EXECUTIVE NOTE

THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORT) (SCOTLAND) AMENDMENT REGULATIONS 2009 (SSI 2009/228)

1. Introduction

1.1 This instrument is made under Section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. It is subject to negative resolution procedure.

2. Purpose of the instrument

2.1. This instrument amends the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 ("the Principal Regulations") to give effect to EU law concerning the import of products of animal origin from third countries. Regulation 4 of the Principal Regulations is amended to take account of revised EU legislation governing limits on products of animal origin for personal use. Schedule 1 of the Principal Regulations is replaced. The new schedule provides updated references to the Community instruments that set out the requirements to be enforced when the products of animal origin in question are imported or exported from or to third (non-EU) countries.

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4. Legislative Context

4.1. The Regulations implement Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries.

4.2. The Regulations require that products of animal origin to which the directive applies (listed in commission Decision 2007/275/EC) for import from third countries must be presented to an approved Border Inspection Post for veterinary examination to ensure that the product complies with the relevant import requirements. The Regulations require importers to comply with the import requirements listed in Schedule 1.

4.3 Although there are currently no approved Border Inspection Posts in Scotland it is essential that we have enforcement legislation in place not only to comply with our Community obligations, but so that products cannot enter Scotland illegally.

5. European Convention on Human Rights

5.1. As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Policy background

6.1. The objective of Directive 97/78/EC and the related legislation implemented through this instrument is to protect the health of animals within the European Community.

7. Consultation

7.1. There has been no consultation as the changes in the import conditions are as a result of the need to implement EU rules and keep up to date the legislative base for enforcement.

8. Impact

8.1. No RIA has been prepared for these Regulations as no impact on the private or voluntary sectors is foreseen. There are no cost implications for the public sector from the making of these Regulations, nor will there be any costs accruing to industry.

9. Monitoring and Review

9.1. These Regulations implement changes to EU legislation. The references to Community instruments contained within the new Schedule are to be construed as references to those instruments as amended from time to time. Therefore, the Schedule will only need to be amended if a quoted piece of EU legislation is repealed and replaced. New EU legislation will be monitored and the Schedule updated as and when necessary.

10. Contact

Animal Health and Welfare Division
Scottish Government
Rural Directorate

Pentland House
Robb's Loan
Edinburgh
EH14 1TY