

SCHEDULE 1

Regulations 2, 5, 13,18 and 21

European Union legislation

<i>EU legislation</i>	<i>Subject</i>
Council Directive 64/432/EEC	Bovine animals and swine
Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species(1)	Bovine semen
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(2)	Fresh bovine embryos
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(3)	Porcine semen
Council Directive 91/68/EEC	Sheep and goats
Council Directive 92/65/EEC	Other animals and products specified in the Directive
Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (4)	Miscellaneous products
Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (5)	Residues
Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(6)	Animal products for human consumption

(1) OJ L 194, 22.7.1988, p.10, as last amended by Commission Implementing Decision 2011/629/EU (OJ L 247, 24.9.2011, p.22).

(2) OJ L 302, 19.10.1989, p.1, as last amended by Council Directive [2008/73/EC](#) (OJ L 219, 14.8.2008, p.40).(3) OJ L 224, 18.8.1990, p.62, as last amended by Council Directive [2008/73/EC](#).(4) OJ L 62, 15.3.1993, p.49, as last amended by Commission Regulation (EC) No [445/2004](#) (OJ L 72, 11.3.2004, p.60).(5) OJ L 125, 23.5.1996, p.10, as last amended by Regulation (EC) No [596/2009](#) of the European Parliament and of the Council (OJ L 188, 18.7.2009, p.14).(6) OJ L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No [596/2009](#) of the European Parliament and of the Council.

Status: This is the original version (as it was originally made).

<i>EU legislation</i>	<i>Subject</i>
Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption(7)	Animal products for human consumption
Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (8)	Certain live ungulate animals including bovine, ovine, caprine, porcine
Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries(9)	Hay and straw
Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(10)	Animal products for human consumption
Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(11)	Animal products for human consumption
Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(12)	Animal products for human consumption
Regulation (EC) No 882/2004	Official controls on feed, food, animal health and animal welfare
Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene(13)	Animal feed
Commission Decision 2007/275/EC	Composite products
Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(14)	Aquatic animals

(7) OJ L 18, 23.1.2003, p.11.

(8) OJ L 139, 30.4.2004, p.321.

(9) OJ L 21, 28.1.2004, p.11, as last amended by Regulation (EC) No [206/2009](#) (OJ L 77, 24.3.2009, p.1).

(10) OJ L 139, 30.4.2004, p.1, as last amended by Regulation (EC) No [219/2009](#) of the European Parliament and of the Council (OJ L 87, 31.3.2009, p.109).

(11) OJ L 139, 30.4.2004, p.55, as last amended by Commission Regulation (EU) No [1276/2011](#) (OJ L 327, 9.12.2011, p.39).

(12) OJ L 139, 30.4.2004, p.206, as last amended by Commission Implementing Regulation (EU) No [739/2011](#) (OJ L 196, 28.7.2011, p.3).

(13) OJ L 35, 8.2.2005, p.1, as last amended by Regulation (EC) No [219/2009](#) of the European Parliament and of the Council.

(14) OJ L 328, 24.11.2006, p.14, as last amended by Commission Directive [2008/53/EC](#) (OJ L 117, 1.5.2008, p.27).

<i>EU legislation</i>	<i>Subject</i>
Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae ⁽¹⁵⁾	Equidae
Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽¹⁶⁾	Poultry and hatching eggs
Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC , Commission Directive 80/511/EEC , Council Directives 82/471/EEC , 83/228/EEC , 93/74/EEC , 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC ⁽¹⁷⁾ .	Animal feed
Regulation (EC) No 1069/2009	Animal by-products

SCHEDULE 2

Regulations 5, 13, 18 and 33

Additional requirements in specific cases

PART 1

Additional requirements for trade between member States

Assembly centres and dealers in cattle, pigs, sheep or goats

1.—(1) The Scottish Ministers may authorise premises to operate as an assembly centre or dealer's premises in accordance with Council Directive [64/432/EEC](#) (in the case of cattle and pigs) or Council Directive [91/68/EEC](#) (in the case of sheep and goats).

(2) The authorisation must specify the dealer or operator authorised to operate the premises.

(3) The Scottish Ministers must be satisfied that the dealer or operator will operate the premises in accordance with Council Directive [64/432/EEC](#) or Council Directive [91/68/EEC](#).

Transport of cattle, pigs, sheep or goats

2.—(1) Any person transporting cattle, pigs, sheep or goats to another member State must comply with this paragraph.

(2) The transporter must be approved for the purpose by the Scottish Ministers.

⁽¹⁵⁾ OJ L 192, 23.7.2010, p.1.

⁽¹⁶⁾ OJ L 343, 22.12.2009, p.74, as amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105).

⁽¹⁷⁾ OJ L 229, 1.9.2009, p.1, as last amended by Commission Regulation (EU) No 939/2010 (OJ L 277, 21.10.2010, p.4).

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- (3) The transporter must, for each vehicle used for the transport of those animals, keep a register containing the following information—
- (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
 - (b) places and dates of delivery, and the name or business name and address of the consignee;
 - (c) species and number of animals carried;
 - (d) date and place of disinfection; and
 - (e) the unique identifying number of accompanying health certificates.
- (4) The register must be kept for at least three years.
- (5) The transporter must ensure that the means of transport is constructed in such a way that animal faeces, litter and feed cannot leak or fall out of the vehicle.
- (6) The transporter must give a written undertaking to the Scottish Ministers stating that—
- (a) in the case of cattle or pigs, Council Directive [64/432/EEC](#), and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with;
 - (b) in the case of sheep or goats, Council Directive [91/68/EEC](#), and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with; and
 - (c) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.

Poultry Health Scheme

3. For the purposes of Articles 2 and 6 of, and Annex II to, Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽¹⁸⁾ which establishes a poultry health scheme relating to trade between member States—

- (a) the approval of establishments and laboratories is granted by the Scottish Ministers; and
- (b) an annual inspection of an approved establishment must be carried out by a veterinary surgeon appointed for that purpose by the Scottish Ministers for the establishment to remain on the register.

Approvals for the Balai Directive

4.—(1) No person may trade in apes (*simiae* and *prosimiae*) other than between a centre approved by the Scottish Ministers and a centre approved by the competent authority for the other member State in accordance with Article 5 of Council Directive [92/65/EEC](#)⁽¹⁹⁾.

(2) A body seeking approval to use the different health provisions set out in Article 13 of the Council Directive [92/65/EEC](#) must be approved by the Scottish Ministers.

(3) The Scottish Ministers must suspend, withdraw or restore approvals in sub-paragraph (1) or (2) in the circumstances set out in point 6 of Annex C to Council Directive [92/65/EEC](#).

(4) The Scottish Ministers must approve a body authorised to engage in trade between member States in semen, ova and embryos in accordance with Article 11 of Council Directive [92/65/EEC](#)

⁽¹⁸⁾ OJ L 343, 22.12.2009, p.74, as last amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105).

⁽¹⁹⁾ OJ L 268, 14.9.1992, p.54, as last amended by Commission Regulation (EU) No 176/2010.

if the body meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(5) By way of derogation from sub-paragraph (1), the Scottish Ministers may authorise in writing a body approved under this paragraph to acquire an ape (*simiae* and *prosimiae*) belonging to an individual.

Circuses

5.—(1) The Scottish Ministers are the competent authority for the purposes of [Commission Regulation \(EC\) No 1739/2005](#) laying down animal health requirements for the movement of circus animals between Member States⁽²⁰⁾.

(2) No person may contravene Article 8 of that Commission Regulation (keeping of records).

(3) Notwithstanding regulation 5(1)(a) of these Regulations, no person may contravene Article 10(1) of that Commission Regulation (notification of movement).

Animal by-products

6. Animal by-products to which Article 48 of Regulation [\(EC\) No 1069/2009](#) applies may only be consigned to another member State, or brought into Scotland from another member State, in accordance with that Article.

PART 2

Additional provisions relating to imports from third countries

Arrival at premises of destination

7.—(1) This paragraph applies to elephants and to cattle, pigs, sheep, goats and all other animals of the taxa *Artiodactyla*, and their crossbreeds.

(2) Animals intended for immediate slaughter must be conveyed without delay from the border inspection post to the slaughterhouse of destination and slaughtered within five working days.

(3) In any other case the animals must be taken without delay from the border inspection post to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).

Imported birds

8.—(1) The Scottish Ministers are the competent authority for Commission Regulation (EC) No 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof⁽²¹⁾.

(2) An importer must comply with Article 7 (transport of birds) of that Regulation.

(3) No person may release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

⁽²⁰⁾ OJ L 279, 22.10.2005, p.47.

⁽²¹⁾ OJ L 84, 24.3.2007, p.7, as last amended by Commission Implementing Regulation (EU) No 66/2012 (OJ L 23, 26.1.2012, p.1).

Horses

9. When a horse is imported from a third country under Commission Decision [92/260/EEC](#), the official veterinarian must return the health certificate to the person accompanying the horse, and make a record of the certificate.

Ships stores

10. A product that does not comply with the requirements relating to it in the relevant instrument in Schedule 1 and any additional requirements relating to it in this Part and which is sent from a border inspection post to a ship, must be accompanied by the certificate specified in the relevant instrument in Schedule 1, and the master of the vessel must confirm delivery of the product by signing the certificate specified in Commission Decision [2000/571/EC](#) laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport⁽²²⁾ and returning it as soon as is reasonably practicable to the official veterinarian at the border inspection post.

Charges for veterinary checks from New Zealand

11. The charge for veterinary checks carried out on a consignment from New Zealand is €1.50 for each tonne of the consignment, subject to a minimum of €30 and a maximum of €350, save that where the actual cost of the veterinary checks carried out on a consignment exceeds €350, the amount of the charge is the actual cost.

SCHEDULE 3

Regulations 7 and 33

Cases to which Part 3 does not apply

Case 1: Personal imports and small consignments

1. The products of animal origin specified in Article 2 of Commission Regulation (EC) No 206/2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation [\(EC\) No 136/2004](#)⁽²³⁾.

Case 2: International means of transport

2. Any product that is on board a means of transport operating internationally that is intended for consumption by the crew and passengers and that is—

- (a) not unloaded;
- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as it is unloaded.

(22) OJ L 240, 23.9.2000, p.14.

(23) OJ L 77, 24.3.2009, p.1.

Case 3: Trade samples and samples for particular study or analysis

3.—(1) Products sent as trade samples or intended for exhibitions provided that they are not intended to be marketed and have been authorised in advance for that purpose by the Scottish Ministers.

(2) Products intended for particular studies or analyses provided that such products are not intended for human consumption and have been authorised in advance for that purpose by the Scottish Ministers.

(3) When the exhibition is finished or when the particular studies or analyses have been carried out, the person in charge of the products must destroy or redispach them, in the manner specified in the import authorisation.

(4) This case does not apply in relation to any product controlled under Regulation (EC) No 1069/2009 (the rules for those products are laid down in that Regulation).

Case 4: Consignments cleared in another member State

4. Consignments of animals and products that have been presented to a border inspection post in another member State or another part of the United Kingdom and have been cleared for free circulation.

Case 5: Composite products

5.—(1) Composite products and foodstuffs listed in Annex II to Commission Decision [2007/275/EC](#).

(2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are—

- (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
- (b) clearly identified as intended for human consumption;
- (c) securely packaged or sealed in clean containers; and
- (d) accompanied by a commercial document and labelled in an official language of a member State, so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

Case 6: Animals subject to rabies control

6. Animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974⁽²⁴⁾ and imported in accordance with a licence under that Order.

(24) [S.I. 1974/2211](#) to which there are amendments not relevant to these Regulations.

SCHEDULE 4

Regulation 37

Consequential amendments

Bluetongue (Scotland) Order 2008

1. In the Bluetongue (Scotland) Order 2008⁽²⁵⁾—
 - (a) for article 6(b)(exemptions) substitute—
 - “(b) any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products (Scotland) Regulations 2012⁽²⁶⁾.”; and
 - (b) after article 18 insert—

“PART 3A**Exports**

18A.—(1) A person must not export to a third country any animal, semen, ovum or embryo unless it complies with [Commission Regulation \(EC\) No 1266/2007](#) on implementing rules for Council Directive [2000/75/EC](#) as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue⁽²⁷⁾.

(2) An inspector who has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this article may by notice served on that person, that person’s representative or the person appearing to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such places as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.

(3) If a notice served under paragraph (2) is not complied with, an inspector may seize any animal or thing to which it relates and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.”.

Importation of Animal Products and Poultry Products Order 1980

2. After article 1 of the Importation of Animal Products and Poultry Products Order 1980⁽²⁸⁾ insert—

“Scope

1A. This Order does not apply in relation to any importation in relation to which the Trade in Animals and Related Products (Scotland) Regulations 2012⁽²⁹⁾ apply.”.

⁽²⁵⁾ S.S.I. 2008/11, to which there are amendments not relevant to these Regulations.

⁽²⁶⁾ S.S.I. 2012/177.

⁽²⁷⁾ OJ L 283, 27.10.2007, p.37, as last amended by Commission Implementing Regulation (EU) No 648/2011 (OJ L 176, 5.7.2011, p.18).

⁽²⁸⁾ S.I. 1980/14 to which there are amendments not relevant to these Regulations.

⁽²⁹⁾ S.S.I. 2012/177.

Official Feed and Food Controls (Scotland) Regulations 2009

3. In Schedule 3 (definition of relevant food law) to the Official Feed and Food Controls (Scotland) Regulations 2009⁽³⁰⁾, for sub-head (vii) of paragraph (a) substitute—

“(vii) the regulation of the import of and trade in products of animal origin under the Trade in Animals and Related Products (Scotland) Regulations 2012, with the exception of the execution and enforcement under regulation 27 of those Regulations by the Agency;”.

Fishery Products (Official Controls Charges) (Scotland) Regulations 2007

4. In regulation 2 (interpretation) of the Fishery Products (Official Controls Charges) (Scotland) Regulations 2007⁽³¹⁾, for the definition of “third country import” substitute—

““third country import” means an import in respect of which a charge is payable under Regulation 882/2004.”.

The Swine Vesicular Disease (Scotland) Order 2009

5. For article 3(1)(b) (application) of the Swine Vesicular Disease (Scotland) Order 2009⁽³²⁾ substitute—

“(b) any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products (Scotland) Regulations 2012.”.

The Aquatic Animal Health (Scotland) Regulations 2009

6. In regulation 19(5) (disease prevention requirements in respect of transport) of the Aquatic Animal Health (Scotland) Regulations 2009⁽³³⁾, for paragraph (a) substitute—

“(a) “border inspection post” means a border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products (Scotland) Regulations 2012;”.

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

7. In article 4(11)(a)(ii) (prohibition on landing of animals in Great Britain) of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974⁽³⁴⁾ for “Animals and Animal Products (Import and Export) (Scotland) Regulations 2007” substitute “Trade in Animals and Related Products (Scotland) Regulations 2012”.

⁽³⁰⁾ S.S.I. 2009/446 to which there are amendments not relevant to these Regulations.

⁽³¹⁾ S.S.I. 2007/537, as relevantly amended by S.S.I. 2008/98.

⁽³²⁾ S.S.I. 2009/173.

⁽³³⁾ S.S.I. 2009/85, to which there are amendments not relevant to these Regulations.

⁽³⁴⁾ S.I. 1974/2211, article 4(11) was inserted by paragraph 3(h) of the Schedule 2 to the Non-Commercial Movement of Pet Animals Order 2011 (S.I. 2011/2883).