

EXECUTIVE NOTE

THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (SCOTLAND) AMENDMENT REGULATIONS 2006 SSI/2006/335

The above Regulations were made in exercise of powers conferred by section 2(2) and Schedule 2 of the European Communities Act 1972 and section 56(1) and (2) of the Finance Act 1973.

POLICY OBJECTIVES

The Regulations implement Commission Decision 2000/666/EC (“the Decision”) on imports of captive birds, previously implemented through The Importation of Birds, Poultry and Hatching Eggs Order 1979, by means of a General Licence. This amendment provides a statutory basis for the approval of quarantine premises and for the charging of testing carried out in accordance with the Decision.

Following the outbreak of Avian Influenza in a quarantine facility in Essex last year and Professor Dimmock’s Independent Review of Avian Quarantine Procedures for Captive Birds, reported on 7 December 2005 (UK government response published April 2006), it was decided to strengthen the application of the quarantine rules. These Regulations set out the standards that quarantine premises have to meet and give powers for immediate review and inspection of previously approved premises to assess their compliance with the requirements of the EU legislation.

The regulations also implement Commission Decision 2004/68/EC which amends Directive 90/426/EEC on intra Community trade in horses and Directive 92/65/EEC the “Balai Directive”, relating to trade in animals and semen, ova and embryos not covered by other EU legislation.

Decision 2004/68/EC introduces provisions covering how changes to the above Directives should be implemented. It introduces a new mechanism for determining which countries outside of the EU can be permitted to export live horses to Member States, and for a procedure by which special import conditions may be imposed under 90/426/EEC. It amends Directive 92/65/EEC to exclude from its scope provisions relating to imports of ungulate animals into the Community and to supplement the certificate currently in use for the declaration set out in Article 16 of Directive 2004/68/EC.

Similar legislation is being introduced in England and Wales.

FINANCIAL EFFECTS

There are no financial implications. A Regulatory Impact Assessment has not been prepared as these Regulations are considered to have a minimal impact on business.

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