

## 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) (England) Regulations 2004 (S.I. 2004/1214).

They implement for England Council Directive [97/78/EC](#) (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries) (OJ 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](#)) (OJ No. L121, 8.5.2002, p. 6) specifies the products of animal origin to which the Directive applies— meat, fish (including shellfish), milk, and products made from these, together with egg products and a large number of animal by-products, including casings, skins, bones and blood – from third countries. The products to which the Regulations apply (defined in regulation 2(1)) must comply with the requirements listed, by reference to the relevant Community legislation, in Schedule 1. Trade samples and products intended for exhibition or study or analysis are exempt from the Regulations (regulation 3(1)). Products intended for personal use which comply with the conditions in regulation 3(3), are exempt from all but a few of the regulations.

Regulations 4 and 16 define the authorities that enforce the Regulations. Usually, these will be port health authorities, who appoint official veterinary surgeons and official fish inspectors to conduct veterinary checks at each border inspection post in their area (regulation 6). Regulations 7, 8, 9 and 11 confer the necessary enforcement powers. The Commissioners of Customs and Excise enforce regulation 16 at points of entry other than border inspection posts.

Part 3 establishes the inspection system which will apply to the generality of products. The introduction into England of products which do not comply with the Schedule 1 requirements is prohibited, unless they are being transported across England (regulation 15). Products must be introduced at border inspection posts, advance notice of their introduction must be given, and they must be made available for inspection, together with required documentation, at a border inspection post (regulations 16 to 19). Regulations 21 to 28 deal with products which are rejected at inspection, are introduced illegally, or present a risk to animal or public health.

Parts 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 England, products intended for warehousing under particular customs regimes, and products exported from the Community and then returned to it).

Part 10 deals with the calculation and payment of charges for the veterinary checks provided for in the Regulations; Part 11 confers on the Secretary of State and the Food Standards Agency power to prohibit the introduction of products into England from non-EEA countries in which there is an outbreak of animal disease; Part 12 establishes offences and penalties; Part 13 deals with the service of notices and with notification of decisions; and Part 14 provides that certain existing provisions do not apply to products to which these Regulations apply, and revokes the Products of Animal Origin (Third Country Imports) (England) Regulations 2004.

### **Principal changes made by these Regulations**

The definition of destination establishment in regulation 2(1) has been amended in line with the requirements of the common veterinary entry document. Schedule 1 has been revised in order to implement Community instruments that have come into force since the Products of Animal Origin (Third Country Imports) (England) Regulations 2004 came into force. Part II of Schedule 3 has been amended to reflect the Czech Republic's status as a member State.

A regulatory impact assessment has not been prepared for these Regulations.

**Status:**

Point in time view as at 01/08/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the The Products of Animal Origin (Third Country Imports) (England) (No. 2) Regulations 2004 (revoked).