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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 1**

**The Products of Animal Origin (Third  
Country Imports) (Scotland) Regulations 2007**

**PART 3**

**Provisions Applicable to Products in General**

**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)(1);
- (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)(2); and
- (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) apply to those of the next ten consignments brought into the United Kingdom from that establishment which are brought into Scotland.

(4) The official veterinary surgeon at the border inspection post at which any such consignment is brought in must, 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 must 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.

(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 must—

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(1) O.J. No. L 224, 18.8.90, p.1.

(2) O.J. No. L 125, 23.5.96, p.10.

- (a) redispach 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; and
  - (b) endorse on the required documents relating to the consignment a clear indication of the reasons for redispaching it.
- (7) The cost of redispaching and transporting the consignment or part consignment to its third country of origin must be paid by the consignor whose name appears on the notice of the consignment's introduction given under regulation 17.