

Scottish Government

DECLARATION OF SPECIAL MEASURES: BELARUS, POLAND, ROMANIA, UKRAINE

THE TRADE IN ANIMALS AND RELATED PRODUCTS (SCOTLAND) REGULATIONS 2012 (S.S.I. 2012/177)

The Scottish Ministers—

- a. have reasonable grounds for suspecting the existence of rabies in Belarus, Poland, Romania and Ukraine, such that certain animals originating in or dispatched from those countries are liable to pose risk to human or animal health, and
- b. are of the opinion there is serious non-compliance with official control rules under the Official Controls Regulation in relation to imports originating in or dispatched from those countries.

In exercise of the powers conferred by regulation 25(1) of the Trade in Animals and Related Products (Scotland) Regulations 2012¹, the Scottish Ministers declare the following special measures to be necessary in Scotland in order to contain the risk to human or animal health and the risk of non-compliant animals entering Scotland—

Additional conditions for entry of certain from certain third countries imported into Scotland

1. No person may import a relevant animal originating in or dispatched from a specified third country into Scotland unless the following conditions and, where applicable, the conditions in paragraph 2 are met—

- a. they are authorised by the Scottish Ministers to import relevant animals, in accordance with paragraph 3,
- b. they have submitted to the Scottish Ministers—
 - (i) at least 7 working days before the expected date of arrival into Scotland, the information required for the purpose of pre-notification through the appropriate computerised management system,
 - (ii) 2 working days before the expected date of its arrival into Scotland, the appropriate health certificate published by the Scottish Ministers or the Secretary of State, as amended from time to time.

2. Notwithstanding schedule 5 (application of, derogations from, and modifications to, Part 3 in relation to certain territories subject to transitional import arrangements) of the Trade in Animals and Related Products (Scotland) Regulations 2012, during the transitional staging period, the animals must enter at a border control post designated for the importation of such imports if they originate in a relevant third country.

Authorisation to import

¹ S.S.I. 2012/177. Regulation 25 was amended by S.S.I. 2019/412 and S.S.I. 2020/458.

3. The Scottish Ministers must grant an authorisation for the purposes of paragraph 1(a) to an importer, following an application made under this paragraph in the form published by or on behalf of the Scottish Ministers (which may be amended from time to time) provided that the following conditions are met—

- a. the applicant is established in the United Kingdom, or in the case of an applicant established in a third country, represented in the United Kingdom,
- b. the applicant and their representatives have no record of serious non-compliances with the relevant animal health requirements or the official control rules applicable to the importation of animals, in the 12 months preceding the date of the application,
- c. the applicant has provided details of the transporters and their authorisation pursuant to Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations² that will be used for the importation of relevant animals originating in or dispatched from specified third countries into Scotland,
- d. the applicant has provided details of the holdings or businesses registered or approved with the competent authority of the third country from which relevant animals originating in or dispatched from specified third countries will be imported into Scotland, accompanied by an official attestation by the competent authority of the relevant third country that the premises are registered or approved.

Duration of an authorisation

4. Subject to paragraph 7, an authorisation granted under paragraph 3 applies until such time as this Declaration is revoked.

Amendment of an authorisation

5. The Scottish Ministers may amend an authorisation granted under paragraph 3 by giving notice in writing to the authorisation holder.

6. The amendment may be made—

- a. following an application made by the authorisation holder to the Scottish Ministers in the form published by or on behalf of the Scottish Ministers and amended from time to time, or
- b. on the Scottish Minister's initiative.

Suspension or revocation of an authorisation

7. The Scottish Ministers may suspend or revoke the authorisation referred to in paragraph 3 by giving notice in writing to the authorisation holder, if—

- a. the importer fails to comply with any of the provisions of this declaration,
- b. the Scottish Ministers consider that the requirements of paragraph 3(a) or (b) were not satisfied at the time the authorisation was granted,
- c. there is a change of circumstance after the authorisation is granted which, if the importer were to make a new application for authorisation under

² EUR 1/2005.

paragraph 3, would result in authorisation being refused on grounds of lack of compliance with paragraph 3(a) or (b),

- d. the importer uses a transporter to import a relevant animal originating in or dispatched from a specified third country into Scotland other than a transporter for which the details required by paragraph 3(c) have been provided,
- e. the importer imports a relevant animal originating in or dispatched from a specified third country into Scotland from a holding or business other than a holding or business for which details required by paragraph 3(d) have been provided.

Review of decisions by an appointed person

8. Any person aggrieved by a decision made under this declaration may request a review of that decision in accordance with the procedure in regulation 30A of the Trade in Animals and Related Products (Scotland) Regulations 2012.

Exclusion for non-commercial movements

9. Paragraphs 1, 2, 3 and 7 do not apply to the non-commercial movement of pet animals into Scotland.

Interpretation

10. In this Declaration—

- a. “non-commercial movement” has the same meaning as in Article 3 of Regulation (EU) 576/2013³,
- b. “relevant animal” means a dog, cat or ferret,
- c. “relevant third country” has the same meanings as in paragraph 2 of Annex 6 (application, derogations and modifications in relation to territories subject to special transitional import arrangements) to Regulation (EU) 2017/625⁴,
- d. “specified third country” means Ukraine, Belarus, Poland or Romania,
- e. “transitional staging period” has the same meanings as in paragraph 2 of Annex 6 to Regulation (EU) 2017/625,
- f. “working day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971,
- g. a reference to an expression of time in this Declaration is a reference to the Greenwich mean time.

Revocation

11. The Declaration of Special Measures: Belarus, Poland, Romania, Ukraine made by the Scottish Ministers on 2 September 2022 is revoked.

³ EUR 2013/576.

⁴ EUR 2017/625.

Commencement

12. This Declaration (including the revocation provided for in paragraph 11) comes into force on the day following the day on which the Declaration is made.

Date made: 28th October 2022

Signed :

SHEILA M VOAS

CHIEF VETERINARY OFFICER (SCOTLAND).

A member of staff of the Scottish Ministers

Importation of animals or products in breach of this declaration is an offence under regulation 33 of the Trade in Animals and Related Products (Scotland) Regulations 2012.