

2007 No. 194

ANIMALS

ANIMAL HEALTH

**The Animals and Animal Products (Import and Export)
(Scotland) Regulations 2007**

Made - - - - -

6th March 2007

Laid before the Scottish Parliament

8th March 2007

Coming into force - -

2nd April 2007



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The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and section 56(1) and (2) of the Finance Act 1973(b) and of all other powers enabling them in that behalf, hereby make the following Regulations:

PART I

INTRODUCTORY

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 and shall come into force on 2nd April 2007.

(2) In these Regulations—

“approved assembly centre” means an assembly centre approved by the Scottish Ministers in accordance with regulation 13;

“assembly centre” means any holding, collection centre or market at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which is used in the course of intra-Community trade;

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

“captive bird” means a bird whose import is subject to the requirements of Commission Decision 2000/666/EC;

“Commission Decision 2000/666/EC” means Commission Decision 2000/666/EC laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine (c), as amended by and as read with the instruments listed in paragraph 6 of Part II of Schedule 7;

(a) 1972 c.68. Section 2(2) is relevantly amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) 1973 c.51. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. The requirement to obtain the consent of the Treasury was removed by section 55 of the 1998 Act.

(c) O.J. No. L 278, 31.10.2000, p. 26

“Commission Decision 2006/115/EC” means Commission Decision 2006/115/EC concerning certain protection measures in relation to highly pathogenic avian influenza in wild birds in the Community and repealing Decisions 2006/86/EC, 2006/90/EC, 2006/91/EC, 2006/94/EC, 2006/104/EC and 2006/105/EC(a) as amended by Commission Decision 2006/277/EC(b);

“Commission Regulation (EC) No. 282/2004” means Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community(c);

“Commission Regulation (EC) No. 1/2005” means Commission Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97(d);

“Council Directive 64/432/EEC” means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(e) as amended by and as read with the instruments listed in paragraph 1 of Part I of Schedule 3;

“Council Directive 90/425/EEC” means 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(f) as amended by and as read with the instruments listed in paragraph 1 of Schedule 1;

“Council Directive 90/427/EEC” means Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae(g), as amended by and as read with the instruments listed in paragraph 15 of Part I of Schedule 3;

“Council Directive 90/539/EEC” means Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(h), as amended by and as read with, in relation to intra-Community trade the instruments listed in paragraph 6 of Part I of Schedule 3 and in relation to imports from third countries, the instruments listed in paragraph 4 of Part II of Schedule 7;

“Council Directive 91/67/EEC” means Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(i), as amended by and as read with the instruments listed in paragraph 8(1) of Part I of Schedule 3;

“Council Directive 91/68” means Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(j) as amended by and as read with the instruments listed in paragraph 9 of Part I of Schedule 3;

“Council Directive 91/496/EEC” means Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries(k), as amended by and as read with the instruments listed in paragraph 2 of Schedule 1;

“Council Directive 92/65/EEC” means 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(l), as amended by and as read with, in relation to intra-Community trade, the instruments listed in paragraph 10 of Part I of Schedule 3, and in relation to imports from third countries, the instruments listed in paragraph 5 of Part II of Schedule 7;

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- (a) O.J. No. L 48, 18.2.2006, p. 48.
(b) O.J. No. L 103, 12.4.2006, p. 29.
(c) O.J. L 49, 19.2.2004, p.11.
(d) O.J. L 3, 5.1.2005, p. 1.
(e) O.J. No. P 121, 29.7.64, p.1977.
(f) O.J. No. L 224, 18.8.90, p.29.
(g) O.J. No. L 224, 1.8.90, p.55.
(h) O.J. No. L 303, 30.10.90, p.6.
(i) O.J. No. L 46, 19.2.91, p.1.
(j) O.J. No. L 46, 19.2.91, p.19.
(k) O.J. No. L 268, 24.9.91, p.56.
(l) O.J. No. L 268, 14.9.92, p.54.

“dealer” means–

- (a) in the case of cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who within 30 days of purchasing animals resells or relocates them to other premises not within his ownership; and
- (b) in the case of sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who within 29 days of purchasing animals resells or relocates them to other premises or directly to a slaughterhouse not within his ownership;

“European international instruments” means–

- (a) 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(a);
- (b) 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(b);
- (c) 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(c); and
- (d) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(d);

“herd” or “flock” means a 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 a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(e);

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

“quarantine centre”, “quarantine facility” and “quarantine unit” in relation to captive birds have the meanings given in Commission Decision 2000/666/EC, and references in these Regulations to an “approved” quarantine centre and quarantine facility shall be construed as referring to such a centre or facility approved in accordance with regulation 20 and Schedule 8 so long as that approval is not revoked or suspended;

“quarantine manager” in relation to captive birds has the meaning given in regulation 20(11);

“Regulation (EC) No. 998/2003” means Regulation (EC) No. 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC(f), as amended by Commission Regulation (EC) No. 2054/2004(g);

(a) O.J. No. L 73, Special Edition, 27.3.72.

(b) O.J. No. L 1, 3.1.94, p.1.

(c) O.J. No. C241, 29.8.94, p.21, as amended by O.J. No. L 12, 1.1.95, p.1.

(d) O.J. No. L 236, 23.9.03, p.33.

(e) 1994 c.39.

(f) O.J. No. L 146, 13.6.2003, p.1.

(g) O.J. No. L 355, 01.12.2004, p.14.

“Regulation (EC) No. 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption^(a);

“re-inspection” in relation to the Poultry Health Scheme means an additional inspection described in paragraph 9 of Part I, Schedule 4, and “re-inspection fee” is the fee provided for in that paragraph;

“required consignment documentation” means any certificates or other documents that are required by these Regulations to accompany the consignment;

“veterinary inspector” means a person appointed as a veterinary inspector by the Scottish Ministers; and

“veterinary inspector rate” has the meaning given to it in regulation 33(2).

(3) Unless the context otherwise requires, any expressions used in these Regulations have the meaning they bear in Council Directive 90/425/EEC and Council Directive 91/496/EEC.

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

(5) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, within the meaning of the Electronic Communications Act 2000^(b).

(6) These Regulations extend to Scotland only.

Exception

2.—(1) Subject to paragraph (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.

(2) Where any person is accompanying and has under his responsibility more than five pets travelling together that—

(a) are each of a species listed in Annex I to Regulation (EC) No. 998/2003; and

(b) come from a third country other than one listed in section 2 of part B of Annex II to Regulation (EC) No. 998/2003,

these Regulations shall apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is 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 they, and not the local authority, shall discharge any duty imposed on a local authority under paragraph (1).

(3) The Scottish Ministers may recover from the local authority concerned any expenses reasonably incurred by them under paragraph (2).

(a) O.J. No. L 139, 30.4.2004, p. 206, a corrigendum to which has been published in O.J. No. L 226, 25.06.2004, p. 83.

(b) 2000 c.7; the definition, in section 15(1), was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c.21).

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part shall apply to trade between member States in live animals and animal products which are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC.

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 instruments (“the listed instruments”) in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of the listed instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by the listed instruments, it is accompanied by—
 - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
 - (ii) any other document required by the listed instruments;
- (c) when required by the listed instruments, 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 listed instruments; and
- (d) if the animal is acquired through or transits an assembly centre, that centre is an approved assembly centre.

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation the inspector may by notice served on the consignor, his representative or the person appearing to him to be 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) 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 6, 7, 9 or 10 of Council Directive 92/65/EEC apply unless the animal originates from—

- (a) a holding that 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; or
- (b) a body, institute or centre that has been approved by the Scottish Ministers in accordance with regulation 9(1) and that conforms with the requirements of Annex C to Council Directive 92/65/EEC.

(5) No person shall export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of Council Directive 90/539/EEC, applies unless they originate from an establishment which—

- (a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the Scottish Ministers in accordance with Schedule 4 to these Regulations; and
- (b) conforms with the requirements of Annex II to Council Directive 90/539/EEC.

(6) An establishment to which paragraph (5)(a) applies is to be considered an approved establishment for the purposes of Article 6(1)(a) of Council Directive 90/539/EEC.

Imports

6.—(1) No person shall import from another member State either for entry into the UK or by way of transit to another Member State any animal or animal product subject to an instrument listed in Part I of Schedule 3 and in free circulation in another member State unless it complies with the relevant provisions of that instrument and any additional requirements specified in Part I of Schedule 3.

(2) Where an animal subject to an instrument listed in Part 1 of Schedule 3 is imported from another Member State, either for entry into the UK or by way of transit to another Member State, the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves Scotland, as the case may be.

(3) If an animal is imported for slaughter, other than an animal taken to an assembly centre, 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, their representative or the person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(4) Where cattle, pigs, sheep or goats are imported for slaughter and are taken to an assembly centre, the importer shall ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there—

- (a) in the case of sheep and goats within 5 days of their arrival at the assembly centre; and
- (b) in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(5) Where an animal to which paragraph (4) applies is not slaughtered within the specified period, an inspector may by notice served upon the importer, his representative, or person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(6) In the event of a notice served under paragraphs (3) or (5) not being complied with an inspector may seize or cause to be seized any animal to which the notice 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 that person 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 the inspector 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 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, pigs, sheep or goats, 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 under Articles 10, 11 and 13 of Council Regulation (EC) No. 1/2005.

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 them by the Scottish Ministers, a dealer engaging in intra-Community trade in animals shall register as such with the Scottish Ministers and shall give to them 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, pigs, sheep or goats 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) in accordance with point 6 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 of and Annex D to that Directive.

Approval of laboratories

10. The Scottish Ministers shall approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for Mycoplasma and Salmonella infections required under Chapter III of Annex II to Council Directive 90/539/EEC.

Inspection and checking at destination

11.—(1) A veterinary inspector shall have power to inspect all animals and animal products imported into Scotland from another member State, at their place of destination, 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 they have information leading them to suspect an infringement of the Directives or other measures in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

Duties on consignees

12.—(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) 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 referred to in paragraph (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

13.—(1) Any person operating an assembly centre for the purpose 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—

- (a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive 64/432/EEC;
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Council Directive 91/68/EEC; and
- (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive 90/425/EEC.

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

(4) Where animals are consigned to an 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, pigs, sheep and goats, the name of the owner, the registration number, 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 sub-paragraph (4)(b)(i) above;
 - (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 sub-paragraph (4)(b)(i) above; and
 - (iv) in the case of sheep and goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in sub-paragraph (4)(b)(i) above,

and shall preserve the register for a minimum of 3 years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon qualified in accordance with Regulation (EC) No. 854/2004 to act in such a capacity and appointed as such by the Food Standards Agency (in this paragraph and paragraph (6) “the official veterinary surgeon”), 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, the official veterinary surgeon shall forthwith notify a veterinary inspector authorised by the Scottish Ministers to receive that 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 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) do not apply, any person who markets any animal consigned to them from another member State, or divides up batches of such animals for distribution or marketing—

- (a) shall check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument 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, 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

14.—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 6 or of a zoonosis or any other disease or 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, they may by notice served upon the person appearing to them to be in 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 specified in the notice 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, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of paragraph (3), if an inspector knows or suspects that animals or animal products do not comply with the provisions of Article 3 of Council Directive 90/425/EEC, they may, if animal health and welfare considerations so permit, give the consignor or the consignor's representative or the person appearing to the inspector to be in 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 the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997^(a), 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 them 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 only by reason of an irregularity in respect of the required consignment documentation, the inspector shall not serve a notice under paragraph (2) unless—

- (a) they have given the consignor, the consignor's representative or the person appearing to the inspector to be in charge of those animals or products a notice requiring them 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; and

(a) S.I. 1997/1729, as amended by S.I. 2001/3590, S.I. 2004/147 and S.I. 2006/755.

(b) the required consignment documentation has not been produced within that time.

(4) In the event of any notice served under this regulation not being complied with an inspector may seize 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

15. This Part 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 animal originated in a country which is not a member State and all the checks provided for in Council Directive 91/496/EEC have not been carried out.

Official veterinarians

16. 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 and may revoke such designation at any time.

Importation

17.—(1) No person shall import any animal—

- (a) either for entry into the United Kingdom or for export to another member State unless the conditions in Article 4 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 Instruments in Part I of Schedule 7.

(3) No person shall import any animal to which an instrument in Part II of Schedule 7 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.

(4) In relation to the import of captive birds, this regulation as read with paragraph 3 of Part I and paragraph 6 of Part II Schedule 7 shall not apply to permit the import of captive birds.

(5) Where an animal is imported for slaughter, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

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

(7) The person in charge of an animal that has been imported for immediate re-export, either directly or indirectly, outside the European Community shall comply with Article 4, second indent, of Commission Regulation (EC) No. 282/2004.

Places of import

18.—(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(a) 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), an inspector may by notice require the person appearing to the inspector 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 the veterinary inspector 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 paragraph (2) or (3) not being complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

Import procedure

19.—(1) No person shall import any animal unless he has given notice of his intention to do so in accordance with Article 1 of Commission Regulation (EC) No. 282/2004.

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the examination area of the border inspection post or, where the instruments in Schedule 7 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) In relation to a captive bird, the importer or their agent shall at the expense of the importer ensure that—

- (a) the bird is conveyed from the border inspection post referred to in paragraph (2) to an approved quarantine centre or approved quarantine facility as provided for in Articles 2(4) and 3(1) and (2) of Commission Decision 2000/666/EC; and
- (b) the bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Articles 3(3) and (5), 4, 5 and 6 of Commission Decision 2000/666/EC and regulation 20.

(4) Without prejudice to regulation 20, and paragraph 6 of Part I of Schedule 8, no person shall remove any animal from a border inspection post or a quarantine centre unless the common veterinary entry document has been completed in accordance with Article 3(1) of Commission Regulation (EC) No. 282/2004 indicating that all necessary veterinary checks have been carried out to the satisfaction of the official veterinarian.

(5) No person shall remove any animal from Customs temporary storage arrangements—

- (a) unless the common veterinary entry document has been produced in accordance with Article 3(3) of Commission Regulation (EC) No. 282/2004 to an officer of Revenue and Customs and the removal has been authorised by that officer;
- (b) to any place other than the place of destination specified in the common veterinary entry document, unless they have been required to remove it to another place by means of a notice served on them by an inspector.

(6) Subject to paragraphs (2) to (5), the person in charge of an animal imported from a third country shall ensure that it is conveyed to its place of destination without delay and that the original of the common veterinary entry document accompanies it to its place of destination in accordance with Article 3(4) of Commission Regulation (EC) No. 282/2004.

(7) Where a check at a border inspection post 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

(a) S.I. 1974/2211, as amended by S.I. 1977/361, 1984/1182, 1986/2062, 1994/17916 and 2003/229.

owner or the person appearing to the official veterinarian to be in charge of an animal, permit the owner or person so served to move the animal from the border inspection post, and require that owner or 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 23 shall apply as they apply at a border inspection post.

(8) In the event of a notice served under paragraph (5)(b) or (7) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

Quarantine for captive birds

20.—(1) The provisions of Part I of Schedule 8 have effect in relation to approvals for quarantine centres and quarantine facilities pursuant to Commission Decision 2000/666/EC and to fees which may be charged to a quarantine manager in respect of those approvals, including whether an approval should be granted.

(2) The quarantine manager shall ensure that the specific requirements for the quarantine of captive birds described in Part II of Schedule 8 are met.

(3) Part III of Schedule 8 has effect in relation to charges to be paid by an importer of captive birds in respect of any consignment of captive birds.

(4) Using such criteria as they consider appropriate in all the circumstances to avoid an over-recovery of costs, the Scottish Ministers may make a reduced charge under paragraph (3) in relation to any consignment of captive birds, if during a veterinary inspector's attendance at a quarantine centre or quarantine facility they undertake sampling or official veterinary supervision in relation to any other consignment of captive birds, or carry out inspections for which a charge may be made under Part I of Schedule 8.

(5) For the purposes of this regulation and Schedule 8—

- (a) the Veterinary Laboratories Agency is designated the official laboratory for the purposes of testing and analysis of samples pursuant to Commission Decision 2000/666/EC; and
- (b) the charges of the Scottish Ministers under paragraphs (1) and (3) shall be payable upon written demand, which demand may be addressed to the quarantine manager or importer (as the case may be) concerned, at their last known address, whether or not it is their address for business.

(6) No person may enter a quarantine centre or a quarantine facility unless—

- (a) they wear protective clothing and footwear; and
- (b) they meet at least one of the following criteria—
 - (i) they are a member of staff at that quarantine centre or quarantine facility;
 - (ii) they have been authorised to enter by the Scottish Ministers or by a veterinary inspector; or
 - (iii) they otherwise do so in fulfilment of a statutory function relating to animal health, animal welfare or species conservation which they are appointed by the Scottish Ministers or by the local authority to perform.

(7) No person shall remove a live captive bird from a quarantine centre or quarantine facility without the approval of a veterinary inspector.

(8) No person shall dispose of a carcase of a captive bird which dies in quarantine unless a veterinary inspector has authorised the removal or disposal.

(9) An inspector shall have powers in relation to the quarantine of captive birds to—

- (a) enter a quarantine centre or quarantine facility to check compliance with these Regulations or with an approval granted or sought under this regulation and Schedule 8;

- (b) inspect and arrange for copies of any documents or records (in whatever form they are held) which the inspector reasonably considers relevant for checking compliance with the requirements of this Part and Schedule 8;
- (c) take such samples and carry out such inspections of a quarantine centre or quarantine facility and its equipment, and such clinical veterinary examinations, as are required under Commission Decision 2000/666/EC.

(10) An inspector exercising powers under paragraph (9) shall produce, if required to do so, some duly authenticated document showing his authority to exercise those powers.

(11) In this regulation, “quarantine manager” means the person in charge of a quarantine centre or quarantine facility for which approval is required under Commission Decision 2000/666/EC.

Payment of fees

21. The official veterinarian shall not authorise the release of animals from a quarantine centre or border inspection post unless they are 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

22.—(1) Subject to paragraph (2), where checks at a quarantine centre, quarantine facility or border inspection post or the test results referred to in regulation 19(7) 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 their representative.

(2) Where the presence of Avian Influenza or Newcastle disease is found at a quarantine centre or quarantine facility in accordance with Article 4(4) of Commission Decision 2000/666/EC, a veterinary inspector shall either—

- (a) (i) slaughter and destroy all birds within the quarantine facility or at the unit at the quarantine centre where disease has been found, as required under Article 4(4)(a) of Commission Decision 2000/666/EC; and
- (ii) by notice impose the other measures provided for in Article 4(4) of that Decision; or
- (b) serve notice specifying the terms on which the derogation in Article 4(5) of Commission Decision 2000/666/EC is to be exercised.

(3) Where during quarantine required under Commission Decision 2000/666/EC psittaciformes are suspected or found to be suffering *Chlamydia psittaci*, the veterinary inspector shall by notice—

- (a) require the treatment of all birds in the consignment by means specified in that notice; and
- (b) extend the period of quarantine as required under Article 5 of Commission Decision 2000/666/EC.

(4) A notice served under paragraphs (2) and (3) shall be served upon the quarantine manager or other person appearing to the veterinary inspector to be in charge of the centre or facility at the time of service.

(5) A copy of that notice shall be sent to the importer of the birds concerned.

Illegal consignments

23.—(1) Where checks at the quarantine centre, quarantine facility or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive 91/496/EEC or Commission Regulation (EC) No. 1/2005, in particular the requirements listed in Article 21.1 of that Regulation, a veterinary inspector shall, by notice served on the

person appearing to the veterinary inspector to be in 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-despatch 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) the veterinary inspector shall consult the importer or their representative.

(3) If the animals are re-despatched in accordance with sub-paragraph (1)(c), the official veterinarian shall cancel the veterinary certificate accompanying the rejected consignment and complete the box “details of re-consignment” in part 3 of the common veterinary entry document in accordance with the second indent of Article 3(1) of Commission Regulation (EC) No. 282/2004 as soon as the relevant information is known.

(4) If in the opinion of the veterinary inspector re-despatch is not possible, in particular for reasons of the welfare of animals, they shall serve a notice on the person appearing to them to be in 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 and 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) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) The importer or their 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

24.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, shall be detained at the premises by the person having control of those premises for at least 30 days and that person shall not release them until authorised in writing by an authorised officer of the Scottish Ministers.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (1) does not apply that are for breeding or production shall be detained at the place of destination by the person having control of those premises, and that person shall not release them unless authorised in writing by an authorised officer of the Scottish Ministers.

Post-import controls

25.—(1) Where a veterinary inspector knows or suspects that import conditions (including requirements for the quarantine of imported animals) have not been complied with or there is doubt as to the identity of an animal, they may carry out any veterinary checks on that animal that they deem appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 22 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 to 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

PRE-CHECKED THIRD COUNTRY IMPORTS

Application of Part IV

26. This Part shall apply in respect of animals imported into Scotland and which originate 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 part of the United Kingdom or another member State.

Imports

27. No person shall import any animal to which this Part applies unless it is accompanied by the common veterinary entry document 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 and Article 3 of Commission Regulation (EC) No. 282/2004.

Import procedure

28. The provisions of regulations 7 to 9, 11 to 13, 17(2) and (3), 19(3) and (6), 20(3) to (8), 22(2) and (3), 24 and 25 of these Regulations shall apply in relation to animals to which this Part applies.

PART V

GENERAL

Outbreaks of disease in other states

29.—(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 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 6 (list of diseases), 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

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

Appointment of inspectors

31. The Scottish Ministers or, as the case may be, the local authority shall appoint inspectors for the purposes of the enforcement of these Regulations.

Powers of inspectors

32.—(1) Subject to regulation 11, an inspector shall, on producing, if required to do so, some duly authenticated document showing the inspector's 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.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Council Directives 90/425/EEC and 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 them a representative of the European Commission acting for the purposes of Council Directive 90/425/EEC or 91/496/EEC.

(3) In this regulation, “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

Recovery of expenses

33.—(1) The consignor, their representative and the person in charge of any animal 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 under these Regulations relating to those animals or animal products.

(2) In relation to any activity undertaken by a veterinary inspector for which a charge may be made under these Regulations at the veterinary inspector rate (“a chargeable activity”)—

- (a) the Scottish Ministers shall determine the veterinary inspector rate for that activity as representing the reasonable costs and expenses incurred in employing a veterinary inspector to undertake that chargeable activity during any given unit of time;

- (b) the Scottish Ministers shall publish the current veterinary inspector rate on the website of the Scottish Executive^(a); and
- (c) time charged at the veterinary inspector rate shall be charged in units of half an hour or part thereof.

Obstruction

34.—(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 and for the purposes of functions under these Regulations any assistance or information which the person acting in the execution of these Regulations may reasonably require of them; or
- (c) furnish to any person acting in the execution of these Regulations any information which they know 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 them.

Offences by bodies corporate

35.—(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,

that person 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, that partner as well as the partnership shall be deemed to be guilty of that offence and be liable to be proceeded against and punished accordingly.

Offences and penalties

36.—(1) A person contravening any provision of these Regulations, except those listed in paragraph (2), or any notice served under any such provision shall be guilty of an offence.

(2) The provisions referred to in paragraph (1) are those contained in—

- (a) regulation 20(3);
- (b) paragraph 6 of Part I of Schedule 4; and
- (c) paragraph 2 of Part I of Schedule 5.

(3) A person guilty of an offence under regulation 34(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.

(4) 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

(a) www.scotland.gov.uk.

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

(5) No contravention of, or failure to comply with, a provision of these Regulations by the Scottish Ministers, a local authority, a veterinary inspector or an inspector shall constitute an offence.

Transitional arrangements and disapplication of provisions

37.—(1) These Regulations shall apply to a captive bird which has been lawfully imported pursuant to the Importation of Birds, Poultry and Hatching Eggs Order 1979^(a) on or before 17th July 2006 as if the bird had been imported and, if it is in quarantine, placed in quarantine, in accordance with Part IV of Schedule 8 to these Regulations.

(2) Where, on 17th July 2006, a quarantine centre or quarantine facility held an approval for the purposes of Commission Decision 2000/666/EC that quarantine centre or quarantine facility shall be treated as approved in accordance with regulation 20 and Schedule 8 to these Regulations.

(3) Subject to paragraph (1), the provisions of the legislation listed in Schedule 9 shall not apply to imports from another member State of animals and animal products to which an instrument referred to in Part I of Schedule 3 applies, or to imports of an animal to which an instrument referred to in Schedule 7 applies from the country subject to that instrument, to the extent specified in column 3 of Schedule 9.

Revocations

38. The Regulations set out in column 1 of Schedule 10 are revoked to the extent specified in column 3 of that Schedule.

St Andrew's House,
Edinburgh
6th March 2007

ROSS FINNIE
A member of the Scottish Executive

(a) S.I. 1979/1702, as amended by S.I. 1990/2371.

SCHEDULE 1

Regulation 1(2)

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

1. Council Directive 90/425/EEC (O.J. No. 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 91/67/EEC (O.J. No. L 46, 19.2.91, p.1);
- Council Directive 91/68/EEC (O.J. No. L 46, 19.2.91, p.19);
- 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);
- Council Directive 97/78/EC (O.J. No. L 24, 30.1.98, p.9);
- Council Directive 2002/33/EC (O.J. No. L 315, 19.11.2002, p.14); and

the European international instruments.

2. Council Directive 91/496/EEC (O.J. No. L 268, 24.9.91, p.56) amended by, and as read with—

- Council Directive 89/662/EEC (O.J. No. L 395, 30.12.89, p.13);
- Council Directive 90/424/EEC (O.J. No. L 224, 18.08.90, p.19);
- Council Directive 90/425/EEC (O.J. No. L 224, 18.08.90, p.29);
- Council Directive 91/628/EEC (O.J. No. L 340, 11.12.91, p.17);
- Council Decision 92/438/EEC (O.J. No. L 243, 25.8.92, p.27);
- 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);
- Council Directive 97/78/EC (O.J. No. L 24, 30.1.98, p.9);
- Commission Decision 97/794/EC (O.J. No. L 323, 26.11.97, p.31);
- Commission Regulation (EC) No. 282/2004 (O.J. No. L 49, 19.2.2004, p.11), as amended by
- Commission Regulation (EC) No. 585/2004 (O.J. No. L 91, 30.3.2004, p.17); and

the European international instruments.

SCHEDULE 2

Regulations 1(2) and 18(1)

BORDER INSPECTION POSTS

Border inspection post
Prestwick Airport

Animals which may be imported
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).

SCHEDULE 3 Regulations 1(2), 4, 5(1), 6(1) and
(2), 7(4), 8(4), 11, 13(7), 32(2)(b)
and 37(3)

INTRA-COMMUNITY TRADE: LEGISLATION AND ADDITIONAL
REQUIREMENTS

PART I

Legislation in Relation to Intra-Community Trade

Bovine animals and swine

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), and as subsequently amended by—

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

Directive 2000/15/EC of the European Parliament and of the Council (O.J. No. L 105, 3.5.2000, p.34);

Directive 2000/20/EC of the European Parliament and of the Council (O.J. No. L 163, 4.7.2000, p.35);

Commission Decision 2001/298/EC (O.J. No. L 102, 12.4.2001, p.63);

Commission Regulation (EC) No 535/2002 (O.J. No. L 80, 23.3.2002, p.22);

Commission Regulation (EC) No 1226/2002 (O.J. L 179, 9.7.2002, p.13);

Council Regulation (EC) No. 21/2004 (O.J. No. L 5, 9.1.2004, p.8);

Commission Decision 2004/226/EC (O.J. No. L 68, 6.3.2004, p.36); and

the European International Instruments.

Relevant provisions in that instrument: 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).

Additional requirements:

- (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, the Republic of Cyprus, the Czech Republic, Denmark, Finland, Germany, Luxembourg, Sweden and those parts of France specified in Commission Decisions amending Decision 2001/618/EC must contain the statement: “Pigs in accordance with Commission Decision 2001/618/EC concerning Aujeszky’s disease”.

- (d) Exports of cattle from Scotland to the countries listed in Annexes I and II of Commission Decision 2004/558/EC (O.J. No. L 249, 23.7.2004, p.20)–
 - (i) must meet the additional guarantees laid down in Article 2(1), Article 2(2)(b)(i) or Article 2(2)(c) (for exports to Germany), and (for exports to Denmark, Austria, Finland, Sweden and the province of Bolzano in Italy) in Article 3(1) of that Decision; and
 - (ii) in relation to the certification accompanying such exports–
 - (aa) for bovine animals exported to Germany, in point 4 of Section C of the health certificate set out in Model 1 of Annex F to Directive 64/432/EEC, after the first indent, “IBR” must be entered, and after the second indent the additional guarantees of Article 2 which are met by the cattle must be specified as follows: “Article 2(1), [*or*] Article 2(2)(b)(i) [*or*] Article 2(2)(c) [*as the case may be*] of Commission Decision 2004/558/EC”; and
 - (bb) for bovine animals exported to Denmark, Austria, Finland, Sweden and the province of Bolzano in Italy, in point 4 of Section C of the health certificate set out in Model 1 of Annex F to Directive 64/432/EEC, after the first indent, “IBR” must be entered, and after the second indent “Article 3 of Commission Decision 2004/558/EC” must be entered.
- (e) In accordance with Commission Decision 2003/514/EC concerning health protection measures against African swine fever in Sardinia, Italy (O.J. No. L 178, 17.7.2003, p.28), the importation into Scotland from the Italian region of Sardinia of animals of the *suidae* family is prohibited.
- (f) The official health certificate accompanying swine imported into Scotland from Italy must contain the statement “Animals in accordance with Commission Decision 2005/779/EC concerning animal health protection measures against swine vesicular disease in Italy”.

Bovine semen

2. Instrument: 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, and as read with–

- Council Directive 90/120/EEC (O.J. No. L 71, 17.3.90, p.37);
 - Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);
 - Council Directive 93/60/EEC (O.J. No. L 186, 28.7.93, p.28);
 - Council Directive 2003/43/EC (O.J. No. L 143, 11.6.2003, p.23);
 - Commission Decision 2004/101/EC (O.J. No. L 30, 4.2.2004, p.15);
 - Commission Decision 2004/205/EC (O.J. No. L 65, 3.3.2004, p.23); and
- the European international instruments.

Relevant provisions in that instrument: Articles 3 and 6.

Bovine embryos

3. Instrument: 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. L 302, 19.10.89, p.1), as amended by, and as read with–

- Council Directive 90/425/EEC (O.J. No. L 224, 18.8.90, p.29);
 - Council Directive 93/52/EEC (O.J. No. L 175, 19.7.93, p. 21);
 - Commission Decision 94/113/EC (O.J. No. L 53, 24.2.94, p.23);
 - Commission Decision 2004/205/EC (O.J. No. L 65, 3.3.2004, p.23); and
- the European international instruments.

Relevant provisions in that instrument: Articles 3 and 6.

Equidae

4. Instrument: 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 90/427/EEC (O.J. No. L 224, 18.08.90, p.55);

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 93/623/EEC (O.J. No. L 298, 3.12.93, p.45) as amended by Commission Decision 2000/68/EC (O.J. No. L 23, 28.1.2000, p.72);

Commission Decision 2001/298/EC (O.J. No. L 102, 12.4.2001, p.63);

Commission Decision 2002/160/EC (O.J. No. L 053, 23.2.2002, p.37); and

the European international instruments.

Relevant provisions in that instrument, subject to and as read with the following Notes: Articles 4, 5, 7(1), and 8.

Notes:

- (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 or equidae for breeding and production accompanied by an identification document provided for in Council Directive 90/427/EEC.
- (b) For the avoidance of doubt, the derogation permitted under Article 7(2) shall not apply in relation to equidae brought into Scotland.

Porcine Semen

5. Instrument: 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 amended by, and as read with–

Commission Decision 99/608/EC (O.J. No. L 242, 14.9.1999, p.20);

Commission Decision 2000/39/EC (O.J. No. L 13, 19.1.2000, p.21);

Commission Decision 2004/205/EC (O.J. No. L 65, 3.3.2004, p.23); and

the European international instruments.

Relevant provisions in that instrument: Articles 3, 4(1), 4(2) and 6(1).

Additional requirements:

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. Instrument: 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, 31.10.90, 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 91/496/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);
Council Decision 95/410/EC (O.J. No. L 243, 11.10.95, p.25) as amended by Council Decision 98/227/EC (O.J. No. L 87, 21.3.98, p.14);
Commission Decision 97/278/EC (O.J. No. L 110, 26.4.97, p.77);
Council Directive 99/90/EC (O.J. No. L 300, 23.11.1999, p.19);
Commission Decision 2000/505/EC (O.J. No. L 201, 9.8.2000, p.8);
Commission Decision 2001/867/EC (O.J. No. L 323, 7.12.2001, p.29);
Commission Decision 2003/644/EC (O.J. No. L 228, 12.9.2003, p.29);
Commission Decision 2004/235/EC (O.J. No. L 72, 11.3.2004, p.86); and
the European International instruments.

Relevant provisions in that instrument: Articles 6 to 11, 12(1), and 15 to 17.

Additional requirements:

- (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 2003/644/EC of 8th September 2003.
- (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 2003/644/EC of 8th September 2003.
- (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 2004/235/EC of 11th March 2004.
- (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 22nd June 1995.
- (e) The official health certification accompanying poultry, hatching eggs and day-old chicks imported into Scotland from Italy shall include the words “The animal health conditions of this consignment are in accordance with Commission Decision 2005/926/EC”.
- (f) In the case of hatching eggs from a protection zone established under Commission Decision 2006/115/EC which are–
 - (i) exported from such a protection zone in Scotland to another member State, or
 - (ii) imported from such a protection zone in another member State into Scotlandpursuant to the derogation in Article 7 of Commission Decision 2006/115/EC, the official health certification required to accompany hatching eggs under Article 17 of Council Directive 90/539/EEC in the form of Model 1 of Annex IV to that Directive shall contain a statement in the following terms:

“This consignment complies with the animal health conditions laid down in Commission Decision 2006/115/EC.”.

Animal waste

7. Instrument: Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption (O.J. No. L 273, 10.10.2002, p.1), as amended by, and as read with—

Commission Regulation No. 808/2003 (O.J. No. L 117, 13.5.03, p.1);
Commission Regulation No. 811/2003 (O.J. No. L 117, 13.5.03, p.14);
Commission Regulation No. 813/2003 (O.J. No. L 117, 13.5.03, p.22);
Commission Decision 2003/320/EC (O.J. No. L 117, 13.5.03, p.24);
Commission Decision 2003/321/EC (O.J. No. L 117, 13.5.03, p.30);
Commission Decision 2003/326/EC (O.J. No. L 117, 13.5.03, p.42);
Commission Decision 2003/327/EC (O.J. No. L 117, 13.5.03, p.44);
Commission Decision 2003/328/EC (O.J. No. L 117, 13.5.2003, p.46);
Commission Decision 2003/329/EC (O.J. No. L 117, 13.5.2003, p.51);
Commission Regulation No. 780/2004 (O.J. No. L 123, 27.4.2004, p.64);
Commission Regulation No. 93/2005 (O.J. No. L 19, 21.1.2005, p.34)
Commission Regulation No, 2007/2006 (O.J. No. L 379, 28.12.2006, p.98); and
the European international instruments.

Relevant provision in that instrument: Article 8 as read with Annex II.

Farmed fish

8.—(1) Instrument: 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 94/864/EC (O.J. No. L 352, 31.12.94, p.74);
Commission Decision 97/804/EC (O.J. No. L 329, 29.11.97, p.70));
Council Directive 97/79/EC (O.J. No. L 24, 30.1.98, p.31);
Commission Decision 98/24/EC (O.J. No. L 8, 14.1.98, p.26);
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 2001/159/EC (O.J. No. L 57, 27.2.2001, p.54);
Commission Decision 2001/183/EC (O.J. L 67 9.3.2001 p.65);
Commission Decision 2002/300/EC (O.J. No. L 103, 19.4.2002, p.24), as amended by
Commission Decision 2003/378/EC (O.J. No. L 130, 27.5.2003, p.27);
Commission Decision 2002/308/EC (O.J. No. L 106, 23.4.2002, p.28), as amended by
Commission Decision 2004/850/EC (O.J. No. L 368, 15.12.2004, p.28);
Commission Decision 2003/390/EC (O.J. No. L 135, 3.6.2003, p.19);
Commission Decision 2003/466/EC (O.J. No. L 156, 25.6.2003, p.61);
Commission Decision 2003/634/EC (O.J. No. L 220, 3.9.2003, p.8), as amended by
Commission Decision 2003/904/EC (O.J. No. L 340, 24.12.2003, p.69) and Commission
Decision 2005/770/EC (O.J. No. L 291, 5.11.2005);
Commission Decision 2004/453/EC (O.J. No. L 156, 30.4.2004, p.5); and
the European international instruments.

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

Fish other than farmed fish

(2) Instrument: Council Directive 91/493/EEC laying down the health conditions for the production and 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 92/48/EEC (O.J. No. L 187, 7.7.92, p.41), laying down the 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;

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

Council Directive 97/79/EC (O.J. No. L 24, 30.1.98, p.310); and

the European international instruments.

Relevant provision in that instrument: Article 4.

Live Bivalve molluscs

(3) Instrument: 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); and

the European international instruments.

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

Ovine and caprine animals

9. Instrument: 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 amended by, and as read with–

Council Directive 90/425/EC (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); as amended by Council Regulation (EC) No. 21/2004 (O.J. No. L 5. 9.1.2004, p.8);

Commission Decision 93/52/EEC (O.J. No. L 13, 21.1.93, p.14), as amended by Commission Decisions 2001/292/EC (O.J. No. L 100, 11.4.2001, p.28), 2002/482/EC (O.J. No. L 166, 25.6.2002, p.23), 2003/44/EC (O.J. No. L 013, 18.1.2003, p.23), 2003/237/EC (O.J. No. L 87, 4.4.2003, p.13), 2003/732/EC (O.J. No. L 264, 15.10.2003, p.30), 2004/199/EC (O.J. No. L 64, 2.3.2004, p.41) and 2004/320/EC (O.J. No. L 102, 7.4.2004, p.75);

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

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

Commission Decision 2001/298/EC (O.J. No. L 102, 12.4.2001, p.63);

Directive 2001/10/EC of the European Parliament and of the Council (O.J. No. L 147, 31.5.2001, p.41);

Council Directive 2003/50/EC (O.J. No. L 169, 8.7.2003, p.51);

Commission Decision 2004/554/EC (O.J. No. L 248, 9.7.2004, p.1);

Commission Decision 2005/932/EC (O.J. No. L 340, 23.12.2005, p.68); and

the European international instruments.

Relevant provisions in that instrument: Articles 3, 4, 4a, 4b, 4c, 5, 6 and 9.

Additional requirements:

- (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. Instrument: 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), as amended by Commission Decision 2005/43/EC (O.J. No. L 20, 22.1.05, p.34);

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

Commission Decision 2001/298/EC (O.J. No. L 102, 12.4.2001, p.63);

Commission Regulation (EC) No. 1282/2002 (O.J. No. L 187, 16.7.2002, p.3);

Council Regulation (EC) No. 1802/2002 (O.J. No. L 274, 11.10.2002, p.21);

Regulation (EC) No. 998/2003 (O.J. No. L 146, 13.6.2003, p.1), as amended by Council Decision 2004/650/EC (O.J. No. L 298, 23.9.2004, p.22);

Council Regulation (EC) No. 1398/2003 (O.J. No. L 198, 06.08.2003, p.3);

Commission Regulation (EC) No. 592/2004 (O.J. No. L 94, 31.3.2004, p.7);

Council Directive 2004/68/EC (O.J. No. L 139, 30.4.2004, p.321[36]);

Commission Decision 2004/205/EC (O.J. No. L 65, 3.3.2004, p.23); and

the European international instruments;

Relevant provisions in that instrument: subject to the Note to this paragraph, Articles 3 to 9, 10(1) to 10(3), and 11 to 13.

Note

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.

Additional requirements:

- (a) 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.
- (b) 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. Instrument: 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 62, 15.3.93, p.49) as amended by, and as read with–

Council Directive 2002/33/EC (O.J. No. L 315, 19.11.2002, p.14);

Commission Decision 2003/721/EC (O.J. No. L 260, 11.10.2003, p.21);

Commission Regulation (EC) No. 445/2004 (O.J. No. L 72, 11.3.2004, p.60); and
the European international instruments.

Relevant provisions in that instrument: Articles 6 and 7(1).

Pure-bred animals of the bovine species

12. Instrument: Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species (O.J. No. L 206, 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 291, 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);

Commission Decision 96/510/EC (O.J. No. L 210, 20.8.96, p.53) (as amended by Commission Decision 2004/186/EC (O.J. No. L 57, 25.2.2004, p.27);

Commission Decision 2002/8/EC (O.J. No. L 003, 5.1.2002, p.53); and

the European international instruments.

Relevant provisions in that instrument: Articles 5 and 7.

Breeding animals of the porcine species

13. Instrument: 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);

Commission Decision 96/510/EC (O.J. No. L 210, 20.08.96, p.53) (as amended by Commission Decision 2004/186/EC (O.J. No. L 57, 25.2.2004, p.27); and

the European international instruments.

Relevant provisions in that instrument: Articles 2(2), 5, 7(2) and 9.

Pure-bred breeding sheep and goats

14. Instrument: 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);

Commission Decision 96/510/EC (O.J. No. L 210, 20.08.96, p.53);

Commission Decision 2004/186/EC (O.J. No. L 57, 25.2.2004, p.27); and
the European international instruments.

Relevant provisions in that instrument: Articles 3(2) and 6.

Equidae

15. Instrument: Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (O.J. No. L 224, 18.8.90, p.55), as amended by, and as read with–

Council Directive 90/426/EEC (O.J. No. L 224, 18.8.90, p.42);

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) as amended by Decision 2000/68/EC (O.J. No. L 023, 28.1.2000, p.72);

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 96/510/EC (O.J. No. L 210, 20.08.1996, p.53);

Commission Decision 2004/186/EC (O.J. No. L 57, 25.2.2004, p.27); and
the European international instruments.

Relevant provisions in that instrument: Articles 6 and 8.

Animals of species susceptible to foot-and-mouth disease

16. Commission Decision 2001/327/EC concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease and repealing Decision 2001/263/EC (O.J. No. L 115, 25.4.01, p.12), as amended by and as read with:

Commission Decision 2001/349/EC (O.J. No. L 123, 4.5.01, p.26);

Commission Decision 2001/378/EC (O.J. No. L 132, 15.5.01, p.31);

Commission Decision 2001/394/EC (O.J. No. L 138, 22.5.01, p.36);

Commission Decision 2001/416/EC (O.J. No. L 149, 2.6.01, p.40);

Commission Decision 2001/488/EC (O.J. No. L 176, 29.6.01, p.75);

Commission Decision 2001/709/EC (O.J. No. L 261, 29.9.01, p.69);

Commission Decision 2001/904/EC (O.J. No. L 335, 19.12.01, p.21);

Commission Decision 2002/153/EC (O.J. No. L 50, 21.2.02, p.98); and

Commission Decision 2002/242/EC (O.J. No. L 82, 26.3.02, p.18).

Relevant provisions: Article 2a.

PART II

Additional Requirements for the Transport of Cattle, Pigs, Sheep and Goats

1. Any person transporting cattle, pigs, sheep or goats in intra Community trade shall do so in accordance with this Part.
2. That person shall, for each vehicle used for the transport of those animals, keep a register containing the following information, and shall keep the register for 3 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. They 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. They 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 they 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. They shall give a written undertaking to the Scottish Ministers stating that–
 - (a) all measures have been taken to ensure compliance with–
 - (i) in the case of cattle or pigs, Council Directive 64/432/EEC, and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals; and
 - (ii) in the case of sheep or goats, Council Directive 91/68/EEC, and in particular the provisions laid down in Article 8(c) of that Directive and the provisions 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

Additional Requirements for Dealers in Cattle, Pigs, Sheep and Goats

1. Every dealer in cattle, pigs, sheep or goats engaging in intra Community trade 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 the dealer only imports or exports animals that are identified and meet the requirements of Community law for intra-Community trade and, in the case of cattle, 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, Article 13.1(a), of Council Directive 64/432/EEC.

4. The dealer shall keep a record for all cattle, pigs, sheep and goats which the dealer imports or exports, either on the basis of identification numbers or marks on the animals, and keep the record for 3 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 (or registration number of the holding of origin) of cattle, sheep and goats;
- (e) the registration number of the holding of origin or the herd of origin of pigs;
- (f) the approval or registration number of the assembly centre through which he has acquired sheep or goats (where applicable);
- (g) the registration number of the transporter or the licence number of the lorry delivering and collecting animals;
- (h) the name and address of the buyer and the destination of the animals; and
- (i) copies of route plans and numbers of health certificates.

5. In the case of a dealer who keeps animals on their premises, they 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, in the case of a dealer in cattle or pigs, Article 13.2 of Council Directive 64/432/EEC or, in the case of a dealer in sheep and goats, Article 8b(2), of Council Directive 91/68/EEC.

THE POULTRY HEALTH SCHEME

PART I

Membership

1. Any reference to “the Directive” in this Part of this Schedule is a reference to Council Directive 90/539/EEC.

2. An application for an establishment to become a member of the Poultry Health Scheme (“the scheme” in this Schedule) must be accompanied by the registration fee, the details of which are set out in Part II of this Schedule.

3. The Scottish Ministers shall grant membership of the scheme to an establishment if—

- (a) they are satisfied, following an inspection by a veterinary inspector who is a member of the State Veterinary Service, that—
 - (i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and
 - (ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and
- (b) the operator of the establishment, having been notified that the Scottish Ministers are satisfied that the requirements in sub-paragraph (a) are met, has paid the annual membership fee, the details of which are set out in Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive shall consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to the operator of an establishment as being requirements that the inspector considers are necessary to avoid the spreading of contagious disease through intra Community trade, taking into account the particular circumstances at that establishment.

5. On receipt of the first annual membership fee, the Scottish Ministers shall issue the establishment’s membership certificate, which shall include the establishment’s membership number.

6. The operator of an establishment which is a member of the scheme shall pay the annual membership fee each year, and shall pay any re-inspection fee, the details of which are set out in Part IV of this Schedule, when it becomes due.

7. In order to ensure that establishments and operators of those establishments continue to meet the requirements of the scheme, and generally to ensure compliance with the Directive—

- (a) a veterinary inspector shall carry out an annual inspection of the establishment; and
- (b) a veterinary inspector shall carry out any additional inspections (insofar as not provided for under paragraph 9) which the Scottish Ministers consider necessary.

8. The operator of an establishment shall notify the Scottish Ministers if ownership or control of the establishment changes.

9.—(1) Without prejudice to any action which may be taken under paragraph 10, where at the annual inspection of an establishment, the establishment or the operator of that establishment do not appear to the Scottish Ministers to meet the requirements for membership of the scheme or of

the Directive a veterinary inspector who is a member of the State Veterinary Service shall carry out such additional inspections (“re-inspections”) as the Scottish Ministers consider necessary to ensure compliance with those requirements.

(2) If a re-inspection is carried out–

- (a) a fee shall be charged for each re-inspection; and
- (b) such a fee shall become due upon receipt of an invoice for that fee by the operator of that establishment.

10. The Scottish Ministers–

- (a) shall suspend, revoke or restore membership of the scheme in accordance with Chapter IV of Annex II to the Directive (references to “withdrawal” in that Chapter shall be read as references to “revocation” for the purposes of this paragraph); and
- (b) may suspend or revoke membership of the scheme if–
 - (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
 - (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
 - (iii) ownership or control of an establishment changes; or
 - (iv) the operator has not paid the annual membership fee or if a re-inspection fee remains unpaid for 30 days or more after becoming due.

PART II

Registration Fee

11. The Scottish Ministers shall–

- (a) determine the registration fee on the basis of available information as to the cost attributable to each application of the items listed in paragraph 13; and
- (b) publish the current registration fee on the website of the Scottish Executive^(a).

12. The registration fee shall be payable to the Scottish Ministers in respect of each establishment for which an application is made and shall be non refundable.

13. The items referred to in paragraph 11(a) are–

- (a) the salaries and fees, together with overtime payments and employers’ national insurance and superannuation contributions, of–
 - (i) any person involved directly in processing applications for membership of the scheme;
 - (ii) any person engaged in managing the processing of such applications; and
 - (iii) any veterinary inspector who is a member of the State Veterinary Service who carries out an inspection at an applicant establishment;
- (b) recruiting and training the staff referred to in sub-paragraph (a);
- (c) travel and related incidental expenses incurred in processing applications for membership of the scheme (including inspecting establishments), except where incurred by a person attending his normal place of work;
- (d) office accommodation, equipment and services for the staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment used in inspecting establishments, and laundering, cleansing or disinfecting that protective clothing;

(a) www.scotland.gov.uk.

- (f) provision of payroll and personnel services in connection with the employment of the staff referred to in sub-paragraph (a); and
- (g) any other incidental expenses incurred in connection with the processing of applications for membership of the scheme.

PART III

Annual Membership Fee

14. There shall be two rates for the annual membership fee; a higher rate which includes the cost of an annual inspection by a veterinary inspector who is a member of the State Veterinary Service, and a lower rate which does not include the cost of such an inspection.

15. The lower rate shall be payable—

- (a) the first time the annual membership fee is paid (the cost of the first annual inspection having been included in the registration fee); and
- (b) in subsequent years where the operator of the establishment has elected for the inspection to be carried out by a veterinary inspector who is not a member of the State Veterinary Service (in which case the cost of the inspection is payable directly to the veterinary inspector by the operator).

16. The Scottish Ministers shall—

- (a) determine the two rates of the annual membership fee on the basis of available information as to the cost attributable to each establishment of the items listed in paragraph 18; and
- (b) publish the current rates of the annual membership fee on the website of the Scottish Executive.

17. The annual membership fee shall be payable to the Scottish Ministers in respect of each establishment and shall be non refundable.

18. The items referred to in paragraph 16(a) are—

- (a) salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
 - (i) any person directly involved in the administration of the scheme (including corresponding with and responding to queries from members, producing guidance, and arranging inspections of establishments);
 - (ii) any person engaged in managing the administration of the scheme; and
 - (iii) any veterinary inspector who is a member of the State Veterinary Service who carries out the annual inspection of an establishment or additional inspections;
- (b) recruiting and training the staff referred to in sub-paragraph (a);
- (c) travel and related incidental expenses incurred in the administration of the scheme (including inspections of establishments), except where incurred by a person attending his normal place of work;
- (d) office accommodation, equipment and services for staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment, where applicable, used in carrying out inspections of establishments, and laundering, cleansing or disinfecting such protective clothing;
- (f) provision of payroll and personnel services in connection with the employment of staff referred to in sub-paragraph (a); and

- (g) any other incidental expenses incurred in connection with the administration of the scheme.

19. The items listed in paragraph 18 shall not include any expense which relates to the administration of, travel to and from, and attendance at the inspections insofar as that expense is recoverable under paragraph 9 of Part I of this Schedule.

PART IV

Re-Inspection Fee

20. The re-inspection fee provided for under paragraph 9 of Part I of this Schedule shall be composed of—

- (a) a charge for the veterinary inspector's time spent at the establishment carrying out the re-inspection, the rate for which charge shall be £45 per hour or part thereof; and
- (b) a charge for mileage, that is for each mile travelled by the veterinary inspector between his ordinary place of work and the establishment in order to carry out the re-inspection, the rate of which charge shall be 33 pence per mile.

21. The Scottish Ministers may, using such criteria as they consider appropriate in all these circumstances, reduce the charge for mileage under paragraph 20(b) in respect of any particular re-inspection in order to avoid an over recovery of mileage costs incurred for a journey in the course of which other official activity is undertaken in addition to that re-inspection.

APPROVAL OF LABORATORIES UNDER THE POULTRY HEALTH SCHEME

PART I

Approval

1. The Scottish Ministers may approve any laboratory that they consider to be suitable for the purpose of carrying out Mycoplasma and Salmonella testing under the Poultry Health Scheme and may charge a fee for the provision of samples for quality assurance testing for the purposes of assessing an application for such an approval.
2. The operator of a laboratory approved under paragraph 1 shall, by such date specified by the Scottish Ministers, pay the annual approval fee determined under Part II of this Schedule.
3. For the purpose of deciding whether to grant, revoke or suspend an approval under paragraph 1, the Scottish Ministers may require the laboratory to undergo such inspections and quality assurance testing as they consider necessary.
4. In so far as such costs have not been taken into account in determining the annual approval fee, the Scottish Ministers may make a charge, at the veterinary inspector rate, for carrying out inspections at laboratories.
5. The Scottish Ministers may, by notice in writing to the operator, revoke or suspend an approval under paragraph 1, where—
 - (a) the annual approval fee remains unpaid for 30 days or more after becoming due;
 - (b) it appears to them that inspection or testing of the laboratory for the purpose of this Schedule has been obstructed by the operator or any staff of the operator of the laboratory; or
 - (c) following any inspection or testing, the Scottish Ministers consider that the laboratory is no longer suitable for the purpose of carrying out the purpose specified.

PART II

Annual Approval Fee

1. The Scottish Ministers—
 - (a) shall determine the annual approval fee on the basis of available information as to the cost attributable to each laboratory of the items listed in paragraph 3 of this Part;
 - (b) may determine different annual approval fees depending on whether the approval relates to—
 - (i) bacteriological testing for Mycoplasma only;
 - (ii) serological testing for Mycoplasma only;
 - (iii) bacteriological testing for salmonella only;
 - (iv) serological testing for salmonella only; or
 - (v) a combination of (i) to (iv); and
 - (c) shall publish the current annual approval fee on the website of the Scottish Executive.

2. The annual approval fee shall be payable to the Scottish Ministers in respect of each approved laboratory and shall be non refundable.

3. The items referred to in paragraph 1(a) of this Part are–

- (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of–
 - (i) any person directly involved in the administration of the approval of laboratories;
 - (ii) any person engaged in the management or administration of this work; and
 - (iii) any person who carries out inspections of laboratories;
- (b) recruiting and training the staff referred to in sub-paragraph (a);
- (c) travel and related incidental expenses incurred in the administration of the approval of laboratories (including carrying out inspections), except where incurred by a person attending his normal place of work;
- (d) office accommodation, equipment and services for staff involved in the administration of approval of laboratories, including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment used in carrying out inspections of laboratories, and laundering, cleansing or disinfecting such protective clothing;
- (f) provision of quality assurance testing samples, assessment of the results and provision of advice about the results;
- (g) provision of payroll and personnel services in connection with the employment of staff involved in the administration of approval of laboratories; and
- (h) any other incidental expenses incurred in connection with the administration of the approval of laboratories.

SCHEDULE 6

Regulation 14(1) and 29(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
Bluetongue
African horse sickness
Equine encephalomyelitis (of all types, including Venezuelan 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
Viral haemorrhagic septicaemia
Dourine
Equine infectious anaemia
Glanders
Infectious Salmon anaemia
Small hive beetle (*Aethina tumida*)
Tropilaelaps mite

COMMUNITY LEGISLATION IN RELATION TO THIRD
COUNTRIES

PART I

Instruments specifying Third Countries and Territories in Third Countries from which member States may authorise certain imports

Cloven-hoofed animals, elephants and zoo ungulates

1. Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat (O.J. No. L 146, 14.6.79, p.15), as amended by, and as read with—

Commission Decision 2004/212/EC (O.J. No. L 73, 11.3.2004, p.11);

Commission Decision 2004/410/EC (O.J. No. L 151, 30.4.2004, p.31);

Commission Decision 2004/620/EC (O.J. No. L 279, 28.08.2004 p.30); and

Commission Decision 2006/9/EC (O.J. No. L 7, 12.1.2006 p.23).

Poultry

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 96/628/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);

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

Commission Decision 2001/732/EC (O.J. No. L 275, 18.10.2001, p.14);

Commission Decision 2001/751/EC (O.J. No. L 281, 25.10.2001, p.24);

Commission Decision 2002/183/EC (O.J. No. L 61, 2.3.2002, p.56); and

Commission Decision 2004/118/EC (O.J. No. L 36, 7.2.2004, p.34).

Captive birds

3. Commission Decision 2000/666/EC laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine (O.J. No. L 278, 31.10.2000, p.26) as read with Council Directive 92/65/EEC.

Shellfish

4. Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption (O.J. No. L 302, 21.11.2003, p.22), as amended by, and as read with—

Commission Decision 2004/623/EC (O.J. No. L 280, 31.8.2004, p.26);

Commission Decision 2005/409/EC (O.J. No. L 139, 2.6.2005, p.16); and

Commission Decision 2006/767/EC (O.J. No. L320, 18.11.2006 p.58).

Finfish

5. Commission Decision 2003/858/EC laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption (O.J. L 324, 11.12.2003, p.37.) as amended by, and as read with–

Commission Decision 2004/454/EC (O.J. No. 156, 30.4.2004, p.29);

Commission Decision 2006/680 (O.J. No. L 279, 11.10.2006, p.24); and

Commission Decision 2006/767/EC (O.J. No. L320, 18.11.2006 p.53).

Bees

6. Commission Decision 2003/881/EC concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus* spp.) from certain third countries and repealing Decision 2000/462/EC (O.J. No. L 328, 17.12.2003, p.26), as amended by Commission Decision 2005/60/EC (O.J. No. L 25, 28.1.2005), and as read with Council Decision 79/542/EEC (as that Council Decision is defined under paragraph 1 of this Part) in respect of which the derogation in Article 1(2) permitting imports of bees from the state of Hawaii in the United States of America may be relied on.

Equidae

7. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species (O.J. No. L 73, 11.3.2004, p.1).

Cats, Dogs & Ferrets

8. Commission Decision 2005/64/EC implementing Council Directive 92/65/EEC as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres (O.J. No. L 27, 29.1.2005, p.48), as read with–

Council Directive 92/65/EEC; and

Regulation (EC) No. 998/2003.

PART II

Detailed Provisions

Cloven-hoofed animals and elephants

1. Instrument: Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat (O.J. No. L 146, 14.6.79, p.15), as amended by, and as read with–

Commission Decision 2004/212/EC (O.J. No. L 73, 11.3.2004, p.11);

Commission Decision 2004/410/EC (O.J. No. L 151, 30.4.2004, p.31);

Commission Decision 2004/554/EC (O.J. No. L 248, 9.7.2004, p.1);

Commission Decision 2004/620/EC (O.J. No. L 279, 28.8.2004, p.30); and

Commission Decision 2006/9/EC (O.J. No. L 7, 12.1.2006 p.23).

Relevant provisions in that instrument: Articles 3, 4, 5, 6 and 7.

Zoo Ungulates

2. Instrument: Council Directive 2004/68/EC laying down health rules for the importation into and transit through the Community of certain live ungulate animals (O.J. No. L 139, 30.4.2004, p.321), as read with—

Council Decision 79/542/EEC (O.J. No. L 146, 14.6.79, p.15) as described in paragraph 1 of this Part;

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

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

the European international instruments.

Relevant provisions in that instrument: Articles 3, 7 and 11

Equidae

General

3.—(1) Instrument: 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);

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

Commission Decision 2002/160/EC (O.J. No. L 053, 23.3.2002, p.37);

Council Directive 2004/68/EC (O.J. No. L 139, 30.4.2004, p.321); and

the European international instruments.

Relevant provisions in that instrument: Articles 11, 12(1), 13 to 16 and 18.

(2) Instrument: Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species (O.J. No. L 73, 11.3.2004, p.1).

Relevant provision in that instrument: Article 6.

Temporary admission of registered horses

(3) Instrument: Commission Decision 92/260/EEC (O.J. No. L 130, 15.5.92, p.67), as amended by, and as read with—

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 95/322/EC (O.J. No. L 190, 11.8.95, p.9);

Commission Decision 95/323/EC (O.J. No. L 190, 11.8.95, p.11);

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 97/10/EC (O.J. No. L 3, 7.1.97, p.9) as amended by Decision 2001/622/EC (O.J. No. L 216, 10.8.2001, p.26);

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 99/613/EC (O.J. No. L 24, 15.9.99, p.12);
Commission Decision 2000/209/EC (O.J. No. L 064, 11.3.2000, p.22);
Commission Decision 2001/117/EC (O.J. No. L 043, 14.2.2001, p.38);
Commission Decision 2001/611/EC (O.J. No. L 214, 8.8.2001, p.49);
Commission Decision 2001/619/EC (O.J. No. L 215, 9.8.2001, p.55);
Commission Decision 2001/828/EC (O.J. No. L 308, 27.11.2001, p.41);
Commission Decision 2002/635/EC (O.J. No. L 206, 3.8.2002, p.20);
Commission Decision 2002/636/EC (O.J. No. L 206, 3.8.2002, p.27);
Commission Decision 2003/13/EC (O.J. No. L 007, 11.1.2003, p.86);
Commission Decision 2003/541/EC (O.J. No. L 185, 24.07.2003, p.41);
Commission Decision 2004/117/EC (O.J. No. L 36, 7.2.2004, p.20);
Commission Decision 2004/177/EC (O.J. No. L 55, 24.2.2004, p.64);
Commission Decision 2004/241/EC (O.J. No. L 74, 12.03.04, p.19); and
the European international instruments.

Relevant provision in that instrument: Article 1.

Registered horses for racing, etc, upon re-entry

(4) Instrument: 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 95/322/EC (O.J. No. L 190, 11.8.95, p.9);
Commission Decision 95/323/EC (O.J. No. L 190, 11.8.95, p.11);
Commission Decision 96/279/EC (O.J. No. L 107, 30.4.96, p.1);
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);
Commission Decision 99/558/EC (O.J. No. L 211, 11.8.99, p.53);
Commission Decision 2000/209/EC (O.J. No. L 64, 11.3.00, p.64);
Commission Decision 2000/754/EC (O.J. No. L 303, 12.12.00, p.34);
Commission Decision 2001/117/EC (O.J. No. L 43, 14.2.01, p.38);
Commission Decision 2001/144/EC (O.J. No. L 53, 23.2.01, p.23);
Commission Decision 2001/610/EC (O.J. No. L 43, 8.8.01, p.45);
Commission Decision 2001/611/EC (O.J. No. L 214, 8.8.01, p.49);
Commission Decision 2004/211/EC (O.J. No. L 73, 11.3.2004, p.1);
Commission Decision 2005/605/EC (O.J. No. L 206, 9.8.2005, p.16);
Commission Decision 2005/771/EC (O.J. No. L 291, 5.11.2005, p.38);

Commission Decision 2005/943/EC (O.J. No. L 342, 24.12.2005, p.94); and the European international instruments.

Relevant provision in that instrument: Article 1.

Equidae for slaughter

(5) Instrument: 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, and as read with—

Commission Decision 94/453/EC (O.J. No. L 187, 22.7.94, p.11);
Commission Decision 95/322/EC (O.J. No. L 190, 11.8.95, p.9);
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 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 99/228/EC (O.J. No. L 83, 27.3.99, p.77);
Commission Decision 2001/117/EC (O.J. No. L 43, 14.2.01, p.38);
Commission Decision 2001/611/EC (O.J. No. L 214, 8.8.01, p.49); and the European international instruments.

Relevant provision in that instrument: Article 1.

Registered equidae and equidae for breeding and production

(6) Instrument: 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. L 86, 6.4.93, p.16), as amended by, and as read with—

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 95/322/EC (O.J. No. L 190, 11.8.95, p.9);
Commission Decision 95/323/EC (O.J. No. L 190, 11.8.95, p.11);
Commission Decision 95/536/EC (O.J. No. L 304, 16.12.95, p.49);
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 97/10/EC (O.J. No. L 3, 7.1.97, p.9), as amended by Commission Decision 2004/117/EC (O.J. L 036, 7.2.04, p.20);
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);
Commission Decision 99/613/EC (O.J. No. L 243, 15.9.99, p.12);
Commission Decision 2000/209/EC (O.J. No. L 64, 11.3.00, p.64);

Commission Decision 2001/117/EC (O.J. No. L 43, 14.2.01, p.38);
Commission Decision 2001/611/EC (O.J. No. L 214, 8.8.01, p.49);
Commission Decision 2001/619/EC (O.J. No. L 215, 9.8.01, p.55);
Commission Decision 2001/754/EC (O.J. No. L 282, 26.10.01, p.34);
Commission Decision 2001/766/EC (O.J. No. L 288, 1.11.01, p.50);
Commission Decision 2001/828/EC (O.J. No. L 308, 27.11.01, p.41);
Commission Decision 2002/635/EC (O.J. No. L 206, 3.8.02, p.20);
Commission Decision 2002/841/EC (O.J. No. L 206, 25.10.02, p.42);
Commission Decision 2003/541/EC (O.J. No. L 185, 24.07.2003, p.41);
Commission Decision 2004/177/EC (O.J. No. L 55, 24.2.2004, p.64);
Commission Decision 2004/241/EC (O.J. No. L 74, 12.3.04, p.19); and
the European international instruments.

Relevant provision in that instrument: Article 1.

Additional requirements:

- (a) All pre-export tests of registered horses from Kyrgyzstan and registered equidae and equidae for breeding and production imported from Belarus, Bulgaria, Croatia, ex-Yugoslavia Republic of Macedonia, Romania, Russian Federation and the Ukraine must be carried out as follows: for vesicular stomatitis at the Institute of Animal Health, Pirbright, the National Veterinary Institute, Czech Republic or at the Central Veterinary Laboratory, Budapest, Hungary; the mandatory tests for infectious anaemia, dourine and glanders and, if necessary, the test for equine viral arteritis at the Veterinary Laboratories Agency, Weybridge, the National Veterinary Institute, Czech Republic or at the Central Veterinary Laboratory, Budapest, Hungary.
- (b) The test results must be attached to the health certificate accompanying the imported equidae.

Poultry

4. Instrument: 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 92/369/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);
Commission Decision 96/628/EC (O.J. No. L 282, 1.11.96, p.73);
Council Directive 99/89/EC (O.J. L 300, 23.11.99 p.17);
Council Directive 99/90/EC (O.J. No. L 300, 23.11.1999, p.19);
Commission Decision 2000/505/EC (O.J. No. L 201, 9.8.2000, p.8);
Commission Decision 2002/183/EC (O.J. No. L 61, 2.3.2002, p.56);
Commission Decision 2002/542/EC (O.J. No. L 176, 5.7.2002, p.43);
Commission Decision 2004/118/EC (O.J. No. L 36, 7.2.2004, p.34); and
the European international instruments.

Relevant provisions in that instrument: Articles 20, 21(1), 22(1), 23, 24, 27(2) and 28.

Other specified animals, semen, ova and embryos

5. Instrument: 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 2001/298/EC (O.J. No. L 102, 12.4.2001, p.63);

Commission Regulation (EC) No 1282/2002 (O.J. No. L 187, 16.7.2002, p.3);

Council Regulation (EC) No. 1802/2002 (O.J. No. L 274, 11.10.2002, p.21);

Council Regulation (EC) No 998/2003 (O.J. No. L 146, 13.6.2003, p.1); as amended by Council Decision 2004/650/EC (O.J. No. L 298, 23.9.2004, p.22) and Commission Regulation (EC) No 1193/2005 (O.J. No. L 194, 26.7.2005, p.4);

Council Regulation (EC) No. 1398/2003 (O.J. No. L 198, 6.8.2003, p.3);

Council Directive 2004/68/EC (O.J. No. L 139, 30.4.2004, p.321);

Commission Decision 2004/595/EC (O.J. No. L 266, 13.8.2004, p.11); and

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 in that instrument: Articles 16, 17(1), 17(2) and 18.

Captive birds

6. Instrument: Commission Decision 2000/666/EC laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine (O.J. No. L 278, 31.10.2000, p.26) as read with or amended by–

Council Directive 92/65/EC;

Commission Decision 2001/383/EC (O.J. No. L 137, 19.5.01, p.28);

Commission Decision 2002/279/EC (O.J. No. L 99, 16.04.02, p.17); and

the European international instruments.

Relevant provisions in that instrument: Articles 1, 2, 3, 8 and 9.

Cats, Dogs & Ferrets

7. Instrument: Commission Decision 2005/64/EC implementing Council Directive 92/65/EEC as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres (O.J. No. L 27, 29.1.2005, p.48), as read with–

Council Directive 92/65/EEC; and

Regulation (EC) No. 998/2003.

Relevant provisions in that instrument: Article 1

Live animals from New Zealand

8. Instrument: Commission Decision 2003/56/EC on health certificates relating to live animals, their semen, ova and embryos imported from New Zealand (O.J. No. L 22, 25.1.03, p.38) as amended by–

Commission Decision 2004/784/EC (O.J. No. L 346, 23.11.04, p.11).

Relevant provisions in that instrument: Articles 1, 2 and 3.

Zootechnical conditions

9. Instrument: 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), as amended by Commission Decision 2004/186/EC (O.J. No. L 57, 25.2.2004, p.27).

Relevant provision in that instrument: Article 4.

Finfish and Shellfish from third countries

10.—(1) Instrument: Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption (O.J. No. L 302, 21.11.2003, p.22), as amended by, and as read with—

Commission Decision 2004/623/EC (O.J. No. L 280, 31.8.2004, p.26);

Commission Decision 2005/409/EC (O.J. No. L 139, 2.6.2005, p.16); and

Commission Decision 2006/767/EC (O.J. No. L 320, 18.11.2006 p.58).

Relevant provisions in that instrument: Articles 3, 4, 5, 6, 7 and 8.

(2) Instrument: Commission Decision 2003/858/EC laying down the specific animal health conditions and certification requirements for imports of live fish, their eggs, and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption (O.J. L 324, 11.12.2003, p.37.) as amended by, and as read with—

Commission Decision 2004/914/EC (O.J. No. L 385, 29.12.2004, p.60);

Commission Decision 2006/680 (O.J. No. L 279, 11.10.2006, p.24); and

Commission Decision 2006/767/EC (O.J. No. L 320, 18.11.2006 p.53)

Relevant provisions in that instrument: Articles 3, 4, 5, 6, 7, 8 and 9.

Bees

11. Instrument: Commission Decision 2003/881/EC concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus* spp.) from certain third countries and repealing Decision 2000/462/EC (O.J. No. L 328, 17.12.2003, p.26); as amended by Commission Decision 2005/60/EC (O.J. No. L 25, 28.1.2005, p.64), and as read with Council Directive 92/65/EEC and

the European international instruments.

Relevant provisions in that instrument: Articles 1(1), (2), (3) and (4), and Article 2 (pursuant to which the derogations from Articles 1(1), second and third indent, and Articles 1(2) and (3) may be relied on).

SCHEDULE 8

Regulation 20(1) to
(5) and (9)(a) and (b)

APPROVAL OF QUARANTINE CENTRES AND QUARANTINE FACILITIES AND SPECIFIC REQUIREMENTS FOR THE QUARANTINE OF CAPTIVE BIRDS

PART I

General

Approvals

1. Any reference to “the Decision” in this Schedule is a reference to Commission Decision 2000/666/EC.
2. The Scottish Ministers may, if they are satisfied in all the circumstances that it is appropriate to do so, grant an approval in respect of—
 - (a) a quarantine centre which at least meets the minimum conditions set out in Annex B of the Decision in relation to quarantine centres and quarantine units; and
 - (b) a quarantine facility which at least meets the minimum conditions set out in Annex B of the Decision in relation to quarantine facilities.
3. Subject to the provisions of paragraph 4 of this Part, an approval shall expire at the end of 12 months from the date it was granted unless—
 - (a) the transitional arrangements of Part IV apply;
 - (b) an earlier expiry date is provided for; or
 - (c) it is revoked under regulation 1(5).
4. The Scottish Ministers shall give reasons in writing—
 - (a) for refusing to grant an approval provided for in this Schedule;
 - (b) for providing that such an approval shall expire earlier than 12 months from the date on which it was granted.
5. Notice of a revocation or suspension of an approval granted under this Schedule shall—
 - (a) state—
 - (i) the reasons for the revocation, and
 - (ii) the time and date when it is to take effect;
 - (b) be served upon the quarantine manager—
 - (i) in person, or
 - (ii) by leaving it at the quarantine centre or quarantine facility concerned; or
 - (iii) by post addressed to the quarantine manager at the quarantine centre or quarantine facility concerned; and
 - (c) be copied to the importer and if the importer is not the owner of the birds concerned, so far as is practicable, to the owner of birds kept at the quarantine centre or quarantine facility at the date the revocation or suspension is to take effect.
6. Where an approval is revoked and the continuation of quarantine at the quarantine centre or quarantine facility concerned would, in the opinion of a veterinary inspector, cause a significant

public or animal health risk, the veterinary inspector may issue directions by notice as to the movement or disposal of birds held in quarantine at the time the notice of revocation is stated to take effect, and such notice shall be served upon the quarantine manager and copied to any importer and owner concerned as if it were a notice to which paragraph 5(b) and (c) applied.

7.—(1) The Scottish Ministers may charge fees in accordance with this paragraph.

(2) The approval administration fee may be charged in relation to the receipt and processing of an application for—

- (a) an approval;
- (b) the renewal of an approval;
- (c) the lifting of the suspension of an approval; and
- (d) the lifting of or amendment of conditions attached to an approval.

(3) The Scottish Ministers shall from time to time determine the approval administration fee for each type of application described in sub-paragraph (2)(a) to (d) and shall publish the current fee on the Scottish Executive website.

(4) The approval administration fee for any type of application shall represent costs and expenses which the Scottish Ministers reasonably consider attributable to the receipt and processing of an application of that type.

(5) The veterinary inspector's rate may be charged for time spent by a veterinary inspector inspecting premises to assess compliance with the minimum approval conditions.

(6) The Scottish Ministers may make a charge at no more than the veterinary inspector rate for the purposes of this Part for time spent by a veterinary inspector travelling to or from premises for purposes of inspecting them to assess compliance with minimum approval conditions.

(7) In this Part –

- (a) “approval” means an approval as provided for in regulation 20 and this Schedule;
- (b) “approval administration fee” has the meaning given in sub-paragraphs (3) and (4); and
- (c) “minimum approval conditions” means the minimum conditions referred to in sub-paragraphs 2 (a) and (b) of this Part of this Schedule.

PART II

Specific Requirements

1. In this Part of this Schedule “the quarantine period” has the meaning given in paragraphs 2 and 3 below.

2. Birds shall be quarantined for a period (“the quarantine period”) of at least 30 days at the quarantine centre or quarantine facility to which they have been conveyed from the border inspection post and in the case of a quarantine facility at which consignments arriving at different dates are quarantined, the quarantine period shall be extended to expire no sooner than 30 days after the last consignment arrived at the quarantine facility.

3. No bird at a quarantine centre may share a quarantine unit with any other bird unless that other bird arrived in the same consignment as the first bird, and in the event that one bird shares a quarantine unit with another bird, the quarantine period for any bird in the quarantine unit shall be extended to expire no sooner than 30 days after the last bird was placed in the quarantine unit.

4. Psittaciformes shall be identified individually in accordance with the requirements of Chapter 2B of Annex B to the Decision.

5. The use of sentinel chickens shall conform with Article 4.2 of the Decision.

6. Suitable arrangements shall be made for the taking of samples by a veterinary inspector in accordance with Articles 4.1, 4.3, 4.4.c, 4.4.d, and 4.5 of the Decision.

7. The presence or suspected presence of disease in a bird at a quarantine centre or quarantine facility, and the death of any bird during their quarantine period shall be reported to the veterinary inspector supervising the quarantine centre or quarantine facility as soon as is reasonably practicable.

8. The destruction, cleansing and disinfection and post-infection sampling from sentinel chickens or other birds in other units (in the case of quarantine centres), and the restrictions on movements onto or off the quarantine centre or quarantine facility shall conform with Article 4.4 of the Decision, unless notice is served under regulation 22(2)(b).

9. Cages and crates used for the transport of birds to the quarantine centre or quarantine facility shall be destroyed by the quarantine manager in such a way as to avoid the spread of disease, unless the cages or crates are made of a material which allows effective cleaning and disinfection, in which case they may be cleansed, disinfected and re-used.

10. Litter and waste material from the quarantine centre or quarantine facility shall be collected, stored and treated as approved or required in writing by the official veterinarian in accordance with paragraph 9 of Chapter 2A of Annex B to the Decision and in any event so as to avoid spread of disease.

11. Records shall be maintained and retained for at least one year—

- (a) in respect of each consignment of the date, number and species of captive birds entering and leaving the quarantine centre or facility;
- (b) of individual identification numbers of psittaciformes held at the quarantine centre or quarantine facility;
- (c) of any significant observations as to the condition of captive birds during quarantine;
- (d) of illness and number of deaths, recorded on a daily basis;
- (e) of dates and results of veterinary tests carried out in respect of captive birds during quarantine; and
- (f) of names of persons entering the quarantine centre or quarantine facility, including the authority by which entry was gained.

12. A copy of the health certificate and the common veterinary entry document referred to in Article 3 of Commission Regulation (EC) No. 282/2004 which accompanies the captive birds upon import shall be kept for at least one year after the arrival of a captive bird at the quarantine centre or quarantine facility.

PART III

Charges in Relation to Captive Birds in Quarantine

Charges for taking samples and official veterinary supervision

1.—(1) The Scottish Ministers shall make a charge at the veterinary inspector rate for time spent by a veterinary inspector at a quarantine centre or quarantine facility—

- (a) carrying out official veterinary supervision; and
- (b) taking samples required under Article 4 of the Decision or in connection with reaching a suspected or confirmed diagnosis of *Chlamydia psittaci* as referred to in Article 5 of the Decision.

(2) Official veterinary supervision means the functions of the official veterinarian described in the Decision, including—

- (a) checking that the conditions under which the consignment is placed and in which it remains in quarantine are in accordance with the Decision and the specific requirements in Part II of this Schedule;

- (b) inspection of records (whether or not they relate to the consignment concerned);
- (c) clinical examination of any captive bird within the quarantine facility or within the quarantine unit at the quarantine centre at which the consignment concerned is placed or remains in quarantine;
- (d) any investigation into avian mortality or morbidity in the consignment concerned which the veterinary inspector reasonably considers appropriate in all the circumstances, including such further checks, inspections and clinical examinations in relation to other consignments at the quarantine centre or quarantine facility as the veterinary inspector considers may assist in his investigation.

(3) The Scottish Ministers may make a charge at no more than the veterinary inspector rate determined for purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises for purposes of official veterinary supervision and taking samples.

Charges for testing and analysis of samples (including post mortem tissue removal)

2.—(1) The official laboratory shall make the charges set out in sub-paragraphs (2) to (5).

(2) Charges for post mortem tissue removal for purposes of testing—

- (a) per batch of four or five birds: £47.30;
- (b) per batch of three birds: £44.40;
- (c) per batch of two birds: £29.60;
- (d) per single bird: £14.80.

(3) Charges for single virus culture (that is, avian virus isolation in SPF eggs via allantoic cavity for avian influenza virus, Newcastle Disease virus and avian paramyxovirus) in one pool of up to five birds—

- (a) of cloacal swab or faeces sample: £53.60;
- (b) of tissue samples from post mortem examination: £107.20.

(4) Charges for serology of sentinel birds (Newcastle Disease (PMV-1), Influenza (H5) and Influenza (H7))—

per set of 3 tests for each sentinel bird: £15.00.

(5) Charges for testing for Chlamydomphila Polymerase Chain Reaction—

per sample tested: £30.00.

PART IV

Transitional arrangements for existing approvals

1. A quarantine centre or quarantine facility which on 17th July 2006 held an approval for the purposes of Commission Decision 2000/666/EC shall, subject to the provisions of this Part, be an approved quarantine centre or an approved quarantine facility as if approved under regulation 20 and Part I of this Schedule, and shall be subject to the requirements of these Regulations accordingly.

2. An approval referred to in paragraph 1 shall, unless revoked, expire on the date it was due to expire when first granted.

SCHEDULE 9

Regulation 37(3)

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,

<i>Title</i>	<i>Reference</i>	<i>Extent</i>
		(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	S.I. 1984/1325	The whole instrument.
The Shellfish and Specified Fish (Third Country Imports) Order 1992	S.I. 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.

SCHEDULE 10

Regulation 38

REVOCATIONS

<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent</i>
The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000;	S.S.I. 2000/216.	The Whole Order.
The Export of Pigs, Porcine Material and Bovine Animals (Scotland) Regulations 2000;	S.S.I. 2000/300.	Regulation 3.
The Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2002;	S.S.I. 2002/125.	The Whole Order.
The Animals and Animal Products (Import and Export) (Scotland) Amendment (No. 2) Regulations 2002;	S.S.I. 2002/196.	The Whole Order.
The Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2005;	S.S.I. 2005/278.	The Whole Order.
The Animals and Animal Products (Import and Export) (Scotland) Amendment (No. 2) Regulations 2005; and	S.S.I. 2005/502.	The Whole Order.
The Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2006.	S.S.I. 2006/335.	The Whole Order.

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) (Scotland) Regulations 2000 (S.S.I. 2000/216 as amended by S.S.I. 2000/300, 2002/125, 2002/196, 2005/278, 2005/502 and 2006/335) (“the 2000 Regulations”).

They implement 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 internal market) (O.J. No. L224, 18.8.90, p.29) and Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries) (O.J. No. L268, 24.9.91, p.56).

They continue to include the following provisions—

Intra-Community trade

The Regulations make it an offence to export, import or transport for intra-Community trade any animal or animal product to which Directive 90/425/EEC applies except in accordance with regulations 5, 6 and 7. Part I of Schedule 3 lists individual instruments governing trade of specific types, identifying relevant provisions and specifying any additional requirements which must be complied with pursuant to regulations 5 and 6. Specific provision is made in relation to the transport of cattle, pigs, sheep and goats (regulation 7 and Part II of Schedule 3).

A statutory basis is provided for the Poultry Health Scheme, which is a means of approving and monitoring poultry establishments engaging in intra-Community trade of poultry and hatching eggs (regulation 5(5) and Schedule 4). The approval and monitoring of such establishments is a requirement of Council Directive 90/539/EEC. Regulation 5(5) prohibits exports unless the relevant commodities originate from an establishment which is a member of the Poultry Health Scheme and conform to the requirements of Directive 90/539/EEC. Schedule 4 makes provision for the operation of the Poultry Scheme including setting out how the fees for membership and registration are calculated and providing for re-inspection fees. It also provides for powers for suspension or revocation of membership under specified circumstances.

Provision is also made for arrangements for the approval of laboratories to undertake Mycoplasma and Salmonella testing under the Poultry Health Scheme including provision for the annual approval fee (regulation 10 and Schedule 5).

The Regulations set out the procedures and requirements for the registration of dealers in animals and animal products (regulation 8) and the approval of centres and teams engaging in intra-Community trade in animals and animal products (regulation 9). The Regulations also place duties on consignees of animals and animal products (regulation 12), and provide for the approval of assembly centres (regulation 13). They specify the procedure to be followed in the case of illegal consignments (regulation 14).

Imports from third countries

These Regulations prohibit the importation of any animal from a third country unless the conditions of Council Directive 91/496/EEC and the relevant provisions of the EU Instruments, together with any additional requirements, listed in Part II of Schedule 7 are complied with (regulation 17). Regulation 17, with Part I of Schedule 7 prescribe the third countries from which animals may be imported. Regulation 18, with Schedule 2, specify the places at which animals may be imported through Border Inspection Posts. The procedure for importation is provided for in regulation 19, and the payment of fees in connection with that importation in regulation 21. Procedures to be followed where a consignment

constitutes a danger to health or is otherwise illegal are set out in regulations 22 and 23. Regulation 24 requires that, at the place of destination, certain animals (elephants and other Artiodactyla) may not be released until authorised by an authorised officer of the Scottish Ministers. Post-import controls are provided for in regulation 25.

Provision is made for the arrangements for quarantine of captive birds imported from third countries as required by Commission Decision 2000/666/EC (O.J. No. L 278, 31.10.00, p.26) (regulation 20 and Schedule 8). Specific requirements are imposed upon quarantine managers as to the running of quarantine centres and facilities. General prohibitions are applied to any persons in respect of entry into a quarantine facility or centre and removal of birds and carcasses from quarantine without the authorisation of a veterinary inspector. In addition, inspectors have been given powers of entry, inspection and sampling in relation to the quarantine of captive birds. The Veterinary Laboratories Agency is designated as the official laboratory for the purposes of the Decision and there is provision for charges for laboratory testing carried out in connection with it (regulation 20 and Schedule 8). Pursuant to EU obligations such imports are currently not permitted (regulation 16(4)).

Part 4 makes provision for imports from third countries which undergo the requisite veterinary border checks on arrival at another member State.

General provisions

The Regulations also give powers to the Scottish Ministers to take action in the event of an outbreak of disease in another state (regulation 29) and make provision for the notification of decisions (regulation 30), the appointment of inspectors (regulation 31) and their powers (regulation 32). There is also provision for the recovery of expenses (regulation 33). Obstruction of any person acting in the execution of the Regulations is made an offence (regulation 34), and it is an offence under regulation 36 to contravene the Regulations (excepting certain fees provisions). Penalties are provided for (regulation 36). Disapplication of other legislation relating to the import of animals continues to be provided for (regulation 37, with Schedule 9). Regulation 37 contains transitional provisions (with Part IV of Schedule 8). The revocation of the 2000 Regulations, and relevant amending Regulations, is provided for at regulation 38.

Principal changes made by these Regulations

Schedule 1 has been revised and updated to make reference to Community instruments which amend Council Directive 90/425/EEC and Council Directive 91/496/EEC and have recently come into force.

Schedules 3 and 7 (Schedule 5 to the 2000 Regulations) have also been revised and updated to implement recent obligations. Changes have been made to paragraphs 1 to 15 of Part I of Schedule 3 and paragraph 16 has been removed. The “additional requirement” (d) in paragraph 1, now specifically identifies special conditions on exports of cattle to Germany, Denmark, Italy, Austria, Finland and Sweden.

New paragraphs have been added to Part I of Schedule 7 in relation to the countries from which imports are permitted of bees, captive birds, and cats, dogs and ferrets going to approved bodies, institutes or centres. The list in that Part for cloven hoofed animals, elephants and zoo ungulates has also been described more completely and it and the list for finfish have both been updated.

In Part II of Schedule 7, new paragraphs list instruments covering trade in bees, captive birds and cats, dogs and ferrets going to approved bodies, institutes or centres. Reference to Council Directive 72/462/EEC has been removed, as it has been repealed, and paragraph 2 further implements Council Directive 2004/68/EC, in relation to zoo ungulates.

Provision is now made for laboratories to be approved for testing of Salmonella in addition to Mycoplasma under the Poultry Health Scheme and fees may be charged for quality assurance testing for such an approval and for carrying out inspections of laboratories (Schedule 5).

Provision is also made for fees to be charged in respect of approvals of quarantine centres or facilities for the quarantine of captive birds (regulation 20 and Schedule 8).

No regulatory impact assessment has been produced for these Regulations.

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ANIMALS

ANIMAL HEALTH

**The Animals and Animal Products (Import and Export)
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