SCOTTISH STATUTORY INSTRUMENTS

2007 No. 552

The Foot-and-Mouth Disease (Export and Movement Restrictions) (Scotland) (No. 2) Regulations 2007

PART 3

Export: products of animal origin and animal products

Export of milk

17.—(1) No person shall export milk produced or prepared in the restricted area.

(2) The prohibition in paragraph (1) does not apply to milk produced in the restricted area which has been subjected to a treatment in accordance with–

(a) Part A of Annex IX to Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease(**1**) (milk intended for human consumption); or

(b) Part B of Annex IX to Directive 2003/85/EC, if the milk is not intended for human consumption or is intended for feeding to susceptible animals.

(3) The prohibition in paragraph (1) does not apply to milk prepared in an approved establishment in the restricted area if–

(a) all milk used in the establishment has been treated in accordance with paragraph (2), or has been obtained from animals reared and milked outside the restricted area;

(b) the establishment is operated under strict veterinary control;

(c) the milk is clearly identified;

(d) the milk is transported and stored separately from milk and dairy products which are not eligible for export; and

(e) raw milk from outside the restricted area is carried to the establishment in vehicles which–

(i) are cleansed and disinfected prior to carriage; and

(ii) have no contact during carriage with any holding in the restricted area on which a susceptible animal is kept.

(4) Milk exported to another member State must be accompanied by an official certificate which bears the words–

"Milk conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) does not apply to milk which–

(a) complies with paragraph (2);

(b) has been processed in an establishment operating HACCP and an auditable standard operating procedure that ensures that standards for treatment are met and recorded; and

(**1**) O.J. No. L 306, 22.11.2003, p.1 as last amended by Directive 2006/104/EC.

(c) is on export accompanied by a commercial document endorsed in accordance with regulation 7 which states that the milk has been treated in accordance with paragraph (2).

(6) Paragraph (4) does not apply to milk treated in accordance with paragraph (2) and stored in hermetically sealed containers in such manner as to ensure that they are shelf stable, if the treatment applied is stated in the commercial document accompanying the export of such milk.

Export of dairy products

18.—(1) No person shall export a dairy product produced or prepared in the restricted area.

(2) The prohibition in paragraph (1) does not apply to a dairy product–

(a) produced before 15th July 2007;

(b) prepared from milk complying with the provisions in regulation 17(2) or (3); or

(c) for export to a third country where import conditions permit a product to be subject to treatment, other than as laid down in regulation 17(2), that ensures the inactivation of disease virus.

(3) The prohibition in paragraph (1) does not apply to a dairy product intended for human consumption produced from–

(a) milk of a controlled pH less than 7.0 and subject to a heat treatment at a temperature of at least 72°C for at least 15 seconds, on the understanding that such treatment is not necessary for a finished product the ingredients of which comply with the respective animal health conditions laid down in these Regulations; or

(b) raw milk–

(i) of a bovine, ovine or caprine animal which has been resident for at least 30 days on a holding within the restricted area and situated in the centre of a circle of at least 10 km radius in which no outbreak of disease has occurred during the 30 days prior to the date of production of the raw milk; and

(ii) subjected to a maturation or ripening process of at least 90 days during which the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging.

(4) The prohibition in paragraph (1) does not apply to a dairy product–

(a) prepared in an approved establishment in the restricted area if–

(i) all milk used in the establishment conforms to the conditions of regulation 17(2) or is obtained from animals outside the restricted area;

(ii) all dairy products used in the final product conform to the conditions of paragraph (2) (a) or (b) or (3) or are made from milk obtained from animals situated outside the restricted area;

(iii) the establishment is operated under strict veterinary control;

(iv) the product is clearly identified; and

(v) the product is transported and stored separately from milk and dairy products which are not eligible for export;

(b) prepared in a part of the United Kingdom outside the restricted area using milk obtained before 15th July 2007 from the restricted area if the product is–

(i) clearly identified; and

(ii) transported stored separately from milk products not eligible for export.

(5) A dairy product exported to another member State must be accompanied by an official certificate which bears the words–

"Dairy products conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(6) Paragraph (5) does not apply to dairy products which–

(a) comply with paragraphs (2)(a) or (b), (3) or (4);

(b) have been processed in an establishment operating HACCP and an auditable standard operating procedure that ensures that standards for treatment are met and recorded; and

(c) are on dispatch accompanied by a commercial document endorsed in accordance with regulation 7 which states that the product complies with the requirements of paragraphs (2)(a) or (b), (3) or (4).

(7) Paragraph (5) does not apply to dairy products treated in accordance with paragraphs (2)(a) or (b), (3) or (4) and stored in hermetically sealed containers in such manner as to ensure that they are shelf stable, if the heat treatment applied is stated in the commercial document accompanying the dispatch of such products.

Export of semen, ova and embryos

19.—(1) No person shall export semen, ova or embryos of an animal produced in or coming from Great Britain.

(2) The prohibition in paragraph (1) does not apply to–

(a) Semen, ova and embryos produced before 15th July 2007;

(b) frozen semen of a bovine, ovine, caprine or porcine species, or frozen embryos of a bovine, ovine or caprine species, imported into the United Kingdom in accordance with the conditions in–

(i) 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(**2**);

(ii) 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(**3**);

(iii) 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(**4**); or

(iv) Council Directive 92/65/EEC laying down the 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(**5**),

and which since introduction into the United Kingdom have been stored and transported separately from semen, ova and embryos from the restricted area not eligible for export; or

(c) frozen semen or embryos–

(i) from a bovine, ovine, caprine or porcine animal–

(aa) kept at for at least 90 days prior to the date of and during collection on a holding outside the restricted area; or

(**2**) O.J. No. L 194, 22.7.1988, p.10 as last amended by the Act of Accession of Austria, Finland and Sweden.
(**3**) O.J. No. L 302, 19.10.1989, p.11 as last amended by Act of Accession of Austria, Finland and Sweden.
(**4**) O.J. No. L 224, 18.8.1990, p.62 as last amended by Council Decision 2001/36/EC (O.J. No. L 13, 19.1.2000, p.21.
(**5**) O.J. No. L 268, 14.09.1992, p.54 as last amended by Council Decision 2007/265/EC.

(bb) moved to premises outside the restricted area from premises also outside that area during the 90 days prior the date of collection;

(ii) that have been collected from donor animals kept in centres or on holdings which comply with Part I of Schedule 2; and

(iii) that have been stored in accordance with Part II of Schedule 2 for a minimum period of 30 days following collection during which the centre or holding described in sub-paragraph (c)(ii) must have had no case of foot-and-mouth disease.

(3) The health certificate accompanying frozen bovine semen exported to another member State must bear the words–

"Frozen bovine semen conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(4) The health certificate accompanying frozen porcine semen exported to another member State must bear the words–

"Frozen porcine semen conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) The health certificate accompanying frozen ovine or caprine semen exported to other member States must bear the words–

"Frozen ovine/caprine semen conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(6) The health certificate accompanying frozen ovine or caprine embryos exported to other member States must bear the words–

"Frozen ovine/caprine embryos conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(7) Frozen bovine embryos exported to another member State must be accompanied by a health certificate bearing the words–

"Bovine embryos conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

Export of hides and skins

20.—(1) No person shall export the hide or skin of an animal produced in or coming from the restricted area.

(2) The prohibition in paragraph (1) does not apply to hides and skins which–

(a) were produced before 15th July 2007;

(b) conform to the requirements of point (c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002;

(c) were produced outside the restricted area in accordance with the conditions laid down in Regulation 1774/2002, and since introduction into the restricted area have been transported and stored separately from hides and skins not eligible for export; or

(d) were produced from an animal slaughtered in a slaughterhouse, or in the case of farmed game slaughtered on premises, or in the case of wild game killed for meat,

provided that treated hides and skins are separated from untreated hides and skins.

(3) Hides and skins exported to another member State must be accompanied by an official certificate which bears the words–

"Hides and skins conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(4) Paragraph (3) does not apply to hides and skins which conform to the requirements of either–

(a) Points (b) to (e) of paragraph 1 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002; or

(b) Points (c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002,

if compliance with those conditions is stated in the commercial document accompanying the consignment, endorsed in the case of sub-paragraph (b) in accordance with regulation 7.

Export of other animal products

21.—(1) No person shall export an animal product not otherwise mentioned in these Regulations–

(a) produced after 15th July 2007 in the restricted area; or

(b) obtained from an animal originating in that area.

(2) No person shall export any dung or manure from an animal.

(3) The prohibition in paragraph (1) does not apply to–

(a) animal products that–

(i) have been subject to a heat treatment in a hermetically sealed container with a Fo value of 3,00 or more;

(ii) have been subject to a heat treatment in which the centre temperature of the product is raised to at least 70oC;

(iii) were produced outside the restricted area in accordance with the conditions laid down in Regulation 1774/2002, and which since introduction into the restricted area have been stored and transported separately from animal products not eligible for dispatch; or

(iv) were produced from animals slaughtered in a slaughterhouse, or in the case of farmed game slaughtered in premises, or in the case of wild game killed for meat, and which comply with the requirements of Part A(1) of Chapter II of Annex VIII to Regulation 1774/2002, and which have been stored and transported separately from animal products not eligible for export;

(b) blood and blood products as defined in paragraphs 4 and 5 of Annex I to Regulation 1774/2002–

(i) which have been subjected to one of the treatments provided for in paragraph 3(a)(ii) of Part A of Chapter IV of Annex VIII to that Regulation, followed by an effectiveness check; and

(ii) that have been imported in accordance with Part A of Chapter IV of Annex VIII to Regulation 1774/2002;

(c) lard and rendered fats which have been subjected to the heat treatment prescribed in point 2(d)(iv) of Part B of Chapter IV of Annex VII to Regulation 1774/2002;

(d) animal casings that comply with the conditions in Part A of Chapter 2 of Annex I to Directive 92/118/EC laying down animal health and public requirements governing trade

in and imports into the Community of certain products(**6**), and which are cleaned and scraped and then–

(i) salted, bleached or dried; and

(ii) subject to effective steps taken to prevent recontamination of the casings;

(e) sheep wool, ruminant hair and pig bristles which have undergone factory washing or have been obtained from tanning;

(f) unprocessed sheep wool, ruminant hair and pig bristles which are securely enclosed in packaging and in a dry state;

(g) pet food conforming to the requirements of paragraphs 2 to 4 of Part B of Chapter II of Annex VIII to Regulation 1774/2002;

(h) composite products containing products of animal origin not subjected to further treatment provided that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations;

(i) game trophies in accordance with paragraphs 1, 3 or 4 of Part A of Chapter VII of Annex VIII to Regulation 1774/2002;

(j) any packed product intended for use as an in-vitro diagnostic or laboratory reagent; or

(k) medicinal products as defined in Directive 2001/83/EC of the European Parliament and of the Council of 6th November 2001 on the Community Code relating to medicinal products for human use(**7**), non-viable medical devices as defined in Article 1(5)(g) of Council Directive 93/42/EEC of 14th June 1993 concerning medical devices(**8**), veterinary medicinal products as defined in Directive 2001/82/EC of the European Parliament and of the Council of 6th November 2001 on the Community Code relating to veterinary medicinal products(**9**) and investigational medicinal products as defined in Directive 2001/20/EC of the European Parliament and of the Council of 4th April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the conduct of clinical trials on medicinal products for human use(**10**).

(4) A product specified in paragraph (3) exported to another member State must be accompanied by an official certificate which bears the words–

"Animal products conforming to Commission Decision 2007/554/EC of 9th August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) does not apply to a product specified in sub-paragraphs (a) to (d) and (g) of paragraph (3) accompanied by a commercial document endorsed in accordance with regulation 7.

(6) Paragraph (4) does not apply to a product specified in sub-paragraph (e) or (f) of paragraph (3) accompanied by a commercial document stating that the product–

(a) has undergone factory washing or have been obtained from tanning; or

(b) complies with the conditions laid down in paragraphs 1 and 4 of Chapter VIII of Annex VIII to Regulation 1774/2002.

(7) Paragraph (4) does not apply to a product specified in sub-paragraph (h) of paragraph (3) produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the requirements of these Regulations accompanied by a commercial document endorsed in accordance with regulation 7.

(**6**) O.J. No. L 62, 15.3.1993, p.49.
(**7**) O.J. No. L 311, 28.11.2001, p.67.
(**8**) O.J. No. L 169, 12.7.93, p.1.
(**9**) O.J. No. L 311, 28.11.2001, p.1.
(**10**) O.J. No. L 121, 1.5.2001, p.34.

(8) Paragraph (4) does not apply to a product specified in sub-paragraph (j) or (k) of paragraph (3) accompanied by a commercial document stating that the product is for use as in-vitro diagnostic or laboratory reagent or medical products or medical devices, provided that the product is clearly labelled "for in-vitro diagnostic use only", or "for laboratory use only", or as "medicinal products" or "medical devices".

(9) Paragraph (4) does not apply to composite products that fulfil the conditions set out in Article 6(1) of Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts(**11**), if they are accompanied by a commercial document which bears the words–

> "These composite products are shelf stable at ambient temperatures or have clearly undergone in their manufacture a complete cooking or heat treatment process throughout their substance so that any raw material is de-natured".

Exemptions

22. The prohibitions in regulations 14, 17, 18 or 21 do not apply to a product–

(a) not produced in the United Kingdom and which remains in the original packaging indicating country of origin; or

(b) which is–

(i) produced in the restricted area in an approved establishment from pre-processed products originating outside that area which, since introduction into the United Kingdom, were transported, stored and processed separately from products not intended for export; and

(ii) accompanied by a commercial document or official certificate as required by these Regulations.

(**11**) O.J. No. L 116, 4.5.2007, p.9.