

2010 No. 343

ANIMALS

ANIMAL HEALTH

**The Animals and Animal Products (Import and Export)
(Scotland) Amendment Regulations 2010**

<i>Made</i> - - - -	<i>23rd September 2010</i>
<i>Laid before the Scottish Parliament</i>	<i>27th September 2010</i>
<i>Coming into force</i> - -	<i>4th November 2010</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2010 and come into force on 4th November 2010.

Amendment to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007

2.—(1) The Animals and Animal Products (Import and Export) (Scotland) Regulations 2007^(b) are amended as follows.

(2) In regulation 1 (citation, commencement, interpretation and extent), in paragraph (2)—

(a) omit the definition of “Commission Decision 2003/881/EC”^(c);

(b) after the definition of “Commission Regulation (EC) No. 1251/2008” insert—

““Commission Regulation (EU) No. 206/2010” means Commission Regulation (EU) No. 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements^(d);

“Commission Regulation (EU) No. 388/2010” means Commission Regulation (EU) No. 388/2010 implementing Regulation (EC) No. 998/2003 of the European Parliament

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3); the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and the European Union (Amendment) Act 2008 (c.7), Schedule 1(1), paragraph 1. The functions conferred upon a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2007/194, amended by S.S.I. 2007/375, 2008/155 and 2009/227.

(c) Repealed and replaced by Commission Regulation (EU) No. 206/2010 (O.J. No. L 73, 20.3.2010, p.1).

(d) O.J. No. L 73, 20.3.2010, p.1.

and of the Council as regards the maximum number of pet animals of certain species that may be the subject of non-commercial movement(a);”;

- (c) omit the definition of “Council Decision 79/542/EEC”(b);
- (d) omit the definition of “Council Directive 90/539/EEC”(c); and
- (e) after the definition of “Council Directive 2006/88/EC” insert—

““Council Directive 2009/158/EC” means Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(d);”.

(3) In—

- (a) regulation 5 (exports), in paragraphs (5) and (6);
- (b) regulation 10 (approval of laboratories);
- (c) paragraph 1 of Part I (membership) of Schedule 4 (the Poultry Health Scheme); and
- (d) the third column in the fifth entry of Schedule 9 (legislation which does not apply),

for “Council Directive 90/539/EEC” substitute, in each case, “Council Directive 2009/158/EC”.

(4) For Part I (legislation in relation to intra-Community trade) of Schedule 3 (intra-Community trade: legislation and additional requirements)(e), substitute the provisions set out in Schedule 1 to these Regulations.

(5) For Schedule 7 (community legislation in relation to imports from third countries)(f) substitute the Schedule set out in Schedule 2 to these Regulations.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
23rd September 2010

(a) O.J. No. L 114, 7.5.2010, p.3.
(b) Repealed by Decision No. 477/2010/EU (O.J. No. L 135, 2.6.2010, p.1) and replaced by Commission Regulation (EU) No. 206/2010 (O.J. No. L 73, 20.3.2010, p.1).
(c) Repealed and replaced by Council Directive 2009/158/EC (O.J. No. L 343, 22.12.2009, p.74).
(d) O.J. L 343, 22.12.2009, p.74.
(e) Part 1 was substituted by S.S.I. 2009/227, regulation 2(7).
(f) Schedule 7 was substituted by S.S.I. 2009/227, regulation 2(8).

SCHEDULE 1

Regulation 2(4)

Substitution of Part I of Schedule 3 to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007

“PART 1

Legislation in relation to intra-Community trade

Bovine animals and swine

1. Council Directive 64/432/EEC.

Bovine semen

2. Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species(a).

Bovine embryos

3. Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(b).

Equidae

- 4.—(1) Council Directive 90/426/EEC.
- (2) Council Directive 90/427/EEC.
- (3) Commission Decision 2010/346/EU on protective measures with regard to equine infectious anaemia in Romania(c).

Porcine Semen

5. Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(d).

Poultry and hatching eggs

6. Council Directive 2009/158/EC.

(a) O.J. No. L 194, 22.7.1988, p.10, last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p.40).

(b) O.J. No. L 302, 19.10.1989, p.1, last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p.40).

(c) O.J. No. L 155, 22.6.2010, p.48.

(d) O.J. No. L 224, 18.8.1990, p.62, last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p.40).

Animal waste

7. Commission Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption(a).

Fish

8.—(1) Council Directive 2006/88/EC.

(2) Directive 2004/41/EC of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(b).

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

Ovine and caprine animals

9. Council Directive 91/68/EEC.

Other animals, semen, ova and embryos

10.—(1) Council Directive 92/65/EEC.

(2) Commission Decision 2010/346/EU on protective measures with regard to equine infectious anaemia in Romania.

Circuses and animal acts

11. Commission Regulation (EC) No. 1739/2005.

Pathogens

12. Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC(c).

Pure-bred animals of the bovine species

13. Council Directive 2009/157/EC on pure-bred breeding animals of the bovine species(d).

Breeding animals of the porcine species

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

(a) O.J. No. L 273, 10.10.2002, p.1, last amended by Commission Regulation (EU) No. 595/2010 (O.J. No. L 173, 8.7.2010, p.1).

(b) O.J. No. L 157, 30.4.2004, p.33.

(c) O.J. No. L 62, 15.3.1993, p.49, last amended by Commission Regulation (EC) No. 445/2004 (O.J. No L 72, 11.3.2004, p.60).

(d) O.J. No. L 323, 10.12.2009, p.1.

(e) O.J. No. L 382, 31.12.1988, p.36, last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p.40).

Pure-bred breeding sheep and goats

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

Bluetongue susceptible animals

16. Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue**(b)**.

Transmissible spongiform encephalopathies

17. Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies**(c)**.

18. Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk**(d)**.”

(a) O.J. No. L 153, 6.6.1989, p.30, last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p.40).
(b) O.J. No. L 283, 27.10.2007, p.37, last amended by Commission Regulation (EC) No. 1156/2009 (O.J. No. L 313, 28.11.2009, p.59).
(c) O.J. No. L 147, 31.5.2001, p.1, last amended by Regulation (EC) No. 220/2009 (O.J. No. L 87, 31.3.2009, p.155).
(d) O.J. No. L 172, 30.6.2007, p.84, last amended by Commission Decision 2009/830/EC (O.J. No. L 295, 12.11.2009, p.11).

SCHEDULE 2

Regulation 2(5)

Substitution of Schedule 7 to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007

“SCHEDULE 7 Regulations 1(2), 17(2) and (3),
19(2) and 37(b)

COMMUNITY LEGISLATION IN RELATION TO IMPORTS FROM THIRD COUNTRIES

PART I

Instruments specifying third countries and territories in third countries from which Member States may authorise certain imports

Cloven-hoofed animals, elephants and zoo ungulates

1. Commission Regulation (EU) No. 206/2010.

Poultry

2. Commission Regulation (EC) No. 798/2008.

Captive birds

3. Commission Regulation (EC) No. 318/2007.

Finfish and shellfish

- 4.—(1) Commission Regulation (EC) No. 1251/2008.

(2) Commission Decision 2006/766/EC establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted(a).

Bees

5. Commission Regulation (EU) No. 206/2010.

Equidae

- 6.—(1) Commission Decision 2004/211/EC.

(2) Commission Decision 2010/57/EU laying down health guarantees for the transit of equidae being transported through the territories listed in Annex 1 to Council Directive 97/78/EC(b).

(a) O.J. No. L 320, 18.11.2006, p.53, last amended by Commission Decision 2009/951/EU (O.J. No. L 328, 15.12.2009, p.70).
(b) O.J. No. L 32, 4.2.2010, p.9.

Cats, dogs and ferrets

- 7.—(1) Commission Decision 2005/64/EC.
- (2) Commission Regulation (EU) No. 388/2010.

PART II

Detailed provisions

Cloven-hoofed animals and elephants

1. Commission Regulation (EU) No. 206/2010.

Zoo ungulates

2. Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 74/462/EEC(a).

General provisions for equidae

- 3.—(1) Council Directive 90/426/EEC.
- (2) Commission Decision 2004/211/EC.
- (3) Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae(b).

Temporary admission of registered horses

4. Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses(c).

Registered horses for racing, etc, upon re-entry

5. Commission Decision 93/195/EEC on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export(d).

Equidae for slaughter

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

Registered equidae and equidae for breeding and production

7. Commission Decision 93/197/EEC on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production(f).

(a) O.J. No. L 139, 30.4.2004, p.321.

(b) O.J. No. L 192, 23.7.2010, p.1.

(c) O.J. No. L 130, 15.5.1992, p.67, last amended by Commission Decision 2010/463/EU (O.J. L 220, 21.8.2010, p.74).

(d) O.J. No. L 86, 6.4.1993, p.1, last amended by Commission Decision 2010/463/EU (O.J. L 220, 21.8.2010, p.74).

(e) O.J. No. L 86, 6.4.1993, p.7, last amended by Commission Regulation (EC) No. 1792/2006 (O.J. L 362, 20.12.2006, p.1).

(f) O.J. No. L 86, 6.4.1993, p.16, last amended by Commission Decision 2010/463/EU (O.J. L 220, 21.8.2010, p.74).

Poultry

- 8.—(1) Council Directive 2009/158/EC.
(2) Commission Regulation (EC) No. 798/2008.

Other specified animals, semen, ova and embryos

9. Council Directive 92/65/EEC.

Captive birds

10. Commission Regulation (EC) No. 318/2007.

Cats, dogs and ferrets

- 11.—(1) Commission Decision 2005/64/EC.
(2) Commission Regulation (EU) No. 388/2010.

Live animals from New Zealand

12. Commission Decision 2003/56/EC on health certificates for the importation of live animals and animal products from New Zealand(a).

Zootechnical conditions

13. Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species(b).

Finfish and shellfish from third countries

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

Bees

15. Commission Regulation (EU) No. 206/2010.

Transmissible spongiform encephalopathies

16. Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(c).

17. Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk(d).”

(a) O.J. No. L 22, 25.1.2003, p.38, last amended by Commission Decision 2006/855/EC (O.J. No. L 338, 5.12.2006, p.45).

(b) O.J. No. L 178, 12.7.1994, p.66, amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p.40).

(c) O.J. No. L 147, 31.5.2001, p.1, last amended by Regulation (EC) No. 220/2009 (O.J. No. L 87, 31.3.2009, p.155).

(d) O.J. No. L 172, 30.6.2007, p.84, last amended by Commission Decision 2009/830/EC (O.J. No. L 295, 12.11.2009, p.11).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 (“the principal Regulations”).

Part I of Schedule 3 (Legislation in relation to intra-Community trade) and Schedule 7 to the principal Regulations (Community legislation in relation to imports from third countries) are substituted (regulations 2(4) and (5)).

The substituted Schedules are consolidations of Part I of Schedule 3 and Schedule 7, listing both the legislation in force when the principal Regulations were made and relevant legislation that has come into force since then. References to Regulation (EC) No. 999/2001 and Commission Decision 2007/453/EC are also added in both substituted Schedules in respect of transmissible spongiform encephalopathies. The new Part I of Schedule 3 and Schedule 7 provide updated references to the EU instruments that set out the requirements to be enforced under the principal Regulations when the animals and animal products in question are the subject of intra-EU trade (Part I of Schedule 3) or are imported from third countries (Schedule 7).

Further minor amendments to the principal Regulations are made.

No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

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