

1993 No. 304

EUROPEAN COMMUNITIES

ANIMALS

**Products of Animal Origin (Import and Export)
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:

PART I

INTRODUCTION

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

“aquaculture product” means any product subject to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(c);

“authorised officer” means a person appointed by the Department, or by a district council, to act as such for the purposes of these Regulations;

“border inspection post” means the Port of Belfast or Belfast International Airport;

“customs warehouse” has the same meaning as in Council Regulation 2503/88/EEC on customs warehouses(d);

(a) S.I. 1972/1811

(b) 1972 c. 68

(c) O.J. No. L46, 12.2.91, p. 1

(d) O.J. No. L225, 15.8.88, p. 1

- “the Department” means the Department of Agriculture for Northern Ireland;
- “Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;
- “fishery products” has the same meaning as in Council Directive 91/493/EEC laying down the health conditions for the production and the placing on the market of fishery products(a);
- “free zone” and “free warehouse” have the same meaning as in Article 1(4)(a) and 1(4)(b) of Council Regulation 2504/88/EEC on free zones and free warehouses(b);
- “import” means brought into Northern Ireland by any means whatsoever but does not include any transshipment of products to which regulation 18 applies;
- “importer” means any person who, whether as owner, consignee, agent or broker, is in possession of or in any way entitled to the custody or control of any imported product of animal origin;
- “live bivalve molluscs” has the same meaning as in Council Directive 91/492/EEC laying down the health conditions for the production and the placing on the market of live bivalve molluscs(c);
- “Member State” means any Member State of the European Communities other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;
- “official veterinary surgeon”, except in regulation 8, means a veterinary surgeon appointed by the Department for the purposes of these Regulations;
- “product of animal origin” means—
- (a) in relation to intra-Community trade—
 - (i) a product subject to one or more of the Directives listed in Annex A to Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market(d) (except for aquaculture products not intended for human consumption); and
 - (ii) a product in Annex B to Council Directive 89/662/EEC; and
 - (b) in relation to third country trade—
 - (i) the products referred to in sub-paragraph (a) of this definition;
 - (ii) aquaculture products;
 - (iii) semen, embryos, ova and hatching eggs referred to in Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market(e);

(a) O.J. No. L268, 24.9.91, p. 15

(b) O.J. No. L225, 15.8.88, p. 8

(c) O.J. No. L268, 24.9.91, p. 1

(d) O.J. No. L395, 30.12.89, p. 13

(e) O.J. No. L224, 18.8.90, p. 29

- (iv) hay and straw; and
- (v) any product controlled by Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin(a).

(2) Any other expressions used in these Regulations have the meaning they bear in Council Directive 89/662/EEC and Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(b).

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

(4) For the purposes of these Regulations, goods are in customs temporary storage arrangements if they have been presented to Customs under Article 14 of Council Regulation 4151/88/EEC laying down the provisions applicable to goods brought into the customs territory of the Community(d) and not assigned a customs-approved treatment or use in accordance with Article 14 of that Regulation.

(5) Any reference in these Regulations to a Directive listed in Schedule 1 or 2 is a reference to that Directive as amended by the instruments listed in those Schedules as amending it.

(6) All notices served on any person under these Regulations:

- (a) shall be in writing;
- (b) may be made subject to such conditions as may be specified therein; and
- (c) may at any time be amended, suspended or revoked by a further notice in writing served on the same person.

(7) These Regulations (other than regulation 22) shall not apply in the circumstances described in Article 14 of Council Directive 90/675/EEC.

Enforcement

3.—(1) Except where otherwise provided, the Department shall execute and enforce the provisions of these Regulations.

(2) The Department may recover from any district council any expenses reasonably incurred by it in making good any default by that district council under these Regulations.

(3) Each district council shall, whenever the Department so directs, make to the Department a report on the exercise of its functions under these Regulations in such form and containing such particulars as the Department may direct.

(a) O.J. No. L363, 27.12.90, p. 51

(b) O.J. No. L373, 31.12.90, p. 1

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

(d) O.J. No. L367, 31.12.88, p. 1

Powers to give directions

4.—(1) The Department shall have power to give directions in writing to a district council concerning the execution and enforcement by it of any provisions of these Regulations for which that Council is responsible.

(2) In the exercise of the functions conferred on it by these Regulations, a district council shall comply with all relevant provisions of a direction given to it under paragraph (1).

(3) Any directions given under paragraph (1) shall, on the application of the Department, be enforceable by mandamus.

PART II

INTRA-COMMUNITY TRADE

Application of Part II

5. This Part shall apply in relation to trade between Northern Ireland and any Member State in products of animal origin originating within the European Communities and in such products originating outside the European Communities which are in free circulation therein.

Exports

6.—(1) A person shall not export or consign for export to a Member State any product of animal origin unless—

(a) if it is subject to one or more of the Directives listed in Schedule 2, it complies with the relevant provisions of those Directives (including any option permitted by those Directives which has been exercised by the Member State of destination) and any additional animal or public health requirements of legislation regulating imports into the Member State of destination (including provisions of the Directives or legislation relating to documentation);

(b) in any other case, it fulfils all the animal and public health requirements of legislation regulating imports into the Member State of destination (including requirements relating to documentation).

(2) Each person who has control of an establishment shall ensure that all products of animal origin produced, stored or processed in that establishment and intended for export to a Member State comply with the requirements in paragraph (1).

(3) Where a person exports, or consigns for export, products of animal origin to more than one destination, he shall ensure that they are grouped together in as many batches as there are places of destination, and that all documents required by paragraph (1) accompany each batch.

(4) A person shall not export or consign for export to a Member State any product of animal origin specified in Annex B to Council Directive 89/662/EEC if it cannot legally be marketed in Northern Ireland (unless it cannot be so marketed only by reason of a failure to comply with requirements as to labelling).

Repeated irregularities in exports

7. Where in accordance with Article 8(1) of Council Directive 89/662/EEC the Department or any Minister of the Crown has been notified of repeated irregularities concerning any products of animal origin from an establishment in Northern Ireland, the Department and the district council in whose area that establishment is situated shall—

- (a) intensify the point of origin checks required by the Directives listed in Schedule 2 to be carried out in relation to products coming from that establishment; and
- (b) if there are serious animal or public health grounds for doing so, suspend any official approval (howsoever described) granted by the Department or that district council to that establishment under any statutory provision relating to animal or human health.

Inspection and checking of imports

8.—(1) At a border inspection post, unless the products are transported by regular, direct means linking two geographical points of the European Communities, an authorised officer shall carry out documentary checks of all imported products of animal origin if he considers it necessary to establish their place of origin.

(2) Where any products of animal origin have been imported, an authorised officer may, at the place of destination to which they have been consigned, carry out such inspections or take such samples as are necessary to ensure that any animal and public health requirements relating to the import of those products (including requirements as to documentation) have been complied with.

(3) In addition to the powers conferred by paragraph (1), an authorised officer may inspect any imported products of animal origin at any time and at any place if he has information leading him to suspect an infringement of these Regulations or any animal or public health requirements relating to the import of those products, including requirements relating to the means of transport.

(4) Any powers conferred by regulation 22 shall only be exercised in accordance with this regulation in relation to imports until they reach their place of destination and at that place.

(5) Where any product of animal origin has been imported and is consigned to an establishment which is under the supervision of an official veterinary surgeon, he shall ensure that the product complies with all animal and public health requirements relating to its marking and accompanying documentation, and shall forthwith notify the appropriate Divisional Veterinary Officer of any irregularity or anomaly therein.

(6) Where any product of animal origin has been imported and is consigned to an establishment which is not under the supervision of an official veterinary surgeon, any person who markets any such product, or divides up batches of any such product for distribution or marketing, shall check, before the batch is marketed or divided up, that the product complies with all animal and public health import requirements relating to its marking and accompanying documentation, and shall forthwith notify the Department of any irregularity or anomaly therein.

(7) In this regulation “official veterinary surgeon” in relation to any establishment means a person appointed as such by the Department for the purposes of supervising that establishment.

Removal of documents

9. A person shall not remove from any imported consignment of products of animal origin the documents provided therewith in accordance with the relevant provisions of the Directives listed in Schedule 2 or any animal and public health requirements of legislation regulating imports or divide up any batch to which such documentation relates until the checks required under regulation 8 have been carried out.

Duties of consignees

10. Any person who imports by way of trade products of animal origin consigned to him from a Member State shall—

- (a) keep a register recording the delivery of each consignment of those products for a period of 3 years from the date of delivery;
- (b) keep all documentation required by these Regulations to accompany each such consignment for a period of 3 years from the date of delivery of the consignment or, if appropriate, such other period as may be specified in any Directive listed in Schedule 2 to which the product is subject; and
- (c) if the Department has by notice required him to do so—
 - (i) forthwith report to the Department by the quickest means the delivery or anticipated delivery of any product of animal origin which is specified in the notice (and, if such report is given orally, confirm the report in writing); and
 - (ii) keep such product at its place of destination for 24 hours from the time of delivery or until it has been inspected by an authorised officer, if sooner.

Consignments posing a risk to health and illegal consignments

11.—(1) If an authorised officer establishes in relation to a consignment of imported products of animal origin—

- (a) the presence of a zoonosis or of agents responsible for a disease named in Council Directive 82/894/EEC on the notification of animal diseases within the Community(a), or any other disease or cause likely to constitute a serious hazard to animals or humans (in this paragraph referred to as ‘a relevant disease’); or
- (b) that the products come from an area infected by an epizootic disease, he shall, by notice served on the person appearing to him to have charge of the consignment—
 - (i) in any case where the presence of a relevant disease has been established in products which are subject to one of the treatments

(a) O.J. No. L378, 31.12.82, p. 58; relevant amending instrument is Commission Decision 89/162/EEC (O.J. No. L61, 4.3.89, p. 48)

referred to in Article 4 of Council Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products(a), order the appropriate treatment specified in that Directive to be carried out in relation thereto;

- (ii) in any other case order the batch to be destroyed or used in some other way;
- (iii) in all cases, prohibit the movement of the products except as shall be specified in the notice.

(2) If an authorised officer establishes that any consignment of products of animal origin do not meet any animal or public health requirements relating to the import of those products he may, by notice served on the person appearing to him to be in charge of the consignment, prohibit the movement of the consignment except as shall be specified in the notice.

(3) If a notice is served under paragraph (2), the officer serving the notice shall (subject to paragraph (4)) serve on the person appearing to him to be the owner of the products to which it relates a further notice—

- (a) ordering the destruction of those products; or
- (b) if public and animal health considerations so permit, giving the person on whom the notice was served the choice of destroying those products or of using them for such other purposes as may be specified in the notice, including returning them (with the authorisation of the competent authority of the country of the establishment of origin) to the country of origin.

(4) If the only way in which a consignment of products of animal origin fails to comply with animal or public health requirements of legislation regulating imports of those products is absence of, or irregularity in, documentation, any notice specifying any action under paragraph (3) relating to those products shall grant the consignor thereof a period of 7 days to produce the correct documentation before such action is taken.

(5) In the event of a notice under paragraph (3) not being complied with, an authorised officer shall be empowered to destroy the products of animal origin to which it relates.

(6) The costs of returning any consignment of products of animal origin, storing them, putting them to other uses or destroying them in pursuance of this regulation shall be borne by the consignee thereof, unless destroyed under the provision of paragraph (1), in which case the costs shall be borne by the consignor or his agent.

(7) An authorised officer of a district council exercising any of the powers under this regulation shall forthwith notify the Department of any findings arrived at thereunder, the decisions taken in pursuance of such findings and the reasons for such decisions.

(a) O.J. No. L47, 21.2.80, p. 4; relevant amending instruments are Council Directive 80/1100/EEC (O.J. No. L325, 1.2.80, p. 17), Council Directive 87/491/EEC (O.J. No. L279, 2.10.87, p. 27) and Council Directive 88/660/EEC (O.J. No. L382, 31.12.88, p. 35)

Defence

12. It shall be a defence for any person charged with an offence relating to failure to comply with the provisions of regulations 9 or 10 for prohibiting the removal or requiring the keeping of the documentation accompanying any products of animal origin to prove—

- (a) that the batch of those products delivered to him was part of a larger consignment the remainder of which was consigned to another place or other places of destination;
- (b) that the batch had, so far as he was aware, the correct documentation at the time of delivery; and
- (c) that he believed that the documentation would be delivered to the place of destination of the remaining part or parts of the consignment.

PART III

THIRD COUNTRY TRADE

Application of Part III

13. This Part shall apply in relation to imports of products of animal origin (except for aquaculture products which are not for human consumption) from countries outside the European Communities including imports:—

- (a) through a Member State or Great Britain in the circumstances set out in Articles 8(4) and 11(2)(b) of Council Directive 90/675/EEC; and
- (b) of products which are intended to be placed in a customs warehouse or free zone or free warehouse.

Places of import

14.—(1) A person shall not import any product of animal origin from outside the European Communities unless it has been consigned through a border inspection post listed in Commission Decision 92/430/EEC(a).

(2) If a consignment of products of animal origin is imported in contravention of paragraph (1) an authorised officer may, by notice in writing, require the person appearing to him to be in charge of the consignment to destroy it, re-export it, or move it to and store it in a border inspection post, in each case under the control and direction of the authorised officer.

(3) In the event of a notice under paragraph (2) not being complied with, an authorised officer may destroy the products to which it relates.

(4) The costs incurred in destroying, re-exporting, moving or storing any products in pursuance of paragraphs (2) or (3) shall be borne by the importer or his agent.

(5) The operator of any place of import, other than a border inspection post, who becomes aware of the importation at that place of a consignment of any products of animal origin in contravention of paragraph (1) shall immediately detain the consignment, notify the appropriate Divisional

(a) O.J. No. L237, 20.8.92, p. 16 as amended by Commission Decision 93/83/EEC (O.J. No. L35, 11.2.93, p. 16)

Veterinary Officer and shall not release the consignment until authorised to do so by an authorised officer.

Import procedure

15.—(1) A person shall not import at a border inspection post any product of animal origin (except fishery products or live bivalve molluscs) unless he has given to the official veterinary surgeon in charge of the border inspection post—

- (a) for consignments arriving by air, notice of arrival given during the working day of the border inspection post and giving at least 6 hours notice of arrival;
- (b) in any other case, notice of arrival of at least one working day of the border inspection post.

(2) The notice referred to in paragraph (1) shall be in accordance with Article 4(4) of Council Directive 90/675/EEC.

(3) A person shall not remove any product of animal origin to which this regulation applies from customs temporary storage arrangements (except as provided for in regulations 18 or 19) unless there has been provided to Customs and Excise—

- (a) the certificate signed by the official veterinary surgeon and issued under Article 10(1), second indent, of Council Directive 90/675/EEC that the veterinary checks (or, in the case of Articles 8(4) and 11(2)(b) of that Directive dealing with deferred checks, or Article 12 of that Directive dealing with the transit of products from one third country to another, the checks specified in those articles) have been carried out to his satisfaction on the products in question in accordance with Articles 4 and 8 of that Directive; and
- (b) proof that those checks have been paid for, and that, where relevant, a deposit covering any costs provided for in Article 16(3) of that Directive has been lodged with the Department.

(4) An official veterinary surgeon shall ensure that all checks required by Council Directive 90/675/EEC are carried out to his satisfaction, either by him or under his supervision, in relation to any imported product of animal origin before he signs the certificate required under paragraph (3) for its removal from customs temporary storage.

Import procedure on fishery products

16.—(1) Subject to paragraph (2), regulation 15 shall have effect in relation to the importation of fishery products or live bivalve molluscs as it has effect in relation to any other product of animal origin except that all powers and duties of an official veterinary surgeon under that regulation shall be carried out by an authorised officer.

(2) Notwithstanding paragraph (3) of regulation 15 (as applied by paragraph (1)) an authorised officer may authorise the removal, under customs control, of fishery products or live bivalve molluscs from customs temporary storage arrangements at any border inspection post to different customs temporary storage arrangements at the same post for the checks

required under that regulation (as applied) to be carried out in relation thereto where he is satisfied that to do so would not give rise to any risk to public or animal health.

Free zones and free warehouses

17. A person moving products of animal origin between customs temporary storage arrangements and a free zone or free warehouse, or from one free zone or free warehouse to another, shall only do so—

- (a) under customs control;
- (b) by means of transport sealed by an official veterinary surgeon or a person under his supervision or, in the case of fishery products or live bivalve molluscs, by an authorised officer;
- (c) if the products are accompanied by a document signed by an official veterinary surgeon or, in the case of fishery products or live bivalve molluscs, by an authorised officer specifying which checks have been carried out in relation thereto.

Transshipment under customs control

18.—(1) This regulation applies to the transshipment of products of animal origin between one aircraft or vessel and another connecting two countries, both of which are outside the European Communities and where the products do not leave customs control and do not leave the border inspection post of arrival except for re-exportation.

(2) A person shall not carry out a transshipment of products to which this regulation applies unless the notice provided under regulation 15 (including that regulation as applied by regulation 16) in relation to those products also specifies the means by which the products will be transhipped and the vessel or aircraft to which they are to be transhipped.

(3) When a transshipment of products to which this regulation applies entails the products being temporarily stored with a view to being forwarded to a predetermined country outside the European Communities, the official veterinary surgeon or (in the case of fishery products and live bivalve molluscs) an authorised officer shall—

- (a) carry out a documentary and identity check of the products; and
- (b) serve a notice on the person having control of the products specifying the time by which the products must leave Northern Ireland.

(4) If a notice served under paragraph (3) is not complied with, the products to which it relates shall be dealt with in accordance with regulation 15 or 16, as appropriate.

Consignments posing a risk to health and illegal consignments

19.—(1) Subject to paragraphs (2) and (3), where checks at the border inspection post reveal that a consignment of products of animal origin does not comply with animal or public health requirements of legislation relating to the import of those products or, in the opinion of an official veterinary surgeon, constitutes a risk to animal or human health, an authorised officer, after consulting the importer or his representative, shall have power to serve on the importer or his representative a notice—

- (a) permitting the use of the products for purposes other than human consumption if this is authorised under rules made under Article 16(2) of Council Directive 90/675/EEC;
- (b) ordering the re-dispatch of the consignment outside the European Communities; or
- (c) ordering the destruction of the consignment.

(2) Subject to paragraph (3), where products of animal origin do not comply with animal or public health requirements of legislation relating to the import of those products but are intended for re-export, the importer may, with the authorisation in writing of the official veterinary surgeon, move the products for storage in a free zone or free warehouse and store them there provided that—

- (a) they correspond with their accompanying documents;
- (b) they are stored in rooms separate from rooms in which are stored products which are or are intended to be in free circulation in the European Communities;
- (c) they are not released except for re-export to a country outside the European Communities in accordance with Article 12 of Council Directive 90/675/EEC;
- (d) the importer has produced to the person operating the free zone or free warehouse evidence that the Department or district council does not oppose the introduction thereto of these products;
- (e) the official veterinary surgeon for the border inspection post of importation has specified the fact of the movement or storage of the products on the accompanying veterinary certificates or documents;
- (f) any means used for the movement on land of the products is cleansed and disinfected to the satisfaction of the Department or district council in which the zone or warehouse is situated before being used for further movement of products of animal origin;
- (g) while they are there, they do not undergo any transformation other than dividing up the consignment.

(3) In the case of fishery products or live bivalve molluscs, the powers of the official veterinary surgeon, under this regulation, shall be exercised by an authorised officer.

(4) In the event of a notice under paragraph (1) not being complied with, an authorised officer shall be empowered to destroy the consignment to which it relates.

(5) Where a person serves any notice under this regulation he shall state therein the reasons for doing so.

(6) The importer of any consignment of products of animal origin shall be liable for any costs incurred under this regulation in relation thereto.

THIRD COUNTRY TRADE IN AQUACULTURE PRODUCTS

20. This Part shall apply in relation to imports from countries outside the European Communities of aquaculture products which are not for human consumption, including such imports in the circumstances set out in regulation 13(a) and (b).

21. The provisions of Part III of these Regulations shall have effect in relation to the import of aquaculture products as they have effect in relation to other imports of products of animal origin to which that Part applies, except that all powers and duties placed on the official veterinary surgeon under that Part shall be carried out by an authorised officer.

PART V

GENERAL

Powers of authorised officers

22.—(1) An authorised officer shall, on producing, if required to do so, a duly authenticated document showing his authority, have the power at all reasonable hours to enter any premises for the purposes of ascertaining whether there is or has been on the premises any breach of animal or public health requirements of legislation relating to the importation of products of animal origin to which these Regulations apply, or whether there are any products on the premises in respect of which an offence may have been committed under these Regulations.

(2) In enforcing these Regulations an authorised officer shall have the power to—

- (a) carry out inspections of premises, plant and equipment used for or relating to products of animal origin, cleaning and maintenance products, procedures used for the production and processing of products of animal origin and the marking and labelling and presentation of those products;
- (b) carry out checks on whether staff at any premises comply with the requirements of any legislation relating to animal and public health;
- (c) take samples to establish whether or not these Regulations are being complied with and by notice served on the person in charge of any products of animal origin detain those products pending the analysis of those samples;
- (d) examine documentary or computer material relevant to their powers under this regulation;
- (e) take with him a representative of the European Commission who is acting as an inspector for the purposes of Council Directives 89/662/EEC or 90/675/EEC.

(3) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable grounds for entry into any premises for any of the purposes of this regulation and either—

- (a) that admission to the premises has been refused, or a refusal is reasonably apprehended, and that notice of the intention to apply for admission has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him, and valid for one month, authorise the authorised officer to enter the premises, if need be by reasonable force.

(4) In this regulation “premises” includes any place, installation, vehicle, container, ship, vessel, boat, craft, hovercraft or aircraft.

Serious threats to health in other countries

23.—(1) This regulation shall apply where the Department learns of or has reasonable grounds to suspect, either under the procedures set out in Article 9 of Council Directive 89/662/EEC or Article 19 of Council Directive 90/675/EEC or through any other means, the presence in any country outside the United Kingdom of a zoonosis or of a disease referred to in Council Directive 82/894/EEC or of any other disease or cause liable to constitute a serious hazard to public or animal health.

(2) In the circumstances described in paragraph (1), the Department may, for the purpose of preventing the introduction or spreading into or within Northern Ireland, of any zoonosis, disease or anything mentioned in that paragraph, by a declaration to be published in such manner as it thinks fit, give notice of the existence thereof in another country, the area subject to the outbreak and the types of products of animal origin affected.

(3) A declaration made under paragraph (2) may specify conditions under which the product which is the subject of the declaration may be imported.

(4) Upon the making of a declaration under paragraph (2) any imported product of animal origin which is the subject of the declaration shall, for the purposes of these Regulations, be in breach of the animal or public health requirements of legislation relating to the import of the product unless it complies with the conditions specified in the declaration.

Notification of decisions

24. If the consignor or his representative so requests, any decision taken under these Regulations refusing importation of products of animal origin or varying the conditions of importation of such products shall be forwarded to him in writing giving the reasons for the decision and the details of his rights to challenge the decision, including the relevant time limits.

Returns

25. Each district council shall send to the Department—

- (a) details, categorised by country of origin and including a description of the product concerned, of all consignments of products of animal

origin checked by authorised officers of the council, the importation of which has been refused or which have been re-exported, destroyed or authorised for use other than for human consumption and the reason for such action;

- (b) a list of all samples taken by those officers for laboratory analysis for the purposes of these Regulations, the tests carried out in relation thereto and the results of those tests; and
- (c) the total number of consignments of products of animal origin checked by those officers and the total weight of those consignments categorised by product and by country of origin.

Obstruction

26.—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution or enforcement of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution or enforcement of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations;
- (c) furnish to any person acting in the execution or enforcement of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

27.—(1) A person who contravenes regulation 26(1)(a) or (b) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or to imprisonment for a term not exceeding three months or to both.

(2) A person who contravenes any other provision of these Regulations shall be guilty of an offence and liable—

- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
- (b) on summary conviction, to a fine not exceeding £2,000 or to imprisonment not exceeding three months or to both.

Disapplications

28.—(1) The provisions listed in Part I of Schedule 3 shall not apply to products of animal origin to which these Regulations apply.

(2) The provisions listed in Part II of Schedule 3 shall not apply to products of animal origin to which these Regulations apply imported from Member States.

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

(L.S.)

P. T. Toal

Assistant Secretary

Amendments

1. Council Directive 89/662/EEC has been amended by, and must be read subject to:

Council Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1);
Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1);
Council Directive 91/492/EEC (O.J. No. L268, 24.9.91, p. 1);
Council Directive 91/493/EEC (O.J. No. L268, 24.9.91, p. 15);
Council Directive 91/494/EEC (O.J. No. L268, 24.9.91, p. 35);
Council Directive 91/495/EEC (O.J. No. L268, 24.9.91, p. 41);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 92/45/EEC (O.J. No. L268, 14.9.92, p. 35);
Council Directive 92/46/EEC (O.J. No. L268, 14.9.92, p. 1);
Council Directive 92/67/EEC (O.J. No. L268, 14.9.92, p. 73);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49).

2. Council Directive 90/425/EEC has been amended by, and must be read subject to:

Council Directive 90/539/EEC (O.J. No. L303, 31.10.90, p. 6);
Council Directive 90/667/EEC (O.J. No. L363, 27.12.90, p. 51);
Council Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1);
Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1);
Council Directive 91/68/EEC (O.J. No. L46, 19.2.91, p. 19);
Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
Council Directive 92/60/EEC (O.J. No. L268, 14.9.92, p. 75);
Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49).

3. Council Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1) has been amended by, and must be read subject to:

Commission Decision 91/146/EEC (O.J. No. L73, 20.8.91, p. 34);
Commission Decision 91/281/EEC (O.J. No. L142, 6.6.91, p. 43);
Commission Decision 91/282/EEC (O.J. No. L142, 6.6.91, p. 44);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Commission Decision 91/541/EEC (O.J. No. L294, 25.10.91, p. 51);
Council Regulation 1601/92/EEC (O.J. No. L173, 27.6.92, p. 13);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49);
Commission Decision 92/356/EEC (O.J. No. L192, 11.7.92, p. 69);
Commission Decision 92/430/EEC (O.J. No. L237, 20.8.92, p. 16);
Council Decision 92/438/EEC (O.J. No. L243, 25.8.92, p. 27);

- Commission Decision 92/525/EEC (O.J. No. L331, 17.11.92, p. 16);
- Commission Decision 92/571/EEC (O.J. No. L367, 16.12.92, p. 36);
- Commission Decision 93/13/EEC (O.J. No. L9, 15.1.93, p. 33);
- Commission Decision 93/14/EEC (O.J. No. L9, 15.1.93, p. 42);
- Commission Decision 93/83/EEC (O.J. No. L35, 11.2.93, p. 16).

Directives to be complied with for export

1. Council Directive 64/433/EEC of 26th June 1964 on health conditions for the production and marketing of fresh meat (O.J. No. 121, 29.7.64, p. 2012/64 (S Edn 1963-64, p. 185)) as amended by:

- Council Decision 81/476/EEC (O.J. No. L186, 8.7.81, p. 20);
 - Council Directive 83/90/EEC (O.J. No. L59, 5.3.83, p. 10);
 - Council Directive 91/497/EEC (O.J. No. L268, 24.9.91, p. 69).
- Relevant provisions: Articles 3 and 6.

2. Council Directive 71/118/EEC of 15th February 1971 on health problems affecting trade in fresh poultrymeat (O.J. No. L55, 8.3.71, p. 23 (S Edn 1971(1), p. 106)) as amended by:

- The Act of Accession;
- Council Directive 75/431/EEC (O.J. No. L192, 24.7.75, p. 6);
 - Council Directive 78/50/EEC (O.J. No. L15, 19.1.78, p. 28);
 - Council Directive 80/216/EEC (O.J. No. L47, 21.2.80, p. 8);
 - Council Decision 81/476/EEC (O.J. No. L186, 8.7.81, p. 20);
 - Council Directive 84/335/EEC (O.J. No. L177, 4.7.84, p. 20);
 - Council Directive 84/642/EEC (O.J. No. L339, 27.12.84, p. 26);
 - Council Directive 85/324/EEC (O.J. No. L168, 28.6.85, p. 45);
 - Council Directive 85/326/EEC (O.J. No. L168, 28.6.85, p. 48);
 - Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);
 - Council Directive 88/657/EEC (O.J. No. L382, 31.12.88, p. 3);
 - Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);
 - Commission Decision 90/484/EEC (O.J. No. L267, 29.9.90, p. 45);
 - Council Directive 90/654/EEC (O.J. No. L353, 17.12.90, p. 48).
- Relevant provisions: Articles 3(1), 8 and 14.

3. Council Directive 72/461/EEC of 12th December 1972 on health problems affecting intra-Community trade in fresh meat (O.J. No. L302, 31.12.72, p. 24) as amended by:

- Council Directive 75/379/EEC (O.J. No. L172, 3.7.75, p. 17);
- Council Directive 77/98/EEC (O.J. No. L26, 31.1.77, p. 81);
- Council Directive 80/213/EEC (O.J. No. L47, 21.2.80, p. 1);
- Council Directive 80/1099/EEC (O.J. No. L325, 1.12.80, p. 14);
- Council Directive 81/476/EEC (O.J. No. L186, 8.7.81, p. 20);
- Council Directive 82/893/EEC (O.J. No. L378, 31.12.82, p. 57);
- Council Directive 83/646/EEC (O.J. No. L360, 23.12.83, p. 44);
- Council Directive 84/336/EEC (O.J. No. L177, 4.7.84, p. 22);
- Council Directive 84/643/EEC (O.J. No. L339, 27.12.84, p. 27);
- Council Directive 85/322/EEC (O.J. No. L168, 28.6.85, p. 41);
- Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);

Council Directive 87/231/EEC (O.J. No. L99, 11.4.87, p. 18);
Council Directive 87/64/EEC (O.J. No. L34, 5.2.87, p. 52);
Council Directive 87/489/EEC (O.J. No. L280, 3.10.87, p. 28);
Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);
Council Directive 91/266/EEC (O.J. No. L134, 29.5.91, p. 45);
Council Directive 91/687/EEC (O.J. No. L377, 31.12.91, p. 16);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49).
Relevant provisions: Articles 1 to 4 and 8(a).

4. Council Directive 77/99/EEC of 21st December 1976 on health problems affecting intra-Community trade in meat products (O.J. No. L26, 31.1.77, p. 85) as amended by:

Council Directive 92/5/EEC (O.J. No. L57, 2.3.92, p. 1);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49).
Relevant provisions: Articles 1 to 11 and 13.

5. Council Directive 80/215/EEC of 22nd January 1980 on animal health problems affecting intra-Community trade in meat products (O.J. No. L47, 21.2.80, p. 4) as amended by:

Council Directive 80/1100/EEC (O.J. No. L325, 1.12.80, p. 16);
Council Directive 81/476/EEC (O.J. No. L186, 8.7.81, p. 20);
Council Directive 85/321/EEC (O.J. No. L168, 28.6.85, p. 39);
Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);
Council Directive 87/491/EEC (O.J. No. L279, 2.10.87, p. 27);
Council Directive 88/660/EEC (O.J. No. L382, 31.12.88, p. 35);
Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);
Council Directive 91/687/EEC (O.J. No. L377, 31.12.91, p. 16).
Relevant provisions: Articles 1 to 4 and 7(a).

6. Council Directive 85/397/EEC of 5th August 1985 on health and animal health problems affecting intra-Community trade in heat-treated milk (O.J. No. L226, 24.8.85, p. 13) as amended by:

Council Regulation 3768/85/EEC (O.J. No. L362, 31.12.85, p. 8);
Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13).
Relevant provisions: Articles 3 and 4.

7. Council Directive 88/657/EEC of 14th December 1988 laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations and amending Directives 64/433/EEC, 71/118/EEC and 72/462/EEC (O.J. No. L382, 31.12.88, p. 3) as amended by:

Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13).
Relevant provisions: Articles 1 to 3, 7 to 9 and 12.

8. Council Directive 89/437/EEC of 20th June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products (O.J. No. L212, 22.7.89, p. 87) as amended by:

Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);

Council Directive 91/684/EEC (O.J. No. L376, 31.12.91, p. 38).

Relevant provisions: Article 3.

9. Council Directive 91/67/EEC of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products (O.J. No. L46, 19.2.91, p. 1) as read with:

Commission Decision 92/528/EEC (O.J. No. L332, 18.11.92, p. 25);

Commission Decision 92/532/EEC (O.J. No. L337, 21.11.92, p. 18);

Commission Decision 92/538/EEC (O.J. No. L347, 28.11.92, p. 67).

Relevant provisions: Articles 3 and 9 to 13.

10. Council Directive 91/492/EEC of 15th July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs (O.J. No. L268, 24.9.91, p. 1).

Relevant provisions: Articles 3 to 5 and 7.

11. Council Directive 91/493/EEC of 22nd July 1991 laying down the health conditions for the production and the placing on the market of fishery products (O.J. No. L268, 24.9.91, p. 15).

Relevant provisions: Articles 3 to 7 and 9.

12. Council Directive 91/494/EEC of 26th June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat (O.J. No. L268, 24.9.91, p. 35).

Relevant provisions: Articles 1 to 3.

13. Council Directive 91/495/EEC of 27th November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat (O.J. No. L268, 24.9.91, p. 41).

Relevant provisions: Articles 3 and 5.

PART I

DISAPPLICATION OF PROVISIONS

1 <i>Number</i>	2 <i>Title</i>	3 <i>Extent</i>
S.R. & O. (N.I.) 1962 No. 62	Importation of Hay, Straw and Grass Meal Order (Northern Ireland) 1962	Article 6
S.R. & O. (N.I.) 1963 No. 178	Diseases of Animals (Unlawful Importations) Order (Northern Ireland) 1963	Articles 4 and 6
S.R. & O. (N.I.) 1965 No. 175 as amended by: S.R. & O. (N.I.) 1968 No. 106 S.R. 1985 No. 162 S.R. 1992 No. 199	Diseases of Animals (Importation of Poultry) Order (Northern Ireland) 1965	Articles 5, 6 and 7
S.I. 1975/1834 (N.I. 17)	Artificial Reproduction of Animals (Northern Ireland) Order 1975	Article 6(1)
S.R. 1988 No. 420	Importation of Milk Regulations (Northern Ireland) 1988	Regulation 8(2)
S.R. 1991 No. 475	Imported Food Regulations (Northern Ireland) 1991	The whole Regulations except regulations 1(2), 9, 10, 11 and 17 and Schedules 1 to 11.

PART II

DISAPPLICATION OF PROVISIONS FOR INTRA-COMMUNITY TRADE

1 <i>Number</i>	2 <i>Title</i>	3 <i>Extent</i>
1967 c. 7 (N.I.)	Diseases of Fish Act (Northern Ireland) 1967	Section 3
S.R. 1973 No. 392	Risk of Infection (Oysters) Order (Northern Ireland) 1973	The whole Order
S.R. 1982 No. 99	Lobsters (Risk of Infection) Order (Northern Ireland) 1982	The whole Order
S.R. 1991 No. 458	Risk of Infection (Fish) Order (Northern Ireland) 1991	The whole Order

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement in Northern Ireland Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market (O.J. No. L395, 30.12.89, p. 13) and Council Directive 90/675/EEC laying 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).

The Regulations make provision for their joint execution and enforcement by the Department of Agriculture for Northern Ireland and district councils. The Department does, however, have power to give directions to district councils concerning their execution and enforcement of the Regulations (regulations 3 and 4).

Part II deals with intra-Community trade. In this regard the Regulations prohibit the export of products of animal origin except in accordance with Directives 89/662/EEC (regulation 6) and make special provision to control repeated irregularities by an exporting establishment in Northern Ireland (regulation 7). They also provide for the inspection and checking of imports, prohibit the removal of documents required to accompany them and place certain duties on consignees (regulations 8 to 10). The Regulations provide for particular controls in the case of consignments posing a risk to human and animal health (regulation 11).

Parts III and IV relate to third country trade. In this regard the Regulations require that imports of products of animal origin from third countries must be through border inspection posts in the European Communities (regulations 14 and 21). The Regulations also prescribe the procedure for such imports (regulations 15, 16 and 21). They regulate procedures in free zones and warehouses and transshipment under customs control (regulations 17, 18 and 21) and establish procedures for consignments posing a risk to health and illegal consignments (regulations 19 and 21).

They give powers of entry and inspection to enforce the Directives (regulation 22) and provide a procedure whereby products from an area outside Northern Ireland suffering from disease can be prevented from entering Northern Ireland (regulation 23). They place a duty to give reasons for decisions (regulation 24) and duty on district councils to provide returns (regulation 25).

They make provisions on penalties and disapply the provisions in Schedule 3 from imports to which these Regulations apply.