

1993 No. 303

EUROPEAN COMMUNITIES

ANIMALS

Products of Animal Origin (Third Country Imports) (Charges) Regulations (Northern Ireland) 1993

Made 5th July 1993

Coming into operation 23rd August 1993

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Charges) Regulations (Northern Ireland) 1993 and shall come into operation on 23rd August 1993.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Department” means the Department of Agriculture for Northern Ireland.

Payment of charges

3.—(1) Any person importing from a country outside the European Communities any products of animal origin to which Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(d) applies, shall pay to the Department or the district council carrying out the checks such charges for the checks carried out under that Directive as the Department or, as the case may be, a district council shall calculate in accordance with regulation 5.

(a) S.I. 1972/1811

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) O.J. No. L373, 31.12.90, p. 1 as amended by Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56)

(2) For the purposes of these Regulations payment may be by means of bank guarantee or bank deposit.

Release of products

4. Products for which charges are due under these Regulations shall not be released by the person carrying out the checks until such charges have been collected.

Calculation of charges

5. The level of charges shall be such as to reflect the cost of carrying out the checks, shall be based on the factors in the Schedule and shall be reasonable.

Information relating to charging

6.—(1) The Department shall, if requested in writing, supply to any person importing, intending to import or who has imported products which will incur or which have incurred charges under these Regulations or to any organisation representing such persons, details of the calculations used in deciding the amount of the charges, and shall take into account any representations made to it by any such person or organisation in determining the level of charges.

(2) If requested in writing to do so by the Department, a district council shall provide the Department with such information as the Department may require relating to the calculation of charges and with copies of any written representations made by importers or their organisations.

Review

7.—(1) An importer whose charges are collected by a district council and who considers the charges to be unreasonably high may, within 28 days of the charge being levied, ask the Department to review the amount of the charge.

(2) Where a review is sought under paragraph (1) the Department shall consult the district council and if, after such consultation, it is satisfied that the amount charged is unreasonably high, it shall require the district council to recalculate the amount of the charge in accordance with such directions as it shall give.

8.—(1) An importer whose charges are collected by the Department and who considers the charges to be unreasonably high may, within 28 days of the charge being levied, ask the Department for a review of its calculation.

(2) Where a review is sought under paragraph (1) the Department, if it is satisfied that the amount charged is unreasonably high shall recalculate the amount of the charge.

9. Pending the recalculation of a charge by the Department, the charge originally determined shall continue, but after recalculation the new charge shall have effect from the date on which the charge was originally determined and the Department shall reimburse the importer of any excess paid by him.

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Sealed with the Official Seal of the Department of Agriculture on 5th July
1993.

(L.S.)

P. T. Toal

Assistant Secretary

Permitted cost factors for the calculation of charges

1. The salaries and fees, together with overtime payments, Social Security and superannuation contributions, of all staff directly involved in carrying out the checks specified in Council Directive 90/675/EEC (hereinafter "the specified checks"), and all staff engaged in the management or administration of those checks.
2. The cost of recruiting the persons listed in the preceding paragraph and training them to enforce the specified checks.
3. Any travelling costs and incidental expenses incurred in carrying out the specified checks except those incurred by a person attending his normal place of work.
4. The cost of office accommodation, equipment and services for staff involved in carrying out the specified checks, including depreciation of any office furniture and equipment and also including the cost of information technology, stationery and forms.
5. The cost of protective clothing and equipment used in carrying out the specified checks.
6. The costs of laundering protective clothing.
7. Sampling and analysis costs.
8. The costs of accounting and collecting charges and of providing payroll and personnel services in connection with the employment of staff carrying out the specified checks.
9. The anticipated frequency of the specified checks and that the charges may differ according to the products or their source.
10. Where any of the above relates in part to the specified checks carried out, only the appropriate percentage of the costs shall be charged under these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the collection of charges by the Department of Agriculture and district councils for the checks specified in Council Directive 90/675/EEC which lays down the principles governing the organisation of veterinary checks on products entering the Community from third countries (O.J. No. L373, 31.12.90, p. 1) (regulation 3).

They specify the factors on which the charges shall be based (regulation 5 and the Schedule) and make provision relating to the provision of information relating to charging and a review procedure (regulations 6, 7 and 8).