

EXECUTIVE NOTE

THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (SCOTLAND) AMENDMENT REGULATIONS 2009 SSI 2009/227

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 Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 (“the Principal Regulations”) to give effect to EU law concerning the import of animals and animal products from third countries. This instrument also inserts a provision into the Principal Regulations which provides that references to Community Instruments are to be read as references to the text of those instruments as amended from time to time (“ambulatory references”) so that future amendments to EU legislation already included within the Principal Regulations will be directly applicable without the need to amend them.
- 2.2 Schedules 3 and 7 of the Principal Regulations are also amended to incorporate outstanding amendments to Community instruments referred to in these Schedules.

3. Matters of interest to the Subordinate Legislation Committee

- 3.1. This instrument corrects some minor drafting defects previously identified by the SLC in the Principal Regulations.

4. Legislative Context

- 4.1. This instrument implements Directive 90/425/EEC relating to intra-Community trade in live animals and animal products (semen, ova and embryos) and Directive 91/496/EEC relating to imports of live animals from non-EU countries.
- 4.2. The Principal Regulations require that, to be eligible for intra-Community trade, animals and genetic material must meet the provisions of the EU legislation listed in Part I of Schedule 3, and any additional requirements specified in that list. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.
- 4.3. The Principal Regulations require that animals imported from non-EU countries must comply with Council Directive 91/496/EC and the EU legislation set out in Schedule 7. Such animals must enter the Community via an approved Border Inspection Post (BIP) (approved BIPs are listed in Schedule 2), where they are checked to ensure they meet Community requirements.

4.4. The Principal Regulations are enforced by inspectors appointed by either the Scottish Ministers or the relevant local authority.

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 Directives 90/425/EEC and 91/496/EEC 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. As they are now ambulatory the Schedules 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 Schedules updated as and when necessary.

10. Contact

Animal Health and Welfare Division
Scottish Government
Rural Directorate

Pentland House
Robbs Loan
Edinburgh
EH14 1TY