
Statutory Rule 1998 No. 45
**Products of Animal Origin (Import
and Export) Regulations (Northern
Ireland) 1998**

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STATUTORY RULES OF NORTHERN IRELAND

1998 No. 45

EUROPEAN COMMUNITIES

ANIMALS

**Products of Animal Origin (Import and Export) Regulations
(Northern Ireland) 1998**

Made

17th February 1998

*Coming into operation in
accordance with regulation*

1(2) and (3)

The Department of Agriculture, being a Department 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 Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Part I Introduction

Citation and commencement

1. - (1) These Regulations may be cited as the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998.

(2) Except as provided by paragraph (3) these Regulations shall come into operation on 23rd March 1998.

(3) Regulations 10 and 11 shall come into operation on 23rd June 1998.

Interpretation

2. - (1) In these Regulations any expressions used have the meaning they bear in Directive 89/662^[3] and Directive 90/675^[4], and

"aquaculture product" means any product subject to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products^[5];

"authorised officer" means a person appointed by the Department, or by a district council, to act as such for the purposes of these Regulations;

"bivalve molluscs" means filter-feeding lamellibranch molluscs;

"border inspection post" means the Port of Belfast or Belfast International Airport;

"customs warehouse" has the same meaning as in Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code^[6];

"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^[7], as read in accordance with Schedule 1;

"Directive 71/118" means Council Directive 71/118/EEC on health problems affecting trade in fresh poultry meat^[8], 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^[9], as read in accordance with Schedule 1;

"Directive 82/894" means Council Directive 82/894/EEC on the notification of animal diseases within the Community^[10], as read in accordance with Schedule 1;

"Directive 89/662" means Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market^[11], as read in accordance with Schedule 1;

"Directive 90/425" means Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the

Inspection and checking of imports

12. - (1) At a border inspection post, unless the products are transported by regular, direct means linking two geographical points of the European Communities, an authorised officer shall carry out documentary checks of all imported products of animal origin if he considers it necessary to establish their place of origin.

(2) Where any products of animal origin have been imported, an authorised officer may, at the place of destination to which they have been consigned, carry out such inspections or take such samples as are necessary to ensure that any animal or public health requirements relating to the import of those products (including requirements as to documentation) have been complied with.

(3) In addition to the power conferred by paragraph (1), an authorised officer may inspect any imported products of animal origin at any time and at any place if he has information leading him to suspect an infringement of these Regulations or any animal or public health requirements relating to the import of those products, including requirements relating to the means of transport.

(4) Any powers conferred by regulation 5 shall only be exercised in accordance with this regulation in relation to imports until they reach their place of destination and at that place.

(5) Where any product of animal origin has been imported and is consigned to an establishment which is under the supervision of an official veterinary surgeon, he shall ensure that the product complies with all animal and public health requirements relating to its marking and the accompanying documentation, and shall forthwith notify the appropriate Divisional Veterinary Officer of any irregularity or anomaly therein.

(6) Where any product of animal origin has been imported and is consigned to an establishment which is not under the supervision of an official veterinary surgeon, any person who markets such product, or divides up batches of any such product for distribution or marketing, shall check, before the batch is marketed or divided up, that the product complies with all animal and public health requirements relating to its marking and accompanying documentation, and shall forthwith notify the Department of any irregularity or anomaly therein.

(7) In this regulation "official veterinary surgeon" in relation to any establishment means a person appointed as such by the Department for the purposes of supervising that establishment.

Removal of documents

13. A person shall not separate from any imported consignment of products of animal origin the documents provided therewith in accordance with the relevant provisions of the Directives specified in Schedule 3 or any animal or

public health requirements of legislation regulating imports or divide up any batch to which such documentation relates until the checks required under regulation 12 have been carried out.

Duties of consignees

14. Any person who imports, by way of trade, products of animal origin from a Member State shall -

- (a) keep a register recording the delivery to him of each consignment of those products for a period of 3 years from the date of delivery;
- (b) keep all documentation required by these Regulations to accompany each such consignment for a period of 3 years from the date of delivery of the consignment or, if appropriate, such other period as may be specified in any Directive specified in Schedule 3 and which covers the product; and
- (c) if the Department has by notice required him to do so -
 - (i) forthwith report to the Department by the quickest means the delivery or anticipated delivery of any product of animal origin which is specified in the notice (and, if such report is given orally, confirm the report in writing); and
 - (ii) keep such product at its place of destination for 24 hours from the time of delivery or until it has been inspected by an authorised officer, if sooner.

Consignments posing a risk to health and illegal consignments

15. - (1) If an authorised officer establishes in relation to a consignment of imported products of animal origin -

- (a) the presence of a zoonosis or of agents responsible for a disease named in Directive 82/894 or any other disease or cause likely to constitute a serious hazard to the health of animals or humans; or
- (b) that the products come from the an area infected by an epizootic disease of the species of origin of the products and have not been subjected to one of the treatments referred to in Article 4 of Council Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products^[25],

he shall, by notice served on the person appearing to him to have charge of the consignment -

- (i) order the batch to be destroyed or used in some other way;
- (ii) prohibit the movement of the products except such movement as may be specified in the notice; or
- (iii) in any case falling within sub-paragraph (b), order the

appropriate treatments specified in Article 4 of Council Directive 80/215/EEC to be carried out.

(2) If an authorised officer establishes that any consignment of products of animal origin does not meet any animal or public health requirements of legislation relating to the import of those products he may, subject to the following paragraphs, by notice served on the person appearing to him to be in charge of the consignment, prohibit the movement of the consignment except such movement as may be specified in the notice and, either -

(a) order the destruction of those products; or

(b) if public and animal health considerations so permit, give the person on whom the notice was served the choice of destroying those products or using them for such other purpose as may be specified in the notice, including returning them (with the authorisation of the competent authority of the country of the establishment of origin) to that country.

(3) If the only way in which a consignment of products of animal origin fails to comply with the animal or public health requirements of legislation regulating imports of those products is absence of, or irregularity in, documentation, any notice specifying any action under paragraph (2) relating to those products shall grant the consignor thereof a period of 7 days to produce the correct documentation before such action is taken.

(4) In the event of a notice under paragraph (2) not being complied with, an authorised officer may destroy the products of animal origin to which it relates.

(5) The costs of returning any consignment of products of animal origin, storing them, putting them to other uses or destroying them in pursuance of this regulation shall be borne by the consignee thereof, unless destroyed under the provision of paragraph (1), in which case the costs shall be borne by the consignor or his agent.

(6) An authorised officer of a district council exercising any of the powers under this regulation shall forthwith notify the Department of any findings arrived at thereunder, the decisions taken in pursuance of such findings and the reasons for such decisions.

(7) Any notice served under this Regulation shall give details of any right to challenge the decision to do so, including the relevant time limits.

Repeated irregularities in exports

16. Where in accordance with Article 8(1) of Directive 89/662 the Department or any Minister of the Crown has been notified of repeated irregularities concerning any products of animal origin from an establishment in Northern Ireland, the Department or the district council in whose area that establishment is situated shall -

(a) intensify the point of origin checks required by the Directives listed in

Schedule 3 to be carried out in relation to products coming from that establishment; and

(b) if there are serious animal or public health grounds for doing so, suspend any official approval (of whatever nature and howsoever described) granted by the Department or that district council to that establishment under any statutory provision relating to animal or human health.

Defence

17. It shall be a defence for any person charged with an offence relating to failure to comply with the provisions of regulations 12 or 13 requiring that particular documents accompany products of animal origin or prohibiting their separation from such products to prove -

(a) that the batch of those products delivered to him was part of a larger consignment, the remainder of which was consigned to another place or other places of destination;

(b) that the batch had, so far as he was aware, the correct documentation at the time of delivery; and

(c) that he believed that the documentation would be delivered to the place of destination of the remaining part of the consignment.

Part IV

Imports from Third Countries

Application of Part IV

18. - (1) Subject to paragraph (2) this Part shall apply in relation to imports of products of animal origin (except for aquaculture products which are not for human consumption) from third countries including imports -

(a) through a Member State or Great Britain in the circumstances set out in Articles 8(4) and 11(2)(b) of Directive 90/675; and

(b) of products which are intended to be placed in a customs warehouse or free zone or free warehouse.

(2) This Part shall not apply to imports to which regulation 8(c) applies.

Places of import

19. - (1) A person shall not import any product of animal origin from a third country unless it has been consigned through a border inspection post.

(2) If a consignment of products of animal origin is imported in contravention of paragraph (1) an authorised officer may, by notice in writing, require the person appearing to him to be in charge of the consignment to destroy it, re-export it, or move it to and store it in a border inspection post, in each case

under the control and direction of the authorised officer.

(3) In the event of a notice under paragraph (2) not being complied with, an authorised officer may destroy the products to which it relates.

(4) The costs incurred in destroying, re-exporting, moving or storing any products in pursuance of paragraphs (2) and (3) shall be borne by the importer or his agent.

(5) The operator of any place of import, other than a border inspection post, who becomes aware of the importation at that place of a consignment of any products of animal origin in contravention of paragraph (1) shall immediately detain the consignment, notify the appropriate Divisional Veterinary Officer and shall not release the consignment until authorised to do so by an authorised officer.

(6) Any notice served under paragraph (2) shall give details of any right to challenge the decision to do so, including the relevant time limits.

Import procedure

20. - (1) A person shall not import at a border inspection post any product of animal origin (except fishery products or live bivalve molluscs or other shellfish) unless he has given the official veterinary surgeon in charge of the border inspection post -

(a) for consignments arriving by air, notice of arrival given during the working day of the border inspection post and given at least 6 hours notice of arrival;

(b) in any other case, notice of arrival of at least one working day of the border inspection post.

(2) The notice referred to in paragraph (1) shall be in accordance with Article 4(4) of Directive 90/675.

(3) A person shall not remove any product of animal origin to which this regulation applies from customs temporary storage arrangements (except as provided for in regulation 21(2), 23 or 24) unless there has been provided to Customs and Excise -

(a) the certificate signed by the official veterinary surgeon and issued under Article 10(1), second indent of Directive 90/675 that the veterinary checks (or, in the case of Articles 8(4) and 11(2)(b) of that Directive dealing with deferred checks, or Article 12 of that Directive dealing with the transit of products from one third country to another, the checks specified in those articles) have been carried out to his satisfaction on the products in question in accordance with Articles 4 and 8 of that Directive; and

(b) proof that those checks have been paid for, and that, where relevant, a deposit covering any costs provided for in Article 16(3) of that Directive

has been lodged with the Department.

(4) An official veterinary surgeon shall ensure that all checks required by Directive 90/675 are carried out to his satisfaction, either by him or under his supervision, in relation to any imported product of animal origin before he signs the certificate required under paragraph (3) for its removal from customs temporary storage.

Import procedure on fishery products or live bivalve molluscs and other shellfish

21. - (1) Subject to paragraph (2), regulation 20 shall have effect in relation to the importation of fishery products or live bivalve molluscs or other shellfish as it has effect in relation to any other product of animal origin except that all powers and duties of an official veterinary surgeon under that regulation shall be carried out by an authorised officer.

(2) Notwithstanding paragraph (3) of regulation 20 (as applied by paragraph (1)) an authorised officer may authorise the removal, under customs control, of fishery products or live bivalve molluscs or other shellfish from customs temporary storage arrangements at any border inspection post to different customs temporary storage arrangements at the same post for the checks required under that regulation (as so applied) to be carried out in relation thereto where he is satisfied that to do so would not give rise to any risk to public or animal health.

Free zones and free warehouses

22. A person moving products of animal origin between customs temporary storage arrangements and a free zone or free warehouse, or from one free zone or free warehouse to another, shall only do so -

(a) under customs control;

(b) by means of transport sealed by an official veterinary surgeon or a person under his supervision or, in the case of fishery products or live bivalve molluscs or other shellfish, by an authorised officer;

(c) if the products are accompanied by a document signed by an official veterinary surgeon or, in the case of fishery products or live bivalve molluscs or other shellfish, by an authorised officer specifying which checks have been carried out in relation thereto.

Transshipment under customs control

23. - (1) This regulation applies to the transshipment of products of animal origin between one aircraft or vessel and another connecting two countries, both of which are third countries and where the products do not leave customs control and do not leave the border inspection post of arrival except for re-exportation.

(2) A person shall not carry out a transshipment of products to which this regulation applies unless the notice provided under regulation 20 (including that regulation as applied by regulation 21) in relation to those products also

specified the means by which the products will be transhipped and the vessel or aircraft to which they are to be transhipped.

(3) When a transhipment of products to which this regulation applies entails the products being temporarily stored with a view to being forwarded to a predetermined third country, the official veterinary surgeon or (in the case of fishery products or live bivalve molluscs and other shellfish) an authorised officer shall -

(a) carry out a documentary and identity check of the products; and

(b) serve a notice on the person having control of the products specifying the time by which the products must leave Northern Ireland.

(4) If a notice served under paragraph (3) is not complied with, the products to which it relates shall be dealt with in accordance with regulation 20 or 21, as appropriate.

Consignments posing a risk to health and illegal consignments

24. - (1) Subject to paragraphs (2) and (3), where checks at the border inspection post reveal that a consignment of products of animal origin does not comply with any animal or public health requirements of legislation relating to the import of those products or, in the opinion of an official veterinary surgeon, otherwise constitutes a risk to animal or public health, an authorised officer, after consulting the importer, shall have power to serve on the importer or his representative a notice -

(a) permitting the use of the products for purposes other than human consumption if this is authorised under provisions made pursuant to Article 16(2) of Directive 90/675;

(b) ordering the re-despatch of the consignment to a third country; or

(c) ordering the destruction of the consignment.

(2) Subject to paragraph (3), where products of animal origin do not comply with any animal or public health requirements of legislation relating to the import of those products but are intended for re-export, the importer may, with the authorisation in writing of the official veterinary surgeon, move the products for storage in a free zone or free warehouse and store them there provided that -

(a) they correspond with their accompanying documents;

(b) they are stored in rooms separate from rooms in which are stored products which are or are intended to be in free circulation in the European Communities;

(c) they are not released except for re-export to a third country in accordance with Article 12 of Directive 90/675;

(d) the importer has produced to the person operating the free zone or free warehouse evidence that the Department or district council does not oppose the introduction thereto of these products;

(e) the official veterinary surgeon for the border inspection post of importation has specified the fact of the movement or storage of the products on the accompanying veterinary certificates or documents;

(f) any means used for the movement on land of the products is cleansed and disinfected to the satisfaction of the Department or district council in which the zone or warehouse is situated before being used for further movement of products of animal origin;

(g) while they are there, they do not undergo any transformation other than dividing up the consignment.

(3) In the case of fishery products and live bivalve molluscs or other shellfish, the powers of the official veterinary surgeon under paragraph (1) shall be exercised by an authorised officer of the district council who shall consult as he considers appropriate.

(4) In the event of a notice under paragraph (1) not being complied with, an authorised officer may destroy the consignment to which it relates.

(5) Where a person serves any notice under paragraph (1) he shall state therein the reasons for doing so.

(6) Any notice served under paragraph (1) shall give details of any right to challenge the decision to do so, including the relevant time limits.

(7) The importer of any consignment of products of animal origin shall be liable for any costs incurred under this regulation in relation thereto.

Part V

Third Country Trade in Aquaculture Products

25. This Part shall apply in relation to imports from third countries of aquaculture products which are not for human consumption, including such imports in the circumstances set out in regulation 18(1)(a) and (b).

26. The provisions of Part IV of these Regulations shall have effect in relation to the import of aquaculture products as they have effect in relation to other imports of products of animal origin to which that Part applies, except that all powers and duties placed on the official veterinary surgeon under that Part shall be carried out by an authorised officer.

Part VI

Charges

Interpretation

27. For the purposes of this Part, a "health inspection and control exercise" means an inspection or supervisory function carried out by an officer of the Department or of a district council pursuant to any provision of these Regulations.

Payment of charges

28. The Department or a district council, as the case may be, shall make a charge for any health inspection and control exercise carried out by any of its officers.

Calculation of charges

29. - (1) The charge for carrying out a health inspection and control exercise shall be reasonable and shall be calculated in accordance with this regulation.

(2) Where the health inspection and control exercise relates to products of animal origin other than imports, the charge must cover the items listed in paragraphs 1, 3, 5 and 6 of Schedule 4 read with paragraphs 9 and 10 of that Schedule.

(3) Where the health inspection and control exercise relates to an imported product of animal origin which is not covered by paragraphs (4) to (6), the charge must cover the items specified in paragraph 1 of Schedule 4, read with paragraphs 9 and 10 of that Schedule.

(4) Where the health inspection and control exercise relates to imported meat -

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

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

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

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

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

(b) which is imported from a third country which is not covered by paragraph (6),

the charge shall be calculated in accordance with Schedule 5.

(5) Where the health inspection and control exercise relates to imported fishery products -

(a) 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

(b) which are imported from a country which is not covered by paragraph (e),

the charge shall be calculated in accordance with Schedule 6.

(6) Where the health inspection and control exercise relates to any product of animal origin imported from a country specified in column 1 of Schedule 7 the charge shall be calculated in accordance with column 2 of that Schedule.

European Currency Unit

30. - (1) In Schedule 5 (Charges relating to imports of certain categories of meat), Schedule 6 (Charges relating to imports of certain categories of fishery products) and Schedule 7 (Charges relating to imports from specified countries) the term "ECU" means European Currency Unit, and any reference in that Schedule 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).

(2) The sterling equivalent of any amount expressed in Schedules 5, 6 and 7 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 = £00.774947[26]; 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.

Liability for charges

31. Any charges made under this Part shall be payable -

(a) in the case of charges for a health inspection and control exercise carried out under regulation 11 or 12, by the person who has control of the establishment in relation to which those charges arise; and

(b) in the case of charges for any other health inspection and control exercise, by the person who imports the products of animal origin in relation to which those charges arise.

Release of products

32. Where charges are made under this Part in respect of a health inspection control exercise on any products of animal origin, those products shall not be released by the person carrying out the health inspection and control exercise until such charges have been collected.

Information relating to charging

33. - (1) The Department or the district council making any charge under this Part, shall if requested in writing, supply to any person who is liable to pay the charge, or any organisation representing such a person, details of the calculations used in deciding the amount of the charge, and shall take into account any representations made to them by any such person or organisation in determining the level of charges made by it.

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

Review

34. - (1) Any person who, under this Part, pays a charge to a district council or an organisation representing such a person may, if that person or organisation considers the charges to be unreasonably high, within 28 days of the charge being levied, ask the Department to review the amount of the charge.

(2) Where a review is sought under paragraph (1), the Department shall consult the district council in question and if, after such consultation, it is satisfied that the charge to which the review relates is unreasonably high, it shall require the district council to recalculate the amount of the charge in accordance with such directions as it shall give.

(3) Where a district council is required to recalculate any charge ("the original charge") under paragraph (2), it may continue to collect that charge in relation to any health inspection and control exercise as it was originally calculated, until the recalculation is completed but thereafter the recalculated charge shall have effect from the date on which the original charge was made in any case and the district council shall re-imburse any person who has paid the charge accordingly.

(4) A person who, under this Part, pays a charge to the Department or an organisation representing such a person may, if that person or organisation considers the charges to be unreasonably high, within 28 days of the charge being levied, ask an independent person appointed by the Department to review the amount of the charge.

(5) If the independent person appointed under paragraph (4) is satisfied that the charge to which the review relates is unreasonably high, the Department shall recalculate the charge accordingly.

(6) Where the Department recalculates any charge ("the original charge") in

pursuance of paragraph (5), it may continue to collect that charge in relation to any health inspection and control exercise until the recalculation is complete but thereafter the recalculated charge shall have effect from the date on which the original charge was made in any case and the Department shall reimburse any person who has paid the charge accordingly.

(7) The terms of appointment and the remuneration of the independent person shall be determined by the Department.

Part VII Health Threats in Other Countries

Serious threats to health in other countries

35. - (1) This regulation shall apply where the Department learns of or has reasonable grounds to suspect, either under the procedures set out in Article 9 of Directive 89/662 or Article 19 of Directive 90/675 or Article 10 of Directive 90/425 or through any other means, the presence in any country outside the United Kingdom of a zoonosis or of a disease referred to in Directive 82/894 or of any other disease or cause liable to constitute a serious hazard to public or animal health.

(2) In the circumstances described in paragraph (1), the Department may, for the purpose of preventing the introduction or spread into or within Northern Ireland, of any zoonosis, disease or anything else mentioned in that paragraph, by a declaration to be published in such a manner as it thinks fit, give notice of the existence thereof in another country, the area subject to the outbreak and the type of products of animal origin affected.

(3) A declaration made under paragraph (2) may specify conditions under which the product which is the subject of the declaration may be imported.

(4) Upon the making of a declaration under paragraph (2) any imported product of animal origin which is the subject of the declaration shall, for the purposes of these Regulations, be in breach of the animal or public health conditions of legislation relating to the import of the product unless it complies with the conditions specified in the declaration.

Part VIII Offences and Penalties

Obstruction

36. - (1) A person shall not -

(a) intentionally obstruct any person acting in the execution or enforcement of these Regulations;

(b) without reasonable cause, fail to give to any person acting in the

execution or enforcement of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations;

(c) furnish to any person acting in the execution or enforcement of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

37. - (1) A person who contravenes regulation 36(1)(a) or (b) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(2) A person who contravenes any other provisions of these Regulations shall be guilty of an offence and liable -

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

(b) on summary conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

Protection of officers acting in good faith

38. - (1) An officer of the Department or a district council is not personally liable in respect of any act done by him in the execution or proposed execution of these Regulations 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 it.

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

Part IX Miscellaneous

Disapplications

39. - (1) The provisions listed in Part I of Schedule 8 shall not apply to products of animal origin to which these Regulations apply.

(2) The provisions listed in Part II of Schedule 8 shall not apply to products of animal origin to which these Regulations apply and which are imported from Member States.

Consequential amendments

40. In regulation 15(5)(c) of the Bovine Embryo Collection, Production and Transplantation Regulations (Northern Ireland) 1996 (Transplantation of embryos), for the words "Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993", there shall be substituted "Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1997;".

Revocations

41. The following Orders are hereby revoked -

(a) the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993[[27](#)]; and

(b) the Products of Animal Origin (Third Country Imports) (Charges) Regulations (Northern Ireland) 1993[[28](#)].

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

R. S. Johnston
Assistant Secretary

17th February 1998.

SCHEDULE 1

Regulation 2(1) and (4)

Amendments

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

Council Directive 92/116/EEC (O.J. No. L062, 15.3.93, p. 1);
Council Directive 94/65/EC (O.J. No. L368, 31.12.94, p. 10);
Act of Accession (Austria, Finland and Sweden) (O.J. No. L1, 1.1.95, p. 1).

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

Council Directive 77/98/EEC (O.J. No. L26, 31.1.77, p. 81);
Council Directive 83/91/EEC (O.J. No. L59, 5.3.83, p. 34);
Council Directive 87/64/EEC (O.J. No. L34, 5.2.87, p. 52);
Council Directive 88/289/EEC (O.J. No. L124, 18.5.88, p. 1);
Council Directive 88/657/EEC (O.J. No. L382, 31.12.88, p. 3);
Council Directive 89/227/EEC (O.J. No. L93, 6.4.89, p. 25);
Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);

Council Directive 90/423/EEC (O.J. No. L224, 18.8.90, p. 13);
Council Directive 90/425/EEC (O.J. No. L224, 18.8.90, p. 29);
Council Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1);
Council Directive 91/69/EEC (O.J. No. L46, 19.2.91, p. 37);
Council Directive 91/266/EEC (O.J. No. L134, 29.5.91, p. 45);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 91/497/EEC (O.J. No. L268, 24.9.91, p. 69);
Council Regulation (EEC) No. 3763/91 (O.J. No. L356, 24.12.91, p. 1);
Council Directive 91/688/EEC (O.J. No. L377, 31.12.91, p. 18);
Council Regulation (EEC) No. 1601/92 (O.J. No. L173, 27.6.92, p. 13);
Act of Accession (Austria, Finland and Sweden) (O.J. No. L1, 1.1.95, p. 1);
Council Directive 96/91/EC (O.J. No. L13, 16.1.97, p. 27).

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

Council Regulation (EEC) No. 3768/85 (O.J. No. L362, 31.12.85, p. 8);
Commission Decision 89/162/EEC (O.J. No. L61, 4.3.89, p. 48);
Commission Decision 90/134/EEC (O.J. No. L76, 22.3.90, p. 23);
Commission Decision 92/450/EEC (O.J. No. L248, 28.8.92, p. 77);
Act of Accession (Austria, Finland and Sweden) (O.J. No. L1, 1.1.95, p. 1).

4. Directive 89/662/EEC has been amended by, and must be read subject to:

Council Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1);
Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1);
Council Directive 91/492/EEC (O.J. No. L268, 24.9.91, p. 1);
Council Directive 91/493/EEC (O.J. No. L268, 24.9.91, p. 15);
Council Directive 91/494/EEC (O.J. No. L268, 24.9.91, p. 35);
Council Directive 91/495/EEC (O.J. No. L268, 24.9.91, p. 41);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Act of Accession (Austria, Finland and Sweden) (O.J. No. L1, 1.1.95, p. 1);
Council Directive 92/45/EEC (O.J. No. L268, 14.9.92, p. 35);
Council Directive 92/46/EEC (O.J. No. L268, 14.9.92, p. 1);
Council Directive 92/67/EEC (O.J. No. L268, 14.9.92, p. 73);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49).

5. Directive 90/425/EEC has been amended by, and must be read subject to:

Council Directive 90/539/EEC (O.J. No. L303, 31.10.90, p. 6);
Council Directive 90/667/EEC (O.J. No. L363, 27.12.90, p. 51);
Council Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1);
Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1);
Council Directive 91/68/EEC (O.J. No. L46, 19.2.91, p. 19);
Council Directive 91/174/EEC (O.J. No. L85, 5.4.91, p. 37);
Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Directive 91/628/EEC (O.J. No. L340, 11.12.91, p. 17);
Council Directive 92/60/EEC (O.J. No. L268, 14.9.92, p. 75);
Council Directive 92/65/EEC (O.J. No. L268, 14.9.92, p. 54);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49).

6. Directive 90/675/EEC (O.J. No. L373, 31.12.90, p. 1) has been amended by, and must be read subject to:

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- Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56);
Council Regulation No. 1601/92(EEC) (O.J. No. L173, 27.6.92, p. 13);
Council Directive 92/118/EEC (O.J. No. L62, 15.3.93, p. 49);
Council Decision 92/438/EEC (O.J. No. L243, 25.8.92, p. 27);
Act of Accession (Austria, Finland and Sweden) (O.J. No. L1, 1.1.95, p. 1);
Council Directive 95/52/EC (O.J. No. L265, 8.11.95, p. 16).
7. Directive 91/493/EEC has been amended by, and must be read subject to:
- Council Directive 95/71/EC (O.J. No. L332, 30.12.95, p. 40);
Act of Accession (Austria, Finland and Sweden) (O.J. No. L1, 1.1.95, p. 1).
8. Directive 92/45/EEC has been amended by, and must be read subject to:
- Council Directive 92/116/EEC (O.J. No. L62, 15.3.93, p. 1);
Act of Accession (Austria, Finland and Sweden) (O.J. No. L1, 1.1.95, p. 1).
9. Decision 97/778/EC (O.J. No. L315, 19.11.97, p. 15) has been amended by, and must be read subject to:
- Commission Decision 97/779 (O.J. No. L315, 19.11.97, p. 28).

SCHEDULE 2

Regulation 9(1)

Regulations relevant to intra-Community trade

1. The Food Safety (Fishery Products) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 51) as amended by:

S.R. 1995 No. 113
S.R. 1995 No. 360
S.R. 1996 No. 264
S.R. 1996 No. 383

read with the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 296), as amended by:

S.R. 1993 No. 51
S.R. 1995 No. 113
S.R. 1995 No. 360

and with the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 53), as amended by:

S.R. 1995 No. 113
S.R. 1995 No. 360
S.R. 1996 No. 264

2. The Food Safety (Live Bivalve Molluscs and other Shellfish) Regulations

(Northern Ireland) 1993 (S.R. 1993 No. 52) as amended by:

S.R. 1995 No. 112

S.R. 1995 No. 360

S.R. 1996 No. 264

read with the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 295), as amended by:

S.R. 1993 No. 52

S.R. 1995 No. 112

S.R. 1995 No. 360

3. The Egg Products Regulations (Northern Ireland) 1993 (S.R. 1993 No. 329) as amended by:

S.R. 1995 No. 360

S.R. 1996 No. 383

4. The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 396).

5. The Dairy Products (Hygiene) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 201) as amended by:

S.R. 1996 No. 287

S.R. 1996 No. 383

Notes:

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

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

[3] O.J. No. L395, 30.12.89, p. 13 [back](#)

[4] O.J. No. L373, 31.12.90, p. 1 [back](#)

[5] O.J. No. L46, 12.2.91, p. 1 [back](#)

[6] O.J. No. L302, 19.10.92, p. 1 [back](#)

[7] O.J. No. L315, 19.11.97, p. 15 [back](#)

[8] O.J. No. L55, 8.3.71, p. 23 [back](#)

[9] O.J. No. L302, 31.12.72, p. 28 [back](#)

[10] O.J. No. L378, 31.12.82, p. 58 [back](#)

[11] O.J. No. L395, 30.12.89, p. 13 [back](#)

[12] O.J. No. L224, 18.8.90, p. 29 [back](#)

[13] O.J. No. L363, 27.12.90, p. 51 [back](#)

[14] O.J. No. L62, 15.3.93, p. 49 [back](#)

[15] O.J. No. L373, 31.12.90, p. 1 [back](#)

[16] O.J. No. L268, 24.9.91, p. 15 [back](#)

[17] O.J. No. L268, 14.9.92, p. 35 [back](#)

[18] O.J. No. L57, 26.2.97, p. 4, articles 10 and 11 of which are applied on a provisional basis by the exchange of letters set out in Council Decision 97/131/EC (O.J. No. L57, 26.2.97, p. 1) [back](#)

[19] O.J. No. L121, 16.5.91, p. 11 as amended [back](#)

[20] Commission Regulation (EC) No. 3300/93 (O.J. No. L296, 1.12.93, p.

52) [back](#)

[21] 1954 c. 33 (N.I.) [back](#)

[22] S.R. 1997 No. 379 [back](#)

[23] S.R. 1993 No. 192 [back](#)

[24] 1968 c. 67 [back](#)

[25] O.J. No. L47, 21.2.80, p.4; relevant amending instruments are Council Directive 80/1100/EEC, (O.J. No. L325, 1.2.80, p. 17), Council Directive 87/491/EEC (O.J. No. L279, 2.10.87, p. 27) and Council Directive 88/660/EEC (O.J. No. L382, 31.12.88, p. 35) [back](#)

[26] Under Article 7 of Council Directive 85/73/EEC (as amended and consolidated by Council Directive 96/43/EEC (O.J. 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](#)

[27] S.R. 1993 No. 304 [back](#)

[28] S.R. 1993 No. 303 [back](#)

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SCHEDULE 3

Regulations 2(1) and (4), 9(1), 10(1), 11, 13, 14 and 16

Directives to be complied with for intra-Community trade (Products of animal origin are listed in alphabetical order)

Aquaculture animals and products

1. Council Directive 91/67/EEC of 28 January 1991 concerning animal health conditions governing the placing on the market of aquaculture animals and products (O.J. No. L46, 19.2.91, p. 1) as amended by and as read with:

Commission Decision 92/528/EEC (O.J. No. L332, 18.11.92, p. 25);
Commission Decision 92/538/EEC (O.J. No. L347, 28.11.92, p. 67);
Commission Decision 93/39/EEC (O.J. No. L16, 25.1.93, p. 46);
Commission Decision 93/40/EEC (O.J. No. L16, 25.1.93, p. 47);
Council Directive 93/54/EEC (O.J. No. L175, 19.7.93, p. 34) (in so far as it applies to exports);
Commission Decision 93/55/EEC (O.J. No. L14, 22.1.93, p. 24) (as amended by Commission Decision 93/169/EEC (O.J. No. L71, 24.3.93, p. 16));
Commission Decision 93/56/EEC (O.J. No. L14, 22.1.93, p. 25);
Commission Decision 93/57/EEC (O.J. No. L14, 22.1.93, p. 26);
Commission Decision 93/58/EEC (O.J. No. L14, 22.1.93, p. 27);
Commission Decision 93/59/EEC (O.J. No. L14, 22.1.93, p. 28);
Commission Decision 93/73/EEC (O.J. No. L27, 4.2.93, p. 34);
Commission Decision 93/74/EEC (O.J. No. L27, 4.2.93, p. 35) (as amended by Commission Decision 94/450/EEC (O.J. No. L187, 22.7.94, p. 8) and by Commission Decision 96/218/EEC (O.J. No. L72, 21.3.96, p. 39));
Commission Decision 94/722/EEC (O.J. No. L288, 9.11.94, p. 47);
Act of Accession (Austria, Finland and Sweden);
Council Directive 95/22/EEC (O.J. No. L243, 11.10.95, p. 1);
Commission Decision 95/124/EEC (O.J. No. L84, 14.4.95, p. 6) (as amended by Commission Decision 96/265/EEC (O.J. No. L91, 12.4.96, p. 72));
Commission Decision 95/125/EEC (O.J. No. L84, 14.4.95, p. 8) (as amended by Commission Decision 95/481/EEC (O.J. No. L275, 18.11.95, p. 26));
Commission Decision 95/470/EEC (O.J. No. L269, 11.11.95, p. 28) (as amended by Commission Decision 96/289/EEC (O.J. No. L109, 3.5.96, p. 23));
Commission Decision 95/473/EEC (O.J. No. L269, 11.11.95, p. 31);
Commission Decision 95/479/EEC (O.J. No. L275, 18.11.95, p. 23);
Commission Decision 96/221/EEC (O.J. No. L47, 22.3.96, p. 42);
Commission Decision 96/223/EEC (O.J. No. L77, 27.3.96, p. 33).
Relevant provisions: Articles 3, 9, 10, 11, 12 and 13.

Egg products

2. Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products (O.J. No. L212, 22.7.89, p. 87) as amended by:

Council Directive 89/662/EEC (O.J. No. L395, 30.12.89, p. 13);
Council Directive 91/684/EEC (O.J. No. L376, 31.12.91, p. 38);
Act of Accession (Austria, Finland and Sweden).

Column 1
Name
of
Country

Column 2
Charge

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.

SCHEDULE 8

Regulation 39

Part I

Disapplication of Provisions

Column 1 Number	Column 2 Title	Column 3 Extent
S.R. & O. (N.I.) 1962 No. 62	Importation of Hay, Straw and Grass Meal Order (Northern Ireland) 1962	Article 6
S.R. & O. (N.I.) 1963 No. 178	Diseases of Animals (Unlawful Importations) Order (Northern Ireland) 1963	Article 6
S.I. 1975/1834 (N.I. 17)	Artificial Reproduction of Animals (Northern Ireland) Order 1975	Article 6(1)
S.R. 1991 No. 475	Imported Food Regulations (Northern Ireland) 1991	The whole Regulations except Regulations 1, 2, 3, 9, 10, 11 and 17 and Schedules 1 to 11.

Part II

Disapplication of provisions for intra-Community trade

<i>Column 1</i> <i>Number</i>	<i>Column 2</i> <i>Title</i>	<i>Column 3</i> <i>Extent</i>
1967 c. 7 (N.I.)	Diseases of Fish Act (Northern Ireland) 1967	Section 3
S.R. 1973 No. 392	Risk of Infection (Oysters) Order (Northern Ireland) 1973	The whole Order
S.R. 1982 No. 99	Lobsters (Risk of Infection) Order (Northern Ireland) 1982	The whole Order
S.R. 1991 No. 458	Risk of Infection (Fish) Order (Northern Ireland) 1991	The whole Order

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement in Northern Ireland Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market (O.J. No. L395, 30.12.89, p. 13), Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (O.J. No. L373, 31.12.90, p. 1) and 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(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (O.J. No. L62, 15.3.93, p. 49). They will also implement in relation to imports of specified meat and fishery products, inspection charge requirements laid down in Council Directive 96/43/EC (O.J. No. L162, 1.7.96, p. 1) and in relation to imports of products of animal origin imported from New Zealand charges specified in the New Zealand Equivalence Agreement attached to Council Decision 97/132/EC (O.J. No. L57, 26.2.97, p. 4) and Council Decision 97/131/EC (O.J. No. L57, 26.2.97, p. 1).

The Regulations revoke and re-enact the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 and the Products of Animal Origin (Third Country Imports) (Charges) Regulations (Northern Ireland) 1993.

Part II deals with enforcement. The Regulations make provision for their joint execution and enforcement by the Department of Agriculture for Northern Ireland ("the Department") and district councils. The Department does, however, have power to give directions to district councils concerning their execution and enforcement of the Regulations (regulations 3 and 4). They give powers of entry and inspection to enforce the Directives (regulation 5) and place a duty on district councils to provide returns (regulation 6). They place a duty to give reasons for decisions (regulation 7).

Part III deals with intra-Community trade. In this regard the Regulations make it an offence to export products of animal origin except in accordance with specified provisions (regulation 9). They provide for registration by, or notification to, the Department of certain establishments which produce or process or supply for export products of animal origin covered by Council Directive 92/118/EEC (regulations 10 and 11). They provide for the inspection and checking of imports, make provision for the removal of documents and place duties on consignees (regulations 12 to 14). They regulate consignments posing a risk to health and provide for repeated irregularities by an exporting establishment in Northern Ireland (regulations 15 and 16).

Parts IV and V relate to third country trade. In this regard the regulations require that imports of products of animal origin from third countries must be through border inspection posts in the European Communities (regulations 19 and 26). The Regulations also prescribe the procedure for such imports (regulations 20, 21 and 26). They regulate procedures in free zones and warehouses and transshipment under customs control (regulations 22, 23 and 26) and establish procedures for consignments posing a risk to health and illegal consignments (regulations 24 and 26).

Part VI relates to inspection charges in relation to imports of specified meat and fishery products and also in relation to products of animal origin imported from New Zealand, under the terms of the New Zealand Equivalence Agreement. The Department or district council is required to make a charge for the performance of their functions (regulation 28) and provide for the calculation of charges for health inspection and control exercises (regulation 29). They lay down who is liable to pay the charges (regulation 31) and provide that goods can be held until the charges have been paid (regulation 32). They require the Department and district councils to provide on request information relating to the charges and to consider any representations made concerning the charges by any person notified and require district councils to pass the information regarding the calculation of the charges, together with any representations, to the Department if it so requires (regulation 33) and sets out an appeal procedure (regulation 34).

Part VII relates to serious threats to health in other countries. A procedure is provided whereby products from an area outside Northern Ireland suffering from disease can be prevented from entering Northern Ireland (regulation 35).

Part VIII relates to offences and penalties (regulations 36 to 38) and Part IX disapplies the provisions listed in Schedule 5 from imports to which these Regulations apply (regulation 39).