STATUTORY RULES OF NORTHERN IRELAND

2006 No. 291

AGRICULTURE

The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2006

Made - - - -	*30th June 2006*
Coming into operation -	*24th July 2006*

CONTENTS

The Department of Agriculture and Rural Development, 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 Community, in exercise of the powers conferred on it by the said section 2(2), makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2006 and shall come into operation on 24th July 2006.

Interpretation

2.—(1) In these Regulations—

"the Agency" means the Food Standards Agency;

"the Animal By-Products Regulations" means the Animal By-Products Regulations (Northern Ireland) 2003**(c)**;

"Article 9 product" means a product from a third country which is first introduced into the relevant territories at one border inspection post but is intended for import via another, as described (in relation to consignments) in Article 9(1) of Directive 97/78/EC, whether or not the product is transhipped or unloaded at the first border inspection post;

(a) S.I. 2000/2812
(b) 1972 c. 68
(c) S.R. 2003 No. 495

"authorised officer" means a person who is authorised by the Department, a district council, or the Agency either generally or specially, to act in matters arising under these Regulations, whether or not he is an officer of the Department, a district council or the Agency;

"border inspection post" means—

(a) a border inspection post which is included in the list contained in the Annex to Commission Decision 2001/881/EC**(a)**; or

(b) a border inspection post in the Republic of Iceland or the Kingdom of Norway which is included in the list contained in the Annex to Decision No. 86/02/COL of the EFTA Surveillance Authority**(b)**;

"border inspection post of destination" means the border inspection post via which an Article 9 product is intended for import;

"border inspection post of introduction" means the border inspection post at which an Article 9 product is first introduced into the relevant territories;

"carrier who has charge for the time being" of a product, consignment or part of a consignment includes the driver of any vehicle, the pilot of any aircraft and the master of any vessel (but not the driver of any train) transporting the same;

"the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs;

"common veterinary entry document" means a document in the form set out in Annex III to Regulation (EC) No. 136/2004;

"Community establishment of origin" means the premises located in a member State at which a returned product attained the form in which it was originally exported from the relevant territories;

"consignment" means a quantity of products of the same type covered by the same veterinary certificate or veterinary document, or other document provided for by veterinary legislation, conveyed by the same means of transport and coming from the same third country or part of a third country;

"corporate officer" means a director, manager, secretary or other similar officer of a body corporate, or a person who purports to act in any such capacity;

"the Customs Code" means Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code**(c)**;

"the customs territory of the Community" has the same meaning as in Article 3 of the Customs Code;

"customs warehouse" means a warehouse which fulfils the conditions of Articles 98 to 113 of the Customs Code, in which goods are stored subject to the customs warehousing procedure referred to in those Articles;

"the Department" means the Department of Agriculture and Rural Development;

"destination establishment" in relation to a product, means the establishment identified in the "delivery address" entry in part 1 of the common veterinary entry document;

"Directive 97/78/EC" means Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries**(d)**;

"document" includes information kept by electronic means;

(a) O.J. No. L326, 11.12.01, p.44, as last amended by Commission Decision 2005/485/EC (O.J. No. L181, 13.07.2005, p. 1)
(b) O.J. No. L69, 13.3.2003, p.31
(c) O.J. No. L302, 19.10.92, p.1, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (O.J. No. L117, 04.05.2005, p. 13) ("the Act of Accession")
(d) O.J. No. L24, 30.1.98, p.9, as last amended by the Act of Accession O.J. No.L236 23.09.2003, p.381

"documentary check" means the examination of the veterinary certificates or veterinary documents or other documents accompanying a consignment, carried out in accordance with Article 4(3) of Directive 97/78/EC and Annex I to Regulation (EC) No. 136/2004;

"fishery products" means all seawater and freshwater animals, whether or not live, including—

(a) aquaculture animals and aquaculture products as defined in Article 2 of Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products**(a)**;

(b) bivalve molluscs as defined in Article 2(1) of Council Directive 91/492/EEC laying down the health conditions for the production and the placing on the market of live bivalve molluscs**(b)**;

(c) echinoderms, tunicates and marine gastropods; and

(d) fishery products and aquaculture products as defined in Article 2 of Council Directive 91/493/EEC laying down the health conditions for the production and the placing on the market of fishery products**(c)**,

but excludes aquatic mammals, reptiles and frogs and parts thereof;

"free circulation" has the same meaning as in Articles 23(2) and 24 of the Treaty establishing the European Community;

"free warehouse" and "free zone" have the same meanings as in Title IV, Chapter 3, Section 1 of the Customs Code;

"hay" means any grass, clover, lucerne or sainfoin which has been dried either naturally or artificially, and includes any product which is obtained by so drying any grass, clover, lucerne or sainfoin;

"identity check" means a check by visual inspection to ensure that the veterinary certificates or veterinary documents or other documents accompanying a consignment tally with the products comprised in the consignment, carried out in accordance with Article 4(4)(a) of Directive 97/78/EC;

"import" as a noun, means release for free circulation within the meaning of Article 79 of the Customs Code;

"import conditions" in relation to a product, means the conditions laid down for the import of that product in any Directive, Decision or Regulation listed in Schedule 1, including—

(a) conditions as to the country or establishment of origin of the product;

(b) specific requirements laid down for the import of that product into a particular member State or a particular area of a member State; and

(c) conditions laid down for the import of that product for specific purposes;

(d) "introduce" means bring into; and a person introduces a product into a territory or area, if—

(i) he brings it into that territory or area as its owner;

(ii) he brings it into that territory or area as a carrier; or

(iii) a carrier brings it into that territory or area on that person's instructions,

but a product on board a means of transport operating internationally and intended for consumption by the crew or passengers of that means of transport is not introduced into a territory or area if it is not unloaded, or if it is transferred directly from one means of transport operating internationally to another at the same port or airport and under supervision, within the meaning of Article 4(13) of the Customs Code, by the Commissioners;

(a) O.J. No. L46, 19.2.91, p.1, as last amended by Council Regulation (EC) No. 806/2003 (O.J. No. L122, 16.5.2003, p.1)
(b) O.J. No. L268, 24.9.91, p. 1, as last amended by Council Regulation (EC) No. 806/2003 (O.J. No. L122, 16.5.2003, p. 1)
(c) O.J. No. L268, 24.9.91, p. 15, as last amended by the Act of Accession

"non-conforming product" means a product which does not comply with the import conditions;

"official veterinary surgeon" means a veterinary surgeon who has participated in a special training programme referred to in Article 27 of Directive 97/78/EC and who is appointed by the Department in accordance with regulation 6(1)(a);

"operator" means—

(a) in relation to a border inspection post, the person who provides premises and other facilities for the carrying out of veterinary checks at that border inspection post; and

(b) in relation to a Community establishment of origin, or a destination establishment, the person who occupies the same for the purposes of his business;

"owner", in relation to a product, consignment or part of a consignment, means the person in whom the property in the product, consignment or part is for the time being vested;

"person appearing to have charge" of a product, consignment or part of a consignment means any person, including a carrier, who appears to have possession, custody or control thereof;

"person responsible for" a product, consignment, or part of a consignment means—

(a) until the product, consignment or part first arrives at a border inspection post in Northern Ireland or, in the case of an Article 9 product, or a consignment or part of a consignment of Article 9 products, until it arrives at a border inspection post of destination in Northern Ireland—

  (i) the person referred to in Article 38(1) of the Customs Code who brings the product, consignment or part into the customs territory of the Community;

  (ii) a person referred to in Article 38(2) of the Customs Code who assumes responsibility for the carriage of the product, consignment or part after it has been brought into the customs territory of the Community; and

(b) from the time the product, consignment or part first arrives at a border inspection post in Northern Ireland, or, in the case of an Article 9 product, or a consignment or part of a consignment of Article 9 products, from the time it arrives at a border inspection post of destination in Northern Ireland, until it leaves that first border inspection post, or that border inspection post of destination, as the case may be—

  (i) if the product, consignment or part is in temporary storage, as referred to in Article 50 of the Customs Code, the person referred to in Article 51(2) of the Customs Code who holds it in temporary storage; or

  (ii) if the person referred to in paragraph (b)(i), has appointed a representative in his dealings with the customs authorities, within the meaning of Article 5 of the Customs Code, who is given or assumes responsibility for ensuring that the product, consignment or part undergoes veterinary checks, that representative; and

(c) after the product, consignment or part leaves that first border inspection post, or, in the case of an Article 9 product, or a consignment or part of a consignment of Article 9 products, after it leaves the border inspection post of destination—

  (i) the person who made a customs declaration, within the meaning of Article 64 of the Customs Code, covering the product, consignment or part; or

  (ii) if no such customs declaration has yet been made, the person capable of making it;

"physical check" means a check on the product itself (which may include checks on packaging and temperature and also sampling and laboratory testing) carried out in accordance with Article 4(4)(b) of, and Annex III to, Directive 97/78/EC and in the case of laboratory testing, Annex II to Regulation (EC) No. 136/2004;

"premises" includes any construction, installation, container or means of transport;

"product" means—

(a) any product of animal origin listed in the Annex to Commission Decision 2002/349/EC (laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC)**(a)**;

(b) hay; and

(c) straw,

but does not include composite food products as specified in Article 3 of Commission Decision 2002/349/EC;

"Regulation (EC) No. 1774/2002" means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council (laying down health rules concerning animal by-products not intended for human consumption)**(b)**;

"Regulation (EC) No. 136/2004" means Commission Regulation (EC) No. 136/2004 (laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries)**(c)**;

"regulatory functions" means any functions relating to the enforcement and execution of these Regulations;

"relevant document" in relation to any product means any required document and any other veterinary, commercial or other certificate or document relating to the product, including the manifest of any sea-going vessel or aircraft;

"the relevant territories" means an area comprising the territories of the member States, as listed in Annex I to Directive 97/78/EC, the territory of the Republic of Iceland and the territory of the Kingdom of Norway (except Svalbard), the Principality of Andorra and San Marino;

"required document" in relation to any product means any original veterinary certificate, original veterinary document or other original document required in relation to the product by virtue of any directive, decision or regulation listed in Schedule 1;

"returned product" means a product originally exported from the customs territory of the Community which is returned there because it has been refused by a third country;

"ships' store" means closed premises referred to in Article 13(1)(c), or a specially approved warehouse referred to in Article 13(2)(a), of Directive 97/78/EC;

"straw" means any green cereal which has been dried either naturally or artificially and includes any product (other than grain) which is obtained by drying any green cereal;

"third country" means a country not comprised in the relevant territories;

"transhipped product" means an Article 9 product which is transhipped or unloaded in the way described (in relation to consignments) in Article 9(1) of Directive 97/78/EC at its border post of introduction;

"transit" means transit from one third country to another, passing through one or more member States, under the external transit procedure referred to in Articles 91 to 97 of the Customs Code;

"transit product" means a product originating in a third country which, according to the information forwarded in advance referred to in Article 3(3) of Directive 97/78/EC, will undergo transit;

"veterinary check" means any check provided for in Directive 97/78/EC including a documentary check, an identity check and a physical check.

(a) O.J. No. L121, 8.5.2002, p. 6, as read with Commission Regulations (EC) No. 136/2004 (O.J. No. L21, 28.1.2004, p.11) and (EC) No. 745/2004 (O.J. No. L122, 26.4.2004, p.1)

(b) O.J. No. L273, 10.10.2002, p.1, as amended by Commission Regulation (EC) No. 668/2004 (O.J. No. L112, 19.4.2004, p. 1), and as read with Commission Regulation (EC) No. 811/2003, 812/2003 and 813/2003 (O.J. No. L117, 13.5.2003, p.14, p. 19 and p. 22), Commission Decisions 2003/320/EC, 2003/321/EC, 2003/326/EC and 2003/327/EC (O.J. No. L117, 13.5.2003, p. 24, p.30, p.42 and p.44), Commission Regulation (EC) No. 780/2004 (O.J. No. L123, 27.4.2004, p.64) and Commission Regulation (EC) No. 416/2005 (O.J. No. L66, 12.03.2005, p.10)

(c) O.J. No. L21, 28.1.2004, p.11

(2) The Interpretation Act (Northern Ireland) 1954**(a)** shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) Products introduced into Northern Ireland from the Republic of Iceland, other than fishery products, are regarded for the purposes of these Regulations as introduced from a third country.

(4) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

Exemption for authorised products

3.—(1) These Regulations shall not apply to products introduced into Northern Ireland from a third country with the previous written authorisation of the Department as trade samples, for exhibition, or for particular studies or analyses.

(2) The Department's authorisation shall be in writing, may be made subject to conditions, and may be amended, suspended or revoked in writing at any time.

(3) A person shall not use a product to which the exemption in paragraph (1) applies for the purpose for which it has not been authorised, or contravene any condition referred to in paragraph (2) or contravene any other condition of the Department's authorisation in relation to such a product.

(4) In the case of products introduced for exhibition or studies and any quantities of products introduced for analyses that remain following those analyses, the person who introduced them shall redispatch them to a third country or dispose of them as if they were Category 1 material under Regulation (EC) No.1774/2002 in facilities provided for that purpose nearest to the location of the products, within six months of their introduction, unless the Department has specified a different time limit as a condition of the authorisation, in which case he shall redispatch or dispose of them before the expiry of that different time limit.

(5) Where an authorised officer considers that there has been a breach of paragraph (3) or (4) in relation to a product, he shall by notice in writing served on the person appearing to him to have charge of that product, take charge of it and either—

(a) redispatch it, by the mode of transport by which it was first introduced into the relevant territories , to a destination located in a third country, agreed with the owner, (in the circumstances described in paragraphs 24(1)(a), (b) and (c), or with the person responsible for the consignment, (in the circumstances described in paragraph (1)(d)), within a period of 60 days commencing with the day following the service of the notice; or

(b) dispose of it as if it were Category 1 material under Regulation (EC) No. 1774/2002 in the facilities provided for that purpose nearest to the place at which the authorised officer or veterinary surgeon takes charge of it.

(6) Where an authorised officer considers that there has been a breach of paragraph (3) in relation to a product, he may by notice in writing served on the person appearing to him to have charge of that product, take charge of it and take either of the steps specified in paragraph (5)(a) and (b).

Exemption for personal imports

4.—(1) Part III, with the exception of regulation 25, and Parts IV to X shall not apply to—

(a) powdered infant milk, infant food, or special foods required for medical reasons containing meat, meat products, milk, or milk products introduced into Northern Ireland from a third country if they —

(i) are carried in the personal luggage of a traveller and are intended for his personal use or consumption, or for the use or consumption of a member of his family taking into

---

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

account the nature of the product and the quantity of it that could reasonably be consumed by an individual;

(ii) do not require refrigeration before opening;

(iii) are packaged proprietary brand products for direct sale to the final consumer; and

(iv) are contained in unbroken packaging, unless they are in current use;

(b) meat, meat products, milk and milk products from the Faeroe Islands, Greenland, the Republic of Iceland, Liechtenstein or Switzerland introduced into Northern Ireland from a third country if they—

(i) are carried in the personal luggage of a traveller, or are sent by post or carrier (otherwise than by way of trade or as a trade sample) and are addressed to a private individual in Northern Ireland;

(ii) are intended for the personal use or consumption of the traveller or the addressee; and

(iii) their combined total weight in any traveller's personal luggage or in any consignment sent by post or carrier to a private individual does not exceed five kilograms;

(c) products introduced into Northern Ireland in the personal luggage of a traveller if they are intended for his personal consumption or which are sent by post or carrier (otherwise than by way of trade or as a trade sample) and addressed to a private individual in Northern Ireland if they are intended for his personal consumption, and if they—

(i) are not meat, meat products, milk or milk products;

(ii) do not exceed one kilogram in weight;

(iii) either come from a third country or part of a third country that appears on a list of third countries or parts of third countries established by an instrument listed in Schedule 1 from which importation of the products concerned is permitted;

(iv) do not come from a third country or part of a third country from which importation of the products concerned is prohibited by any instrument listed in Schedule 1.

(2) In this regulation "meat", "meat products", "milk" and "milk products" mean products of those types listed in sections 01 - 04 under the heading 1.2, Title I in the Annex to Commission Decision 2002/349/EC.

PART II

ENFORCEMENT

Enforcement authorities, exchange of information and powers to give directions

5.—(1) These Regulations shall be executed and enforced—

(a) by each district council within its district other than at premises mentioned in paragraph (c);

(b) by the Department other than at premises mentioned in paragraphs (c) and (d);

(c) by the Agency at premises required to be licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997**(a)**, the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995**(b)**,

---

(a) S.R. 1997 No. 493 as amended by S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191, S.R. 2000 No. 287 and S.R 2002 No. 217

(b) S.R. 1995 No. 396 as amended by S.R. 1997 No. 496, S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191, S.R. 2002 No. 217 and S.R. 2005 No.35

or the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997**(a)**; and

(d) by the Agency or each district council within its district at premises approved under the Meat Products (Hygiene) Regulations (Northern Ireland) 1997**(b)**, or the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997**(c)**.

(2) For the purposes of the execution or enforcement of these Regulations, the Department, the Agency and any district council may exchange amongst themselves any information received by them in the execution or enforcement of these Regulations.

(3) The Department, the Agency and any district council may share information received by them in the execution or enforcement of these Regulations with the enforcement agencies in England, Scotland and Wales for the purposes of the enforcement of the legislation on the introduction of products of animal origin from third countries in England, Scotland and Wales respectively.

(4) Paragraphs (2) and (3) are without prejudice to any other power of the Department, the Agency or any district council to disclose information.

(5) The Department may give directions in writing to a district council concerning the execution and enforcement by the council of any provisions of these regulations for which that council is responsible.

(6) 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).

Appointment of official veterinary surgeons and authorised officers

6.—(1) The Department shall appoint—

(a) an official veterinary surgeon to carry out the regulatory functions at any border inspection post designated and approved for veterinary checks on products arriving from third countries; and

(b) such appropriately trained assistants for each official veterinary surgeon appointed pursuant to sub-paragraph (a) as may be necessary for the proper and expeditious performance of the regulatory functions.

(2) A district council shall appoint—

(a) an authorised officer to carry out the regulatory functions in relation to fishery products at each border inspection post in its district; and

(b) such appropriately trained assistants for each authorised officer appointed pursuant to paragraph (2)(a), as may be necessary for the proper and expeditious performance of the regulatory functions.

Exercise of enforcement powers

7.—(1) An official veterinary surgeon, or an authorised officer may, at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers conferred by regulations 8 and 9 for the purpose of—

(a) executing or enforcing these Regulations;

(b) executing or enforcing any declaration made by the Department or the Agency pursuant to regulation 58;

(c) ascertaining whether these Regulations are being or have been complied with; or

(d) verifying the identity, origin or destination of any product.

(a) S.R. 1997 No. 496 as amended by S.R. 2000 No. 78
(b) S.R. 1997 No. 494 as amended by S.R 1999 No. 193, S.R 2000 No.78, S.R. 2000 No.191 and S.R. 2000 No. 287
(c) S.R. 1997 No. 495 as amended by S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R. 2000 No. 287

(2) In the case of an authorised officer appointed or authorised by a district council, the powers conferred by regulations 8 and 9 shall be exercised—

(a) within the district of that district council; and

(b) outside the district of that district council for the purpose of ascertaining whether these Regulations are being or have been complied with within that district.

Powers of entry and inspection

8.—(1) An official veterinary surgeon, or authorised officer may—

(a) enter any border inspection post or other land or premises (except premises used only as a dwelling house) and inspect the same and anything therein or thereon;

(b) open any bundle, package, packing case, or item of personal luggage, or require any person in possession of or accompanying the same to open it;

(c) inspect the contents of any bundle, package, packing case or item of personal luggage opened pursuant to sub-paragraph (b);

(d) inspect any product, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with any product; and

(e) take samples of any product.

(2) Where an official veterinary surgeon or authorised officer takes a sample of a product otherwise than in the course of a physical check carried out pursuant to regulation 19(1), he may serve a notice in writing on the person appearing to him to have charge of the consignment which includes the product.

(3) A notice under paragraph (2) may require the person on whom it was served to ensure that the consignment or part thereof to which the notice relates be stored until service of a further notice in writing under that paragraph requiring that the same be removed, under the supervision of an official veterinary surgeon or authorised officer, as the case may be, to such place and under such conditions as the notice may direct.

(4) The costs of storage required under paragraph (3) shall be paid by the person responsible for the consignment.

(5) An official veterinary surgeon or authorised officer entering any land or premises pursuant to paragraph (1)(a) may take with him—

(a) other persons acting under his instructions;

(b) one or more representatives of the European Commission; and

(c) one or more representatives of the authorities of a third country, appointed and acting in accordance with the provisions of one of the equivalence decisions listed in Schedule 2.

Powers in relation to documents

9. An official veterinary surgeon or authorised officer may—

(a) require any person appearing to him to have charge of a product, any person responsible for a product and any corporate officer, employee, servant or agent of any such persons, to produce any relevant document in his possession or under his control relating to the product, and to supply such additional information in his possession or under his control relating to the product as the official veterinary surgeon or authorised officer may reasonably request;

(b) examine any relevant document relating to a product and, where it is kept by means of a computer, have access to and inspect and check the operation of any computer and associated apparatus or material which is or has been used in connection with that relevant document;

(c) make and retain such copies as he may think fit of any relevant document relating to a product; and

(d) seize and retain any relevant document relating to a product which the official veterinary surgeon or authorised officer has reason to believe may be required as evidence in proceedings under these Regulations, and, where any such relevant document is kept by means of a computer, require it to be produced in a form in which it may be taken away.

Protection of officials acting in good faith

10.—(1) An officer of the Department, the Agency or a district council shall not be personally liable in respect of any act done by him in the performance or purported performance of the regulatory functions within the scope of his employment, if he did that act in the honest belief that his duty under these Regulations required or entitled him to do so.

(2) Nothing in paragraph (1) shall be construed as relieving the Department, the Agency or any district council from any liability in respect of acts of their officers.

Entry warrants

11. If a lay magistrate, on sworn complaint in writing, is satisfied that there is reasonable ground for entry into any land or premises by an official veterinary surgeon or authorised officer pursuant to regulation 8 for any of the purposes specified in regulation 7 and either—

(a) that entry has been refused, or a refusal is reasonably expected, and that the official veterinary surgeon or authorised officer has given notice of his intention to apply for an entry warrant to the occupier; or

(b) that a request for entry, or the giving of such a notice, would defeat the object of entry, or that entry is urgently required, or that the land or premises are unoccupied, or the occupier is temporarily absent, and it would defeat the object of entry to await his return,

the lay magistrate may by warrant signed by him, and valid for one month, authorise the official veterinary surgeon or authorised officer to enter the land or premises, if need be by reasonable force.

District council returns

12.—(1) Each district council shall send to the Department in accordance with any determination made under paragraph(2) a return comprising the following information—

(a) the total number of consignments checked, categorised by groups of products and by country of origin;

(b) a list of consignments of which samples were taken and the results of any test or analysis of each sample; and

(c) a list of consignments required to be redispatched or disposed of pursuant to regulation 21 by an authorised officer, together with, in each case, their country of origin, establishment of origin (if known), a description of the product concerned and the reason for refusal.

(2) The Department shall determine how frequently the returns referred to in paragraph (1) are to be submitted and what period of time they are to cover.

Suspension of border inspection posts

13.—(1) If the Department is satisfied that—

(a) the continued operation of a border inspection post presents a serious risk to public or animal health; or

(b) there has been at a border inspection post a serious breach of the requirements for the approval of border inspection posts laid down in Annex II to Directive 97/78/EC or in the Annex to Commission Decision 2001/812/EC laying down requirements for the approval

of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries**(a)**,

it shall serve on the operator of the border inspection post concerned a written notice stating that the approval of the premises as a border inspection post in accordance with Article 6(2) or 6(4) of Directive 97/78/EC is suspended.

(2) Upon service of a notice pursuant to paragraph (1) the premises shall cease to be a border inspection post, notwithstanding that it may still appear on the list of border inspection posts contained in the Annex to Commission Decision 2001/881/EC, until they are again approved as a border inspection post in accordance with Article 6(2)(a) of Directive 97/78/EC.

Regulatory functions of authorised officers

14. In Parts III to IX and Part XIII, where a fishery product is concerned, any reference to an "official veterinary surgeon" or to an assistant appointed under regulation 6(1)(b) shall be construed as indicating respectively an authorised officer or an assistant appointed by a district council under regulation 6(2).

PART III

PROVISIONS APPLICABLE TO PRODUCTS IN GENERAL

Prohibition of non-conforming products

15.—(1) Without prejudice to regulation 22 of the Dairy Products (Hygiene) Regulations (Northern Ireland) 1995**(b)**, a person shall not introduce a non-conforming product into Northern Ireland from a third country, or a non-conforming product originating in a third country into Northern Ireland from elsewhere in the relevant territories unless—

(a) it is a transit product; or

(b) its destination establishment is a warehouse in a free zone, a free warehouse, a customs warehouse approved pursuant to Article 12(4)(b) of Directive 97/78/EC, or a ships' store complying with Article 13 of Directive 97/78/EC, located (in each case) outside the United Kingdom.

(2) A person shall not introduce a product into Northern Ireland from a third country from which importation of that product is prohibited by any Community instrument in force on the date on which these Regulations are made.

Introduction of products except at border inspection posts

16.—(1) A product shall not be introduced into Northern Ireland from a third country except at a border inspection post designated and approved for veterinary checks on that product.

(2) Where an Article 9 product arrives at a border inspection post which is outside the United Kingdom and the border inspection post of destination is in Northern Ireland, that product shall not be introduced into Northern Ireland except at a border inspection post designated and approved for veterinary checks on that product.

Advance notice of introduction or presentation

17.—(1) A person shall not—

(a) introduce a product into Northern Ireland from a third country; or

---

(a) O.J. No. L306, 23.11.2001, p.28

(b) S.R. 1995 No. 201 as amended by S.R. 1995 No. 360, S.R. 1996 No. 287, S.R. 1996 No. 383, S.R. 1998 No. 237, S.R. 1998 No. 359 and S.R. 2000 No. 78

(b) introduce into Northern Ireland an Article 9 product whose border inspection post of destination is in Northern Ireland,

unless notice of its introduction has been given in accordance with this regulation to the official veterinary surgeon at a border inspection post designated and approved for veterinary checks on that product and a copy of it has been sent to the office of the Commissioners responsible for the area in which that border inspection post is situated.

(2) Where the border inspection post of introduction and the border inspection post of destination of an Article 9 product are both in Northern Ireland, a person shall not present the product to a border inspection post unless notice of its presentation has been given in accordance with this regulation to the official veterinary surgeon at a border inspection post of destination designated and approved for veterinary checks on that product and a copy of it has been sent to the office of the Commissioners responsible for the area in which that border inspection post is situated.

(3) The notice referred to in paragraphs (1) and (2)—

(a) shall be in the form set out as Part I of the common veterinary entry document;

(b) may be supplied in electronic form;

(c) shall be in English and also in an official language of the country of destination in the relevant territories referred to in the notice, if other than the United Kingdom;

(d) shall arrive at the border inspection post—

(e) at least six working hours, in the case of a product introduced by air; and

(f) at least one working day, in any other case,

(g) before the product is presented to the official veterinary surgeon at the border inspection post pursuant to regulation 18; and

(h) in the case of a notice given to a border inspection post of destination, shall specify what checks have been carried out at the border inspection post of introduction.

(4) In paragraph (3) "working hours" means hours during which, and "working day" means a day on which, the border inspection post is open for the presentation of products to the official veterinary surgeon pursuant to regulation 18.

Presentation of products at border inspection posts

18.—(1) Any person responsible for a product which is introduced into Northern Ireland from a third country, or for an Article 9 product whose border inspection post of destination is in Northern Ireland, shall present the product and the required documents, or ensure that the same are presented, without delay to the official veterinary surgeon at the inspection facility of the border inspection post to which notice of the product's introduction or presentation was given pursuant to regulation 17.

(2) Where the border inspection post of introduction of an Article 9 product is in the United Kingdom and its border inspection post of destination is in Northern Ireland, the person responsible for the product after its removal from the border inspection post of introduction, shall present the product and the required documents, or ensure that the same are presented, without delay to the official veterinary surgeon at the inspection facility of the border inspection post of destination to which notice of the product's presentation was given pursuant to regulation 17.

(3) A person who presents a product, other than a transit product or a product to which Part VIII applies, pursuant to paragraph (1) or (2) shall present the required documents relating thereto drawn up in English.

(4) A person who presents pursuant to paragraph (1) or (2) a transit product or a product to which Part VIII applies accompanied by a required document in a language other than English, shall present at the same time a translation of the required document into English, authenticated as accurate by an appropriately qualified expert.

Veterinary checks

19.—(1) Subject, in the case of transhipped products, to regulation 38, any person required by virtue of regulation 18 to present a product and its required documents, or to ensure that the same are presented to an official veterinary surgeon, shall permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(b), to carry out on the product or the required documents, as the case may be—

(a) a documentary check;

(b) an identity check; and

(c) subject to regulations 41, 46 and 50, a physical check,

and shall render the official veterinary surgeon or assistant such assistance as he may reasonably request to enable him to carry out any of the said checks.

(2) Where a sample of a product is taken in the course of a physical check, a person shall not remove the product or cause it to be removed from the border inspection post at which it was presented until the official veterinary surgeon has authorised its removal by issuing Part 2 of the common veterinary entry document for the product or for the consignment or part consignment which includes the product.

(3) Pending removal pursuant to paragraph (2) the person responsible for the consignment which includes the product shall store it under the supervision of the official veterinary surgeon at such place and under such conditions as the official veterinary surgeon may direct and shall pay the costs of such storage.

Common veterinary entry document to accompany consignment

20.—(1) The person responsible for a consignment or part of a consignment in respect of which Part 2 of the common veterinary entry document has been issued, and any carrier who has charge of it for the time being, shall ensure that the common veterinary entry document accompanies the consignment or part—

(a) in the case of a consignment or part intended for import, and subject to regulation 37(3), until the consignment or part first reaches, after import, premises where products are stored, processed, handled, bought or sold; and

(b) in all other cases until the consignment or part is no longer subject to supervision by the customs authorities, within the meaning of Article 4(13) of the Customs Code.

(2) The person who occupies for the purposes of his business the premises referred to in paragraph (1)(a) shall take possession of the common veterinary entry document referred to in paragraph (1) and retain the same at the premises for a period of one year commencing with the day following its arrival there.

Products which fail veterinary checks

21.—(1) This regulation applies, subject to regulation 22—

(a) where, following a veterinary check at a border inspection post, the official veterinary surgeon there decides that a product (other than a transit product which fulfils the requirements of Part VII or a product whose destination establishment is referred to in Regulation 15(1)(b)) is a non-conforming product, or that there is some other irregularity in relation to the product; and

(b) where, following a veterinary check on a product located away from a border inspection post (other than a transit product which fulfils the requirements of Part VII or a product whose destination establishment is referred to in Regulation 15(1)(b)), an authorised officer decides that the product is a non-conforming product.

(2) Where paragraph (1)(a) applies, the official veterinary surgeon shall serve a notice in writing on the person responsible for the product in question, and if paragraph (1)(b) applies, an authorised officer shall serve a notice in writing on the person appearing to him to have charge of the product in question, requiring him either—

(a) to redispatch the product from that border inspection post, or, if paragraph (1)(b) applies, from the nearest border inspection post, by the mode of transport by which it was introduced into Northern Ireland, to a destination, agreed with the official veterinary surgeon or the authorised officer, located in a third country within a period of 60 days commencing with the day following the service of the notice; or

(b) to dispose of the product without undue delay in accordance with Regulation (EC) No. 1774/2002 in the facilities provided for that purpose nearest to the border inspection post or, if paragraph (1)(b) applies, nearest to the location of the product.

(3) The product shall be disposed of in accordance with paragraph (2)(b) where—

(a) its redispatch is precluded on animal or public health grounds by the results of a veterinary check, or by any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or is otherwise impossible; or

(b) the 60 day period referred to in paragraph (2)(a) has elapsed; or

(c) the person responsible for the product or, where paragraph (1)(b) applies, the owner of the product, agrees immediately to its disposal.

(4) The person responsible for, or, if paragraph (1)(b) applies, the owner of, a product in respect of which a notice has been served pursuant to paragraph (2) shall ensure that it is stored until redispatch or disposal under the supervision of the official veterinary surgeon or the authorised officer at such place and under such conditions as he may in the notice direct.

(5) In paragraph (1)(a) "other irregularity" in relation to a product means—

(a) its introduction into Northern Ireland from a third country, or its presentation to a border inspection post of destination in Northern Ireland, without notice given pursuant to regulation 17;

(b) any false or misleading information contained in a notice given pursuant to regulation 17;

(c) any false or misleading information given pursuant to regulation 45 or 49;

(d) any error, omission or false or misleading information in a required document, and any discrepancy between a required document and—

(i) the notice of the product's introduction or presentation given pursuant to regulation 17; or

(ii) the product itself; or

(iii) the seals, stamps, marks or labels on the product, on the consignment which includes the product or on the container holding the product or the consignment;

(e) any defect in the product rendering it unfit for the purpose for which, according to the required documents, it is intended;

(f) any defect in the seals, stamps, marks or labels referred to in paragraph (5)(d)(iii), including, in the case of a packaged product, any contravention of the labelling requirements laid down for that product in any directive, decision or regulation listed in Schedule 1;

(g) in the case of a product intended for import, any indication in the required documents that the product does not comply with the import conditions; and

(h) in the case of a non-conforming product which is a transit product, or a product whose destination establishment is referred to in Regulation 15(1)(b), any contravention of the requirements laid down for that non-conforming product in any Directive, Decision or Regulation listed in Schedule 1.

(6) Any person who is aggrieved by a decision referred to in paragraph (1)(a) or (1)(b) may appeal to a court of summary jurisdiction at any time before the expiration of 1 month beginning

with the date on which he is notified of the decision, and Part VII of the Magistrates' Courts (Northern Ireland) Order 1981**(a)** shall apply accordingly.

(7) Pending the determination of an appeal pursuant to paragraph (6), paragraph (4) shall apply to the storage of the product concerned.

Treatment as animal by-products

22.—(1) If the official veterinary surgeon or authorised officer is of the opinion that a product to which regulation 21 applies presents no risk to animal or public health, he may authorise that the product be used in accordance with regulation 26 of the Animal By-Products Regulations (Northern Ireland) 2003 notwithstanding paragraphs (2), (3) and (4) of regulation 21.

(2) The authorisation shall be in writing, may be made subject to conditions, and may be amended, suspended or revoked in writing at any time.

(3) The authorisation may specify which of the uses in regulation 26 of the Animal By-Products Regulations (Northern Ireland) 2003 is permitted.

Products containing unauthorised substances and excess residues

23.—(1) In this regulation —

(a) "maximum residue limit" means a maximum residue limit listed in Annex I or Annex III to Council Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin**(b)**;

(b) "unauthorised substance" has the same meaning as "unauthorised substance or product" in Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC**(c)**.

(2) This regulation shall apply where a veterinary check on a consignment from a particular establishment of origin in a third country reveals the presence of an unauthorised substance, or reveals that a maximum residue limit has been exceeded, but no Community measures have yet been adopted in response to this.

(3) In the circumstances described in paragraph (2), paragraphs (4), (5), (6) and (7) shall apply to those of the next ten consignments introduced into the United Kingdom from that establishment which are introduced into Northern Ireland.

(4) The official veterinary surgeon at the border inspection post at which any such consignment is introduced shall, by notice in writing served on the person responsible for the consignment, take charge of it and check the residues in the consignment by taking and analysing a representative sample of the products comprised in it.

(5) Upon service of a notice under paragraph (4), the person responsible for the consignment shall lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges payable in accordance with Part X for veterinary checks carried out on the consignment, including the taking of samples, and any laboratory test or analysis carried out on any sample taken.

(6) If any veterinary check carried out on the consignment reveals the presence of unauthorised substances or their residues or reveals that a maximum residue limit has been exceeded, the official veterinary surgeon—

(a) shall reject the consignment;

(b) endorse on the required documents relating to the consignment a clear indication of the reasons for rejecting it; and

---

(a) S.I. 1981 / 1675 (N.I. 26)
(b) O.J. No. L224, 18.8.90, p. 1, as last amended by Commission Regulation (EC) No. 1356/2005 (O..J. No. .L214, 19.8.05, p.3
(c) O.J. No. L125, 23.5.96, p. 10, as last amended by Council Regulation (EC) No. 806/2003 (O.J. No. L122, 16.5.03, p.1)

(c) redispatch the consignment, or such part of it as the official veterinary surgeon considers affected by the presence of unauthorised substances or their residues or by excess residues, accompanied by the required documents, to its third country of origin.

(7) The cost of redispatching and transporting the consignment or part to its third country of origin shall be paid by the consignor whose name appears on the notice of the consignment's introduction given pursuant to regulation 17.

Consignments and products illegally introduced

24.—(1) This regulation applies—

(a) where a consignment or product is introduced into Northern Ireland from a third country but is not presented in accordance with regulation 18;

(b) where a consignment or product originating in a third country has been introduced into Northern Ireland from elsewhere in the relevant territories, but has not been presented at a border inspection post there;

(c) where the border inspection post of destination of a consignment of Article 9 products is in Northern Ireland but the consignment is not presented there in accordance with regulation 18(1); and

(d) where a consignment introduced into Northern Ireland is presented to the official veterinary surgeon at a border inspection post not designated and approved for veterinary checks on the products comprised therein.

(2) In the circumstances described in paragraphs (1)(a), (b) and (c) an authorised officer shall, by notice in writing served on the person appearing to him to have charge of it, and, in the circumstances described in paragraph (1)(d), the official veterinary surgeon shall, by notice served on the person responsible for it, take charge of the consignment or product and either—

(a) redispatch it, by the mode of transport by which it was first introduced into the relevant territories, to a destination located in a third country, agreed with the owner, (in the circumstances described in paragraphs (1)(a),(b)and(c)), or with the person responsible for the consignment, (in the circumstances described in paragraph (1)(d)), within a period of 60 days commencing with the day following the service of the notice; or

(b) dispose of it as if it were Category 1 material under Regulation (EC) No. 1774/2002 in the facilities provided for that purpose nearest to the place at which the authorised officer or official veterinary surgeon takes charge of it.

Products dangerous to animal or public health

25. If an official veterinary surgeon or an authorised officer considers that a consignment or product from a third country presents a risk to animal or public health he shall, by notice in writing served on the person appearing to him to have charge of it, take charge of it and dispose of it without delay in accordance with regulation 24(2)(b).

Serious or repeated infringements

26.—(1) Where the Department, the Agency or a district council reasonably concludes, on the basis of the results of veterinary checks, that products from a particular third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any requirement laid down in a Community instrument relating to animal or public health, this regulation shall apply to those of the next ten consignments introduced into the United Kingdom from that third country, part of a third country or establishment, as the case may be, which are introduced into Northern Ireland.

(2) The official veterinary surgeon at the border inspection post at which any such consignment is introduced shall, by notice in writing served on the person responsible for the consignment, take charge of it and carry out a physical check thereon, including the taking of samples and laboratory tests and analyses.

(3) Upon service of a notice under paragraph (2) the person responsible for the consignment to which it relates shall lodge with the official veterinary surgeon who served the notice a deposit or guarantee sufficient to assure payment of all charges payable in accordance with Part X for veterinary checks carried out on the consignment, including any laboratory test or analysis carried out in pursuance of paragraph (2).

(4) If any veterinary check carried out on the consignment reveals an infringement of any requirement laid down in a Community instrument relating to animal or public health, the official veterinary surgeon shall either redispatch or dispose of the consignment in accordance with regulation 21(2).

Invalidation of veterinary documents

27. Where an official veterinary surgeon or an authorised officer serves a notice requiring redispatch of a product pursuant to regulation 21(2)(a), or takes charge of a consignment pursuant to regulation 24(2), any person who has possession or control of the required documents relating to that product or consignment shall immediately submit them to the official veterinary surgeon or authorised officer, as the case may be, for invalidation.

Costs in respect of products redispatched or disposed of

28.—(1) The person responsible for the product or consignment concerned or, where a notice has been served on the person appearing to have charge of the product or consignment, the owner of the product or consignment, shall pay on demand the costs of storing, transporting, redispatching, disposing of and destroying any product or consignment redispatched, or disposed of pursuant to regulation 21, 24, 25 or 26 as the case may be.

(2) Any cost referred to in paragraph (1) which is paid by an official veterinary surgeon, an authorised officer, the Department, a district council or the Agency shall be reimbursed on demand by, as the case may be, the person appearing to have charge of, or the owner of, the product or consignment.

PART IV

ON-BOARD CATERING SUPPLIES

Disposal of unused catering supplies

29.—(1) Part III shall not apply to products on board means of transport operating internationally which—

(a) were intended for consumption by the crew or passengers of that means of transport; and which

(b) are introduced into Northern Ireland.

(2) Any person who has in his possession or under his control a product referred to in paragraph (1) shall comply with Article 4(2) and 4(3) of Regulation (EC) No. 1774/2002.

(3) Where items such as packaging material, cutlery or plates, that have been in contact with any products referred to in paragraph (1), are unloaded from any means of transport for disposal, they shall be dealt with in the same way as the products themselves.

PART V

BURIAL OF UNUSED ON-BOARD CATERING SUPPLIES IN LANDFILLS

Approval of landfills

30.—(1) Any person disposing of material in accordance with regulation 29 by burial in a landfill shall only do so in a landfill approved under this regulation.

(2) The Department shall only approve a landfill under paragraph (1) for the purposes of disposal of material under regulation 29 if it is satisfied that—

(a) the material will be buried without undue delay so as to prevent access to it by wild birds;

(b) the operator has taken adequate steps to prevent access to the unrestored and current working area of the landfill by ungulates; and

(c) the operator will comply with any conditions of the approval.

(3) The approval shall be in writing, may be made subject to conditions, and may be amended or suspended by notice in writing in accordance with regulation 32.

(4) If the Department refuses to grant an approval under paragraph (1), or grants an approval subject to a condition, it shall by notice in writing served on the applicant—

(a) give the reasons; and

(b) explain the right of the applicant to make written representations to the Department or to appear before and be heard by an independent person appointed by the Department in accordance with regulation 33.

Operators of landfills

31.—(1) The operator of a landfill approved under regulation 30(1) shall—

(a) maintain and operate the premises in accordance with the requirements in paragraph 30(2)(a) and (b) and any conditions of the approval;

(b) ensure that any person employed by him, and any person permitted to enter the premises comprising the landfill complies with those requirements and conditions;

(c) comply with the record-keeping requirements contained in Article 9 of Regulation (EC) No. 1774/2002; and

(d) keep equivalent records for material referred to in regulation 29(3).

(2) The records required to be kept under this regulation may be in written or electronic form and shall be kept for at least 2 years from the date of disposal of the consignment to which it relates.

Amendment, suspension and revocation of approvals

32.—(1) Where, in the case of any landfill, the Department is satisfied that any condition of the approval under regulation 30(1) is no longer fulfilled, or that the requirements in regulation 30(2)(a) and (b) are not being complied with, or that it is necessary to do so for public or animal health reasons, it may, by notice in writing served on the operator, suspend the approval.

(2) Where, in the case of any landfill, the Department is satisfied that any condition of the approval should be amended for public or animal health reasons, it may, by notice in writing served on the operator, amend the approval.

(3) Subject to paragraph (5) a suspension under paragraph (1) or an amendment under paragraph (2)—

(a) shall have immediate effect if the Department is satisfied that it is necessary for it to do so for the protection of public or animal health; but

(b) otherwise shall not have effect for at least 21 days following service of the notice of the suspension or amendment.

(4) The notice in paragraph (1) or (2) shall—

(a) give the reasons for the suspension or amendment; and

(b) explain the right of the operator of the landfill to make written representations to the Department or to be heard by an independent person appointed by the Department in accordance with regulation 33.

(5) Where there is an appeal under regulation 33, a suspension or amendment under paragraph (1) or (2) shall not have effect (except in any case to which paragraph (3)(a) applies) until the final determination by the Department in accordance with that regulation.

(6) Where the Department has suspended an approval under paragraph (1), and—

(a) no appeal is brought in accordance with regulation 33; or

(b) the Department upholds the suspension following such an appeal.

(7) It may by notice in writing revoke the approval provided that it is satisfied, taking into account all the circumstances of the case, that the landfill will not be operated in accordance with the requirements of regulation 30(2)(a) or (b) or the conditions, if any, of the approval.

Appeals

33.—(1) A person on whom a notice is served under paragraph (4) of regulation 30 or paragraph (1) or (2) of regulation 32 may within 21 days beginning with the day on which the notice is served request the Department to appeal the decision in question and for that purpose—

(a) provide written representations to the Department; or

(b) give notice in writing that he wishes to appear before and be heard by an independent person appointed by the Department.

(2) Where an appellant gives notice of his wish to appear before and be heard by an independent person appointed for the purpose the Department shall appoint an independent person to hear representations and shall specify a time limit within which representations to that independent person shall be made.

(3) The person so appointed shall not, except with the consent of the appellant, be an officer or servant of the Department.

(4) If the appellant so requests, any hearing under paragraph (2) shall be in public.

(5) The independent person appointed under this regulation shall report his conclusions and the reasons for his conclusions to the Department and if the appellant so requests, the Department shall provide him with a copy of the independent person's report.

(6) The Department shall give to the appellant written notification of its final determination and the reasons for it.

(7) In this regulation "appellant" means any person requesting an appeal under paragraph (1).

PART VI

PRODUCTS INTENDED FOR IMPORT

Retention of documents at border inspection posts

34. Where a documentary check has been carried out at a border inspection post on a product intended (whether directly or ultimately) for import, the person who presented the required documents relating to that product pursuant to regulation 18(1) shall surrender the same to the official veterinary surgeon at that border inspection post.

Evidence of certification of, and payment for, veterinary checks

35. Where Part 2 of the common veterinary entry document has been issued certifying that a consignment is fit for import, the person responsible for the consignment shall supply the Commissioners with evidence satisfactory to them that—

(a) Part 2 of the common veterinary entry document has been issued; and

(b) all charges payable in accordance with Part X for veterinary checks carried out on the consignment, including sampling, and for any test or analysis carried out on any samples taken, have been paid, or payment thereof has been assured by a deposit or guarantee satisfactory to the person to whom, pursuant to regulation 52(2), the charges are payable.

Products not intended for the United Kingdom

36. Where—

(a) notice of introduction of a product has been given pursuant to regulation 17; and

(b) that notice specifies a member State other than the United Kingdom as the country of destination; and

(c) Part 2 of the common veterinary entry document has been issued in respect of that product, authorising its import—

(i) into that member State or a particular area thereof in accordance with specific requirements; or

(ii) for specific purposes in accordance with conditions,

which requirements or conditions are laid down for products imported into that member State or particular area, or for products imported for those specific purposes, in any Directive, Decision or Regulation listed in Schedule 1,

a person shall not, without reasonable excuse, prevent or delay the transport of that product to that member State.

Products transported under supervision

37.—(1) This regulation applies to products intended for import which are required by any Directive, Decision or Regulation listed in Schedule 1 to be transported under veterinary supervision from the border inspection post at which they are first introduced into the relevant territories to their destination establishment.

(2) A person shall not remove a product to which this regulation applies from a border inspection post unless it is contained in a leak-proof container or means of transport which has been sealed by an officer of the Commissioners or by the official veterinary surgeon at that border inspection post.

(3) The person responsible for a product to which this regulation applies and any carrier who has charge of it for the time being shall ensure that the product is transported without delay to its destination establishment, and that the common veterinary entry document issued in respect of the product accompanies it until it reaches its destination establishment.

(4) Where Part 2 of the common veterinary entry document has authorised import of a product to which this regulation applies for specific purposes as described in regulation 36(c)(ii), the person responsible for the product and any carrier who has charge of it for the time being shall ensure that it remains under the supervision of the Commissioners in accordance with the T5 procedure provided for in Articles 471 to 495 of Commission Regulation (EEC) No 2454/93 (laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code)**(a)** until it reaches its destination establishment.

(a) O.J. No. L253, 11.10.93, p. 1, as last amended by Commission Regulation (EC) No. 2286/2003 (O.J. No. L343, 31.12.2003, p.1)

(5) An operator of a destination establishment shall give immediate written notification to the official veterinary surgeon who is responsible for the destination establishment, of the arrival there of any product to which this regulation applies.

(6) An operator of a destination establishment shall ensure that a product to which this regulation applies undergoes at the destination establishment the treatment prescribed for it by the relevant Directive, Decision or Regulation listed in Schedule 1.

Transhipment of products intended for import

38.—(1) This regulation applies to transhipped products where the border inspection post of introduction is in Northern Ireland.

(2) As soon as a product to which this regulation applies arrives at the border inspection post of introduction, the person responsible for the product shall notify the official veterinary surgeon there in writing, or in computerised or other electronic form, of the exact location of the product, of the estimated time of its transhipment or unloading, and of its border inspection post of destination.

(3) Where, according to the notification given pursuant to paragraph (2), a product to which this regulation applies is to be transhipped—

(a) from one aircraft to another, either directly or after being unloaded in a customs controlled area at the border inspection post of introduction for less than 12 hours; or

(b) from one sea-going vessel to another, either directly or after being unloaded in an area as aforesaid for less than 7 days,

any person required by regulation 18 to present the product and its required documents, or to ensure that they are presented, to the official veterinary surgeon at the border inspection post of introduction, shall, if the official veterinary surgeon considers that the product presents a risk to animal or public health, permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(b), to carry out a documentary check on the required documents.

(4) Where a product to which this regulation applies is proposed to be unloaded from an aircraft for 12 hours or more, the person responsible for the product shall ensure that it is stored for not more than 48 hours under the supervision of the official veterinary surgeon at the border inspection post of introduction in a customs controlled area there and is then reloaded onto an aircraft for onward transport to its border inspection post of destination.

(5) Where a product to which this regulation applies is proposed to be unloaded from a sea-going vessel for 7 days or more, the person responsible for the product shall ensure that it is stored for not more than 20 days under the supervision of the official veterinary surgeon at the border inspection post of introduction in a customs controlled area there and is then reloaded onto a sea-going vessel for onward transport to its border inspection post of destination.

(6) Any person required by regulation 18 to present a product to which paragraph (4) or paragraph (5) applies and its required documents to the official veterinary surgeon at a border inspection post of introduction shall permit the official veterinary surgeon there, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(b), to carry out a documentary check on the required documents and, if the official veterinary surgeon considers that the product presents a risk to animal or public health, an identity check of the product against the required documents and a physical check of the product.

(7) Where a product to which paragraph (4) applies is stored for more than 48 hours after unloading, or a product to which paragraph (5) applies is stored for more than 20 days after unloading, any person required by regulation 18 to present the product and its required documents to the official veterinary surgeon at the border inspection post of introduction, shall permit the official veterinary surgeon there, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(b), to carry out in all cases, an identity check of the product against the required documents and a physical check of the product.

PART VII

TRANSIT PRODUCTS

Border inspection posts of entry and exit

39. In this Part—

"border inspection post of entry" means the border inspection post at which a transit product enters the customs territory of the Community; and

"border inspection post of exit" means the border inspection post through which a transit product is intended to leave the customs territory of the Community, as specified in the common veterinary entry document relating thereto.

Prior authorisation of transit

40. A person shall not introduce a transit product into Northern Ireland from a third country unless the official veterinary surgeon at the border inspection post of entry has previously authorised the transit of that product in writing.

Physical check of transit products

41. Any person required by regulation 18 to present a transit product, or ensure that it is presented, to the official veterinary surgeon at the border inspection post of entry shall permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(b), to carry out a physical check on the transit product in any case where the official veterinary surgeon considers that it presents a risk to animal or public health or reasonably suspects some other irregularity, as defined in regulation 21(5), in relation to the transit product.

Movement of transit products

42.—(1) A person shall not remove, or cause to be removed, a transit product from the border inspection post of entry unless the person responsible for the product has given a written undertaking to the official veterinary surgeon there to observe and perform the requirements of regulation 43.

(2) Where, at any time after removal from a border inspection post of entry, a transit product is transported through Northern Ireland by road, rail, waterway or air—

(a) the person responsible for the transit product and any carrier who has charge of it for the time being shall ensure that it is conveyed in a vehicle or container sealed by the customs or veterinary authorities responsible for the border inspection post of entry, accompanied by its required documents, any translations required under regulation 18(4) and its common veterinary entry document, to the border inspection post of exit under the supervision of the Commissioners in accordance with the external transit procedure referred to in Articles 91 to 97 of the Customs Code;

(b) a person shall not break the seals on the vehicle or container in which the transit product is conveyed, or unload the transit product, or split the consignment or part consignment which includes the transit product, or subject the transit product to any form of handling; and

(c) the person responsible for the transit product and any carrier who has charge of it for the time being shall ensure that it leaves the customs territory of the Community at the border inspection post of exit not more than 30 days after removal from the border inspection post of entry (excluding the day of removal).

(3) A person shall not introduce a transit product into a free zone, a free warehouse or a customs warehouse in Northern Ireland.

Disposal of returned transit products

43.—(1) If a transit product is returned to Northern Ireland after leaving the customs territory of the Community, the person responsible for the transit product shall either—

(a) redispatch the transit product from the border inspection post to which it is returned to a third country by the mode of transport by which it was returned within 60 days of its return (excluding the day of return); or

(b) if the circumstances described in paragraph (2) apply, dispose of the product as if it were Category 1 material under Regulation (EC) No. 1774/2002 in the facilities provided for that purpose nearest to the border inspection post to which the product is returned.

(2) The transit product shall be disposed of in accordance with paragraph (1)(b) where—

(a) redispatch of the product is precluded on animal or public health grounds by the results of a physical check, or by any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or is otherwise impossible;

(b) the 60 day period referred to in paragraph (1)(a) has expired; or

(c) the person responsible for the transit product agrees immediately to its disposal.

(3) Any person who has possession or control of the required documents relating to a transit product to which paragraph (1) applies, or of the common veterinary entry document relating thereto, shall submit them for invalidation to the official veterinary surgeon at the border inspection post to which the product is returned.

(4) The person responsible for a transit product to which paragraph (1) applies shall store it until redispatch or destruction under the supervision of the official veterinary surgeon at the border inspection post to which the product is returned at such place and in such conditions as the official veterinary surgeon may direct.

(5) The person responsible for a transit product to which paragraph (1) applies shall pay the costs of storing, transporting, redispatching and disposing of it.

PART VIII

PRODUCTS INTENDED FOR WAREHOUSES OR SHIPS' STORES

Application of Part VIII

44. This Part applies to products whose destination establishment is—

(a) a warehouse in a free zone, a free warehouse or a customs warehouse, located in the customs territory of the Community; or

(b) a ships' store complying with Article 13 of Directive 97/78/EC located outside the United Kingdom.

Additional information to be given in advance

45.—(1) A person shall not introduce a product to which this Part applies into Northern Ireland, or present such a product to a border inspection post of destination in Northern Ireland, unless the official veterinary surgeon to whom notice of the product's introduction or presentation is given pursuant to regulation 17 has been informed—

(a) whether the product is intended ultimately for import;

(b) if not, whether it is a transit product; and

(c) in any event whether the product complies with the import conditions.

(2) The information in paragraph (1)(a),(b)and(c) shall be given in writing and may be included in the notice of the product's introduction or presentation given pursuant to regulation 17.

Physical check of non-conforming products

46. Where the required documents indicate that a product to which this Part applies is a non-conforming product, any person required by regulation 18 to present it, or ensure that it is presented, to the official veterinary surgeon at a border inspection post shall permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(b), to carry out a physical check on the product in any case where the official veterinary surgeon considers that it presents a risk to animal or public health.

Exclusion of non-conforming products from warehouses

47. A person shall not introduce a non-conforming product into a warehouse in a free zone, a free warehouse or a customs warehouse in Northern Ireland.

PART IX

PRODUCTS RETURNED FROM THIRD COUNTRIES

Meaning of "export certificate"

48. In this Part of these Regulations "export certificate" means a certificate attesting that a returned product complies with animal or public health standards, issued to facilitate its original export from the customs territory of the Community by the authority responsible for monitoring such standards at the returned product's Community establishment of origin.

Additional documentation for returned products

49. Any person who presents pursuant to regulation 18 a returned product and its required documents to an official veterinary surgeon shall present with the required documents—

(a) the export certificate relating to the returned product or a copy authenticated as true by the authority which issued it;

(b) a statement of the reasons why the returned product was refused by the third country;

(c) a declaration by the person responsible for the returned product that, since the returned product was originally exported from the customs territory of the Community, the import conditions relating to storage and transport have been complied with in relation to the returned product; and either

(d) in the case of a returned product not originally exported in a sealed container, a declaration by the person responsible for the returned product that it has not undergone any handling other than, in the case only of packaged products, loading and unloading of unopened packages; or

(e) in the case of a returned product originally exported in a sealed container, a declaration by the carrier who introduces it into Northern Ireland that it has not been unloaded from the container in which it was exported, or otherwise handled.

Physical check of returned products

50. The person responsible for a returned product and any person required by regulation 18 to present it, or ensure that it is presented, to the official veterinary surgeon at a border inspection post shall permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(b), to carry out a physical check on the returned product in any case where the official veterinary surgeon has reasonable grounds for believing—

(a) that these Regulations have not been, or are not being, complied with in relation to the returned product;

(b) that the returned product does not comply with the import conditions; or

(c) that the identity or destination of the returned product does not correspond with the information given on any relevant document.

Movement of returned products

51.—(1) A person shall not remove, or cause to be removed, a returned product from a border inspection post without the written authorisation of the official veterinary surgeon there.

(2) A person shall not remove a returned product from a border inspection post unless it is contained in a leak-proof container or means of transport which has been sealed by an officer of the Commissioners or by the official veterinary surgeon at that border inspection post.

(3) The person responsible for a returned product removed in accordance with paragraphs (1) and (2), and any carrier who has charge of it for the time being shall ensure that—

(a) it is conveyed directly to its Community establishment of origin in the sealed leak-proof container or means of transport referred to in paragraph (2); and

(b) the common veterinary entry document issued in respect of the returned product accompanies it until the returned product reaches its Community establishment of origin.

(4) A person shall not break the seals on the container or means of transport in which the returned product is conveyed, or unload the returned product, or split the consignment or part consignment which includes the returned product, or subject the returned product to any form of handling, until it reaches its Community establishment of origin.

(5) The operator of the Community establishment of origin shall give immediate written notification of the arrival there of the returned product to the veterinary officer who is responsible for that establishment.

PART X

CHARGES FOR VETERINARY CHECKS

Payment of charges

52.—(1) A reasonable charge calculated in accordance with regulations 53 and 54 and Schedule 3 shall be made for veterinary checks carried out on a consignment at a border inspection post.

(2) A charge under this part in relation to any consignment shall be made by and payable to the Department, the district council or the Agency, which, pursuant to Regulations 5 and 6, executed and enforced these Regulations in relation to the consignment at the border inspection post where the veterinary checks are carried out.

Calculation of charges

53. The charge for veterinary checks shall cover the costs listed in Part I of Schedule 3 and shall be calculated in accordance with Part II, III, IV or V, as the case may be, of Schedule 3.

Conversion of charges to sterling

54. Charges expressed in euro in Schedule 3 shall be converted to pounds sterling at the rate of conversion published in the "C" Series of the Official Journal of the European Communities in September of the calendar year preceding that in which the relevant veterinary check was carried out.

Liability for charges

55. The person responsible for a consignment shall pay on demand the charge made for the veterinary checks carried out on the consignment.

Information relating to charges

56.—(1) The Department, or the district council shall, if so requested in writing, supply to any person who presents products pursuant to regulation 18, or to any organisation representing such persons, details of the calculations which it used to determine charges for veterinary checks and shall take into account any representations made by such person or organisation in determining such charges.

(2) If requested in writing so to do by the Department, a district council shall provide the Department with such information as it may require relating to the calculation of charges for veterinary checks, and with copies of any written representations made by persons or organisations referred to in paragraph (1).

Appeals against charges

57.—(1) Any person who has paid a charge for veterinary checks to a district council, and any organisation representing such person, may, within 21 days of the charge being made, appeal in writing to the Department on the ground that the amount of the charge is unreasonable.

(2) Where there is an appeal under paragraph (1), the Department shall consult with the district council and, if then satisfied that the amount of the charge is unreasonable, shall so inform the district council, and the district council shall recalculate the amount of the charge in accordance with any directions given by the Department and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.

(3) Any person who has paid a charge for veterinary checks to the Department and any organisation representing such person may, within 21 days of the charge being made, appeal to an independent person appointed by the Department on the ground that the amount of the charge is unreasonable.

(4) Where there is an appeal under paragraph (3), the independent person referred to in that paragraph shall consult with the Department and, if then satisfied that the amount of the charge is unreasonable, shall so inform the Department, who shall recalculate the amount of the charge in accordance with any directions given by the independent person and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.

(5) The terms of appointment and the remuneration of the independent person referred to in paragraph (3) shall be determined by the Department.

PART XI

EMERGENCY DECLARATIONS

Disease outbreaks in third countries

58.—(1) Where the Department or the Agency learns of, or has reasonable grounds to suspect, the presence in any third country of a disease referred to in Council Directive 82/894/EEC (on the notification of animal diseases within the Community)**(a)**, a zoonoses or other disease or phenomenon or circumstance liable to present a serious threat to animal or public health, the Department or the Agency may by declaration suspend, or impose conditions on, the introduction into Northern Ireland of any product from the whole or any part of that third country.

(2) Such a declaration shall be in writing and shall be published in such manner as the Department or the Agency, as the case may be, thinks fit and shall specify the products and the third country or part thereof concerned.

(3) A declaration which imposes conditions on the introduction of any product from a third country or part thereof shall specify those conditions.

(a) O.J. No. L378, 31.12.82, p.58, as last amended by Council Decision 2004/216 EC (O.J. No. L67, 5.3.2004, p.27)

(4) Where a declaration is in force suspending the introduction of any product, a person shall not introduce that product into Northern Ireland if it originates in the third country or part thereof specified in the declaration.

(5) Where a declaration is in force imposing conditions on the introduction of any product, a person shall not introduce that product into Northern Ireland if it originates in the third country or part thereof specified in the declaration unless the product complies with the conditions specified in the declaration.

(6) A declaration may be modified, suspended or revoked by a further written declaration published, so far as is practicable, in the same manner and to the same extent as the original declaration.

PART XII

OFFENCES AND PENALTIES

Obstruction

59.—(1) A person shall not —

(a) intentionally obstruct any person in the exercise of a power conferred by regulation 8 or 9 or in the performance of any other regulatory function;

(b) without reasonable cause fail to comply with a requirement made of him pursuant to regulation 8 or 9, or fail to give to any person exercising a power conferred by those regulations or performing any other regulatory function such assistance or information as that person may reasonably require of him for the purpose of exercising the power or performing the function; or

(c) furnish to any person exercising a power conferred by regulation 8 or 9 or performing any other regulatory function any information which he knows to be false or misleading.

(2) Paragraph (1)(b) shall not require a person to answer any question or give any information if to do so might incriminate him.

Contraventions

60. Any person who—

(a) contravenes a provision of these Regulations, other than—

(i) the provisions contained in regulations 8(2) and 19(3) referring to payment of costs; and

(ii) the provisions contained in regulations 23(7), 28, 43(5), 45(2) and 55;

(b) or fails to comply with a notice served upon him under these Regulations,

shall be guilty of an offence.

Defence of due diligence

61.—(1) In any proceedings for an offence of contravening a provision of these Regulations listed in Schedule 4, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence, unless—

(a) at least 7 clear days before the hearing; and

(b) where he has previously appeared, or been brought, before a court in connection with the alleged offence, within one month of his first such appearance,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Penalties

62.—(1) A person guilty of the offence of contravening regulation 59(1)(a) or 59(1)(b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

(2) A person guilty of any other offence under these Regulations shall be liable—

(a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

PART XIII

NOTICES AND DECISIONS

Form and content of notices

63. Any notice served by the Department, the Agency, an official veterinary surgeon or an authorised officer pursuant to a provision of these Regulations shall be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Notification of decisions

64. Where, under any provision of these Regulations, a decision is taken in relation to a product or consignment, the person taking the decision shall, if so requested, notify the person responsible for the product or consignment in writing of the decision and the reasons for it, together with details of his right of appeal against the decision including the procedure and time limits applicable.

PART XIV

DISAPPLICATIONS AND REVOCATIONS

Disapplication of existing provisions

65.—(1) The Landing of Carcases and Animal Products Order (Northern Ireland) 1985**(a)** and The Diseases of Animals (Importation of Bird Products) Order (Northern Ireland) 1996**(b)** shall not apply to products to which these Regulations apply, except the products referred to in regulation 4(1).

(2) The Artificial Reproduction of Animals (Northern Ireland) Order 1975**(c)** shall not apply to products to which these Regulations apply, except embryos, ova and semen of the ovine, caprine and bovine species;

(3) The following shall not apply to products to which these Regulations apply—

(a) the Imported Food Regulations (Northern Ireland) 1991**(a)**; and

---

(a) S.R. 1985 No. 161 as amended by S.R. 1995 No. 315
(b) S.R.1996 No.81
(c) S.I.1975 No.1834 (N.I. 17)

(b) regulations 2, 3 to 8, 28 to 39, 40(1), Schedule 4 and Part I of Schedule 5 of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998**(b)**.

Revocations

66. The Regulations specified in Schedule 5, (so far as they apply), are revoked as set out in that Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th June 2006.

L.S.

Liam McKibben
A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 2(1), 4(1), 21(5), 36, 37(1) and (6)

IMPORT CONDITIONS

PART I

PROVISIONS COMMON TO SEVERAL CATEGORIES OF PRODUCT

Maximum residue limits and contaminants

1. Council Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (O.J. No. L224, 18.8.90, p. 1) as last amended by Commission Regulation (EC) No. O.J. 1875/2004 (OJ No. L326,29.10.2004,p.19).

2. Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (O.J. No. L125, 23.5.96, p. 10) as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (O.J. No. L236, 23.9.2003, p. 33) ("the Act of Accession").

3. Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs (O.J. No. L77, 16.3.2001, p. 1) as last amended by Commission Regulation (EC) No. 563/2002 (O.J. No. L86, 3.4.2002, p. 5).

4. Commission Decision 2004/432/EC on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC (O.J. No. L154, 30.4.2004, p. 44) as amended by Commission Decision 2004/685/EC (OJ No.L312,9.10.2004,p.19).

(a) S.R.1991 No.475
(b) S.R. 1998 No.45 as amended by S.R.1998 No. 163, S.R. 1998 No. 207, S.R.2000 No.191 and S.R. 2001 No.242

Transmissible spongiform encephalopathies

Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control, and eradication of certain transmissible spongiform encephalopathies (O.J. No. L147, 31.5.2001, p. 1) as last amended by Commission Regulation (EC) No. O.J. 1993/2004 (OJ No. L344,20.11.2004,p.12).

Health certification for animal products from New Zealand

Commission Decision 2003/56/EC on health certificates for the importation of live animals and animal products from New Zealand (O.J. No. L22, 25.1.2003, p. 38) as last amended by Commission Decision 2004/784/EC (OJ No. L346,23.11.2004,p.11).

Animal health rules on imports of products of animal origin for human consumption

1. Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (O.J. No. L18, 23.1.2003, p. 11)

2. Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ No. L31,1.2.2002,p.1).

PART II

FRESH MEAT OF BOVINE, OVINE AND CAPRINE ANIMALS AND SWINE

General Provisions

1. Council Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat (O.J. No. L121, 29.7.64, p. 2012) as amended and updated by Council Directive 91/497/EC (O.J. No. L268, 24.9.91, p. 69) and as last amended by the Act of Accession (see paragraph 2 of Part I).

2. Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat and meat products from third countries (O.J. No. L302, 31.12.72, p. 28) as last amended by Council Regulation (EC) No. 1452/2001 (O.J. No. L198, 21.7.2001, p. 11).

3. Council Directive 77/96/EEC on the examination for trichinae (trichinella spiralis) upon importation from third countries of fresh meat from domestic swine (O.J. No. L26, 31.1.77, p. 67), as last amended by the Act of Accession (see paragraph 2 of Part I).

Third countries from which fresh meat may be imported

Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat (O.J. No. L146, 14.6.79, p. 15) as last amended by Commission Decision O.J.2004/620/EC (O.J. No. L279, 28.8.2004, p.30).

Third country establishments from which fresh meat may be imported

1. Commission Decision 95/408/EC on conditions for drawing up, for an interim period, provisional lists of third country establishments from which member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs (O.J. No. L243, 11.10.95, p. 17) as last amended by Commission Decision 2003/912/EC (O.J. No. L345, 31.12.2003, p. 112).

2. Argentina— Commission Decision 81/91/EEC (O.J. No. L58, 5.3.81, p. 39) as amended by Commission Decision 86/392/EEC (O.J. No. L228, 14.8.86, p. 44).

3. Australia— Commission Decision 83/384/EEC (O.J. No. L222, 13.8.83 p. 36) as amended by Commission Decision 86/389/EEC (O.J. No. L228, 14.8.86, p. 34).

4. Botswana— Commission Decision 83/243/EEC (O.J. No. L129, 19.5.83, p. 70).

5. Brazil— Commission Decision 81/713/EEC (O.J. No. L257, 10.9.81, p. 28) as last amended by Commission Decision 89/282/EEC (O.J. No. L110, 21.4.89, p. 54).

6. Bulgaria— Commission Decision 87/735/EEC (O.J. No. L311, 8.11.82, p. 16).

7. Canada— Commission Decision 87/258/EEC (O.J. No. L121, 9.5.87, p. 50).

8. Chile— Commission Decision 87/124/EEC (O.J. No. L51, 20.2.87, p. 41).

9. Croatia— Commission Decision 93/26/EEC (O.J. No. L16, 25.1.93, p. 24).

10. The Falkland Islands— Commission Decision 2002/987/EC (O.J. No. L344, 19.12.2002, p. 39).

11. Greenland— Commission Decision 85/539/EEC (O.J. No. L334, 12.12.85, p. 25).

12. Iceland— Commission Decision 84/24/EEC (O.J. No. L20, 25.1.84, p. 21).

13. Former Yugoslav Republic of Macedonia— Commission Decision 95/45/EC (O.J. No. L51, 8.3.95, p. 13).

14. Madagascar— Commission Decision 90/165/EEC (O.J. No. L91, 6.4.90, p. 34).

15. Mexico— Commission Decision 87/424/EEC (O.J. No. L228, 15.8.87, p. 43).

16. Morocco— Commission Decision 86/65/EEC (O.J. No. L72, 15.3.86, p. 40).

17. Namibia— Commission Decision 90/432/EEC (O.J. No. L223, 18.8.90, p. 19).

18. New Caledonia— Commission Decision 2004/628/EC (O.J. No. L284, 3.9.2004, p. 4).

19. New Zealand— Commission Decision 83/402/EEC (O.J. No. L223, 24.8.83, p. 24) as amended by Commission Decision 86/432/EEC (O.J. No. L253, 5.9.86, p. 28).

20. Paraguay— Commission Decision 83/423/EEC (O.J. No. L238, 27.8.83, p. 39).

21. Romania— Commission Decision 83/218/EEC (O.J. No. L121, 7.5.83, p. 23) as amended by Commission Decision 86/289/EEC (O.J. No. L182, 5.7.86, p. 25).

22. South Africa— Commission Decision 82/913/EEC (O.J. No. L381, 31.12.82, p. 28) as amended by Commission Decision 90/433/EEC (O.J. No. L223, 18.8.90, p. 21).

23. Swaziland— Commission Decision 82/814/EEC (O.J. No. L343, 4.12.82, p. 24).

24. Switzerland— Commission Decision 82/734/EEC (O.J. No. L311, 8.11.82, p. 13) as last amended by Commission Decision 92/2/EEC (O.J. No. L1, 4.1.92, p. 22).

25. United States of America— Commission Decision 87/257/EEC (O.J. No. L121, 9.5.87, p. 46) as amended by Commission Decision 2000/138/EC (O.J. No. L46, 18.2.2000, p. 36).

26. Uruguay— Commission Decision 81/92/EEC (O.J. No. L58, 5.3.81, p. 43) as amended by Commission Decision 86/485/EEC (O.J. No. L282, 3.10.86, p. 31).

27. Federal Republic of Yugoslavia— Commission Decision 98/8/EEC (O.J. No. L2, 6.1.98, p. 12).

28. Zimbabwe— Commission Decision 85/473/EEC (O.J. No. L278, 18.10.85, p. 35).

Health certification requirements

29. Council Decision 79/542/EEC (see Part II).

PART III

MEAT PRODUCTS

General Provisions

1. Council Directive 72/462/EEC (See paragraph 2 of Part II).

2. Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products (O.J. No. L26, 31.1.77, p. 85) as amended and updated by Council Directive 92/5/EEC (O.J. No. L57, 2.3. 92, p. 1) and last amended by the Act of Accession (see paragraph 2 of Part I).

3. Council Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products (O.J. No L47, 21.2. 80, p. 4) as last amended by Council Directive 91/687/EEC (O.J. No. L377, 31.12. 91, p. 16) and read with Council Directive 2002/99/EC (see Part 1).

Third countries from which meat products may be imported

Commission Decision 97/222/EC laying down the list of third countries from which the member States authorise the importation of meat products (O.J.. No. L89, 4.4.97, p. 39) as last amended by Commission Decision 2004/245/EC (O.J. No. L77, 13.3.2004, p. 62).

Third country establishments from which meat products may be imported

1. Commission Decision 95/408/EC (see Part II).

2. Argentina— Commission Decision 86/414/EEC (O.J. No L237, 23.8.86, p. 36), as amended by Commission Decision 97/397/EC (O.J. No. L165, 24.6.97, p. 13).

3. Botswana— Commission Decision 94/465/EC (O.J. No. L190, 26.7.94, p. 25).

4. Brazil— Commission Decision 87/119/EC (O.J. No. L49, 18.2.87, p. 37) as amended by Commission Decision 95/236/EC (O.J. No. L156, 7.7.95, p. 85).

5. Namibia— Commission Decision 95/427/EC (O.J.. No. L254, 24.10.95, p. 28).

6. Uruguay— Commission Decision 86/473/EEC (O.J. No. L279, 30.9.86, p. 53) as amended by Commission Decision 96/466/EC (O.J. No. L192, 2.8.96, p. 25).

7. Zimbabwe— Commission Decision 94/40/EC (O.J. No. L22, 27.1.94, p. 50).

8. Miscellaneous third countries— Commission Decision 97/365/EC (O.J. No. L154, 12.6.97, p. 41) as last amended by Commission Decision 2004/380/EC (O.J. No. L144, 30.4.2004, p. 5).

9. Miscellaneous third countries— Commission Decision 97/569/EC (O.J. No L234, 26.8.97, p. 16) as last amended by the Act of Accession (see paragraph 2 of Part I).

Health Certification Requirements

1. Commission Decision 97/221/EC (O.J. No. L89, 4.4.97, p. 32) as amended by Commission Decision 2004/427/EC (O.J. No. L154, 30.4.2004, p. 8) (animal health).

2. Council Directive 72/462/EEC (see paragraph 2 of Part II A) (public health).

3. Commission Decision 97/41/EC (O.J. No. L17, 21.1.97, p. 34) (public health).

PART IV

MILK, HEAT-TREATED MILK AND MILK-BASED PRODUCTS

General

1. Council Directive 92/46/EEC laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products (O.J. No. L268, 14.9.92, p. 1) as last amended by Council Directive 2003/85/EC (O.J. No. L306, 22.11.2003, p. 1) and read with Council Directive 2002/99/EC (see Part I).

2. Commission Decision 2004/438/EC laying down animal and public health and veterinary certification conditions for introduction in the Community of heat-treated milk, milk-based products and raw milk intended for human consumption (O.J. No. L154, 30.4.2004, p. 72).

Third countries from which milk and milk-based products may be imported

Commission Decision 2004/438/EC (see paragraph 2 of Part IV).

Third country establishments from which milk and milk-based products may be imported

1. Commission Decision 95/408/EC (see paragraph 1 of Part II).

2. Commission Decision 97/252/EC (O.J. No. L101, 18.4.97, p. 46) as last amended by Commission Decision 2004/807/EC (OJ No.L354,30.11.2004,p.32).

PART V

FRESH POULTRY-MEAT

General

1. Council Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat (O.J. No. L55, 8.3.71, p. 23) as amended and updated by Council Directive 92/116/EEC (O.J. No. L62, 15.3.93, p. 1) and as last amended by the Act of Accession (see paragraph 2 of Part I).

2. Council Directive 91/494/EEC 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) as last amended by Council Directive 99/89/EC (O.J. No. L300, 23.11.99, p. 17) and read with Council Directive 2002/99/EC (see Part I).

3. Commission Decision 93/342/EC laying down the criteria for classifying third countries with regard to avian influenza and Newcastle disease (O.J. No. L137, 8.6.93, p. 24) as amended by Commission Decision 94/438/EC (O.J. No. L181, 15.7. 94, p. 35).

Third Countries from which fresh poultrymeat may be imported

Commission Decision 94/85/EC (O.J. No. L44, 17.2.94, p. 31) as last amended by Commission Decision 2004/118/EC (O.J. No. L36, 7.2.2004, p. 34).

Third Country establishments from which fresh poultrymeat may be imported

1. Commission Decision 95/408/EC (see paragraph 1 of Part II).

2. Commission Decision 97/4/EC (O.J. No. L2, 4.1.97, p. 6) as last amended by the Act of Accession (see paragraph 2 of Part I).

Health Certification Requirements

Commission Decision 94/984/EC (O.J. No. L378, 31.12.94, p. 11) as last amended by Commission Decision 2004/436/EC (O.J. No. L154, 30.4.2004, p. 59).

PART VI

WILD GAME MEAT

General

1. Council Directive 92/45/EEC on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat (O.J. No. L268, 14.9.92, p. 35) as last amended by the Act of Accession (see paragraph 2 of Part I) and read with Council Directive 2002/99/EC (see Part I).

2. Commission Decision 2000/585/EC drawing up a list of third countries from which member States authorise imports of rabbit meat and certain wild and farmed game meat, and laying down the animal and public health and the veterinary certification conditions for such imports (O.J. No. L251, 6.10.2000, p. 1) as last amended by Commission Decision 2004/413/EC (O.J. No. L151, 30.4.2004, p. 54).

Third Country establishments from which game meat may be imported

1. Commission Decision 95/408/EC (see paragraph 5 of Part II).

2. Commission Decision 97/468/EC (O.J. No. L199, 26.7.97, p. 62) as last amended by the Act of Accession (see paragraph 2 of Part I).

PART VII

MINCED MEAT AND MEAT PREPARATIONS

General

Council Directive 94/65/EC laying down the requirements for the production and placing on the market of minced meat and meat preparations (O.J. No. L368, 31.12.94, p. 10) as amended by Council Regulation (EC) No. 806/2003 (O.J. No. L122, 16.5.2003, p. 1) and read with Council Directive 2002/99/EC (see Part 1).

Health Certification requirements

1. Commission Decision 2000/572/EC (O.J. No. L240, 23.9.2000, p. 19) as last amended by Commission Decision 2004/437/EC (O.J. No. L154, 30.4.2004, p. 65) (meat preparations).

2. Council Decision 79/542/EEC (see Part II) (minced meat).

Third Country Establishments from which minced meat and meat preparations may be imported

1. Commission Decision 95/408/EC (see paragraph 1 of Part II).

2. Commission Decision 99/710/EC (O.J. No. L281, 4.11.1999, p. 82) as last amended by Commission Decision 2004/381/EC (O.J. No. L144, 30.4.2004, p. 8).

PART VIII

MISCELLANEOUS PRODUCTS

General

1. Council Directive 92/118/EEC laying down animal and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (O.J. No. L62, 15.3.93, p. 49) as last amended by Commission Regulation (EC) No. 445/2004 (O.J. No. L72, 11.3.2004, p. 60).

2. Council Directive 91/495/EEC 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), as last amended by the Act of Accession (see paragraph 2 of Part I) and read with Council Directive 2002/99/EC (see Part I).

3. Commission Decision 2000/609/EC laying down animal and public health conditions and veterinary certification for imports of farmed ratite meat and amending Decision 94/85/EC drawing up a list of third countries from which member States authorise imports of fresh poultrymeat (O.J. No. L258, 12.10.2000, p. 49) as last amended by Commission Decision 2004/415/EC (O.J. No. L151, 30.4.2004, p. 70).

4. Commission Decision 2005/760/EC concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds (O.J. No. L285, 28.10.2005, p.60) (in so far as it relates to products derived from those birds), as amended by Commission Decision 2005/862/EC (O.J. No. L317, 3.12.2005,p.19).

Third countries from which products covered by Council Directive 92/118/EEC may be imported

Commission Decision 2003/812/EC (O.J. No. L305, 22.11.2003, p. 17) as amended by Commission Decision 2004/19/EC (O.J. No. L5, 9.1.2004, p. 84).

Third country establishments from which products covered by Council Directive 92/118/EEC may be imported

1. Commission Decision 95/408/EC (see paragraph 1 of Part II).

2. Commission Decision 1999/120/EC (O.J. No. L36, 10.2.1999, p. 21) (animal casings) as last amended by the Act of Accession (see paragraph 2 of Part I).

3. Commission Decision 97/467/EC (O.J. No. L199, 26.7.97, p. 57) as last amended by Commission Decision 2004/591/EC (O.J. No. L263, 10.8.2004, p. 21) (rabbit meat and farmed game meat).

4. Commission Decision 2001/396/EC (O.J. No. L139, 23.5.2001, p. 16) (ratite meat).

5. Commission Decision 2001/556/EC (O.J. No. L200, 25.7.2001, p. 23) (gelatine) as last amended by the Act of Accession (see paragraph 2 of Part I).

Health Certification Requirements

1. Commission Decision 2003/779/EC (O.J. No. L285, 1.11.2003, p. 38) as amended by Commission Decision 2004/414/EC (O.J. No. L151, 30.4.2004, p. 62) (animal casings).

2. Commission Decision 97/199/EC (O.J. No. L84, 26.3.97, p. 4) (pet-food in hermetically sealed containers).

3. Commission Decision 2000/585/EC (see paragraph 2 of Part VI) (rabbit meat, feathered game meat and certain land mammals).

4. Commission Decision 2000/609/EC (farmed ratite meat) (see paragraph 3 of Part VIII).

5. Commission Decision 97/38/EC (O.J. No. L14, 17.1.97, p. 61) (egg products).

6. Commission Decision 2000/20/EC (O.J. No. L6, 11.1.2000, p. 60) (gelatine) (excluding the USA).

7. Commission Decision 2003/721/EC (O.J. No. L260, 11.10.2003, p. 21) (collagen) (excluding the USA).

8. Commission Decision 2003/863/EC (O.J. No. L325, 12.12.2003, p. 46) (gelatine and collagen from the USA).

Animal by-products

1. Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption (O.J. No. L273, 10.10.2002, p. 1) as last amended by Commission Regulation (EC) No. 416/2005 (O.J. No. L66, 12.3.2005, p.10) and as read with Commission Decision 2005/760/EC, as amended by Commission Decision 2005/862/EC (O.J. No. L317, 3.12.2005, p.19).

2. Regulation (EC) No. 878/2004 laying down transitional measures in accordance with Regulation (EC) No. 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes (O.J. No. L162, 30.4.2004, p. 62).

3. Commission Decision 2004/407/EC on transitory and certification rules under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards import from certain third countries of photographic gelatine (O.J. No. L151, 30.4.2004, p. 11).

PART IX

GENETIC MATERIAL

Bovine material

1. Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports from third countries of deep-frozen semen of domestic animals of the bovine species, (O.J. No. L194, 22.7.88, p. 10) as last amended by Commission Decision 2004/101/EC (O.J. No. L30, 4.2.2004, p. 15).

2. Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (O.J. No. L302, 19.10.89, p. 1) as last amended by Regulation (EC) No. 806/2003/EC (O.J. No. L22, 16.5.2003, p. 1).

3. Commission Decision 91/270/EEC drawing up a list of third countries from which member States authorize the importation of embryos of domestic animals of the bovine species (O.J. No. L134, 29.05.91, P. 56) as last amended by the Act of Accession (see paragraph 2 of Part I).

4. Commission Decision 92/471/EEC concerning animal health conditions and veterinary certification for importation of bovine embryos from third countries (O.J. No. L270, 15.9.92, p. 27) as last amended by Commission Decision 2004/786/EC (OJ No. L346,23.11.2004,p.32).

5. Commission Decision 92/452/EEC establishing lists of embryo collection teams approved in third countries for export of bovine embryos to the Community (O.J. No. L250, 29.08.92, p. 40) as last amended by Commission Decision 2004/568/EC (O.J. No. L252, 28.7.2004, p.5).

6. Commission Decision 2004/639/EC laying down the importation conditions of semen of domestic animals of the bovine species (O.J. No. L292, 15.9.2004,p. 21).

Porcine material

1. Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (O.J. No. L224, 18.8.90, p. 62) as last amended by the Act of Accession (see paragraph 2 of Part I).

2. Commission Decision 94/63/EC drawing up a provisional list of third countries from which member States authorize imports of semen, ova and embryos of the ovine, caprine and equine species, ova and embryos of the porcine species (O.J. No. L28, 2.2.94, p. 47) as last amended by Commission Decision 2004/211/EC (O.J. No. L73, 11.3.2004, p. 1).

3. Commission Decision 93/160/EEC drawing up a list of third countries from which member States authorize the importation of semen of domestic animals of the porcine species (O.J. No. L67, 19.3.1993 p. 27).

4. Commission Decision 2002/613/EC laying down the importation conditions of semen of domestic animals of the porcine species (O.J. No. L196, 25.7.2002, p. 45) as last amended by Commission Decision 2004/456/EC (O.J. No. L156, 30.4.2004, p. 44).

Ovine and caprine material

1. Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC, (O.J. No. L268, 14.9.92, p54) as last amended by the Act of Accession (see paragraph 2 of Part I).

2. Commission Decision 94/63/EC (See paragraph 2 of Part IX).

Equine material

1. Council Directive 92/65/EEC (See paragraph 1 of this Part IX).

2. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which member States authorise import of live equidae and semen, ova and embryos of the equine species, and amending Decisions 93/195/EC and 94/63/EC (O.J. No. L73, 11.3.2004, p. 1).

3. Commission Decision 96/539/EC on animal health requirements and veterinary certification for imports into the Community of semen of the equine species, (O.J. No. L230, 11.9.96, p. 23) as last amended by the Act of Accession (see paragraph 2 of Part I).

4. Commission Decision 96/540/EC on animal health requirements and veterinary certification for imports into the Community of ova and embryos of the equine species (O.J. No. L230, 11.9.96, p. 28) as amended by the Act of Accession (see paragraph 2 of Part I).

5. Commission Decision 2004/616/EC establishing the list of approved semen collection centres for imports of equine semen from third countries (O.J. No. L278, 27.8.2004, p. 64).

PART X

FISHERY PRODUCTS

General Provisions

1. Council Directive 91/67/EEC 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 last amended by Council Regulation (EC) No. 806/2003 (O.J. No. L122, 16.5.2003, p.1).

2. Council Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live bivalve molluscs (O.J. No. L268, 24.9.91, p. 1) as last amended by Council Regulation (EC) No. 806/2003 (O.J. No. L122, 16.5.2003, p. 1).

3. Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products (O.J. No. L268, 24.9.91, p. 15) as last amended by the Act of Accession (see paragraph 2 of Part I).

4. Council Directive 92/48/EEC laying down minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC (O.J. No. L187, 7.7.92, p. 41).

5. Commission Decision 2003/774/EC approving certain treatments to inhibit the development of pathogenic micro-organisms in bivalve molluscs and marine gastropods (O.J. No. L283, 31.10.2003, p. 78).

6. Commission Decision 93/51/EEC on the microbiological criteria applicable to the production of cooked crustaceans and molluscs and shellfish (O.J. No. L13, 21.1.93, p. 11).

7. Commission Decision 93/140/EEC laying down the detailed rules relating to the visual inspection for the purpose of detecting parasites in fishery products (O.J. No. L56, 9.3.93, p. 42).

8. Commission Decision 94/356/EC laying down detailed rules for the application of Council Directive 91/493/EEC as regards own health checks on fishery products (O.J. No. L156, 23.6.94, p. 50).

9. Commission Decision 95/149/EC fixing total volatile basic nitrogen (TVB-N) limit values for certain categories of fishery products and specifying the analysis methods to be used (O.J. No. L97, 29.4.95, p. 84).

10. Council Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs (O.J. No. L77, 16.3.2001, p. 14) as corrected by Commission Decision 2001/873/EC (O.J. No. L325, 8.12.2001, p. 34).

11. Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption (O.J. No. L302, 20.11.2003, p. 22) as last amended by Commission Decision 2004/623/EC (O.J. No. L280, 31.8.2004, p. 26).

12. Commission Decision 2003/858/EC laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, live fish of aquaculture origin and products thereof intended for human consumption (O.J. No. L324, 11.12.2003, p. 37) as amended by Commission Decision 2004/454/EC (O.J. No. L156, 30.4.2004, p. 29).

13. Commission Decision 2004/453/EC implementing Council Directive 91/67/EC as regards measures against certain diseases in aquaculture animals (O.J. No. L156, 30.4.2004, p. 5).

Health certification

1. Commission Decision 95/328/EC establishing health certification for fishery products from third countries which are not yet covered by a specific Decision (O.J. No. L191, 12.8.95, p. 32) as last amended by Commission Decision 2004/109/EC (O.J. No. L32, 5.2.2004, p. 17).

2. Commission Decision 96/333/EC establishing health certification of live bivalve molluscs, echinoderms, tunicates and marine gastropods from third countries which are not covered by a specific Decision (O.J. No. L127, 25.5.96, p. 33) as last amended by Commission Decision 2004/119/EC (O.J. No. L36, 7.2.2004, p. 56).

3. Commission Decision 98/418/EC (O.J. No. L190, 4.7.98, p. 53) (Uganda, Tanzania, Kenya and Mozambique).

4. Commission Decision 2000/127/EC (O.J. No. L36, 11.2.2000, p. 43) (Tanzania).

5. Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption (O.J. No. L302, 20.11.2003, p. 22) as last amended by Commission Decision 2004/623/EC (O.J. No. L280, 31.8.2004, p. 26).

6. Commission Decision 2003/858/EC laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, live fish of aquaculture origin and products thereof intended for human consumption (O.J. No. L324, 11.12.2003, p. 37) as amended by Commission Decision 2004/454/EC (O.J. No. L156, 30.4.2004, p. 29).

Third Country Equivalence

Commission Decision 97/20/EC establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods (O.J. No. L6, 10.1.97, p. 46) as last amended by Commission Decision 2002/469/EC (O.J. No. L163, 21.6.2002, p. 16).

Third countries from which fishery products may be imported

Commission Decision 97/296/EC drawing up a list of third countries from which the import of fishery products is authorised for human consumption (O.J. No. L122, 14.5.97, p. 21) as last amended by Commission Decision 2004/359/EC (O.J. No. L113, 20.4.2004, p. 45).

Third country establishments from which fishery products may be imported

Commission Decision 95/408/EC (see paragraph 1 of Part II).

Special import conditions for fishery products

1. Albania— Commission Decision 95/90/EC (O.J. No. L70, 30.3.95, p. 27) as last amended by Commission Decision 95/235/EC (O.J. No. L156, 7.7.95, p. 82).

2. Argentina— Commission Decision 93/437/EC (O.J. No. L202, 12.8.93, p. 42) as last amended by Commission Decision 97/276/EC (O.J. No. L108, 25.4.97, p. 53).

3. Australia–- Commission Decision 97/426/EC (O.J. No. L183, 11.7.97, p. 21) as amended by Commission Decision 99/403/EC (O.J. No. L151, 18.6. 99, p. 35).

4. Bangladesh— Commission Decision 98/147/EC (O.J. No. L46, 17.2.98, p. 13).

5. Belize— Commission Decision 2003/759/EC (O.J. No. L273, 24.10.2003, p. 18).

6. Brazil— Commission Decision 94/198/EC (O.J. No. L93, 12.4.94, p. 26) as last amended by Commission Decision 96/193/EC (O.J. No. L61, 12.3.96, p. 43).

7. Bulgaria— Commission Decision 2002/472/EC (O.J. No. L163, 21.6.2002, p. 24).

8. Canada— Commission Decision 93/495/EC (O.J. No. L232, 15.9.93, p. 43) as last amended by Commission Decision 2000/659/EC (O.J. No. L276, 28.10.2000, p. 81).

9. Cape Verde— Commission Decision 2003/763/EC (O.J. No. L273, 24.10.2003, p. 38).

10. Chile— Commission Decision 93/436/EC (O.J. No. L202, 12.8.93, p. 31) as last amended by Commission Decision 2000/61/EC (O.J. No. L22, 27.1.2000, p. 62).

11. China— Commission Decision 2000/86/EC (O.J. No. L26, 2.2.2000, p. 26) as amended by Commission Decision 2000/300/EC (O.J. No. L97, 19.4.2000, p. 15).

12. Colombia— Commission Decision 94/269/EC (O.J. No. L115, 6.5.94, p. 38) as last amended by Commission Decision 99/486/EC (O.J. No. L190, 23.7.99, p. 32).

13. Costa Rica— Commission Decision 2002/854/EC (O.J. No. L301, 5.11.2002, p. 1).

14. Croatia— Commission Decision 2002/25/EC (O.J. No. L11, 15.1.2002, p. 25).

15. Cuba— Commission Decision 98/572/EC (O.J. No. L277, 14.10.98, p. 44).

16. Egypt— Commission Decision 2004/38/EC (O.J. No. L8, 14.1.2004, p. 17).

17. Ecuador— Commission Decision 94/200/EC (O.J. No. L93, 12.4.94, p. 34) as last amended by Commission Decision 96/31/EC (O.J. No. L9, 12.1.96, p. 6).

18. Falkland Islands— Commission Decision 98/423/EC (O.J. No. L190, 4.7.98, p. 76).

19. French Polynesia— Commission Decision 2003/760/EC (O.J. No. L273, 24.10.2003, p. 23).

20. Gabon— Commission Decision 2002/26/EC (O.J. No. L11, 15.1.2002, p. 31).

21. Gambia— Commission Decision 96/356/EC (O.J. No. L137, 8.6.96, p. 31).

22. Ghana— Commission Decision 98/421/EC (O.J. No. L190, 4.7.98, p. 66).

23. Greenland— Commission Decision 2002/856/EC (O.J. No. L301, 5.11.2002, p. 11).

24. Guatemala— Commission Decision 98/568/EC (O.J. No. L277, 14.10.98, p. 26) as amended by Commission Decision 99/487/EC (O.J. No. L190, 23.7.99, p. 36).

25. Guinea— Commission Decision 2001/634/EC (O.J. No. L221, 17.8.2001, p. 50) as amended by Commission Decision 2002/61/EC (O.J. No. L24, 26.1.2002, p. 59).

26. Guyana— Commission Decision 2004/40/EC (O.J. No. L8, 14.1.2004, p. 27).

27. Honduras— Commission Decision 2002/861/EC (O.J. No. L301, 5.11.2002, p. 43).

28. India— Commission Decision 97/876/EC (O.J. No. L356, 31.12.97, p. 57).

29. Indonesia— Commission Decision 94/324/EC (O.J. No. L145, 10.6.94, p. 23) as last amended by Commission Decision 2001/254/EC (O.J. No. L91, 31.3.2001, p. 85).

30. Iran— Commission Decision 2000/675/EC (O.J. No. L280, 4.11.2000, p. 63).

31. Ivory Coast— Commission Decision 96/609/EC (O.J. No. L269, 22.10.96, p. 37).

32. Jamaica— Commission Decision 2001/36/EC (O.J. No. L10, 13.1.2001, p. 59).

33. Japan— Commission Decision 95/538/EC (O.J. No. L304, 16.12.95, p. 52) as amended by Commission Decision 2002/471/EC (O.J. No. L163, 21.6.2002, p. 21).

34. Kazakhstan— Commission Decision 2002/862/EC (O.J. No. L301, 5.11.2002, p. 48) as last amended by Commission Decision 2003/905/EC (O.J. No. L340, 24.12.2003, p. 74).

35. Kenya— Commission Decision 2004/39/EC (O.J. No. L8, 14.1.2004, p. 22).

36. Korea, Republic of — Commission Decision 95/454/EC (O.J. No. L264, 7.11.95, p. 37) as last amended by Commission Decision 2001/818/EC (O.J. No. L307, 24.11.2001, p. 20).

37. Madagascar— Commission Decision 97/757/EC (O.J. No. L307, 12.11.97, p. 33).

38. Malaysia— Commission Decision 96/608/EC (O.J. No. L269, 22.10.96, p. 32).

39. Maldives— Commission Decision 98/424/EC (O.J. No. L190, 4.7.98, p. 81) as amended by Commission Decision 2001/252/EC (O.J. No. L91, 31.3.2001, p. 78).

40. Mauritania— Commission Decision 96/425/EC (O.J. No. L175, 13.7.96, p. 27).

41. Mauritius— Commission Decision 99/276/EC (O.J. No. L108, 27.4.99, p. 52) as amended by Commission Decision 2000/84/EC (O.J. No. L26, 2.2.2000, p. 18).

42. Mayotte— Commission Decision 2003/608/EC (O.J. No. L210, 20.08.2003, p. 25).

43. Mexico— Commission Decision 98/695/EC (O.J. No. L332, 8.12.98, p. 9) as amended by Commission Decision 2001/819/EC (O.J. No. L307, 24.11.2001, p. 22).

44. Morocco— Commission Decision 95/30/EC (O.J. No. L42, 24.2.95, p. 32) as last amended by Commission Decision 2004/367/EC (O.J. No. L114, 21.4.2004, p. 36).

45. Mozambique— Commission Decision 2002/858/EC (O.J. No. L301, 5.11.2002, p. 24).

46. Namibia— Commission Decision 2000/673/EC (O.J. No. L280, 4.11.2000, p. 52).

47. Netherlands Antilles— Commission Decision 2003/762/EC (O.J. No. L273, 24.10.2003, p. 33).

48. New Caledonia— Commission Decision 2002/855/EC (O.J. No. L301, 5.11.2002, p. 6).

49. New Zealand—Commission Decision 94/448/EC (O.J. No. L184, 20.7.94, p. 16) as last amended by Commission Decision 99/402/EC (O.J. No. L151, 18.6.99, p. 31).

50. Nicaragua— Commission Decision 2001/632/EC (O.J. No. L221, 17.8.2001, p. 40).

51. Nigeria— Commission Decision 98/420/EC (O.J. No. L190, 4.7.98, p. 59).

52. Oman— Commission Decision 99/527/EC (O.J. No. L203, 3.8.99, p. 63).

53. Pakistan— Commission Decision 2000/83/EC (O.J. No. L26, 2.2.2000, p. 13).

54. Papua New Guinea— Commission Decision 2002/859/EC (O.J. No. L301, 5.11.2002, p. 33).

55. Panama— Commission Decision 99/526/EC (O.J. No. L203, 3.8.99, p. 58).

56. Peru— Commission Decision 95/173/EC (O.J. No. L116, 23.5.95, p. 41) as amended by Commission Decision 95/311/EC (O.J. No. L186, 5.8.95, p. 78).

57. Philippines— Commission Decision 95/190/EC (O.J. No. L123, 3.6.95, p. 20) as amended by Commission Decision 96/256/EC (O.J. No. L86, 4.4.96, p. 83).

58. Romania— Commission Decision 2004/361/EC (O.J. No. L113, 20.4.2004, p. 54).

59. Russia— Commission Decision 97/102/EC (O.J. No. L35, 5.2.97, p. 23) as last amended by Commission Decision 2002/941/EC (O.J. No. L325, 30.11.2002, p. 45).

60. Saint Pierre et Miquelon— Commission Decision 2003/609/EC (O.J. No. L210, 20.8.2003, p. 30).

61. Senegal— Commission Decision 96/355/EC (O.J. No. L137, 8.6.96, p. 24).

62. Serbia and Montenegro— Commission Decision 2004/37/EC (O.J. No. L8, 14.1.2004, p. 12).

63. Seychelles— Commission Decision 99/245/EC (O.J. No. L91, 7.4.99, p. 40).

64. Singapore— Commission Decision 94/323/EC (O.J. No. L145, 10.6.94, p. 19) as last amended by Commission Decision 2000/660/EC (O.J. No. L276, 28.10.2000, p. 85).

65. South Africa— Commission Decision 96/607/EC (O.J. No. L269, 22.10.96, p. 23).

66. Sri Lanka— Commission Decision 2003/302/EC (O.J. No. L110, 3.5.2003, p. 6).

67. Suriname— Commission Decision 2002/857/EC (O.J. No. L301, 5.11.2002, p. 19).

68. Switzerland— Commission Decision 2002/860/EC (O.J. No. L301, 5.11.2002, p. 38).

69. Taiwan— Commission Decision 94/766/EC (O.J. No. L305, 30.11.94, p. 31) as last amended by Commission Decision 99/529/EC (O.J. No. L203, 3.8.99, p. 73).

70. Tanzania— Commission Decision 98/422/EC (O.J. No. L190, 4.7.98, p. 71).

71. Thailand— Commission Decision 94/325/EC (O.J. No. L145, 10.6.94, p. 30) as last amended by Commission Decision 97/563/EC (O.J. No. L232, 23.8.97, p. 12).

72. Tunisia— Commission Decision 98/570/EC (O.J. No. L277, 14.10.98, p. 36) as last amended by Commission Decision 2002/819/EC (O.J. No. L281, 19.10.2002, p. 18).

73. Turkey— Commission Decision 2002/27/EC (O.J. No. L11, 15.1.2002, p. 36).

74. Uganda— Commission Decision 2001/633/EC (O.J. No. L221, 17.8.2001, p. 45).

75. United Arab Emirates— Commission Decision 2003/761/EC (O.J. No. L273, 24.10.2003, p. 28).

76. Uruguay— Commission Decision 96/606/EC (O.J. No. L269, 22.10.96, p. 18) as amended by Commission Decision 2002/20/EC (O.J. No. L10, 12.1.2002, p. 75).

77. Venezuela— Commission Decision 2000/672/EC (O.J. No. L280, 4.11.2000, p. 46) as amended by Commission Decision 2002/833/EC (O.J. No. L285, 23.10.2002, p. 22).

78. Vietnam-—Commission Decision 99/813/EC (O.J. No. L315, 9.12.99, p. 39) as last amended by Commission Decision 2004/267/EC (O.J. No. L83, 20.3.2004, p. 26).

79. Yemen— Commission Decision 99/528/EC (O.J. No. L203, 3.8.99, p. 68).

80. Zimbabwe—Commission Decision 2004/360/EC (O.J. No. L113, 20.4.2004, p. 48).

Special import conditions for bivalve molluscs

1. Australia— Commission Decision 97/427/EC (O.J. No. L183, 11.7.97, p. 38) as amended by Commission Decision 99/531/EC (O.J. No. L203, 3.8.99, p. 77).

2. Chile— Commission Decision 96/675/EC (O.J. No. L313, 3.12.96, p. 38).

3. Japan— Commission Decision 2002/470/EC (O.J. No. L163, 21.6.2002, p. 19).

4. Jamaica— Commission Decision 2001/37/EC (O.J. No. L10, 13.1.2001, p. 64).

5. Korea, Republic of— Commission Decision 95/453/EC (O.J. No. L264, 7.11.95, p. 35) as last amended by Commission Decision 2001/676/EC (O.J. No. L236, 5.9.2001, p. 18).

6. Morocco— Commission Decision 93/387/EC (O.J. No. L166, 8.7.93, p. 40) as last amended by Commission Decision 96/31/EC (O.J. No. L9, 12.1.96, p. 6).

7. Peru— Commission Decision 2004/30/EC (O.J. No. L6, 10.1.2004, p. 53).

8. Thailand— Commission Decision 97/562/EC (O.J. No. L232, 23.8.97, p. 9).

9. Tunisia— Commission Decision 98/569/EC (O.J. No. L277, 14.10.98, p. 31) as amended by Commission Decision 2002/819/EC (O.J. No. L281, 19.10.2002, p. 18).

10. Turkey— Commission Decision 94/777/EC (O.J. No. L312, 6.12.94, p. 35) as last amended by Commission Decision 99/767/EC (O.J. No. L302, 25.11.99, p. 26).

11. Uruguay— Commission Decision 2002/19/EC (O.J. No. L10, 12.1.2002, p. 73).

12. Vietnam—Commission Decision 2000/333/EC (O.J. No. L114, 13.5.2000, p. 42) as amended by Commission Decision 2004/263/EC (O.J. No. L81, 19.3.2004, p. 88).

SCHEDULE 2

Regulation 8(5)(c)

EQUIVALENCE DECISIONS

1. Council Decision 99/201/EEC on the conclusion of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products (O.J. No. L71, 18.3.99, p.1).

2. Council Decision 97/132/EC on the conclusion of the Agreement between the European Community and New Zealand and sanitary measures applicable to trade in live animals and animal products (O.J. No. L57, 26.2.97, p.4) as last amended by Council Decision 2004/751/EC (OJ No. L332,6.11.2004,p.16).

3. Council Decision 2002/957/EC on the conclusion of an Agreement in the form of Exchange of Letters concerning the amendment to the Annexes to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (O.J. No. L333, 10.12.02, p.13).

4. Commission Decision 2003/56/EC (see Part I of Schedule 1).

SCHEDULE 3

Regulations 52(1), 53 and 54

CALCULATION OF CHARGES FOR VETERINARY CHECKS

PART I

COSTS COVERED BY THE CHARGES

1. For the purposes of this Schedule "the actual cost" of the veterinary checks carried out on a consignment at a border inspection post means the aggregate of—

(a) the proportion properly attributable to those veterinary checks of the cost of any items listed in paragraph 2 which relate partly to those veterinary checks; and

(b) the full cost of any items listed in paragraph 2 which relate wholly to those veterinary checks.

(2) The items referred to in paragraph 1 are the following—

(a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of all staff directly involved in carrying out veterinary checks, and of all staff engaged in the management or administration of veterinary checks, at the border inspection post;

(b) recruiting and training the staff referred to in item (a);

(c) travel and related incidental expenses incurred in carrying out the veterinary checks, except where incurred by a person attending his normal place of work;

(d) office accommodation, equipment and services for staff involved in carrying out veterinary checks at the border inspection post, including depreciation of office furniture and equipment and the cost of information technology, stationery and forms;

(e) protective clothing and equipment used in carrying out the veterinary checks;

(f) laundering the protective clothing referred to in item (e);

(g) sampling, and testing and analysing samples (except sampling and testing for the presence of salmonella);

(h) routine invoicing and collection of charges for veterinary checks at the border inspection posts; and

(i) providing payroll and personnel services in connection with the employment of staff carrying out veterinary checks at the border inspection post.

PART II

CONSIGNMENTS FROM NEW ZEALAND

The charge for veterinary checks carried out on a consignment introduced into the customs territory of the Community from New Zealand shall be 1.5 euro for each tonne of the consignment, subject to a minimum of 30 euro and a maximum of 350 euro, save that where the actual cost of the veterinary checks carried out on a consignment exceeds 350 euro, the amount of the charge shall be the actual cost.

PART III

MEAT AND MEAT PRODUCTS

The charge for veterinary checks carried out on a consignment (other than a consignment to which Part II of this Schedule applies) covered by—

(a) Chapter III of Council Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat (O.J. No. L55, 8.3.71, p.23) as amended and updated by Council Directive 92/116/EEC (O.J. No. L62, 15.3.93, p.1) as last amended by the Act of Accession (see paragraph 2 of Part I of Schedule I);

(b) Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries (O.J. No. L302, 31.12.72, p 28) as last amended by Council Regulation (EC) No. 1452/2001 (O.J. No L198, 21.7.2001, p 11);

(c) Chapter III of Council Directive 92/45/EEC on public health and animal health problems relating to the killing of wild game and the placing on the market of the wild game meat (O.J. No. L268, 14.9.92, p 35) as last amended by the Act of Accession (see paragraph 2 of Part I of Schedule I); or

(d) Chapter 11 of Annex I to Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC, as last amended by Commission Regulation (EC) No. 445/2004 (O.J. No. L72, 11.3.2004, p.60)—

(i) 30 euro;

(ii) 5 euro per tonne of the consignment; or

(iii) the actual cost of the veterinary checks carried out on the consignment,

(iv) whichever is the greatest.

PART IV

FISHERY PRODUCTS

The charge for veterinary checks carried out on a consignment of fishery products falling under Chapter II of Council Directive 91/493/EEC 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) as last amended by the Act of Accession (see paragraph 2 of Part I of Schedule I), other than a consignment to which Part II of this Schedule applies shall be—

(a) 30 euro;

(b) 5 euro per tonne of the consignment for the first 100 tonnes plus—

(i) 1.5 euro per additional tonne if the consignment has undergone no preparation other than gutting; or

(ii) 2.5 euro per additional tonne in other cases; or

(c) the actual cost of the veterinary checks carried out on the consignment,

whichever is the greatest.

PART V

ALL OTHER PRODUCTS

The charge for veterinary checks carried out on a consignment, other than a consignment to which Part II, III or IV of this Schedule applies, shall be the actual cost of the veterinary checks carried out on the consignment.

SCHEDULE 4

Regulation 61(1)

PROVISIONS WHERE DUE DILIGENCE DEFENCE IS AVAILABLE

Regulations—

3(4) (Exemptions for authorised products)

15 (Prohibition of non-conforming products)

16 (Introduction of products except at border inspection posts)

17 (Advance notice of introduction or presentation)

18(1) and (2) (Presentation of products at border inspection posts)

20(1) (Common veterinary entry document to accompany consignment)

29(2) (Disposal of unused catering supplies)

37(3) and 37(4)(4) (Products transported under supervision)

38(2), (4) and (5) (Transhipment of products intended for import)

40 (Prior authorisation of transit)

42(2)(a) and (c) (Movement of transit products)

45(1) (Additional information to be given in advance)

51(3) (Movement of returned products)

SCHEDULE 5

Regulation 66

REVOCATIONS

Regulations revoked	*Reference*	*Extent of revocation*
Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2004	S.R. 2004 No. 464	The whole Regulations
Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2005	S.R. 2005 No. 554	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and re-enact with changes the Products of Animal Origin (Third Country Imports) (Northern Ireland) Regulations 2004 S.R. 2004 No.464.

They implement for Northern Ireland Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries) (O.J. No. L24, 30.1.98, p.9). Commission Decision 2002/349/EC (laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC) (O.J. No. L121, 8.5.2002, p. 6) specifies the products of animal origin to which the Directive applies– meat, fish (including shellfish), milk and products made from these, together with egg products and a large number of animal by-products, including casings, skins, bones and blood – from third countries.

The products to which the Regulations apply (defined in regulation 2(1)) must comply with the requirements listed, by reference to the relevant Community legislation, in Schedule 1.

Regulation 3 has been revised to provide for the exemption from the Regulations of products introduced into Northern Ireland with the previous authorisation of the Department as trade samples, for exhibition, or for particular studies or analyses. It is an offence to use such a product for an unauthorised purpose or to contravene a condition of the Department's authorisation (regulation 3(3)). Regulation 3(4) requires that such products be disposed of or redispatched to a third country within six months of their introduction, or before the expiry of such other time as the Department may specify in it's authorisation. Powers for an authorised officer to deal with products in the case of non-compliance are included at regulation 3(5) and 6.

Regulation 4 (which was previously part of regulation 3) provides that Part III, with the exception of regulation 25, and Parts IV to X do not apply to products intended for personal use that comply with the conditions laid down in that regulation.

Regulation 5 defines the authorities that enforce the Regulations. The Regulations make provision for their execution and enforcement by the Department of Agriculture and Rural Development, the Food Standards Agency and district councils. Regulations 7, 8 and 9 confer the necessary enforcement powers.

Part III establishes the inspection system, which will apply to the generality of products. The introduction into Northern Ireland of products, which do not comply with the Schedule 1 requirements is prohibited, unless they are being transported across Northern Ireland (regulation 15). Products must be introduced at border inspection posts, advance notice of their introduction must be given and they must be made available for inspection, together with required documentation, at a border inspection post (regulations 16 to 19). Regulations 21 to 28 deal with products, which are rejected at inspection, are introduced illegally, or present a risk to animal or public health.

Parts IV to IX lay down special provisions, which apply to particular categories of product (on-board catering supplies, products intended for free circulation in the Community, products in transit across Northern Ireland, products intended for warehousing under particular customs regimes and products exported from the Community and then returned to it).

Part X deals with the calculation and payment of charges for the veterinary checks provided for in the Regulations; Part XI confers on the Department and the Food Standards Agency power to prohibit the introduction of products into Northern Ireland from non-EEA countries in which there is an outbreak of animal disease; Part XII establishes offences and penalties and Part XIII deals with notices and with the notification of decisions.

Principal changes made by these Regulations

These Regulations introduce changes to the following regulations—

Regulation 2 all references to "intermediate storage warehouse" have been removed following changes by Council Regulation (EC No. 1774/2002 of the European Parliament laying down health rules concerning animal by-products not intended for human consumption).

Regulation 3 has been revised to provide for the exemption from the Regulations of products introduced into Northern Ireland with the previous authorisation of the Department as trade samples, for exhibition, or for particular studies or analyses. It is an offence to use such a product for an unauthorised purpose or to contravene a condition of the Department's authorisation (regulation 3(3)). Regulation 3(4) requires that such products be disposed of or redispatched to a third country within six months of their introduction, or before the expiry of such other time as the Department may specify in it's authorisation. Powers for an authorised officer to deal with products in the case of non-compliance are included at regulation 3(5) and 6.

Regulation 4 (Exemptions for personal import) has been introduced and the previous Regulation 5 (Powers to give directions) has been incorporated into the new Regulation 5 (Enforcement authorities, exchange of information and Powers to give directions).

Schedules 1 and 2 have been revised with minor technical amendments reflecting the constantly changing disease situation in third countries.

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N2752. C2. 7/06. Gp. 130. 14567.