section 1 |
| The Hares (Control of Importation) Order 1965 | S.I. 1965/2040 | The whole Order. |
| The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 as amended by the Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order 1994 | S.I.1974/2211 as amended by S.I. 1994/1716 | The Order shall continue to apply to all carnivores, primates and bats. It shall continue to apply to the importation of all other animals unless such animals are imported by way of trade and can be shown to have been born on the holding of origin and kept in captivity since birth. |
| The Importation of Animals Order 1977 | S.I.1977/944 | Articles 3, 4(7), 4(8), 5(1) to (3), 7(1), 8 to 14, 16, 17, 18(1)(b), 18(3), 19 to 21, 23, 24 and 25(2) except that article 3 shall continue to apply to ruminating animals and swine other than animals which are the subject of Council Directives 64/432/EEC. |
| The Importation of Birds, Poultry and Hatching Eggs Order 1979 | S I. 1979/1702 | Articles 4 to 7, 9(3) to (6), 10 to 12 except that Article 4 shall continue to apply to all birds (including domestic fowl) and their hatching eggs other than those subject to the provisions of Council Directive 90/539/EEC (excluding domestic fowl). |
| The Importation of Embryos, Ova and Semen Order 1980 as amended by the Importation of Embryos, Ova and Semen (Amendment) Order 1984 | S.I. 1980/12 as amended by S.I. 1984/1326 | The whole Order except that article 4 shall continue to apply to embryos, ova and semen (as defined in that Order) other than- <ul style="list-style-type: none"> (a) bovine semen which is the subject of Council Directive 88/407/EEC, (b) bovine embryos which are the subject of Council Directive 89/556/EEC, (c) porcine semen which is the subject of Council Directive 90/429/EEC, (d) equine ova and embryos which are the subject of Commission Decision 95/294/EC, (e) equine semen which is the subject of Commission Decision 95/307/EC, |

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| | | (f) ovine and caprine semen, ova and embryos which are the subject of Commission Decision 95/388/EC, and (g) porcine ova and embryos which are the subject of Commission Decision 95/483/EC. |
| The Diseases of Fish Regulations 1984 | S.I. 1984/455 | Regulations 2 and 5. |
| The Importation of Bovine Semen Regulations 1984 | SI. 1984/1325 | The whole instrument. |
| The Shellfish and Specified Fish (Third Country Imports) Order 1992 | SI. 1992/3301 | The Order shall continue to apply to third country imports of shellfish or specified fish other than <i>Crassostrea gigas</i> for relaying in Community waters which are the subject of Commission Decision 95/352/EC. |

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations revoke and re-enact with changes the Animals and Animal Products (Import and Export) Regulations 1998 (S.I. 1998/190).

The Regulations include new provisions at regulations 7(4) (requirements for the transport of cattle and pigs), 8(4) (requirements for dealers in cattle and pigs) and 12(1) to (4) (requirements on operators of assembly centres for the purpose of intra-Community trade), which arise from new Community measures for intra-Community trade in cattle and pigs contained in Council Directive 64/432/EEC as amended (see Council Decision 97/12/EC (O.J. No. L 109, 25.4.97, p.1)). They also implement the following Community measures which were omitted from the Animals and Animal Products (Import and Export) Regulations 1998 or have been adopted since those Regulations were made.

| <i>Community measure</i> | <i>Reference in these Regulations</i> |
|---|---------------------------------------|
| Veterinary Checks on imports from third countries | |
| Council Directive 97/78/EC (O.J. No. L 24, 30.1.98, p.9) | Schedule 1 paragraph 1 |
| Council Directive 89/662/EEC (O.J. No. L 395, 30.12.1989, p.13) | Schedule 1 paragraph 2 |
| Council Directive 90/424/EEC (O.J. No. L 224, 18.08.1990, p.19) | |
| Council Directive 90/425/EEC (O.J. No. L 224, 18.08.1990, p.29) | |

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| Commission Decision 97/794/EC (O.J. No. L323, 26.11.97, p.31) | |
| Bovine animals and swine | |
| Council Directive 97/12/EC (O.J. No. L 109, 25.4.97, p. 1) | Schedule 3 paragraph 1 |
| Council Directive 98/46/EC (O.J. No. L 198, 15.7.98, p. 22) | |
| Council Directive 98/99/EC (O.J. No. L 358, 31.12.98, p.107) | |
| Commission Decision 98/362/EC (O.J. No. L 163, 6.6.98, p.48) | |
| Commission Decision 98/548/EC (O.J. No. L 263, 26.9.98, p.35) | |
| Commission Decision 98/621/EC (O.J. No. L 296, 5.11.98. p.15) | |
| Commission Decision 99/384/EC (O.J. No. L 146, 11.6.99, p.52) | |
| Commission Decision 99/399/EC (O.J. No. L 150, 17.6.99, p.32) | |
| Commission Decision 99/579/EC (O.J. No. L 219, 19.8.99, p.53) | |
| Animal waste | |
| Council Directive 92/118/EEC (O.J. No. L 62, 15.3.93, p.49) | Schedule 3 paragraph 7 |
| Council Decision 92/562/EEC (O.J. No. L 359, 9.12.92, p.23) | |
| Commission Decision 99/534/EC (O.J. No. L 204, 4.8.99, p.37) | |
| Fish | |
| Farmed Fish | |
| Commission Decision 99/489/EC (O.J. No. L 190, 23.7.99, p.41) | Schedule 3 paragraph 8 (1) |
| Commission Decision 94/862/EC (O.J. No. L 352, 31.12.94, p.72) | |
| Commission Decision 94/863/EC (O.J. No. L 352, 31.12.94, p.73) | |
| Commission Decision 94/864/EC (O.J. No. L 352, 31.12.94, p.74) | |
| Commission Decision 95/336/EC (O.J. No. L 195, 18.8.95, p.26) | |
| Commission Decision 95/352/EC (O.J. No. L 204, 30.8.95, p.13) | |
| Commission Decision 99/521/EC (O.J. No. L 199, 30.7.99, p.73) | |
| Commission Decision 2000/173/EC (O.J. No. L 55, 29.2.2000, p.74) and | |
| Commission Decision 2000/312/EC (O.J. No. L 104, 29.4.2000, p.80)) | |
| Commission Decision 99/550/EC (O.J. No. L 209, 7.8.99, p.39)) | |
| Commission Decision 99/556/EC (O.J. No. L 211, 11.8.99, p.50) | |
| Commission Decision 2000/172/EC O.J. No. L 5, 29.2.2000, p.71) | |
| Commission Decision 99/512/EC (O.J. No. L 195, 28.7.99, p.37)) | |
| Council Directive 97/79/EC (O.J. No. L 24, 30.1.98, p.31) | |
| Commission Decision 98/357/EC (O.J. No. L 162, 5.6.98, p.42) | |

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| Commission Decision 98/359/EC (O.J. No. L 163, 6.6.98, p.43) | |
| Commission Decision 98/361/EC (O.J. No. L 163, 6.6.98, p.46) (as amended by Commission Decision 99/513/EC (O.J. No. L 195, 28.7.99, p.39) and Commission Decision 2000/187/EC (O.J. No. L 59, 4.3.2000, p.14) and | |
| Commission Decision 2000/311/EC (O.J. No. L 104, 29.4.2000, p.77)) | |
| Commission Decision 98/395/EC (O.J. No. L 176, 20.6.98, p.30) | |
| Council Directive 98/45/EC (O.J. No. L 189, 3.7.98, p.12) | |
| Commission Decision 99/567/EC (O.J. No. L 216, 14.8.99, p.13) | |
| Commission Decision 2000/171/EC (O.J. No. L 55, 29.2.2000, p.70) | |
| Commission Decision 2000/173/EC (O.J. No. L 55, 29.2.2000 p.74) | |
| Commission Decision 2000/174/EC (O.J. No. L 55, 29.2.2000, p.77) | |
| Commission Decision 2000/188/EC (O.J. No. L 59, 4.3.2000, p17) | |
| Commission Decision 2000/310/EC (O.J. No. L 104, 29.4.2000, p.76) | |
| Commission Decision 2000/312/EC (O.J. No. L 104, 29.4.2000, p.80) | |
| Fish other than farmed fish | |
| Council Directive 91/493/EEC (O.J. No. L 268, 24.9.91, p.15) | Schedule 3 paragraph 8(2) |
| Council Directive 92/48/EEC (O.J. No. L 187, 7.7.92, p.41) | |
| Council Directive 95/71/EC (O.J. No. L 332, 30.12.95, p.40) | |
| Live bivalve molluscs | |
| Council Directive 91/492/EEC (O.J. No. L 261, 24.9.91, p.1) | Schedule 3 paragraph 8(3) |
| Council Directive 97/61/EC (O.J. No. L 295, 29.10.97, p35) | |
| Ovine and caprine | |
| Commission Decision 97/315/EC (O.J. No. L 137, 28.5.97, p.20) | Schedule 3 paragraph 9 |
| Pure-bred animals of the bovine species | |
| Commission Decision 96/80/EC (O.J. No. L 19, 25.1.96, p.50) | Schedule 3 paragraph 12 |
| Commission Decision 96/510/EC (O.J. No. L 210, 20.8.96, p.53) | |
| Breeding animals of the porcine species | |
| Commission Decision 96/510/EC (O.J. No. L 210, 20.08.1996, p.53) | Schedule 3 paragraph 13 |
| Pure-bred breeding sheep and goats | |
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| Commission Decision 96/510/EC (O.J. No. L 210, 20.08.1996, p.53) | Schedule 3 paragraph 14 |
| Equidae | |
| Commission Decision 96/78/EC (O.J. No. L 19, 25.1.96, p.39) | Schedule 3 paragraph 12 |
| Commission Decision 96/79/EC (O.J. No. L 19, 25.1.96, p.41) | |
| Commission Decision 96/510/EC (O.J. No. L 210, 20.08.1996, p.53) | |
| Third countries from which member States may authorise certain imports | |
| Commission Decision 98/594/EC (O.J. No. L 286, 23.10.98, p.53) | Schedule 5 paragraph 1 |
| Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77) | |
| Commission Decision 99/236/EC (O.J. No. L 87, 31.2.99, p.13) | |
| Commission Decision 99/558/EC (O.J. No. L 211, 11.8.99, p.53) | |
| Commission Decision 99/759/EC (O.J. No. O.J. No. L 300, 23.11.99, p.30) | |
| Commission Decision 00/02/EC (O.J. No. L 1, 4.1.00, p.17) | |
| Commission Decision 96/628/EC (O.J. No. L 282, 1.11.96, p.73) | |
| Commission Decision 97/232/EC (O.J. No. L 93, 8.4.97, p.43) | |
| Commission Decision 99/541/EC (O.J. No. L 207, 6.8.99, p.31) | |
| Bovine, Ovine and caprine animals and swine from third countries | |
| Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11) | Schedule 5 Part II paragraph 1 |
| Commission Decision 98/372/EC (O.J. No. L 170, 16.6.98, p.16-33) | |
| Commission Decision 98/505/EC (O.J. No. L 226, 13.8.98, p.50) | |
| Commission Decision 99/539/EC (O.J. No. L 207, 6.8.99, p.26) | |
| Temporary admission of registered horses | |
| Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44) | Schedule 5 Part II paragraph 4 |
| Commission Decision 98/594/EC (O.J. No. L 286, 23.10.98, p.53) | |
| Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77) | |
| Commission Decision 99/613/EC (O.J. No. L 24, 15.9.99, p.12) | |
| Registered horses for racing etc | |
| Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44) | Schedule 5 Part II paragraph 5 |
| Commission Decision 98/567/EC (O.J. No. L 276, 13/10.98, p.11) | |

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| Commission Decision 98/594/EC (O.J. No. L 286,23.10.98, p.53) | |
| Commission Decision 99/228/EC (O.J. No. L 83,27.3.99, p.77) | |
| Commission Decision 99/558/EC (O.J. No. L 211,11.8.99, p.53) | |
| Equidae for slaughter | |
| Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44) | Schedule 5 Part II paragraph 6 |
| Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77) | |
| Equidae for breeding and production | |
| Commission Decision 98/360/EC (O.J. No. L 163, 6.6.98, p.44) | Schedule 5 Part II paragraph 7 |
| Commission Decision 98/594/EC (O.J. No. L 286, 23.10.98, p.53) | |
| Commission Decision 99/228/EC (O.J. No. L 83, 27.3.99, p.77) | |
| Commission Decision 99/236/EC (O.J. No. L 87, 31.3.99, p.13) | |
| Commission Decision 99/252/EC (O.J. No. L 96, 10.4.99, p.31) | |
| Commission Decision 99/613/EC (O.J. No. L 243, 15.9.99, p.12) | |
| Poultry | |
| Commission Decision 96/482/EC (O.J. No. L 196, 7.8.96, p.13) | Schedule 5 Part II paragraph 8 |
| Commission Decision 96/483/EC (O.J. No. L 196, 7.8.96, p.28) | |
| Commission Decision 96/628/EC (O.J. No. L 282, 1.11.93, p.73) | |
| Bovine and porcine animals from Hungary, Poland, Bulgaria, Romania, Latvia, Slovenia, Lithuania, Estonia, Croatia, the Slovak Republic and the Czech Republic | |
| Commission Decision 98/372/EC (O.J. No. L 170, 16.6.98, p.34) | Schedule 5 Part II paragraph 9 |
| Commission Decision 99/539/EC (O.J. No. L 207, 6.8.99, p.26) | |
| Ovine and caprine animals | |
| Commission Decision 97/232/EC (O.J. No. L 93, 8.4.97, p.43) | Schedule 5 Part II paragraph 13 |

Notes:

[1] 1972 (c.68). Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred on 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 Scotland Act 1998.[back](#)

- [2] O.J. No. L 224, 18.8.90, p.29 as read with the provisions listed in Schedule 1.[back](#)
- [3] O.J. No. L 268, 24.9.91, p.56 as read with the provisions listed in Schedule 1.[back](#)
- [4] O.J. No. L 121, 29.7.1964, p 1977/64. Directive last amended by Directive 95/25EC(O.J. No. L 243, 11.10.95, p.16).[back](#)
- [5] O.J. No. L 73, Special Edition, 27.3.72.[back](#)
- [6] O.J. No. L 73, Special Edition, 27..3.72.[back](#)
- [7] O.J. No. C 241, 29.8.94, p.21 is amended by O.J. No. L 1, 1.1.95, p.1.[back](#)
- [8] 1994 c.39.[back](#)
- [9] O.J. No. L 46, 19.2.91, p.1 as amended and read with the provisions listed in paragraph 8 of Schedule 3.[back](#)
- [10] O.J. No. L 268, 14.9.92, p.54[back](#)
- [11] S.I. 1997/1480, to which there are amendments not relevant to these Regulations.[back](#)
- [12] O.J. No. L 224, 18.8.90, p.55.[back](#)
- [13] S.I. 1995/539 to which there are amendments not relevant to these Regulations.[back](#)
- [14] S.I. 1995/540 to which there are amendments not relevant to these Regulations.[back](#)
- [15] O.J. No. L 224, 18.8.90, p.29, as read with the provisions listed in Schedule 1.[back](#)
- [16] S.I. 1997/1729.[back](#)
- [17] O.J. No. L 268, 24.9.91, p.56, as read with the provisions listed in Schedule 1.[back](#)
- [18] S.I. 1974/2211; relevant amendment by S.I. 1994/1716.[back](#)
- [19] O.J. No. L 268, 24.9.91, p.56 as read with the provisions listed in Schedule 1.[back](#)
- [20] O.J. No. L 340, 11.2.91, p.17 as amended.[back](#)
- [21] O.J. No. L 224, 18.8.90, p.29 as read with the provisions listed in Schedule 1.[back](#)
- [22] S.I. 1998/190.[back](#)
- [23] As defined in Commission Decision 97/778/EC (as amended) drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries, laying down detailed rules concerning the checks to be carried out by experts of the Commission and repealing Decision 96/742/EC (O.J. No. L 315, 19.11.97, P.15).[back](#)
- [24] O.J. No. L 16, 25.1.93, p.16[back](#)
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