POLICY NOTE

THE ANIMAL PRODUCTS (CONTROL OF PERSONAL IMPORTATION) (SCOTLAND) ORDER 2025

SSI 2025/230

The above instrument was made in exercise of the powers conferred by section 10 of the Animal Health Act 1981. The instrument is subject to laid, no procedure.

Summary Box

The Order prohibits imports of certain animal products intended for personal consumption or use into Scotland from European Economic Area (EEA) countries, the Faroe Islands, Greenland and Switzerland (the EU Single Market area) for the purpose of preventing the introduction of disease into Great Britain. This instrument will consolidate the restrictions on imports of animal products from these countries for personal consumption or use in place due to previous disease outbreaks in the EU.

Policy Objectives

This instrument is necessary to protect livestock in Great Britain from disease risks arising from people importing unregulated products from animals susceptible to foot and mouth and other animal diseases, from the EU single market area for personal consumption or use. The diseases that may be carried or transmitted by such products include, in addition to foot and mouth disease, African swine fever, lumpy skin disease and peste des petits ruminants. The instrument is therefore integral to mitigating the risk of the introduction of animal diseases to Great Britain by way of animal products in personal luggage or sent by way of small consignments.

Under Article 12A of Commission Delegated Regulation (EU) 2019/2122 persons were allowed to import most animal products from the EU single market area into Scotland as part of passengers' personal luggage intended for personal consumption or use or by way of small consignments sent to natural persons, not intended to be placed on the market, without being subject to the rules for commercial consignments, including certification requirements and entry via a border control post. This was limited by the African Swine Fever (Import Controls) (England and Scotland) Order 2022[1] which prohibited imports of certain porcine products from the EU single market area where they were for personal consumption or use and under 2kg in weight. Since January 2025 it has been further limited by declarations of special measures[2] under regulation 25 of the Trade in Animals and Related Products (Scotland) Regulations 2012 which prohibited the importation of products from animals susceptible to foot and mouth disease, in passengers luggage or sent by way of small consignments sent to natural persons, subject to limited exceptions for food for infants, food required for health-related reasons, and certain low risk composite products, subject to conditions.

[1] S.I. 2022 No. 926

[2] Safeguard (Scotland) - Updated FMD Personal Import Safeguard

This instrument replaces and consolidates the current declaration of special measures, having regard to the risk posed by the unregulated import of these products from the EU single market area, enabling the continued implementation of existing disease prevention measures until such a time as a risk-based assessment determines it is no longer necessary.

Foot and mouth disease, African swine fever, lumpy skin disease and peste des petits ruminants pose significant risks to animal health. There are ongoing outbreaks of these diseases within the EU Single Market area. In 2025, there have been two separate incursions of foot and mouth disease into the EU Single Market area resulting in disease outbreaks in three countries (Germany, Slovakia and Hungary). Risk assessments have highlighted that imports of unregulated animal products from the EU single market area for personal consumption or use pose a significant risk of introducing such animal diseases into Great Britain.

This instrument will replace the current declaration of special measures which has been put in place following outbreaks of foot-and-mouth disease in EU countries in order to prevent the introduction of disease from further outbreaks, and from other disease outbreaks within these countries, including peste des petits ruminants and lumpy skin disease. It will replace the current declaration while that declaration still remains in effect in order to ensure there is no gap, during which products which might carry or transmit disease, may be imported in these ways. The limited exceptions to the restriction (for example for some infant food), and the conditions these products must satisfy in order to fall within the exemption, will be maintained in this instrument.

The African Swine Fever (Import Controls) (England and Scotland) Order 2022 is revoked by this Order. Commercial consignments of animal products from the EU are now subject to certification requirements and requirements for entry via a border control post in the Trade in Animals and Related Products (Scotland) Regulations 2012. The exception provided in that Order for porcine products for personal consumption or use under 2 kg is removed by this Order. The current declaration of special measures restricting import in this way will be administratively revoked when this Order comes into force by a separate declaration.

A similar Order has been made in Wales[3], with England due to lay its own Order soon.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Animal Products (Control of Personal Importation) (Scotland) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU because Great Britain is not part of the EU's internal market. These measures are

[3] The Animal Health (Import Controls) (Wales) Order 2025

a consequence of no longer being an EU Member State, in line with international obligations that the UK shares with the EU, and will not undermine the prospects of an independent Scotland's potential EU accession. The EU applies similar rules to imports of these products as part of passengers' personal luggage or in small consignments from Great Britain. The Statement of Common Understanding made by the UK Government and the EU on 19 May 2025 contains an intention to work towards establishing a Common Sanitary and Phytosanitary Area by way of a European Union–United Kingdom Sanitary and Phytosanitary Agreement (SPS Agreement) which should provide for dynamic alignment of the rules in Great Britain with EU law, but with a short list of limited exceptions to dynamic alignment[4]. The Scottish Government does not consider that the Order will undermine the prospects of working to establish any such European Union-United Kingdom Sanitary and Phytosanitary Agreement.

Consultation

No stakeholder consultation was undertaken for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. UK and Devolved Governments are in agreement that these measures are necessary to protect animal health in Great Britain.

Impact Assessments

A Child Rights and Wellbeing Impact Assessment has been completed on this draft SSI and is attached. There are no anticipated children's impact issues. An Equality Impact Assessment has also been completed.

Financial Effects

The Minister for Agriculture and Connectivity confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Agriculture and Rural Economy Directorate

August 2025

[4] UK-EU Summit - Common Understanding