STATUTORY RULES OF NORTHERN IRELAND

2007 No. 199

AGRICULTURE

The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007

Made - - - - *23rd March 2007*

Coming into operation - *13th April 2007*

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 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007 and shall come into operation on 13 April 2007.

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 brought 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;

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

(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 brought 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 (laying down procedures for Veterinary checks at Community border inspection posts on products imported from third countries(**c**);

"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;

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

"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;

"Decision 2001/881/EC" means Commission Decision 2001/881/EC (drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission)(**e**);

"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**(f)**;

"document" includes information kept by electronic means;

"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;

(**a**) O.J. No. L326, 11.12.2001, 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.L136,22.01.2004, p.11
(d) O.J. No. L302, 19.10.92, p.1, as last amended by Council Regulation (EC) 648/2005 (O.J. No. L117, 04.05.2005, p. 13)
(**e**) O.J. No.L326, 11.12.2001, p.44, as last amended by Commission Decision 2006/414/EC (O.J. No.L164, 16.6.2006, p.27)
(f) O.J. No. L24, 30.1.98, p.9, as last amended by Regulation (EC) No.882/2004 of the European Parliament and of the Council (see Corrigendum O.J. No.L191, 28.5.2004, p.1)

"fishery products" means all wild or farmed seawater and freshwater animals, whether or not live, and all edible forms, parts and products of such animals, 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) filter-feeding lamellibranch molluscs; and

(c) echinoderms, tunicates and marine gastropods intended for human consumption;

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

"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—

(a) the conditions laid down for the import of that product in any Directive, Decision or Regulation listed in Schedule 1, including—

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

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

(b) the conditions laid down for the import of that product in any Decision listed in Schedule 2;

(c) the conditions as to the country of origin of the product as laid down in any list of the third countries or parts of third countries from which imports of specified products are permitted and drawn up under paragraph 1 of Article 11 of Regulation (EC) No.854/2004; and

(d) the conditions as to the establishment of origin of the product as laid down in any list of establishments from which imports of specified products are permitted and drawn up under paragraph 1 of Article 12 of Regulation (EC) No.854/2004 (laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption)(**b**)

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

"official veterinary surgeon" means a veterinarian 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;

(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. L139, 30.04.2004,p.206, as amended by Corrigendum to Regulation (EC) No.854/2004 (O.J. No.L226, 25.06.2004, p.83)

"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;

"part consignment" means a consignment which has been split up into parts in accordance with Article 5 of Regulation (EC) No.136/2004;

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

"person responsible for" in relation to a product, consignment, or part consignment is a person construed in accordance with regulation 3;

"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 the functions assigned by these Regulations to authorised officers, official veterinary surgeons and assistants appointed under regulation 6;

"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 Republic of Iceland and the Kingdom of Norway (except Svalbard), the Principality of Andorra, the Faroe Islands and the Republic of 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;

(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. 208/2006 (O.J. No.L 36, 8.2.2006, p.25), and as read with Commission Regulations (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)

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

"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.

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

(4) Subject to paragraph (5), for the purposes of these Regulations, a person brings a product into a territory or area if—

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

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

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

(5) A product on board a means of transport operating internationally which is intended for consumption by the crew or passengers of that means of transport is not brought into a territory or area if—

(a) the product is not unloaded; or

(b) 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.

(6) 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.

Person responsible for a consignment

3.—(1) In these Regulations, a reference to "person responsible for", in relation to a product, consignment or part consignment is construed in accordance with the following paragraphs.

(2) Until—

(a) the product, consignment or part consignment first arrives at a border inspection post in Northern Ireland; or

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

the person responsible for the product, consignment or part consignment is the person specified in paragraph (3).

(3) The person referred to in paragraph (2) is—

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

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

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

(c) a person in whose name the persons referred to in sub-paragraph (a) and (b) acted.

(4) From the time—

(a) the product, consignment or part consignment first arrives at a border inspection post in Northern Ireland until it leaves that border inspection post; or,

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

the person responsible for the product, consignment or part consignment is the person specified in paragraph (5).

(5) The person referred to in paragraph (4) is—

(a) the person in whose name the persons referred to in paragraph (3)(a) and (b) acted;

(b) if the product, consignment or part consignment 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

(c) if—

(i) the person referred to in sub-paragraph (a) and (b), has appointed a representative in his dealings with the customs authorities, within the meaning of Article 5 of the Customs Code, and

(ii) the representative is given or assumes responsibility for ensuring that the product, consignment or part consignment undergoes veterinary checks,

that representive.

(6) After—

(a) the product, consignment or part consignment leaves a border inspection post referred to in paragraph 4 (a); or

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

the person responsible for the product, consignment or part consignment is the person specified in paragraph (7).

(7) The person referred to in paragraph (6) is—

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

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

Exemption for authorised products and personal imports

4.—(1) Parts 3 to 9 do not apply to products brought 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) No person shall 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 brought for exhibition or studies and any quantities of products brought for analyses that remain following those analyses, the person who brought 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)(a) 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 brought into the relevant territories, to a destination located in a third country, agreed with the owner, (in the circumstances described in regulation 24(1)(a), (b) and (c), or with the person responsible for the consignment, (in the circumstances described in regulation (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)(b) 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).

(7) Part 3, with the exception of regulation 25, and Parts 4 to 9 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 brought 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 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 brought 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 brought 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.

(8) 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 2

Enforcement

Enforcement authorities, exchange of information and powers to give directions

5.—(1) These Regulations must be enforced—

(a) By the Department at a border inspection post solely designated and approved for veterinary checks on products referred to in Regulation (EC) No. 1774/2002;

(b) by the Agency at—

(i) any cutting plant, game-handling establishment or slaughterhouse; and

(ii) premises at which the Agency enforces the Food Hygiene Regulations (Northern Ireland) 2006(**a**) by virtue of regulation 5 (2)(b) of those Regulations;

(c) subject to paragraph (2), by each district council within its area, including at any border inspection post in that area, except at a border inspection post referred to in sub-paragraph (a) and at premises referred to in sub-paragraph (b).

(2) At points of entry, regulation 16 must be enforced by the Department and not the district council.

(3) In cases where an officer of a district council, when exercising any statutory function, discovers at a point of entry a consignment or product that he considers may have been brought in breach of regulation 16, he shall notify an officer of Revenue and Customs and detain the consignment or product until an officer of Revenue and Customs takes charge of it.

(4) In cases where an officer of a district council who is not an authorised officer for the purposes of these Regulations, when exercising any statutory function, discovers at any place other than a point of entry or a border inspection post, a consignment or product—

(a) in relation to which he considers these Regulations may not have been complied with; or

(b) that he considers is from a third country and may present a risk to animal or public health,

he must notify an authorised officer and detain the consignment or product until an authorised officer takes charge of it.

(5) If the Department considers that a district council is failing or has failed to enforce these Regulations generally, or in any class of cases, or in an individual case, he may empower an authorised officer or the Agency to enforce them in place of that district council.

(6) The Department or Agency may recover from the district council concerned any expenses reasonably incurred by it under paragraph (5).

(7) The Department, the Agency and any district council may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in England, Scotland and Wales for the purposes of these Regulations or the equivalent Regulations in those jurisdictions.

(8) Paragraph (7) is without prejudice to any other power of the Department, the Agency or any district council to disclose information.

(9) No person, including a servant of the Crown may disclose any information received from the Department under paragraph (7) if—

(**a**) S.R. 2006 No.3 as amended by S.R. 2007 No.16

(a) the information relates to a person whose identity—

(i) is specified in the disclosure; or

(ii) can be deducted from the disclosure;

(b) the disclosure is for a purpose other than the purposes specified in paragraph (7); and

(c) the Commissioners have not given their prior consent to the disclosure.

(10) In paragraph (1), the terms "cutting plant", "game-handling establishment" and "slaughterhouse" have the same meaning that they bear in Regulation 5(6) of the Food Hygiene Regulations (Northern Ireland) 2006.

(11) In this regulation, "point of entry" means any place where goods are subject to customs supervision under Articles 37 and 38 of the Customs Code, other than a border inspection post.

Appointment of official veterinary surgeons and authorised officers

6.—(1) The Department shall appoint—

(a) such veterinary surgeons who have participated in a special training programme referred to in Article 27 of Directive 97/78/EC to carry out the regulatory functions at any border inspection post solely designated and approved for veterinary checks referred to in Regulation (EC) No. 1774/2002; and

(b) such appropriately trained assistants for each official veterinary surgeon appointed under 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 under 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) enforcing these Regulations;

(b) enforcing any declaration made by the Department or the Agency under to regulation 60;

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

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

(2) In the case of an official veterinary surgeon or 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 and inspect the same and anything in or on it, but admission to any premises used only as a dwelling-house shall not be demanded as of right unless 24 hours' written notice of the intended entry has been given to the occupier;

(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 under 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 for laboratory tests, for checking against any relevant document relating to the product or otherwise for checking compliance with the import conditions.

(2) Where an official veterinary surgeon or authorised officer—

(a) has carried out any of the activities listed in paragraph (1); and

(b) is satisfied that further checks need to be carried out,

he may serve a notice in writing on the person appearing to him to have charge of the consignment, requiring that the consignment or part consignment be stored under the supervision of the official veterinary surgeon or authorised officer, as the case may be, at such place and under such conditions as he may direct in the notice, until he serves a further notice in writing that the same be removed.

(3) The costs of storage referred to in paragraph (2) must be paid by the person responsible for the consignment.

(4) An official veterinary surgeon or authorised officer entering any land or premises under paragraph (1)(a) may take with him other persons acting under his instructions and unless he is entering premises used only as a dwelling-house —

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

(b) one or more representatives of the authorities of a third country, appointed and acting in accordance with the provisions of one of the equivalent 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 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) No authorised officer, official veterinary surgeon or assistant appointed under regulation (6) is 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.—(1) 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 under 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.

(2) An official veterinary surgeon or authorised officer leaving any unoccupied premises which he has entered by virtue of a warrant shall leave them as effectively secured against unauthorised entry as he found them.

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 under 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 and inspection centres

13.—(1) This Regulation applies 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) at a border inspection post there has been 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 brought into the Community from third countries**(a)**,

(2) For the purposes of this regulation and any notice served under it, "approval", in relation to a border inspection post or an inspection centre, means the approval of the border inspection post or inspection centre, as the case may be, in accordance with Article 6(2) or 6(4) of Directive 97/78/EC.

(3) Where this regulation applies, the Department shall suspend the border inspection post's approval either in full or in part in accordance with paragraph (4), (5) or (6).

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

(4) The Department may suspend the border inspection post's approval in full by service—

(a) on the operator of the border inspection post; or

(b) where the border inspection post consists of more than one inspection centre, on the operator of each inspection centre (if they are different),

of a written notice stating that the approval of the premises as a border inspection post is suspended.

(5) If the Department is satisfied that the serious risk to public and animal health referred to in paragraph (1)(a) or the serious breach of the requirements referred to in paragraph (1)(b) arises only in connection with one or more (but not all) of the categories of products for which the border inspection post is approved (as specified in the Annex to Decision 2001/881/EC), it may suspend the border inspection post's approval in relation to that category or those categories of products by service of a written notice—

(a) on the operator of the border inspection post; or

(b) where the category of products concerned is, or the categories of products are, handled by different inspection centres within the border inspection post, on the operator of each of those inspection centres (if they are different),

stating that the approval of the premises as a border inspection post is suspended for that category, or those categories, of products.

(6) If the Department is satisfied that the serious risk to public or animal health referred to in paragraph (1)(a) or the serious breach of the requirements referred to in paragraph (1)(b) arises only in connection with one inspection centre within the border inspection post, it may suspend the approval of the inspection centre by service of a written notice on the operator of the inspection centre stating that the approval of the premises as an inspection centre is suspended.

(7) Upon service of a notice under—

(a) Paragraph (4), the premises shall cease to be a border inspection centre within a border inspection post (as the case may be) until they are again so approved in accordance with Article 6(2)(a) of Directive 97/78/EC;

(b) Paragraph (5) the premises shall cease to be a border inspection post or an inspection centre within a border inspection post (as the case may be) approved for that category, or those categories, of products until they are again so approved in accordance with Article 6(2)(a) of Directive 97/78/EC; and

(c) Paragraph (6), the premises shall cease to be approved as an inspection centre within a border inspection post, until they are again so approved in accordance with Article 6(2)(a) of Directive 97/78/EC.

(8) The provisions of paragraph (7) apply in the case of a suspension effected under this regulation notwithstanding that Annex to Decision 2001/881/EC may not have been updated to reflect that suspension.

(9) In this regulation, "inspection centre" means a facility forming part of a border inspection post that is listed along with the name of the border inspection post itself in the Annex to Decision 2001/881/EC.

Regulatory functions of authorised officers

14. In Parts 3 to 8 and Part 12, 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 3

Provisions Applicable to Products in General

Prohibition of non-conforming products

15. No person shall bring 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;

(b) its destination establishment is a warehouse in a free zone, a free warehouse, a customs warehouse approved under 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; or

(c) its destination establishment is a cross-border means of sea transport and it is intended to be delivered directly on board that means of sea transport for the purposes of consumption there by staff and passengers.

Presentation of products except at border inspection posts

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

(3) For the purposes of the application of the Customs and Excise Management Act 1979(**a**) to products brought in contravention of this regulation, the time of their introduction is the time of importation in accordance with section 5 of that Act.

Advance notice of introduction or presentation

17.—(1) No person shall—

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

(b) bring 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, no person shall present the product or consignment 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 1 of the common veterinary entry document;

(b) may be supplied in electronic form;

(**a**) 1979 c.2, as amended by S.I. 1992/3095

(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 before the product or consignment is unloaded from the means of transport that brought it to Northern Ireland; and

(e) 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.

Presentation of products at border inspection posts

18.—(1) Any person responsible for a product which is brought 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 under 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, any 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 under to regulation 17.

(3) A person who presents a product, other than a transit product or a product to which Part 8 applies, under paragraph (1) or (2) shall present the required documents relating to that product drawn up in English.

(4) A person who, under paragraph (1) or (2), presents a transit product or a product to which Part 8 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 and official controls

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 under 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 52, a physical check,

(d) the official controls referred to in Article 14(1) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(**a**)

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 product is presented to an official veterinary surgeon under regulation 18, no person may remove it 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 document for the product or for the consignment which includes the product.

(3) Where a sample of a product is taken in the course of a physical check, pending removal of the product under paragraph (2) the person responsible for the consignment which includes the

(**a**) O.J.No. L165, 30.4.2004, p.1, as amended by Corrigendum O.J. No.L191, 28.5.2004, p.1

product must store it under the supervision of the official veterinary surgeon at such a place and under such conditions as the official veterinary surgeon may direct and must pay the costs of such storage.

(4) Where a product has been placed under official detention under Article 18 or 19 of Regulation (EC) No. 882/2004, no person shall remove it from its place of detention.

(5) Where a product has been placed under official detention under Article 19 of Regulation (EC) No. 882/2004 and the official veterinary surgeon—

(a) has served a notice on the person responsible for the product under Article 19(1) of that Regulation; or

(b) considers that product to be injurious to human or animal health under Article 19(2) of that Regulation, the person responsible for the product shall comply with the notice if sub-paragraph (a) applies, or cooperate with the official veterinary surgeon in the destruction or redispatch of the product if sub-paragraph (b) applies.

(6) Any person who is aggrieved by a decision on a consignment made under Article 19 of Regulation (EC) No. 882/2004 may appeal within one month of the decision to a Magistrate's Court by way of complaint for an order and the Magistrates' Courts (Northern Ireland) Order 1981(**a**) applies to the proceedings.

(7) Pending the determination of an appeal under paragraph (6), the person responsible for the product concerned shall ensure that it is stored under the supervision of the official veterinary surgeon at such a place and under such conditions as he may direct by notice.

Common veterinary entry document to accompany consignment

20.—(1) The person responsible for a consignment or part consignment 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 consignment—

(a) in the case of a consignment or part consignment intended for import, and subject to regulation 37(3), until the consignment or part consignment 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 consignment 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 is subject to regulation 22.

(2) Where, following a veterinary check at a border inspection post, the official veterinary surgeon there decides that—

(a) a product other than an excepted product, is a non-conforming product; or

(b) there is some other irregularity in relation to a product,

the official veterinary surgeon must comply with paragraph (3).

(3) The official veterinary surgeon must serve a notice in writing on the person responsible for the product requiring him either—

(a) to redispatch the product by the mode of transport by which it was brought into Northern Ireland from the border inspection post to a destination, agreed with the official

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(a) S.I. 1981 / 1675 (N.I. 26)

veterinary surgeon, located in a third country within a period of sixty days commencing with the day following the service of the notice; or

(b) to dispose of the product in accordance with Regulation (EC) No.1774/2002 in the facilities provided for that purpose nearest to the border inspection post.

(4) Subject to paragraph (6), where, following a veterinary check on a product, other than an excepted product, located away from the border inspection post, an authorised officer decides that the product is a non- conforming product, the authorised officer must comply with paragraph (5).

(5) The authorised officer must serve a notice in writing on the person appearing to have charge of the product, requiring him either—

(a) to redispatch the product by the mode of transport by which it was brought into Northern Ireland from the border inspection post referred to in the notice to a destination, agreed with the authorised officer, located in a third country within a period of sixty days commencing with the day following the service of the notice; or

(b) to dispose of the product in accordance with Regulation (EC) No.1774/2002 in the facilities provided for that purpose nearest to the location of the product.

(6) The product must be disposed of in accordance with paragraph (3)(b) or 5(b) where—

(a) its redispatch is precluded on animal or public health grounds by—

(i) the results of a veterinary check, or

(ii) any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or

(iii) is otherwise impossible;

(b) the 60 day period referred to in paragraph (3)(a) or 5(a) has elapsed; or

(c) the person responsible for the product or, where paragraph (4) applies, the owner of the product, agrees immediately to its disposal.

(7) The person responsible for, or, if paragraph (4) applies, the owner of, a product in respect of which a notice has been served under paragraph (3) or (5) must ensure that the product is stored until redispatch or disposal under the supervision of the official veterinary surgeon or the authorised officer at such a place and under such conditions as he may direct in the notice.

(8) Any person who is aggrieved by a decision referred to in paragraph (2) or (4) may appeal within one month of the decision to a Magistrates' court by way of complaint for an order and the Magistrates' Court (Northern Ireland) Order 1981 applies to the proceedings.

(9) Pending the determination of an appeal under to paragraph (8), paragraph (7) applies to the storage of the product concerned.

(10) In this regulation—

(a) "excepted product" means a transit product which fulfils the requirements of Part 7 or a product whose destination establishment is referred to in regulation 15(b) or 15(c).

(b) "other irregularity", in relation to a product, means—

(i) 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 under to regulation 17;

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

(iii) any false or misleading information given under regulation 45 or 51;

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

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

(bb) the product itself; or

(cc) 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;

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

(vi) any defect in the seals, stamps, marks or labels referred to in paragraph (10)(b)(iv)(cc), 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;

(vii) 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

(viii) 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(b), or (c) any contravention of the requirements laid down for that non-conforming product in any Directive, Decision or Regulation listed in Schedule 1.

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(**a**) 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)**.

(c) "establishment of origin in a third country", means the establishment of origin in the third country of origin of the consignment, as set out in box 10 of the common veterinary entry document.

(2) This regulation applies 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 brought into the United Kingdom from that establishment which are brought into Northern Ireland.

(**a**) S.R. 2003 No.495

(b) O.J. No. L224, 18.8.90, p. 1, as last amended by Commission Regulation (EC) No. 1231/2006 (O.J. No.L225, 17.8.2006, p.3)

(c) O.J. No. L125, 23.5.96, p. 10, as last amended by Council Regulation (EC) No882/2004 of the European Parliament and of the Council (see Corrigendum O.J.No.L191,28.5.2004,p1)

(4) The official veterinary surgeon at the border inspection post at which any such consignment is brought shall, by notice in writing served on the person responsible for the consignment, take charge of it and check for unauthorised substances or their 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 10 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 shall—

(a) 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.

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

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

Consignments and products illegally brought in

24.—(1) This regulation applies—

(a) where a consignment or product is brought into Northern Ireland from a third country but is not presented at a border inspection post in accordance with Regulation 18;

(b) where a consignment or product originating in a third country has been brought 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); or

(d) where a consignment brought 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 within that consignment.

(2) In the circumstances described in paragraphs (1)(a), (b) and (c), an authorised officer must, by notice in writing served on the person appearing to have charge of the consignment or product, take charge of that consignment or product and either redispatch it in accordance with paragraph (4) or dispose of it in accordance with paragraph (4).

(3) In the circumstances described in paragraph (1)(d), the official veterinary surgeon must, by notice in writing served on the person responsible for the consignment, take charge of that consignment and either redispatch it in accordance with paragraph (5) or dispose of it in accordance with paragraph (4).

(4) Where the authorised officer or the official veterinary surgeon decides to dispose of the product or consignment, he must 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.

(5) Where the authorised officer or the official veterinary surgeon decides to redispatch the product or consignment, he must do so—

(a) within a period of sixty days commencing with the day following the service of the notice;

(b) to a third country destination agreed with—

(i) the owner of the product or consignment, in the circumstances described in paragraphs (1)(a), (b) or (c); or

(ii) the person responsible for the consignment, in the circumstances described in paragraph (1)(d); and

(c) by the mode of transport by which the product or consignment was first brought into the relevant territories.

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(4).

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 brought into the United Kingdom from that third country, part of a third country or establishment, as the case may be, that are brought into Northern Ireland.

(2) The official veterinary surgeon at the border inspection post at which any such consignment is brought 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 shall lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges payable in accordance with Part 9 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.

(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(3).

Invalidation of veterinary documents

27. Where an official veterinary surgeon or an authorised officer serves a notice requiring redispatch of a product under to regulation 21(3)(a), or takes charge of a consignment under 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 specified in paragraph (2) must pay on demand the costs of storing, transporting, redispatching and disposing of any product, consignment or part consignment redispatched or disposed of—

(a) under to regulation 21, 24, 25 or 26; or

(b) under the Customs and Excise Management Act 1979(**a**)

(**a**) 1979 c. 2, as amended by S.I.1992/3095

(2) The persons referred to in paragraph (1) are—

(a) the person responsible for the product, consignment or part consignment in question;

(b) where a notice has been served on the person appearing to have charge of the product, consignment or part consignment, the owner of the product, consignment or part consignment; or

(c) the person on whom a notification of seizure has been served under the Customs and Excise Management Act 1979.

(3) 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 responsible for, or the owner of, the product or consignment or part consignment.

PART 4

The Disposal and Burial of Unused On-Board Catering Supplies and Other Material

Disposal of unused catering supplies

29.—(1) Part 3 does not apply in relation to products that are brought into Northern Ireland from means of transport operating internationally and had been intended for consumption by the crew or passengers of that means of transport.

(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 materials, or disposable cutlery or plates—

(a) have been in contact with a product referred to in paragraph (1); and

(b) are unloaded from any means of transport for disposal,

the person referred to in paragraph (2) must ensure that those items are dealt with in the same way as the products themselves.

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 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 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 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 two years.

Amendment, suspension and revocation of approvals

32.—(1) Where the Department is satisfied that any condition of the approval 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 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) A suspension under paragraph (1) or an amendment under paragraph (2)—

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

(b) otherwise does not have effect for at least twenty-one days following service of the notice.

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

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

(b) explain the right of the operator of the premises to make written representations to the Department and 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, an amendment or suspension does not have effect until the final determination by the Department in accordance with that regulation unless the Department considers it necessary for the protection of public or animal health for the amendment or suspension to take effect sooner.

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

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

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

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 premises 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 twenty-one days beginning with the day on which the notice is served—

(a) provide written representations to the Department; and

(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—

(a) 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.

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

(c) if the appellant so requests, any hearing shall be in public.

(d) the independent person appointed under this regulation shall report to the Department; and

(e) if the appellant so requests, the Department shall provide him with a copy of the independent person's report.

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

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

PART 5

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 under 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 ensure that the Commissioners with evidence satisfactory to them that—

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

(b) Payment of all charges payable in accordance with Part 9 of these Regulations for veterinary checks carried out on the consignment, including sampling, and for any test or analysis carried out on any samples taken—

(i) has been made; or

(ii) has been assured by a deposit or guarantee satisfactory to the person to whom, under regulation 54(2), the charges are payable.

Products not intended for the United Kingdom

36.—(1) Where—

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

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

(c) the circumstances mentioned in paragraph (2) apply,

no person may, without reasonable excuse, prevent or delay the transport of that product to that member State.

(2) The circumstances referred to in paragraph (1)(c) are that Part 2 of the common veterinary entry document has been issued in respect of that product, authorising its import—

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

(b) for specific purposes in accordance with conditions,

and those 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,

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 brought into the relevant territories to their destination establishment.

(2) No person shall 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 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(2)(b), 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.

(5) The 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 must 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 under 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 twelve hours; or

(b) from one sea-going vessel to another, either directly or after being unloaded in a customs controlled area at the border inspection post of introduction for less than seven days,

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(a) O.J. No. L253, 11.10.93, p. 1, as last amended by Commission Regulation (EC) No. 402/2006 (O.J.No. L070,09.03.2006,p.35)

the conditions set out in paragraph (4) apply.

(4) The conditions referred to in paragraph (3) are that—

(a) Where a person is required by regulation 18 to present the product and its required documents, to the official veterinary surgeon at the border inspection post of introduction, or to ensure that they are so presented; and

(b) the official veterinary surgeon considers that the product presents a risk to animal or public health,

the person mentioned in sub-paragraph (a) must permit the official veterinary surgeon, or an assistant appointed under regulation 6(1)(b) or 6(2)(b), to carry out a documentary check on the required documents.

(5) Paragraph (6) applies where it is proposed—

(a) to unload a product to which this regulation applies from an aircraft; and

(b) to reload that product onto an aircraft within a period of not less than twelve hours and no greater than forty-eight hours from the time it was unloaded.

(6) The person responsible for the product must ensure that—

(a) it is stored under the supervision of the official veterinary surgeon at the border inspection post of introduction in a customs controlled area there; and

(b) it is then reloaded onto an aircraft for onward transport to its border inspection post of destination.

(7) Paragraph (8) applies where it is proposed—

(a) to unload a product to which this regulation applies from a sea-going vessel; and

(b) to reload that product onto a sea-going vessel within a period of not less than seven days and no greater than twenty days from the time it was unloaded.

(8) The person responsible for the product must ensure that—

(a) it is stored under the supervision of the official veterinary surgeon at the border inspection post of introduction in a customs controlled area there; and

(b) it is then reloaded onto a sea-going vessel for onward transport to its border inspection post of destination.

(9) Any person required by regulation 18 to present a product to which paragraphs (5) and (6) or paragraphs (7) and (8) apply 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 under 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 health or public health, an identity check of the product against the required documents and a physical check of the product.

(10) Where it is proposed—

(a) to unload a product to which this regulation applies from an aircraft and to store that product for more than forty-eight hours after unloading; or

(b) to unload a product to which this regulation applies from a sea-going vessel and to store that product for more than twenty 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, must permit the official veterinary surgeon there, or an assistant appointed under 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 6

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 it is intended a transit product will leave the customs territory of the Community, as specified in the common veterinary entry document relating to that product.

Prior authorisation of transit

40. No person shall bring 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 need only permit the official veterinary surgeon, or an assistant appointed under to regulation 6(1)(b) or 6(2)(b), to carry out a physical check on the transit product if the official veterinary surgeon considers that it may present a risk to animal or public health or reasonably suspects some other irregularity, as defined in regulation 21(10), in relation to the transit product.

Movement of transit products

42.—(1) No person shall 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 Commissioners or by the 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) no person shall—

(i) break the seals on the vehicle or container in which the transit product is conveyed;

(ii) unload the transit product;

(iii) split the consignment or part consignment which includes the transit product; or

(iv) 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 thirty days after removal from the border inspection post of entry (excluding the day of removal).

(3) No person shall bring 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 sixty 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 sixty 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 or common veterinary entry document relating to a transit product to which paragraph (1) applies, 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 7

Products Intended for Warehouses, Ships' Stores or Cross-Border Means of Sea Transport

Application of Part 7

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;

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

(c) a cross-border means of sea transport.

Additional information to be given in advance

45.—(1) No person shall bring 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 under to regulation 17 has been informed—

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

(b) if not, whether it is a transit product; or a product whose destination establishment is a cross-border means of sea transport; and

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

(2) The information in paragraph (1) shall be given in writing and may be included in the notice of the product's introduction or presentation given under 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 need only permit the official veterinary surgeon, or an assistant appointed under regulation 6(1)(b) or 6(2)(b), to carry out a physical check on the product if the official veterinary surgeon considers that it present a risk to animal or public health.

Exclusion of non-conforming products from warehouses

47. No person shall bring a non-conforming product into a warehouse in a free zone, a free warehouse or a customs warehouse in Northern Ireland.

Direct movement to cross border means of sea transport

48. No person shall move a product whose destination establishment is a cross-border means of sea transport from the border inspection post at which it was brought in other than directly and without delay to that cross-border means of sea transport.

Additional certificate to accompany products on board means of sea transport

49.—(1) The person responsible for a product or a consignment of products whose destination establishment is a cross-border means of sea transport, and any carrier who has charge of such a product or consignment for the time being, shall ensure that the certificate referred to in Article 13(2)(a) of Directive 97/78/EC, which shall be based on the model in the Annex to Commission Decision 2000/571/EC(**a**), accompanies the product or consignment from the border inspection post from which it is dispatched until it is delivered on board the means of sea transport.

(2) On delivery of the product or consignment on board the means of sea transport, the master of that means of sea transport, or official representative of the master, shall confirm delivery of the product or consignment by countersigning the certificate referred to in paragraph (1) and returning it as soon as reasonably practicable to the official veterinary surgeon at the border inspection post from which the product or consignment was dispatched (as indicated in the certificate).

(3) The requirements of this regulation apply in addition to the requirements of regulation 20(1) (relating to the common veterinary entry document).

PART 8

Products Returned from Third Countries

Meaning of "export certificate"

50. In this Part, "export certificate", in relation to a returned product, means a certificate—

(a) issued by the authorities in the original country of export; and

(b) declaring that the returned product complies with the relevant animal or public health standards of the country of receipt to which the product was originally exported.

(**a**) O.J. No.L240, 23.9.2000 p.14

Additional documentation for returned products

51. Any person who presents under 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 brings 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

52. Any person required by regulation 18 to present a returned product, or ensure that it is presented, to the official veterinary surgeon at a border inspection post need only permit the official veterinary surgeon, or an assistant appointed under 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

53.—(1) No person shall remove, or cause to be removed, a returned product from a border inspection post—

(a) without the written authorisation of the official veterinary surgeon there; and

(b) 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.

(2) The person responsible for a returned product removed in accordance with paragraph (1), and any carrier who has charge of it for the time being must 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 (1)(b); and

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

(3) No person shall—

(a) break the seals on the container or means of transport in which the returned product is conveyed;

(b) unload the returned product;

(c) split the consignment or part consignment which includes the returned product; or

(d) subject the returned product to any form of handling,

until it reaches its Community establishment of origin.

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

PART 9

Charges for Veterinary Checks

Payment of charges

54.—(1) A reasonable charge calculated in accordance with regulations 55 and 56 and Schedule 3 shall be made for veterinary checks carried out on a consignment at a border inspection post.

(2) The charge shall be made by and payable to the Department, the district council or the Agency, whichever is responsible, under Regulations 5, for enforcing these Regulations in relation at the border inspection post where the veterinary checks are carried out.

Calculation of charges

55. 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

56. 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

57. 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

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

59.—(1) Any person who has paid a charge for veterinary checks to a district council, and any organisation representing such person, may, within twenty-one 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 twenty-one 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.

Appeals against charges paid to the Department or Agency

60.—(1) Any person who has paid a charge for veterinary checks to the Department or the Agency, and any organisation representing such persons, may, within twenty-one days of the charge being made, give notice in writing of his wish to appeal to an independent person appointed by the Department, or, where the charge was paid to an Agency, to an independent person appointed by the Agency, on the ground that the amount of the charge is unreasonable.

(2) Where the charge was paid to the Agency, the functions of the Department in paragraphs (3) to (4) must be performed by the Agency.

(3) Where an appellant gives notice of his wish to appear before and be heard by an independent person appointed for the purpose—

(a) the Department must appoint an independent person to hear representations and specify a time limit within which representations to that independent person must be made;

(b) the person so appointed must not, except with the consent of the appellant, be an officer or servant of the Department;

(c) if the appellant so requests, the hearing must be in public;

(d) the independent person must report to the Department; and

(e) if the appellant so requests, the Department must provide him with a copy of the independent person's report.

(4) If the independent person is satisfied that the amount of the charge is unreasonable, the Department must recalculate 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.

PART 10

Emergency Declarations

Disease outbreaks in third countries

61.—(1) Where the Department or the Agency learns of, or has reasonable grounds to suspect, the presence in any third country of—

(a) a disease referred to in Council Directive 82/894/EEC (on the notification of animal diseases within the Community)**(a)**; or

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(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)

(b) a zoonosis or other disease or phenomenon or circumstance liable to present a serious threat to animal or public health,

or if any other serious animal health or public health reason so warrants, he or it may by declaration suspend, or impose conditions on, the bringing into Northern Ireland of any product from the whole or any part of that third country.

(2) Such a declaration must—

(a) be in writing;

(b) be published in such manner as the Department or the Agency, as the case may be, thinks fit; and

(c) must specify the products and the third country or part of the third country concerned.

(3) A declaration which imposes conditions on the presentation of any product from a third country or part of a third country into Northern Ireland must specify those conditions.

(4) Where a declaration is in force suspending the introduction of any product, no person shall bring that product into Northern Ireland if it originates in the third country or part of a third country specified in the declaration.

(5) Where a declaration is in force imposing conditions on the introduction of any product, no person shall bring that product into Northern Ireland if it originates in the third country or part of third country 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 11

Offences and Penalties

Obstruction

62. No person shall —

(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 under 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.

Defences

63.—(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 seven 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.

(3) In any proceedings for an offence of contravening regulation 5(9), it is a defence for the person charged to prove that he reasonably believed—

(a) that the disclosure was lawful; or

(b) that the information had already lawfully been made available to the public.

Contraventions

64. 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; or

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

shall be guilty of an offence.

Penalties

65.—(1) A person guilty of the offence of contravening regulation 61(1)(a) or 61(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 three 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 three months or to both;

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

PART 12

Notices and Decisions

Service of notices

66. Any notice served under these Regulations by the Department, the Agency, an official veterinary surgeon or an authorised officer may be served on a person by—

(a) delivering it to that person;

(b) leaving it at his proper address; or

(c) posting it to his proper address.

Notification of decisions

67. Where, under any provision of these Regulations, a decision is taken in relation to a product or consignment, the person taking the decision shall, 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 13

Disapplications and Revocations

Disapplication of existing provisions

68.—(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) 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(d).

Revocations

69. The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2006 (**e**)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 23 March 2007.

L.S.

E Redmond
A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 2(1), 4(7), 21, 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. 1231/2006 (O.J. No.L225, 17.8.2006, p.3).

(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)
(d) 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
(e) S.R. 2006 No.291

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.L191, 28.5.2004, p.1).

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.199/2006, (O.J. No.L32, 4.2.2006, p.34).

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 2006/208/EC (O.J. No.L75, 14.3.2006, p.20).

5. Commission Decision 2005/34/EC laying down harmonised standards for the testing for certain residues in products of animal origin imported from third countries (O.J. No.L16, 20.1.2005, p.61).

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.1041/2006 (O.J. No.L187, 8.7.2006, p.10).

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 (O.J. 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) as last amended by Council Regulation (EC) No.882/2004 (O.J. No.L191, 28.5.2004, p.1).

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 (O.J.No.L31, 1.2.2002, p.1).

3. Council Regulation (EC) No.183/2005 (laying down requirements for feed hygiene (O.J.No.L35, 8.2.2005, p.1).

4. Council Regulation (EC) No.396/2005 on maximum levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (O.J.No.L70, 16.3.2005, p.1) as amended by Regulation (EC)No.178/2006 (O.J.No.L29, 2.2.2006, p.3).

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

5. Regulation (EC) No.853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin (O.J.No.L139, 30.4.2004, p.55) as last amended by Regulation 2076/2005 (O.J.No.L338, 22.12.2005, p.83) , Regulation 1662/2006 and Regulation 1791/2006 and as read with Directive 2004/41, Regulation 1668/2005, Regulation 2074/2005 and Regulation 2076/2005.

6. Regulation (EC) No.854/2004 of the European Parliament and the Council laying down specific hygiene rules for the organisation of official controls on products of animal origin intended for human consumption (O.J.No.L139, 30.4.2004, p.206) as last amended by Regulation (EC) 2076/2005 (O.J.No.L338, 22.12.2005, p.83), Regulation 2076/2005, Regulation 1663/2006 and Regulation 1791/2006 as read with Directive 200/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005.

7. Regulation (EC) No.882/2004 of the European Parliament and the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (O.J.No.L191, 28.5.2004, p.1) as amended by Regulation 77/2006 and Regulation 1791/2006 and as read with Regulation 2074/2005 and Regulation 2076/2005.

8. Commission Regulation (EC) No.2073/2005 on microbiological criteria for foodstuffs (O.J.No.L338, 22.12.2005, p.1) as read with the corrigenda at (O.J.No.L283, 14.10.2006, p.62).

9. Commission Regulation (EC) No.2074/2005 laying down implementing measures for certain products under Regulation (EC) No.853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No.854/2005 of the European Parliament and of the Council and Regulation 882/2004 of the European Parliament and of the Council, derogating from Regulation 852/2004 of the European Parliament and of the Council and amending Regulations (EC) 853/2004 and (EC) 854/2004 (O.J.No.L338, 22.12.2005, p.27) as amended by Regulation 1664/2006.

10. Commission Regulation (EC) No.2075/2005 laying down specific rules on official controls for *Trichinella* in meat (O.J.No.L338, 22.12.2005, p.60) as amended by Regulation 1665/2006.

11. Commission Regulation (EC) No.2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No.853/2004, (EC) No.854/2004 (O.J.No.L338, 22.12.2005, p.83) and (EC) No.882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 854/2004 as amended by Regulation 1666/2006.

PART II

FRESH MEAT OF BOVINE, OVINE AND CAPRINE ANIMALS AND SWINE

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 2006/463/EC (O.J.No.L183, 5.7.2006, p.20).

Third country establishments from which fresh meat may be imported

1. Regulation (EC) No.854/2004 (see paragraph 6 of Part I).

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).

30. Canada (pig meat)— Commission Decision 2005/290/EC on simplified certificates for the importation of bovine semen and fresh pig meat from Canada and amending Decision 200/639/EC (O.J.No.L93,12.4.2005,p.34).

PART III

MEAT PRODUCTS

Third countries from which meat products may be imported

Commission Decision 2005/432/EC laying down the animal and public health conditions and model certificates for imports of meat products for human consumption from third countries and repealing Decisions 97/41/EC, 97/221/EC and 97/222/EC (O.J.No.L151, 14.6.2005, p.3) as amended by Commission Decision 2006/330/EC (O.J.No.L121,6.5.2006, p.43). Third country establishments from which meat products may be imported

1. 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).

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

3. 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).

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

5. 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).

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

7. 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).

8. Miscellaneous third countries— Commission Decision 97/569/EC (O.J.No.L234, 26.8.97, p.16) as last amended by Commission Decision 2005/787/EC (O.J.No.L296, 12.11.2005, p.39).

Health Certification Requirements

9. Commission Decision 2005/432/EC (see paragraph 1 of this Part).

PART IV

MILK AND DAIRY PRODUCTS

General

1. 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) as amended by Commission Decision 2006/295/EC (O.J.No.L108, 21.4.2006, p.108).

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

Commission Decision 2004/438/EC (see paragraph 1 of Part IV).

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

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

PART V

FRESH POULTRY-MEAT

General

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 poultry meat 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 poultry meat may be imported

4. 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. 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 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

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

3. Commission Decision 99/710/EC (O.J.No.L281, 4.11.1999, p.82) as last amended by Commission Decision 2005/156/EC (O.J.No.L51, 24.2.2005, p.26).

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 Council Directive 2004/41/EC (O.J.No.L195, 2.6.2004, p.12).

2. 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 poultry meat (O.J.No.L258, 12.10.2000, p.49) as last amended by Commission Decision 2005/804/EC (O.J.No.L303, 22.11.2005, p.56).

3. 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 2006/522/EC (O.J.No.L205, 27.2.2006, p.28).

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

4. 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).

5. Commission Decision 97/467/EC (O.J.No.L199, 26.7.97, p.57) as last amended by Commission Decision 2006/65/EC (O.J.No.L32, 4.2.2006, p.93) (rabbit meat and farmed game meat).

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

7. Commission Decision 2001/556/EC (O.J.No.L200, 25.7.2001, p.23) (gelatine) as last amended by Commission Decision 2005/33/EC (O.J.No.L16, 20.1.2005, p.59).

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

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

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

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

6. Commission Regulation (EC) No. 2074/2005 (frogs' legs, snails, gelatine, raw materials for the production of gelatine, collagen and raw materials for the production of collagen) (see paragraph 9 of Part 1).

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.208/2006 (O.J.No.L36, 8.2.2006, p.25) and as read with Commission Decision 2005/760/EC, as amended by Commission Decision 2006/522/EC (O.J.No.L205, 27.7.2006, p.28).

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) as amended by Commission Decision 2006/311/EC (O.J.No.L115, 28.4.2006, p.115).

4. Commission Decision 2006/7/EC concerning certain protection measures in relation to the import of feathers from certain third countries (O.J.No.L5, 10.1.2006, p.17) at last amended by Commission Decision 2006/521/EC (O.J.No.L205, 27.7.2006, p.26).

Hay and straw (third countries from which imports are permitted)

5. Commission Regulation (EC) No.136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (O.J.No.L21, 28.1.2004, 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 2006/16/EC (O.J.No.L11, 17.1.2006, p.21).

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 Commission Decision 2006/60/EC (O.J.No.L31, 3.2.2006, p.24).

3. 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 2006/556/EC (O.J.No.L218, 9.8.2006, p.20).

4. 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) as last amended by Commission Decision 2006/292/EC (O.J.No.L107, 20.4.2006, p.42).

5. Commission Decision 2006/168/EC establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Commission Decision 2005/217/EC (O.J.No.L57, 28.2.2006, p.19).

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 2006/271/EC (O.J.No.L99, 7.4.2006, p.29).

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 Commission Decision 2005/64/EC (O.J.No.L27, 29.1.2005, p.48).

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 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).

3. 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).

4. 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).

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. 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).

3. 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).

4. 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).

5. 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).

6. 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).

7. 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 2005/409/EC (O.J.No.L139, 2.6.2005, p.16).

8. 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 2005/742/EC (O.J.No.L279, 22.10.2005, p.71).

9. 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 2005/409/EC (O.J.No.L139, 2.6.2006, p.16.

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 2005/742/EC (O.J.No.L279, 22.10.2005, p.71).

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 2006/200/EC (O.J.No.L71, 10.3.2006, p.50).

Third country establishments from which fishery products may be imported

Regulation 854/2004/EC (see paragraph 6 of Part I).

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. Algeria— Commission Decision 2005/498/EC (O.J.No.L183, 14.7.2005, p.92).

3. Antigua and Barbuda— Commission Decision 2005/72/EC (O.J.No.L28, 1.2.2005, p.49).

4. 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).

5. 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).

6. Bahamas— Commission Decision 2005/499/EC (O.J.No.L183, 14.7.2005, p.99).

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

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

9. 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).

10. Bulgaria— Commission Decision 2002/472/EC (O.J.No.L163, 21.6.2002, p.24) as amended by Commission Decision 2005/497/EC (O.J.No.L183, 14.7.2005, p.88).

11. 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).

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

13. 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).

14. China— Commission Decision 2000/86/EC (O.J.No.L26, 2.2.2000, p.26) as amended by Commission Decision 2005/572EC (O.J.No.L193, 23.7.2005, p.37).

15. 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).

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

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

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

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

20. 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).

21. El Salvador— Commission decision 2005/74/EC (O.J.No.l28, 1.2.2005, p.59).

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

23. French Polynesia— Commission Decision 2003/760/EC (O.J.No.L273, 24.10.2003, p.23), as amended by Commission Decision 2005/154/EC (O.J.No.L51, 24.2.2005, p.19).

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

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

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

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

28. Grenada— Commission Decision 2005/500/EC (O.J.No.L183, 14.7.2005, p.104).

29. 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).

30. 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).

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

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

33. Hong Kong— Commission Decision 2005/73/EC (O.J.No.L28, 1.2.2005, p.54).

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

35. 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).

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

37. Ivory Coast— Commission Decision 96/609/EC (O.J.No.L269, 22.10.96, p.37), as amended by Commission Decision 2005/514/EC (O.J.No.L187, 19.7.2005, p.25).

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

39. 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).

40. 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).

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

42. 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).

43. Madagascar— Commission Decision 97/757/EC (O.J.No.L307, 12.11.97, p.33), as amended by Commission Decision 2005/496/EC (O.J.No.L183, 14.7.2005, p.84).

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

45. 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).

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

47. 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).

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

49. Mexico— Commission Decision 98/695/EC (O.J.No.L332, 8.12.98, p.9) as amended by Commission Decision 2005/70/EC (O.J.No.L28, 1.2.2005, p.41).

50. 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).

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

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

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

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

55. 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).

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

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

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

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

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

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

62. 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).

63. 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).

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

65. Russia— Commission Decision 97/102/EC (O.J.No.L35, 5.2.97, p.23) as last amended by Commission Decision 2005/155/EC (O.J.No.L51, 24.2.2005, p.23).

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

67. Saudi Arabia— Commission Decision 2005/218/EC (O.J.No.L69, 16.3.2005, p.50).

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

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

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

71. 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).

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

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

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

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

76. 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).

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

78. 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).

79. 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).

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

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

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

83. United States of America— Commission Decision 2006/199/EC (O.J.No.L71, 10.3.2006, p.17).

84. 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).

85. 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).

86. 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).

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

88. 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(4)(b)

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 (O.J.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).

5. Council and Commission Decision 2002/309/EC on the conclusion of an Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products (O.J.No.L114, 30.40.2002, p.1, with the full text of the Agreement at p.132) as last amended by Commission Decision 2005/962/EC (O.J.No.L347, 30.12.2005, p.93).

SCHEDULE 3

Regulations 54(1), 55 and 56

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) in processed animal protein not intended for human consumption;

(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 brought 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 poultry meat (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 63(1)

PROVISIONS WHERE DUE DILIGENCE DEFENCE IS AVAILABLE

Regulations—

4(4) (Exemptions for authorised products)

15 (Prohibition of non-conforming products)

16 (Presentation 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), (5) and (7) (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)

53(2) (Movement of returned products)

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 2006 S.R. 2006 No.291.

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)) shall comply with the requirements listed, by reference to the relevant Community legislation, in Schedule 1.

Regulation 4 provides that Part 3, with the exception of regulation 25, and Parts 4 to 10 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. Usually, these will be official veterinary surgeons and authorised officers approved by the Department of Agriculture and Rural Development, the Food Standards Agency and district councils to conduct veterinary checks at each border inspection post in their area (regulation 6). Regulation 5 has been revised to include the provision that the Commissioners for Her Majesty's Revenue and Customs enforce regulation 16 at points of entry other than border inspection posts. A further revision at regulation 5(4) amends enforcement provisions in relation to illegally imported products found inland so that authority enforcement officers who are not authorised officers under the Regulations can take hold of any products of animal origin they suspect of having been illegally imported until an authorised officer can take charge of it. Regulation 5(9) creates a new offence relating to the unlawful disclosure of information received from Her Majesty's Revenue and Customs.

Regulations 7, 8 and 9 confer the necessary enforcement powers on the enforcement authorities. Regulation 13 has been revised to enable the approval of Border Inspection Posts to be suspended in part (previously only a full suspension of approval was permitted).

Part 3 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 shall be brought at border inspection posts, advance notice of their introduction shall be given and they shall be made available for inspection, together with required documentation, at a border inspection post (regulations 16 to 19). Regulation 17 has been revised in order to bring requirements for pre-notification of imported consignments to Border Inspection Posts into line with Commission Regulation 136/2004 laying down procedures for veterinary checks at Community Border Inspection Posts on products imported from third countries. Regulations 21 to 28 deal with products, which are rejected at inspection, are brought illegally, or present a risk to animal or public health.

Parts 4 to 9 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). Regulations 48 and 49 are new provisions, which implement procedures for the direct movement of consignments, intended as food for passengers or crew, that do not meet EU import requirements from Border Inspection Posts to ships operating internationally.

Part 10 deals with the calculation and payment of charges for the veterinary checks provided for in the Regulations; Part 11 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 12 establishes offences and penalties and Part 13 deals with notices and with the notification of decisions. Part I of Schedule 3 has been amended in relation to Salmonella testing to enable Border Inspection Posts to charge for such tests carried out in accordance with Community legislation.

Schedules 1 and 3 have been revised with minor technical amendments reflecting the constantly changing disease situation in third countries.

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