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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 199**

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

**PART 1**

**Introduction**

**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<sup>(1)</sup>;

“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) a border inspection post which is included in the list contained in the Annex to Commission Decision 2001/881/EC<sup>(2)</sup>; 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<sup>(3)</sup>;

“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;

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(1) [S.R. 2003 No. 495](#)

(2) 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)

(3) O.J. No. L69, 13.3.2003, p.31

“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)(4);

“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(5);

“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)(6);

“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(7);

“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;

“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(8);
- (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;

(4) O.J. No.L136,22.01.2004, p.11

(5) 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)

(6) 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)

(7) 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)

(8) 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)

“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)(9)

“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;

“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;

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(9) 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)

“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)(10);
- (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)(11);

“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)(12);

“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;

“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;

(10) 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)

(11) 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)

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

“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(13) 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.