

Statutory Instrument 1997 No. 3023

The Products of Animal Origin (Import and Export) (Amendment) Regulations 1997

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STATUTORY INSTRUMENTS

1997 No. 3023

AGRICULTURE

The Products of Animal Origin (Import and Export) (Amendment) Regulations
1997

Made

11th December 1997

Laid before Parliament

18th December 1997

Coming into force

1st January 1998

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Products of Animal Origin (Import and Export) (Amendment) Regulations 1997 and shall come into force on 1st January 1998.

Interpretation

2. In these Regulations "the principal Regulations" means the Products of Animal Origin (Import and Export) Regulations 1996[3].

Amendment of the principal Regulations

3. - (1) In regulation 1(2) of the principal Regulations,

(a) for the term "Decision 95/357" there shall be substituted the following -

" "Decision 97/778" means Commission Decision 97/778/EC drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries, laying down detailed rules concerning the checks to be carried out by the veterinary experts of the Commission and repealing Decision 96/742/EC[4], as read in accordance with Schedule 1;"

(b) after the definition of the term "Decision 97/778" there shall be inserted the following -

" "Directive 71/118" means Council Directive 71/118/EEC on health problems affecting trade in fresh poultry meat[5], as read in accordance with Schedule 1;

"Directive 72/462" means Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries[6], as read in accordance with Schedule 1;"

(c) after the definition of the term "Directive 90/675" there shall be inserted the following -

" "Directive 91/493" means Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products[7], as read in accordance with Schedule 1;

"Directive 92/45" means Council Directive 92/45/EEC on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat[8], as read in accordance with Schedule 1;" and

(d) after the definition of "local authority" there shall be inserted the following -

" "the New Zealand Equivalence Agreement" means the Agreement and Annexes attached to Council Decision 97/132/EC[9] on the conclusion of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products;"

(2) For the term "Decision 95/357" in -

(a) the definition of "border inspection post" in regulation 1(2) of, and

(b) in regulation 20(2) of,

the principal Regulations, there shall be substituted the term "Decision 97/778".

4. In regulation 6 (enforcement powers) of the principal Regulations -

(a) at the end of paragraph (3)(e) there shall be added -

" or a representative of the New Zealand authorities acting as an inspector under the New Zealand Equivalence Agreement."; and

(b) after paragraph (5) there shall be added -

" (6) Paragraph (3) above shall apply to a representative of the New Zealand authorities acting as an inspector under the New Zealand Equivalence Agreement in the same way as it applies to an authorised officer of the Minister or a local authority.".

5. For regulation 30 (calculation of charge) of the principal Regulations there shall be substituted the following -

" **30.** The charge for carrying out a health inspection and control exercise must be reasonable, and

(a) in any case other than imports, must cover the factors listed in paragraphs 1(a), (c), (e) and (f) of Schedule 4, read with paragraphs 2 and 3 of that Schedule;

(b) in relation to any import of any product of animal origin which is not covered by sub-paragraph (c) to (e) below, must cover the factors specified in paragraph 1 of Schedule 4, read with paragraphs 2 and 3 of that Schedule;

(c) in relation to any import of meat -

(i) which is meat covered by the provisions of -

(aa) Directive 71/118, Chapter III (fresh poultry meat),

(bb) Directive 72/462 (fresh meat),

(cc) Directive 92/45, Chapter III (wild game meat), or

(dd) Directive 92/118, Chapter 11 of Annex I (rabbit meat and farmed game meat), and

(ii) which is imported from a third country which is not covered by subparagraph (e) below,

shall be calculated in accordance with Schedule 4A;

(d) in relation to any import of any fishery products -

(i) which are covered by the provisions of Chapter II of Directive 91/493 (fishery products which have to be imported through a border inspection post), other than those covered by paragraph 2 of article 10 in that Chapter, and

(ii) which are imported from a third country which is not covered by subparagraph (e) below,

shall be calculated in accordance with Schedule 4B; and

(e) in relation to any import of any product of animal origin from a third country specified in column 1 of Schedule 4C, shall be calculated in accordance with column 2 of that Schedule."

6. After regulation 30 there shall be inserted -

" European Currency Unit

30A. - (1) In Schedules 4A, B and C (charges applicable under regulation 30), the term "ECU" means European Currency Unit, and any reference in those Schedules to a specified number of ECU shall be taken as a reference to the sterling equivalent of that number of ECU, converted in accordance with paragraph (2) below.

(2) The sterling equivalent of any amount expressed in Schedules 4A, B or C as a number of ECU shall be calculated as follows -

(a) from 1st January 1998 to 31st December 1998, the rate shall be ECU 1 equals;£0.774947[10]; and

(b) from 1st January 1999, the rate for each subsequent year to 31st December shall be that which is normally published annually on the first working day of the preceding September in the C series of the Official Journal of the European Communities."

7. In Schedule 1 to the principal Regulations,

(a) for the entry relating to Directive 82/894 there shall be substituted the following -

" Directive 71/118

1. Directive 71/118 has been amended by, and must be read subject to:

Council Directive 92/116/EEC (OJ No. L062, 15.3.93, p. 1);

Council Directive 94/65/EC (OJ No. L368, 31.12.94, p. 10);

Act of Accession (Austria, Finland and Sweden) (OJ No. L1, 1.1.95, p. 1).

Directive 72/462

1A. Directive 72/462 has been amended by, and must be read subject to:

Council Directive 77/98/EEC (OJ No. L26, 31.1.77, p. 81);

Council Directive 83/91/EEC (OJ No. L59, 5.3.83, p. 34);

Council Directive 87/64/EEC (OJ No. L34, 5.2.87, p. 52);

Council Directive 88/289/EEC (OJ No. L124, 18.5.88, p. 1);

Council Directive 88/657/EEC (OJ No. L382, 31.12.88, p. 3);

Council Directive 89/227/EEC (OJ No. L93, 6.4.89, p. 25);

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

Council Directive 90/423/EEC (OJ No. L224, 18.8.90, p. 13);

Council Directive 90/425/EEC (OJ No. L224, 18.8.90, p. 29);

Council Directive 90/675/EEC (OJ No. L373, 31.12.90, p. 1);

Council Directive 91/69/EEC (OJ No. L46, 19.2.91, p. 37);

Council Directive 91/266/EEC (OJ No. L134, 29.5.91, p. 45);

Council Directive 91/496/EEC (OJ No. L268, 24.9.91, p. 56);

Council Directive 91/497/EEC (OJ No. L268, 24.9.91, p. 69);

Council Regulation (EEC) No. 3763/91 (OJ No. L356, 24.12.91, p. 1);

Council Directive 91/688/EEC (OJ No. L377, 31.12.91, p. 18);

Council Regulation (EEC) No. 1601/92 (OJ No. L173, 27.6.92, p. 13);

Act of Accession (Austria, Finland and Sweden) (OJ No. L1, 1.1.95, p. 1);

Council Directive 96/91/EC (OJ No. L13 16.1.97 p. 27).

Directive 82/894

1B. Directive 82/894 has been amended by, and must be read subject to:

Council Regulation (EEC) No. 3768/85 (OJ No. L362, 31.12.85, p. 8);

Commission Decision 89/162/EEC (OJ No. L61, 4.3.89, p. 48);

Commission Decision 90/134/EEC (OJ No. L76, 22.3.90, p. 23);

Commission Decision 92/450/EEC (OJ No. L248, 28.8.92, p. 77);

Act of Accession (Austria, Finland and Sweden) (OJ No. L1, 1.1.95, p. 1).";

(b) after the entry relating to Directive 90/675, there shall be inserted the following -

" Directive 91/493

4A. Directive 91/493 has been amended by, and must be read subject to:

Council Directive 95/71/EC (OJ No. L332, 30.12.95, p. 40);

Act of Accession (Austria, Finland and Sweden) (OJ No. L1, 1.1.95, p. 1).

Directive 92/45

4B. Directive 92/45 has been amended by, and must be read subject to:

Council Directive 92/116/EEC (OJ No. L62, 15.3.93, p. 1);

Act of Accession (Austria, Finland and Sweden) (OJ No. L1, 1.1.95, p. 1);" and

(c) for the entry relating to Decision 95/357, there shall be substituted the following -

" Decision 97/778

5. Decision 97/778 has been amended by, and must be read subject to:

Commission Decision 97/779 (OJ No. L315, 19.11.97, p. 28)."

8. For Schedule 4 to the principal Regulations there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

9. After Schedule 4 to the principal Regulations there shall be inserted the Schedules set out in Schedule 2 to these Regulations.

Jeff Rooker

Minister of State, Ministry of Agriculture, Fisheries and Food

11th December 1997

Sewel

Parliamentary Under Secretary of State, Scottish Office

11th December 1997

SCHEDULE 1

Regulation 8

" SCHEDULE 4

Regulation 30(a)-(d)

cost factors for the calculation of charges

1. The factors to be taken into account are:

- (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of all staff directly involved in carrying out health inspection and control exercises under these Regulations, and all staff engaged in the management or administration of those health inspection and control exercises;
- (b) the costs of any in-service training of authorised officers;
- (c) any travelling costs and related incidental expenses incurred in carrying out a check except those incurred by a person attending his normal place of work;
- (d) the cost of office accommodation, equipment and services for staff involved in carrying out checks under these Regulations, including depreciation of any office furniture and equipment and also including the cost of information technology, stationery and forms;
- (e) the cost of protective clothing and equipment used in carrying out the checks;
- (f) the costs of laundering protective clothing;
- (g) sampling and analysis costs, excluding those relating to testing for the presence of salmonella, carried out as part of the inspection; and
- (h) the routine administrative costs of accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of staff carrying out the checks.

2. Where any of the above factors relate only partly to the checks carried out, only the appropriate percentage of the costs shall be charged under these Regulations.

3. The anticipated frequency of the checks and the charges may differ according to products or their source."

SCHEDULE 2

Regulation 9

" SCHEDULE 4A

Regulation 30(c)

charges relating to imports of certain categories of meat

1. The charge for each consignment shall be calculated on the basis of ECU 5 per

tonne (including bone, if on the bone) or, if the actual cost of the inspection is higher, the charge shall be the actual cost of the inspection.

2. The actual cost of the inspection shall be calculated by aggregating the cost of the factors specified in Schedule 4.

3. There shall be a minimum inspection charge of ECU 30 per consignment.

4. For the purposes of this Schedule, a "consignment" means a quantity of products of the same type, covered by the same veterinary certificate or document, conveyed by the same means of transport and coming from the same third country or part of such country.

SCHEDULE 4B

Regulation 30(d)

charges relating to imports of certain categories of fishery product

1. The charge for each consignment shall be -

(a) calculated on the basis of ECU 5 per tonne, except in the case of consignments of over 100 tonnes where the charge for every additional tonne over 100 tonnes shall be calculated on the basis of -

(i) ECU 1.5 for fishery products which have undergone no preparation other than gutting, and

(ii) ECU 2.5 in any other case;

or

(b) the actual cost of the inspection, if that actual cost is higher than the charge under sub-paragraph (a) above.

2. The actual cost of the inspection shall be calculated by aggregating the cost of the factors specified in Schedule 4.

3. There shall be a minimum charge of ECU 30 per consignment.

4. For the purposes of this Schedule, a "consignment" means a quantity of products of the same type, covered by the same health or veterinary certificate, conveyed by the same means of transport and coming from the same third country or part of such country.

SCHEDULE 4C

Regulation 30(e)

charges relating to imports from specified countries

1	2
<i>Name of country</i>	<i>Charge</i>
New Zealand	<ol style="list-style-type: none"> 1. The charge shall be ECU 1.5 per tonne for each consignment. 2. There shall be a minimum charge of ECU 30 per consignment. 3. There shall be a maximum charge of ECU 350 per consignment, except where the real costs are greater than this sum in which case the charge shall be ECU 1.5 per tonne without any maximum charge per consignment. 4. "Consignment" means a quantity of products of the same type, covered by the same health certificate or document, conveyed by the same means of transport, consigned by a single consignee and originating from the same country or part of such country. <p>"</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124) (the principal Regulations), which implement the Community's veterinary checks regime for products of animal origin.

These Regulations implement EC requirements on standard rates of charge for veterinary inspections of imports of products of animal origin from third countries.

In relation to imports of specified meat and fishery products from third countries other than New Zealand, these Regulations implement the standard minimum charges which are specified in Annex A, Chapter II and Chapter III, section 2 of Council Directive 96/43/EC amending and consolidating Directive 85/73/EEC in order to ensure financing of veterinary inspections and controls of live animals and certain animal products and amending Directives 90/675/EEC and 91/496/EEC (OJ No. L162, 1.7.96, p.1) (see regulation 5(c) and (d) and Schedule 2).

In relation to imports of products of animal origin from New Zealand, these Regulations implement the standard minimum charges which are specified in Annex VIII B II of the New Zealand Equivalence Agreement (defined in regulation 3(1)(d)) (see regulation 5(e) and Schedule 2).

These Regulations also modify Schedule 4 to the principal Regulations (cost factors to be taken into account) in relation to charges other than those described above (see regulation 5(a) and (b) and Schedule 1).

The charges in new Schedules 4A, B and C are in European Currency Units, which are to be

converted into sterling using a specified formula (see regulation 6).

To enable representatives of the New Zealand authorities to act under the Equivalence Agreement, the powers of authorised officers in regulation 6 of the principal Regulations have been amended (see regulation 4).

These Regulations also make some minor and consequential amendments to the principal Regulations (see regulations 3 and 7).

A Regulatory Appraisal in relation to these Regulations has been placed in the libraries of both Houses of Parliament, and copies can be obtained from the International Trade Unit (Animal Products) of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.

Notes:

[1] S.I. 1972/1811.[back](#)

[2] 1972 c. 68.[back](#)

[3] S.I. 1996/3124.[back](#)

[4] OJ No. L315, 19.11.97, p.15.[back](#)

[5] OJ No. L55, 8.3.71, p.23.[back](#)

[6] OJ No. L302, 31.12.72, p.28.[back](#)

[7] OJ No. L268, 24.9.91, p.15.[back](#)

[8] OJ No. L268, 14.9.92, p.35.[back](#)

[9] OJ No. L57, 26.2.97, p.4, articles 10 and 11 of which are applied on a provisional basis by the exchange of letters attached to Council Decision 97/131/EC (OJ No. L57, 26.2.97, p.1).[back](#)

[10] under article 7 of Council Directive 85/73/EEC (as amended and consolidated by Council Directive 96/43/EC (OJ No. L162, 1.7.96, p.1)), for the year 1998 the rate of conversion into national currencies of the ECU is the average of the conversion rates published on the first working day of September in the C series of the Official Journal of the European Communities for the preceding three years. This is the rate for sterling calculated in that way.[back](#)

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