

## **EXECUTIVE NOTE**

### **THE TRADE IN ANIMALS AND RELATED PRODUCTS (SCOTLAND) REGULATIONS 2012**

**SSI 2012/177**

#### **Introduction**

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.

#### **Purpose of the Instrument**

2. The Trade in Animals and Related Products (Scotland) Regulations 2012 give effect to EU law concerning the importation of animals and animal products from other Member States and third countries.

3. The Regulations both amalgamate into one Statutory Instrument and simplify the three Statutory Instruments that currently cover veterinary checks on intra-Union trade in live animals and animal products, import conditions for live animals and animal products from third countries.

#### **Legislative Context**

4. The three pieces of legislation to be replaced are:

##### **The Products of Animal Origin (Import and Export) Regulations 1996**

These Regulations implement Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market. The Regulations make provision for: the designation of official veterinary surgeons to implement the checks; provide for enforcement by local authorities; and give powers for the Scottish Ministers to give directions to local authorities.

##### **The Animals and Animal Products (Import and Export) (Scotland) Regulations 2007**

These Regulations regulate intra-Union trade in live animals and products (semen, ova and embryos) and imports from third countries of live animals. They require that, to be eligible for intra-Union trade, animals and genetic material must conform to the provisions of EU legislation. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.

The Regulations require that animals imported from non-EU countries must comply with Council Directive 91/496/EC and other EU legislation relating to imports. Such animals must enter the European Union through an approved Border Inspection Post (BIP), where they are checked to ensure that they meet EU requirements. Animals

imported from other Member States may enter Scotland at any port or airport in Great Britain.

### **The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007**

These 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. Regulations implementing this Directive were first introduced in 2002 and since then have been regularly updated.

The Regulations require that animal products to which the Directive applies must be presented to an approved Border Inspection Post (BIP) 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 the Regulations. Enforcement at BIPs is the responsibility of the local authority or, in the case of BIPs that handle consignments not intended for human consumption, the Animal Health and Veterinary Laboratories Agency (AHVLA). The United Kingdom Border Agency (UKBA) is responsible for enforcement at points of entry other than Border Inspection Posts.

### **European Convention on Human Rights**

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

### **Policy Background**

6. The Instrument enforces the EU legislation detailed below covering the import of live animals and products of animal origin from third countries. It also enforces EU legislation on the intra-Union movement of live animals and their genetic material.

- Council Directive 97/78/EC the purpose of which is to ensure that products of animal origin imported into the EU are produced to animal health and hygiene standards at least equivalent to those required for EU production.
- Council Directive 90/425/EEC and Council Directive 91/496/EEC the purpose of which is to ensure that animals and animal products (genetic material) imported into the EU meet the relevant animal and, where appropriate, public health requirements and to protect the health of animals within the European Union.

### **Consultation**

8. As the import conditions implement EU requirements and keep legislation up to date there has been no consultation with outside bodies.

## **Impact**

9. No BRIA 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 additional costs accruing to industry.

## **Monitoring and Review**

10. The Regulations implement EU legislation. The references to European instruments in Schedule 1 are references to those instruments as amended from time to time. It follows that Schedule 1 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.

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