

## **EXECUTIVE NOTE**

### **The Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2008 S.S.I. 2008/155**

The above instrument was made under Section 2(2) of the European Communities Act 1972. It is subject to negative resolution procedure.

#### **Policy Objective**

The objective of this instrument is to amend The Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 (SSI 2007/194, amended by SSI 2007/375) (‘the principal Regulations’) in order to regulate the export of bluetongue susceptible animals and their semen, ova and embryos to other Member States and third countries.

#### **Main Changes**

Commission Regulation (EC) No. 1266/2007 implemented rules for Council Directive 2000/75/EC regarding the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue. That Regulation has been amended by Commission Regulation(EC) No. 289/2008 which replaces Annex III of the former with a new Annex III, which makes more explicit the health conditions under which animals, semen, ova and embryos are exempted from the exit ban provided for in Council Directive 2000/75/EC. The Bluetongue (Scotland) Order 2008 (SSI 2008/11) implemented, among other things, the provisions relating to domestic movements of animals, but it is also necessary to make provisions to control exports.

Regulation 2 of the principal Regulations, which provides that in specified circumstances the Regulations are not to apply to veterinary checks on movement of pets, has been revised by this instrument, which adds a new regulation 2(3). It inserts a definition of ‘pet’ to reflect that it relates only to an animal defined as a ‘pet’ in EC Regulation 998/2003.

Regulation 5 of the principal Regulations prohibits exports to other Member States of live animals and germplasm unless they meet the provisions of the EC legislation listed in Part 1 of Schedule 3 and any additional requirements specified in that Part. This instrument adds a new paragraph 17 to Part 1 of Schedule 3 to the principal Regulations, making it an offence to export any ruminating animal or its germplasm unless it complies with the relevant provisions listed in that paragraph.

This instrument also introduces regulations 28A and 28B into the principal Regulations which, when read with the new Schedule 8A, provide the basis for regulating third country exports in relation to bluetongue measures.

#### **Consultation**

As the amendment implements Community obligations no consultation is necessary.

#### **Financial Effects**

There are no cost implications for Central or Local Government from the making of these Regulations, nor will there be any costs accruing to industry.

**Rural Directorate**