
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the following four European Directives in Scotland:—

- Council Directive [89/662/EEC](#) concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (OJ L 395, 30.12.1989, p.13);
- Council Directive [90/425/EEC](#) concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (OJ L 224, 18.8.1990, p.29);
- Council Directive [91/496/EEC](#) laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives [89/662/EEC](#), [90/425/EEC](#) and [90/675/EEC](#) (OJ L 268, 24.9.1991, p.56); and
- Council Directive [97/78/EC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p.9).

They also revoke and replace the Regulations specified in regulation 38 which previously implemented these Directives.

They establish a system for trade between member States in live animals and genetic material (Part 2) (movement between member States) and for the importation of live animals and products of animal origin (which includes genetic material) from outside the European Union (Part 3) (importation from a third country).

The European Union legislation required to be complied with before animals or goods can be released from control at the port of importation (the “border inspection post”) is listed in Schedule 1.

The Scottish Ministers are empowered to prohibit importation into Scotland of any animal or product in the event of a disease outbreak outside the United Kingdom (Part 4 – safeguard measures).

The Regulations are enforced by the Scottish Ministers, local authorities, the Food Standards Agency and general customs officials in the circumstances set out in regulation 27.

The Regulations establish various offences, punishable on summary conviction by a fine up to the statutory maximum or on conviction on indictment by an unlimited fine (or in the case of disclosure relating to customs information imprisonment for up to twelve months).

A business and regulatory impact assessment has not been produced for this instrument as no new impact on the private, voluntary or public sectors is foreseen.