
STATUTORY INSTRUMENTS

1996 No. 3124

AGRICULTURE

**The Products of Animal Origin
(Import and Export) Regulations 1996**

<i>Made</i>	- - - -	<i>11th December 1996</i>
<i>Laid before Parliament</i>		<i>11th December 1996</i>
<i>Coming into force—</i>		
<i>except regulations 11 and 12</i>		<i>1st January 1997</i>
<i>regulations 11 and 12</i>		<i>1st April 1997</i>

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:

PART I
INTRODUCTORY

Title, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Products of Animal Origin (Import and Export) Regulations 1996 and shall come into force—

- (a) save in relation to regulations 11 and 12, on 1st January 1997; and
- (b) in relation to regulations 11 and 12, on 1st April 1997.

(2) In these Regulations, unless the context otherwise requires, any expressions used in Directive 89/662 and Directive 90/675 have the same meanings as in those directives, and—

“aquaculture product” means a product controlled pursuant to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture products and animals⁽³⁾;

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) OJ No. L46, 12.2.91, p.1.

- “bivalve molluscs” means filter-feeding lamellibranch molluscs;
- “border inspection post” means any place in Great Britain which is specified in the part of the Annex to Decision 95/357 which relates to the United Kingdom;
- “customs warehouse” has the same meaning as in Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code(4);
- “Decision 95/357” means Commission Decision 95/357/EC drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries, detailed rules concerning the checks to be carried out by the veterinary experts of the Commission and repealing Decision 94/24/EC(5), 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(6), 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(7), 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 internal market(8), as read in accordance with Schedule 1;
- “Directive 90/667” means Council Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive 90/425/EEC(9), as amended by Directive 92/118;
- “Directive 90/675” means Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(10), as read in accordance with Schedule 1;
- “Directive 92/118” means Council Directive 92/118/EEC laying down animal 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(11), as read in accordance with Schedule 3;
- “Divisional Veterinary Manager” means a veterinary surgeon appointed by the Minister to be responsible for an animal health division;
- “establishment” means any undertaking which produces, stores or processes products of animal origin;
- “fishery products” has the same meaning as in the Food Safety (Fishery Products) Regulations 1992(12);
- “free zone” and “free warehouse” have the same meaning as in Article 166 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code;
- “health conditions” includes conditions relating to both animal health and public health;

(4) OJ No. L302, 19.10.92, p.1.

(5) OJ No. L211, 6.9.95, p.43.

(6) OJ No. L378, 31.12.82, p.58.

(7) OJ No. L395, 30.12.89, p.13.

(8) OJ No. L224, 18.8.90, p.29.

(9) OJ No. L363, 27.12.90, p.51.

(10) OJ No. L373, 31.12.90, p.1.

(11) OJ No. L62, 15.3.93, p.49.

(12) S.I. 1992/3163, as read in accordance with paragraph 1 of Schedule 2.

“the hygiene Regulations” means the Fresh Meat (Hygiene and Inspection) Regulations 1995(13), the Wild Game Meat (Hygiene and Inspection) Regulations 1995(14) and the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(15);

“import” means import into Great Britain;

“local authority” means—

- (a) in relation to England—
 - (i) where there is a Port Health Authority, that authority;
 - (ii) where there is not a Port Health Authority,
 - (aa) as respects each district or London borough the council of that district or London borough;
 - (bb) as respects the City of London, the Common Council; and
 - (cc) as respects the Isles of Scilly, the Council of the Isles of Scilly;
- (b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(16); and
- (c) in relation to Wales—
 - (i) where there is a Port Health Authority, that authority;
 - (ii) where there is not a Port Health Authority, as respects each county or county borough, the council of that county or county borough;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“official veterinary surgeon”, except in regulation 13, means a person designated under regulation 2;

“other shellfish” means echinoderms, tunicates or marine gastropods;

“place of destination” means the address or addresses to which a consignment is consigned by the consignor;

“product of animal origin”, in relation to intra-Community trade means—

- (a) a product controlled pursuant to one of the directives specified in Annex A to Directive 89/662 (except for aquaculture products not intended for human consumption), or
- (b) a product covered by Annex B to Directive 89/662;

and in relation to third country trade means those products as well as—

- (c) aquaculture products;
- (d) semen, embryos, ova and hatching eggs referred to in Directive 90/425;
- (e) hay and straw; and
- (f) any product controlled by Directive 90/667;

“Regulation 1274/91” means Commission Regulation (EEC) No. 1274/91 introducing detailed rules for implementing Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs(17) as amended(18).

(3) For the purposes of these Regulations, goods are in customs temporary storage arrangements if they have been presented to Customs under Articles 50 to 53 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code.

(13) S.I.1995/539; as amended by the instruments specified in paragraph 6 of Schedule 2.

(14) S.I. 1995/2148, as amended by the instrument specified in paragraph 10 of Schedule 2.

(15) S.I. 1995/540, as amended by the instruments specified in paragraph 7 of Schedule 2.

(16) 1994 c. 39.

(17) OJ No. L121, 16.5.91, p.11.

(18) Commission Regulation (EC) No. 3300/93 (OJ No. L296, 1.12.93, p.52).

(4) Any reference in these Regulations to a European Community instrument is a reference to it as amended, modified or otherwise affected by any other such instrument at the time these Regulations were made.

(5) All notices served under these Regulations shall be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

(6) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(7) These Regulations (other than regulation 6) shall not apply in the circumstances described in Article 14 of Directive 90/675.

(8) These Regulations do not extend to Northern Ireland.

Designation of official veterinary surgeons

2.—(1) The Minister may designate a veterinary surgeon as an official veterinary surgeon for the purposes of these Regulations.

(2) Subject to paragraphs (3) and (4) below, the Minister may, at any time, revoke or suspend the designation of any person as an official veterinary surgeon if it appears to the Minister that such person is unfit to perform one or more of the functions of an official veterinary surgeon under these Regulations.

(3) Where the Minister revokes or suspends a designation under paragraph (2) above he shall, as soon as possible, give to the person whose designation has been revoked or suspended a notice in writing of the reasons for the revocation or suspension and shall afford him an opportunity of making representations in writing to the Minister with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Minister.

(4) A notice given under paragraph (3) above shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and, in the event of the designated person making any representations (whether orally or in writing) to the Minister under this paragraph, the Minister shall reconsider whether that person is unfit to perform one or more of the functions of an official veterinary surgeon under these Regulations and shall reconsider, as soon as practicable, his decision to revoke or suspend the designation under paragraph (2) above in the light of those representations.

(5) The powers of the Minister under this regulation shall be exercised in Scotland and Wales by the Secretary of State.

PART II

ENFORCEMENT

Enforcement

3.—(1) Except where expressly otherwise provided, these Regulations shall be executed and enforced—

(a) in relation to—

(i) premises licensed under the hygiene Regulations;

(ii) combined premises approved or registered under the Minced Meat and Meat Preparations Regulations 1995⁽¹⁹⁾; or

(iii) combined premises (except those attached to cutting plants) approved under the Meat Products (Hygiene) Regulations 1994⁽²⁰⁾,

by the Minister of Agriculture, Fisheries and Food in relation to England and by the Secretary of State in relation to Scotland and Wales;

(b) in any other case, by the local authority within its area.

(2) Subject to paragraph (4) below, where the Minister is satisfied that a local authority is failing or has failed to execute or enforce these Regulations, either generally or in any individual case or in any class of case, he may, having given notice to that authority, empower one of the Minister's officers to execute or enforce them in place of that authority.

(3) The Minister may recover from the local authority in default any expenses reasonably incurred by him under paragraph (2) above.

(4) In addition to the powers in paragraph (2) above, the Minister may direct, in relation to cases of a particular description or a particular case, that these Regulations shall be executed and enforced by the Minister instead of the local authority, or jointly by the Minister and the local authority.

(5) The powers of the Minister under paragraphs (2), (3) and (4) above, in relation to matters concerning public health where the products concerned are subject to intra-Community trade—

(a) in England, may be exercised by the Minister or the Secretary of State for Health;

(b) in Scotland and Wales, shall be exercised by the Secretary of State instead of by the Minister.

Powers to give directions

4.—(1) The following Ministers, acting alone or jointly, namely, the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State concerned with health in England shall have power to give directions in writing to a local authority concerning the execution and enforcement of these Regulations.

(2) In the exercise of the functions conferred on them by these Regulations, every local authority shall comply with any relevant provision of such directions.

(3) Any such directions shall, on the application of the Minister or the Secretary of State, be enforceable by mandamus or, in Scotland, by an order of the Court of Session under section 45 of the Court of Session Act 1988⁽²¹⁾.

Appointment of official veterinary surgeons for the enforcement of Part IV

5.—(1) Subject to paragraph (2) below, a local authority in whose area there is a border inspection post and which is enforcing Part IV of these Regulations (imports from third countries) shall appoint an official veterinary surgeon (or, in the case of a post which will only carry out checks in accordance with regulation 22 (fishery products), an authorised officer of the local authority) together with such assistants as may be necessary to be in charge of all checking and certification under Part IV of these Regulations at the post, including—

(a) carrying out or supervising all necessary checks;

(b) signing all necessary certificates and certified copies;

(c) retaining original certificates where necessary and issuing certified copies;

⁽¹⁹⁾ S.I. 1995/3205.

⁽²⁰⁾ S.I. 1994/3082, as amended by the instruments specified in paragraph 5 of Schedule 2.

⁽²¹⁾ 1988 c. 36.

- (d) performing any other duties necessary for the enforcement of these Regulations at the post; and
- (e) executing and enforcing the relevant provisions of Directive 90/675, Directive 92/118 or any decision made under them.

(2) In the case of any border inspection post through which only products of animal origin which are covered by Directive 92/118 are imported, the Minister instead of a local authority may enforce these Regulations.

Enforcement powers

6.—(1) The Minister may appoint persons to act as his authorised officers for the purposes of these Regulations.

(2) An authorised officer of the Minister or of a local authority shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any business premises for the purposes of enforcing these Regulations.

(3) In enforcing these Regulations, an authorised officer of the Minister or of a local authority may—

- (a) carry out inspections of premises, means of transport, plant and equipment used for or relating to products of animal origin, cleaning and maintenance products, procedures used for the production and processing of products of animal origin and the marking and labelling and presentation of those products;
- (b) check whether staff comply with the requirements of regulations relating to animal and public health;
- (c) take samples to establish whether or not these Regulations are being complied with, and, by notice served on the person in charge of the products, detain products of animal origin pending the analysis of those samples;
- (d) examine documentary or computer material relevant to their powers;
- (e) take with him a representative of the European Commission who is acting as an inspector for the purposes of Directive 89/662 or 90/675.

(4) If a justice of the peace, or in Scotland the sheriff, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any of the purposes of this regulation and either—

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice or sheriff may by warrant signed by him, and valid for one month, authorise the authorised officer to enter the premises, if need be by reasonable force.

(5) In this regulation,

- (a) “the Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland or Wales, the Secretary of State; and
- (b) “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

Returns

7.—(1) Local authorities shall send to the Minister (or, in Scotland, the Secretary of State) a return comprising the following information—

- (a) details, categorised by country of origin and including a description of the product concerned, of consignments checked by them which have been refused, re-dispatched, destroyed or authorised for use other than for human consumption, and the reason for such action;
- (b) a list of all samples taken by them for the purposes of laboratory analysis, and the results of such analysis;
- (c) the total number of consignments checked by them, and the total weight of the consignments categorised by product and by country of origin.

(2) The Minister or the Secretary of State shall determine how frequently such returns are required.

Notification of decisions

8. If the consignor or his representative so requests, any decision taken refusing entry or varying the conditions of entry shall be forwarded to him in writing by the person taking the decision, giving the reasons for the decision and the details of his right of appeal against the decision, including the relevant time limits.

PART III

INTRA-COMMUNITY TRADE

Application of Part III

9. This Part of these Regulations shall apply to—

- (a) trade with other member States in products of animal origin which originate in a member State;
- (b) trade with other member States in products of animal origin which—
 - (i) originate in a third country; and
 - (ii) are in free circulation in member States; and
- (c) imported fishery products which—
 - (i) originate in a third country;
 - (ii) were caught in their natural environment; and
 - (iii) have not or had not been on land prior to their importation into the European Community.

Exports to other member States

10.—(1) No person shall export or consign for export to another member State any product of animal origin which is covered by one or more of the sets of Regulations specified in Schedule 2 or by Directive 92/118 unless—

- (a) it complies with—
 - (i) the relevant provisions of those Regulations or that Directive;

- (ii) any option permitted by any of the directives specified in Schedule 3 which has been exercised by the member State of destination; and
- (iii) any additional requirements or health conditions of the member State of destination;
- (b) it is accompanied by any documents required by the Regulations referred to in Schedule 2, by Directive 92/118 or by the member State of destination;
- (c) where Directive 92/118 requires that a computerised system message, fax or telex is transmitted ahead of the export, at least 24 hours' notice of the export has been given to the Minister by the exporter; and
- (d) if the product is produced, processed, stored in, or supplied from, an establishment which, by virtue of regulation 11 or 12 has to be registered or notified, the establishment is so registered or notified.

(2) No person shall export or consign for export to another member State any product of animal origin in any other case unless it fulfils all the health conditions of the member State of destination, including any documentary requirements.

(3) Each person who has control of an establishment shall ensure that all products of animal origin intended for export to another member State comply with the requirements in paragraph (1) or (2) above.

(4) Where products of animal origin are consigned to more than one destination, they shall be grouped together in as many batches as there are places of destination, and the consignor shall ensure that all documents required in paragraph (1) or (2) above are provided with each batch.

(5) No person shall export or consign for export to another member State any product of animal origin covered by Annex B to Directive 89/662 if it cannot (except for labelling reasons) legally be marketed in Great Britain.

(6) This regulation shall apply without prejudice to the requirements of the Bovine Products (Despatch to other Member States) Regulations 1996⁽²²⁾.

Registration of certain establishments which produce, process or store products of animal origin

11.—(1) This regulation shall apply to any establishment which, for the purpose of export or consignment for export to another member State—

- (a) produces or processes any product of animal origin which is referred to in Directive 92/118, being an establishment which is not already registered or approved in accordance with any Community legislation referred to in paragraphs 1 to 11 or 13 to 15 of Schedule 3, under Directive 90/667 or under Regulation 1274/91 and in respect of which there is not a licence issued under section 8 of the Medicines Act 1968⁽²³⁾; or
- (b) stores any product of animal origin referred to in Directive 92/118 for which that Directive lays down specific storage requirements.

(2) Any person who has control of an establishment to which this regulation applies shall register that establishment with the Minister on the basis of a written assurance to the Minister that the establishment complies with the relevant requirements of these Regulations.

(3) The Minister shall keep a register of the establishments in respect of which he has received the assurance referred to in paragraph (2) above and may inspect them from time to time.

⁽²²⁾ S.I. 1996/2265, amended by S.I. 1996/3000.

⁽²³⁾ 1968 c. 67.

(4) If required to do so by a notice served on him by the Minister, a person who has control of an establishment to which this regulation applies shall give to the Minister such assurance as to compliance with these Regulations as shall be specified in the notice.

(5) The Minister may remove an establishment from the register if he is satisfied that the establishment in question has ceased to comply with the relevant requirements of these Regulations.

Notification of certain establishments which supply or store products of animal origin

12.—(1) Subject to paragraph (2) below, this regulation shall apply to any establishment which is not already registered or approved in accordance with any Community legislation referred to in paragraphs 1 to 11 or 13 to 15 of Schedule 3, under Directive 90/667 or under Regulation 1274/91 and in respect of which there is no licence issued under section 8 of the Medicines Act 1968 and which—

- (a) supplies for export or consignment for export to another member State; or
- (b) acts as an intermediate storage facility for,

any product of animal origin covered by Directive 92/118.

(2) This regulation shall not apply if the establishment is registered under regulation 11 in respect of the same products of animal origin.

(3) Any person with control of an establishment to which this regulation applies shall notify the Minister of the name and address of the establishment and details of the product concerned.

(4) If required to do so by a notice served on him by the Minister, an occupier of an establishment to which this regulation applies shall notify the Minister of the name and address of the establishment and shall give to him such undertakings as to compliance with these Regulations as shall be specified in the notice.

(5) The Minister shall keep a register of any notifications received by virtue of paragraph (3) or (4) above.

(6) Any person who has notified the Minister in accordance with paragraph (3) or (4) above shall keep a record of all deliveries of products of animal origin and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the product of animal origin, and shall keep such records for 12 months from the arrival of the consignment.

Inspection and checking of imports

13.—(1) At a border inspection post, unless the products are transported by regular, direct means of transport linking two geographical points of the Community, an authorised officer of a local authority shall carry out documentary checks of all imported products of animal origin if he considers it necessary to establish the place of origin, and products of animal origin to which this Part of the Regulations applies shall be dealt with in accordance with this Part of the Regulations.

(2) An authorised officer of the Minister or of a local authority shall have power to inspect at their place of destination all products of animal origin imported into Great Britain to which this Part of these Regulations applies, so as to ensure that all animal and public health conditions relating to imports are complied with, including any documentary requirements.

(3) An authorised officer of the Minister or of a local authority shall have power to inspect such products of animal origin at any time during transport to their place of destination if he has information leading him to suspect an infringement of these Regulations or any animal or public health condition relating to imports, including requirements relating to the means of transport.

(4) Any powers exercised under regulation 6 shall be exercised only in accordance with this regulation in relation to imports to which this Part of these Regulations applies until they reach their place of destination and at the place of destination.

(5) Where an establishment is supervised by an official veterinary surgeon, he shall ensure that all products of animal origin which are products to which this Part of these Regulations applies and which enter the establishment comply with all animal and public health import conditions relating to marking and accompanying documentation, and he shall forthwith notify the appropriate Divisional Veterinary Manager of any irregularity or anomaly.

(6) Where an establishment is not supervised by an official veterinary surgeon, any person who markets any product of animal origin which is a product to which this Part of these Regulations applies, or divides up batches of such product for distribution or marketing, shall check, before the batch is divided up or marketed, that all products of animal origin comply with all animal and public health conditions relating to marking and accompanying documentation, and he shall forthwith notify the appropriate Divisional Veterinary Manager of any irregularity or anomaly.

(7) In this regulation “official veterinary surgeon” means a person designated as such by the Minister (or in Scotland or Wales, the Secretary of State) for the purposes of supervising the establishment in question.

Removal of documents

14. No person shall remove from any consignment of products of animal origin the documents provided in accordance with the directives listed in Schedule 3 or any relevant national law relating to health conditions, or divide up any batch for which documents are so provided, until the checks required under regulation 13 have been carried out.

Duties of consignees

15. Any person who has received by way of trade products of animal origin consigned to him from another member State shall—

- (a) keep a register recording the delivery for a period of three years;
- (b) keep all documentation provided with such consignment for a period of three years or such other period as may be specified in the directive dealing with the product; and
- (c) if an authorised officer of the Minister or the local authority has by notice required him to do so, forthwith report to the person specified in the notice the arrival or anticipated arrival of any product specified in the notice by the quickest practicable means (and, if such report is given orally, confirm the report in writing) and, if required to do so by the notice, keep such product at the place to which it was consigned for 24 hours from the time of arrival or until it has been inspected by such officer if sooner.

Consignments posing a risk to health and illegal consignments

16.—(1) If an authorised officer of the Minister or a local authority establishes in imported products of animal origin the presence of agents responsible for a disease named in Directive 82/894, or a zoonosis, a disease or any cause likely to constitute a serious hazard to animals or humans, he shall, by notice served on the person appearing to him to have charge of the consignment—

- (a) prohibit the movement of the consignment except as specified in the notice; and
- (b) order the batch to be destroyed or used in some other way.

(2) If an authorised officer of the Minister or a local authority establishes that imported products of animal origin come from an area infected by an epizootic disease relevant to the species of origin of the product, he shall, except where the product has 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(24), by notice in writing, take the action set out in paragraph (1)(a) or (b) above.

(3) Subject to the following paragraph, if an authorised officer of the Minister or a local authority establishes that the products do not meet an animal or public health condition relating to import he may, by means of a notice served on the person appearing to him to have charge of the consignment, prohibit the movement of the consignment except as specified in the notice.

(4) If a notice is served under paragraph (3) above, the officer serving the notice shall serve on the person appearing to him to be the owner of the goods a notice—

- (a) ordering the destruction of the goods; or
- (b) if public and animal health considerations so permit, giving the person appearing to him to be the owner the choice of destroying the goods or using the goods for such other purposes 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 their country of origin.

(5) If the only way in which the consignment fails to comply with legislation is irregularity in documentation, any notice specifying action under paragraph (4) above shall grant the consignor a period of seven days to produce the correct documentation before such action is taken.

(6) In the event of a notice not being complied with, an authorised officer of the Minister or a local authority shall be empowered to destroy the goods.

(7) The costs of returning the consignment, storing the goods, putting them to other uses or destroying them shall be borne by the consignee, unless the goods are destroyed under the provisions of paragraph (1) or (2) above, in which case the costs shall be borne by the consignor or his agent.

(8) An officer of a local authority exercising any powers under this regulation shall forthwith notify the appropriate Divisional Veterinary Manager of any findings arrived at, the decisions taken and the reasons for such decisions.

(9) Any notice served under this regulation shall give details of a right of appeal against the decision taken, including the relevant time limits.

Repeated irregularities

17. Where in accordance with Article 8(1) of Directive 89/662 another member State has notified the Minister of repeated irregularities concerning products of animal origin from an establishment in Great Britain, the Minister, the Secretary of State or the local authority (as the case may be) shall intensify checks on products coming from the establishment in question and, if there are serious animal or public health grounds, suspend any approval granted to that establishment.

Defence

18. It shall be a defence for any person charged with an offence relating to accompanying documentation under regulation 13 or 14 to prove—

- (a) that the consignment received was part of a larger consignment which was consigned to another address;
- (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 point of final destination of the last part of the batch.

(24) OJ No. L47, 21.2.80, p.4; relevant amending instruments are Council Directive 80/1100/EEC (OJ No. L325, 1.2.80, p.17), Council Directive 87/491/EEC (OJ No. L279, 2.10.87, p.27) and Council Directive 88/660/EEC (OJ No. L382, 31.12.88, p.35).

PART IV

IMPORTS FROM THIRD COUNTRIES

Application of Part IV

19. This Part of these Regulations shall have effect in relation to imports of products of animal origin (except for aquaculture products which are not for human consumption) from countries which are not member States, including—

- (a) an import through another member State in the circumstances set out in Articles 8(4) and 11(2)(b) of Directive 90/675; and
- (b) goods which are intended to be placed in a customs warehouse or free zone or free warehouse,

with the exception that this Part of these Regulations shall not apply to imports to which regulation 9(c) applies.

Border inspection posts

20.—(1) No person shall import any product of animal origin except at a border inspection post.

(2) The only products of animal origin which may be imported through a border inspection post are those indicated in relation to that border inspection post in Decision 95/357.

(3) If products are imported at any place other than a border inspection post, or at a border inspection post not authorised to accept those products, an authorised officer of the Minister or a local authority shall, 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 a border inspection post, in each case under the control and direction of the authorised officer.

(4) Any notice served under paragraph (3) above shall give details of a right of appeal against the decision taken, including the relevant time limits.

(5) In the event of a notice not being complied with, an authorised officer of the Minister or a local authority may destroy the products.

(6) The costs incurred in destroying, storing or transporting the products shall be borne by the importer or his agent.

(7) The operator of any place of import other than a border inspection post who becomes aware of the importation of any product of animal origin which should have been imported through a border inspection post shall immediately detain the consignment, notify the local authority for the point of import and shall not release the consignment until authorised in writing to do so by an authorised officer of the Minister or of the local authority.

Import procedure

21.—(1) No person shall import any product of animal origin (except fishery products or live bivalve molluscs or other shellfish) unless he has given to either the official veterinary surgeon at the border inspection post or the Minister the following periods of advance notice of arrival—

- (a) for consignments arriving by air, at least six hours, given during the working day of the border inspection post;
- (b) in any other case, at least one working day of the border inspection post.

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

(3) No person shall remove any product of animal origin to which this regulation applies from customs temporary storage arrangements except as provided for in regulation 22(2), 24 or 25 unless there has been provided to the 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 on the products in question in accordance with Articles 4 and 8 of that directive to his satisfaction; 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 local authority.

(4) The 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, before he signs the certificate required under paragraph (3) above.

(5) Before authorising the release of any products, the official veterinary surgeon shall, in cases where there is a doubt whether such product should be released, consult the appropriate Divisional Veterinary Manager, and following such consultation, shall take no further action without first informing him.

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

22.—(1) In the case of the importation of fishery products or live bivalve molluscs or other shellfish, the prohibitions and procedures, including time limits, in regulation 21 shall apply except that all powers and duties of an official veterinary surgeon may be carried out by an authorised officer of the local authority.

(2) Where an authorised officer of a local authority is satisfied that the movement of these products would not give rise to a public or animal health risk, he may authorise their removal from customs temporary storage arrangements under customs control to different customs temporary storage arrangements at the same border inspection post for the checks to be carried out.

Free zones and free warehouses

23. A person transporting 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 the official veterinary surgeon or a person under his supervision (or, in the case of fishery products or live bivalve molluscs or other shellfish, an authorised officer of the local authority); and
- (c) if the products are accompanied by a document signed by the official veterinary surgeon (or, in the case of fishery products or live bivalve molluscs or other shellfish, an authorised officer of the local authority) specifying which checks have been carried out.

Transshipment under customs control

24.—(1) This regulation applies to the transshipment of products of animal origin between one aircraft or vessel and another connecting two countries, neither of which is a member State and where the products do not leave customs control and do not leave the border inspection post of arrival except for re-exportation.

(2) No person shall carry out a transshipment to which this regulation applies unless the notice provided under regulation 21 or 22 also specifies the means by which the products will be transhipped, and the vessel or aircraft to which they are to be transhipped.

(3) When the transshipment 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 and live bivalve molluscs or other shellfish, an authorised officer of the local authority) shall—

- (a) carry out a documentary 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 Great Britain.

(4) If a notice served under the preceding paragraph is not complied with, the products shall be dealt with in accordance with regulation 21 or 22.

Consignments posing a risk to health and illegal consignments

25.—(1) Subject to paragraphs (2) and (3) below, where checks at the border inspection post reveal that a consignment of products of animal origin does not comply with animal or public health conditions relating to import or, in the opinion of the official veterinary surgeon, constitutes a risk to animal or human health, an official veterinary surgeon or person acting under his supervision, after consulting the importer or his representative, may serve on the importer or his agent a notice—

- (a) permitting the use of the products for purposes other than human consumption if that is authorised under rules made under Article 16(2) of Directive 90/675;
- (b) ordering the re-dispatch of the consignment outside the European Community; or
- (c) ordering the destruction of the consignment.

(2) Subject to paragraph (3) below, where products of animal origin do not comply with animal or public health conditions but are intended for re-export, the official veterinary surgeon, after consultation with the Divisional Veterinary Manager, may authorise in writing the importer to transport the products for storage in a free zone or free warehouse and store them there provided that—

- (a) they correspond to their accompanying documents;
- (b) they are stored in separate rooms from the products destined to be put into free circulation in the territory of the European Community;
- (c) they are not released except to a country outside the European Community in accordance with Article 12 of Directive 90/675;
- (d) the importer has produced to the person operating the free zone or warehouse evidence that the local authority for the free zone or warehouse does not oppose the introduction of the products;
- (e) the official veterinary surgeon for the border inspection post of importation has specified the fact of the passage or storage of the products on the veterinary certificates or documents;
- (f) the means of land transport is cleansed and disinfected to the satisfaction of the local authority of the free warehouse or free zone before being used for further transport; and
- (g) while they are there, they do not undergo any transformation other than division of the consignment.

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

(4) In the event of a notice not being complied with, the person serving the notice may destroy the consignment.

(5) Any notice served under this regulation shall state the reasons for the decision and shall give details of a right of appeal against the decision, including the relevant time limits.

(6) The importer shall be liable for any costs incurred under this regulation.

PART V

IMPORTS FROM THIRD COUNTRIES OF AQUACULTURE PRODUCTS

Imports from third countries of aquaculture products not for human consumption

26. This Part of the Regulations shall have effect in relation to imports from countries which are not member States of aquaculture products which are not for human consumption, including in the circumstances set out in regulation 19(a) and (b) above.

Application of Part IV to imports from third countries of aquaculture products

27. The provisions of Part IV of these Regulations shall apply to aquaculture products as they apply to other imports, except that all duties placed on the official veterinary surgeon shall be performed by an officer of the Minister.

PART VI

CHARGES

Interpretation

28. For the purposes of this Part, a “health inspection and control exercise” means an inspection or supervisory function carried out by the Minister or local authority pursuant to any provision of these Regulations.

Payment of charges

29. A charge shall be made for health inspection and control exercises carried out by the Minister or by the local authority.

Calculation of charge

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

- (a) in relation to imports, must cover the items specified in Schedule 4; and
- (b) in any other case, must cover the items listed in paragraphs 1, 3, 5 and 6 of Schedule 4.

Liability for charges

31. Charges under these Regulations 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. Products for which charges are due under these Regulations shall not be released by the person carrying out the checks until such charges are paid.

Information relating to charges

33.—(1) The Minister or the local authority as appropriate shall, if requested in writing, supply to any person who is liable to pay a charge under these Regulations, or any organisation representing such persons, details of the calculations used in deciding the amount of the charges, and shall take into account any representations made to them by such person or organisation in determining the charge.

(2) If requested in writing to do so by the Minister, a local authority shall provide the Minister with such information as he may require relating to the calculation of charges, and with copies of any written representations made by the persons mentioned in paragraph (1) above.

Appeals

34.—(1) Any person who pays a charge to a local authority under these Regulations, or an organisation representing such persons, and who considers the charges to be unreasonably high may, within 28 days of the charge being levied, appeal to the Minister against the amount of the charge.

(2) Where an appeal is brought under paragraph (1) above, the Minister shall consult the local authority and if, after such consultation, he is satisfied that the amount charged is unreasonably high, he shall require the local authority to recalculate the amount of the charge in accordance with such directions as he shall give.

(3) Pending the recalculation of the charge by the local authority, the original charge shall continue, but after recalculation the new charge shall have effect from the date on which the original charge was made and the local authority shall re-imburse the person who has paid the charge accordingly.

(4) Any person who pays a charge to the Minister under these Regulations, or an organisation representing such persons, and who considers the charges to be unreasonably high may, within 28 days of the charge being levied, appeal to an independent person appointed by the Minister against the amount of the charge.

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

PART VII

HEALTH THREATS IN OTHER COUNTRIES

Serious threats to health in other countries

35.—(1) This regulation shall apply where the Minister or the Secretary of State learns, 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 where, through any other means he has reasonable grounds to suspect, that there is present in any other country a disease referred to in Directive 82/894, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1) above, the Minister or the Secretary of State may, for the purpose of preventing the spread of disease in Great Britain, by a declaration to be published in such manner as he thinks fit, give notice of the existence of any disease or zoonosis or other cause likely to constitute a serious hazard in another country, the area affected, and the types of products of animal origin affected.

(3) Upon such declaration being made, any product of animal origin entering Great Britain which is the subject of the declaration shall be in breach of the animal or public health conditions relating to the import of the product unless it satisfies such conditions as may be specified in the declaration.

PART VIII

OFFENCES AND PENALTIES

Obstruction

36.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution and enforcement of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution and 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; or
- (c) furnish to any person acting in the execution and enforcement of these Regulations any information which he knows to be false or misleading.

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

Offences and penalties

37.—(1) A person contravening any provision of these Regulations or any notice served under them shall be guilty of an offence.

(2) A person guilty of an offence under regulation 36(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both.

(4) Paragraphs (1) to (3) above shall not apply to anything done or omitted by the Minister, the Secretary of State or a local authority.

Offences by bodies corporate

38.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Protection of officers acting in good faith

39.—(1) An officer of the Minister, the Secretary of State or a local authority is not personally liable in respect of any act done by him in the execution or purported 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) above shall be construed as relieving the Minister, the Secretary of State or any local authority from any liability in respect of acts of their officers.

PART IX MISCELLANEOUS

Disapplication of provisions

40.—(1) The provisions listed in Part I of Schedule 5 shall not apply to products of animal origin to which these Regulations apply.

(2) The provisions listed in Part II of Schedule 5 shall not apply to products of animal origin to which these Regulations apply and which are imported from other member States.

Consequential amendments

41. The consequential amendments set out in Schedule 6 shall have effect.

Revocations

42. The Regulations specified in Schedule 7 are hereby revoked to the extent specified in column 3 of that Schedule.

Signed by authority of the Secretary of State

10th December 1996

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Scotland

11th December 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 1(2)

AMENDMENTS TO DIRECTIVES

Directive 82/894

1. 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).

Directive 89/662

2. Directive 89/662 has been amended by, and must be read subject to:
Council Directive 90/675/EEC (OJ No. L373, 31.12.90, p.1);
Council Directive 91/67/EEC (OJ No. L46, 18.2.91, p.1);
Council Directive 91/492/EEC (OJ No. L268, 24.9.91, p.1);
Council Directive 91/493/EEC (OJ No. L268, 24.9.91, p.15);
Council Directive 91/494/EEC (OJ No. L268, 24.9.91, p.35);
Council Directive 91/495/EEC (OJ No. L268, 24.9.91, p.41);
Council Directive 91/496/EEC (OJ No. L268, 24.9.91, p.56);
Act of Accession (Austria, Finland and Sweden) (OJ No. L1, 1.1.95, p.1).
Council Directive 92/45/EEC (OJ No. L268, 14.9.92, p.1);
Council Directive 92/46/EEC (OJ No. L268, 14.9.92, p.13);
Council Directive 92/67/EEC (OJ No. L268, 14.9.92, p.73);
Council Directive 92/118/EEC (OJ No. L62, 15.3.93, p.49).

Directive 90/425

3. Directive 90/425 has been amended by, and must be read subject to:
Council Directive 90/539/EEC (OJ No. L303, 31.10.90, p.6);
Council Directive 90/667/EEC (OJ No. L363, 27.12.90, p.51);
Council Directive 90/675/EEC (OJ No. L373, 31.12.90, p.1);
Council Directive 91/67/EEC (OJ No. L46, 19.2.91, p.1);
Council Directive 91/68/EEC (OJ No. L46, 19.2.91, p.19);
Council Directive 91/174/EEC (OJ No. L85, 5.4.91, p.37);
Council Directive 91/496/EEC (OJ No. L268, 24.9.91, p.56);
Council Directive 91/628/EEC (OJ No. L340, 11.12.91, p.17);
Council Directive 92/60/EEC (OJ No. L268, 14.9.92, p.75);
Council Directive 92/65/EEC (OJ No. L268, 14.9.92, p.54);
Council Directive 92/118/EEC (OJ No. L62, 15.3.93, p.49).

Directive 90/675

4. Directive 90/675 has been amended by, and must be read subject to:
- Commission Directive [91/496/EEC](#) (OJ No. L268, 24.9.91, p.56);
 - Council Regulation 1601/92/EEC (OJ No. L173, 27.6.92, p.13);
 - Council Decision [92/438/EEC](#) (OJ No. L243, 25.8.92, p.27);
 - Council Directive [92/118/EEC](#) (OJ No. L62, 15.3.93, p.49);
 - Act of Accession (Austria, Finland and Sweden) (OJ No. L1, 1.1.95, p.1);
 - Council Directive [95/52/EC](#) (OJ No. L265, 8.11.95, p.16).

Decision 95/357

5. Decision 95/357 has been amended by, and must be read subject to:
- Commission Decision [96/35/EC](#) (OJ No. L10, 13.1.96, p.40);
 - Commission Decision [96/267/EC](#) (OJ No. L91, 12.4.96, p.76);
 - Commission Decision [96/357/EC](#) (OJ No. L138, 11.6.96, p.18);
 - Commission Decision [96/499/EC](#) (OJ No. L203, 13.8.96, p.11).

SCHEDULE 2

Regulations 1(2) and 10(1)

REGULATIONS RELEVANT TO INTRA-COMMUNITY TRADE

1. The Food Safety (Fishery Products) Regulations 1992 (S.I. [1992/3163](#)), as amended by:
- S.I. [1994/2783](#);
 - S.I. [1995/1763](#);
 - S.I. [1996/1499](#);
 - S.I. [1996/1547](#),
- read with the Food Safety (Fishery Products) (Derogations) Regulations 1992 (S.I. [1992/1507](#)), as amended by:
- S.I. [1992/3163](#);
 - S.I. [1994/2783](#);
 - S.I. [1995/1763](#),
- and with the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992 (S.I. [1992/3165](#)), as amended by:
- S.I. [1994/2783](#);
 - S.I. [1995/1763](#);
 - S.I. [1996/1547](#).
2. The Food Safety (Live Bivalve Molluscs and other Shellfish) Regulations 1992 (S.I. [1992/3164](#)), as amended by:
- S.I. [1994/2782](#);
 - S.I. [1995/1763](#);
 - S.I. [1996/1499](#),

read with the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations 1992 (S.I. [1992/1508](#)), as amended by:

S.I. [1992/3164](#);

S.I. [1994/2782](#);

S.I. [1995/1763](#).

3. The Fish Health Regulations 1992 (S.I. [1992/3300](#)), to which the following relevant amendments have been made:

S.I. [1993/2255](#);

S.I. [1994/1448](#);

S.I. [1995/886](#).

4. The Egg Products Regulations 1993 (S.I. [1993/1520](#)), as amended by:

S.I. [1995/1763](#);

S.I. [1996/1499](#).

5. The Meat Products (Hygiene) Regulations 1994 (S.I. [1994/3082](#)), to which the following relevant amendments have been made:

S.I. [1995/539](#);

S.I. [1995/1763](#);

S.I. [1995/3205](#);

S.I. [1996/1499](#).

6. The Fresh Meat (Hygiene and Inspection) Regulations 1995 (S.I. [1995/539](#)), to which the following relevant amendments have been made:

S.I. [1995/731](#);

S.I. [1995/1763](#);

S.I. [1995/2148](#);

S.I. [1995/3214](#);

S.I. [1995/3189](#);

S.I. [1996/1148](#);

S.I. [1996/2235](#).

7. The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (S.I. [1995/540](#)), to which the following relevant amendments have been made:

S.I. [1995/1763](#);

S.I. [1995/3205](#);

S.I. [1995/2148](#).

8. The Dairy Products (Hygiene) Regulations 1995 (S.I. [1995/1086](#)), as amended by:

S.I. [1995/1763](#);

S.I. [1996/1499](#);

S.I. [1996/1699](#).

9. The Dairy Products (Hygiene) (Scotland) Regulations 1995 (S.I. [1995/1372](#)) (S.101), as amended by:

S.I. [1995/1763](#);

S.I. [1996/1499](#);

S.I. [1996/2465](#).

10. The Wild Game (Hygiene and Inspection) Regulations 1995 (S.I. [1995/2148](#)), to which the following relevant amendment has been made:

S.I. [1995/3205](#).

11. The Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. [1995/3205](#)).

SCHEDULE 3

Regulations 1(2), 10(1), 11(1)(a), 12(1)
and 14

COMMUNITY MEASURES RELEVANT TO 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 (OJ No. L46, 19.2.91, p.1) as amended by and as read with—

Commission Decision [92/528/EEC](#) (OJ No. L332, 18.11.92, p.25);

Commission Decision [92/538/EEC](#) (OJ No. L347, 28.11.92, p.67);

Commission Decision [93/39/EEC](#) (OJ No. L16, 25.1.93, p.46);

Commission Decision [93/40/EEC](#) (OJ No. L16, 25.1.93, p.47);

Council Directive [93/54/EEC](#) (OJ No. L175, 19.7.93, p.34) (in so far as it applies to exports);

Commission Decision [93/55/EEC](#) (OJ No. L14, 22.1.93, p.24) (as amended by Commission Decision [93/169/EC](#) (OJ No. L71, 24.3.93, p.16));

Commission Decision [93/56/EEC](#) (OJ No. L14, 22.1.93, p.25);

Commission Decision [93/57/EEC](#) (OJ No. L14, 22.1.93, p.26);

Commission Decision [93/58/EEC](#) (OJ No. L14, 22.1.93, p.27);

Commission Decision [93/59/EEC](#) (OJ No. L14, 22.1.93, p.28);

Commission Decision [93/73/EEC](#) (OJ No. L27, 4.2.93, p.34);

Commission Decision [93/74/EEC](#) (OJ No. L27, 4.2.93, p.35) (as amended by Commission Decision [94/450/EC](#) (OJ No. L187, 22.7.94, p.8) and by Commission Decision [96/218/EC](#) (OJ No. L72, 21.3.96, p.39);

Commission Decision [94/722/EC](#) (OJ No. L288, 9.11.94, p.47);

Act of Accession (Austria, Finland and Sweden);

Council Directive [95/22/EC](#) (OJ No. L243, 11.10.95, p.1);

Commission Decision [95/124/EC](#) (OJ No. L84, 14.4.95, p.6) as amended by Commission Decision [96/265/EC](#) (OJ No. L91, 12.4.96, p.72);

Commission Decision [95/125/EC](#) (OJ No. L84, 14.4.95, p.8) (as amended by Commission Decision [95/481/EC](#) (OJ No. L275, 18.11.95, p.26);

Commission Decision [95/470/EC](#) (OJ No. L269, 11.11.95, p.28) as amended by Commission Decision [96/289/EC](#) (OJ No. L109, 3.5.96, p.23);

Commission Decision [95/473/EC](#) (OJ No. L269, 11.11.95, p.31);

Commission Decision [95/479/EC](#) (OJ No. L275, 18.11.95, p.23);
Commission Decision [96/221/EC](#) (OJ No. L74, 22.3.96, p.42);
Commission Decision [96/233/EC](#) (OJ 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 (OJ No. L212, 22.7.89, p.87) as amended by—

Council Directive [89/662/EEC](#) (OJ No. L395, 30.12.89, p.13);
Council Directive [91/684/EEC](#) (OJ No. L376, 31.12.91, p.38);
Act of Accession (Austria, Finland and Sweden). Relevant provisions: Article 3.

Fishery products

3. Council Directive [91/493/EEC](#) of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products (OJ No. L268, 24.9.91, p.15), as read with—

Council Directive [91/492/EEC](#) (OJ No. L268, 24.9.91, p.1) (Articles 3.1(a) to (i) and 3.2 (as read with article 1) and 4);
Council Directive [92/48/EEC](#) (OJ No. L187, 7.7.92, p.41) (Article 1);
Commission Decision [93/25/EEC](#) (OJ No. L16, 25.1.93, p.22);
Commission Decision [93/51/EEC](#) (OJ No. L13, 21.1.93, p.11) (Articles 1 to 4);
Commission Decision [93/140/EEC](#) (OJ No. L56, 9.3.93, p.42) (Articles 2 to 4);
Commission Decision [93/351/EEC](#) (OJ No. L144, 16.6.94, p.50) (Articles 1 to 3);
Commission Decision [94/356/EEC](#) (OJ No. L156, 23.6.94, p.50) (Articles 1.3 and 6.2);
Commission Decision [95/149/EC](#) (OJ No. L97, 29.4.95, p.84);
Act of Accession (Austria, Finland and Sweden).
Relevant provisions: Articles 3(1)(a) to (g), (2), (3) and (4), 4, 5 and 6(1).

Fresh meat

4. Council Directive [72/461/EEC](#) of 12 December 1972 on health problems affecting intra-Community trade in fresh meat (OJ No. L302, 31.12.72, p.24) as amended by—

Council Directive [75/379/EEC](#) (OJ No. L172, 3.7.75, p.17);
Council Directive [77/98/EEC](#) (OJ No. L26, 31.1.77, p.81);
Council Directive [80/213/EEC](#) (OJ No. L47, 21.2.80, p.1);
Council Directive [80/1099/EEC](#) (OJ No. L325, 1.12.80, p.14);
Council Directive [81/476/EEC](#) (OJ No. L186, 8.7.81, p.20);
Council Directive [82/893/EEC](#) (OJ No. L378, 31.12.82, p.57);
Council Directive [83/646/EEC](#) (OJ No. L360, 23.12.83, p.44);
Council Directive [84/336/EEC](#) (OJ No. L177, 4.7.84, p.22);
Council Directive [84/643/EEC](#) (OJ No. L339, 27.12.84, p.27);
Council Directive [85/322/EEC](#) (OJ No. L168, 28.6.85, p.41):

Council Regulation 3768/85/EEC (OJ No. L362, 31.12.85, p.8);
Commission Decision 87/231/EEC (OJ No. L99, 11.4.87, p.18);
Council Directive 87/489/EEC (OJ No. L280, 3.10.87, p.28);
Council Directive 89/662/EEC (OJ No. L395, 30.12.89, p.13);
Council Directive 91/266/EEC (OJ No. L134, 29.5.91, p.45);
Council Directive 91/687/EEC (OJ No. L377, 31.12.91, p.16);
Council Directive 92/118/EEC (OJ No. L62, 15.3.93, p.49);
Act of Accession (Austria, Finland and Sweden).

Relevant provisions: Articles 1 to 4 and 8a.

5. Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat (OJ No. L121, 28.7.64, p.2012) (S Edn 1963–64, p.185)) as read with—

Council Directive 92/120/EEC (OJ No. L62, 15.3.93, p.86) (as amended by Council Directive 95/5/EC (OJ No. L51, 8.3.95, p.12)); and as amended by:

Council Decision 81/476/EEC (OJ No. L186, 8.7.81, p.20);

Council Directive 83/90/EEC (OJ No. L59, 5.3.83, p.10);

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

Council Directive 92/5/EEC (OJ No. L57, 2.3.92, p.1);

Council Directive 92/120/EEC (OJ No. L62, 15.3.93, p.86);

Act of Accession (Austria, Finland and Sweden);

Council Directive 95/23/EC (OJ No. L243, 11.10.95, p.7).

Relevant provisions: Articles 3 and 6.

Fresh poultry meat

6. Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultry meat (OJ No. L55, 8.3.71, p.23 (S Edn 1971(1), p.106)) as amended by—

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).

Relevant provisions: Articles 3(1), 8 and 14.

7. Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultry meat (OJ No. L268, 24.9.91, p.35) as amended by—

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

Council Directive 93/121/EEC (OJ No. L340, 31.12.93, p.39):

Act of Accession (Austria, Finland and Sweden).

Relevant provisions: Articles 1 to 3.

Live bivalve molluscs and other shellfish

8. Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs (OJ No. L268, 24.9.91, p.1) as amended by—

Act of Accession (Austria, Finland and Sweden).

Relevant provisions: Articles 3(1)(a) to (i) and (2) (read with article 1) and 4.

Meat products

9. Council Directive [77/99/EEC](#) of 21 December 1976 on health problems affecting intra-Community trade in meat products (OJ No. L26, 31.1.77, p.85) as read with—

Council Directive [92/120/EEC](#) (OJ No. L62, 15.3.93, p.86) and as amended by:

Council Directive [92/5/EEC](#) (OJ No. L57, 2.3.92, p.1);

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

Council Directive [92/118/EEC](#) (OJ No. L62, 15.3.93, p.49);

Council Directive [95/68/EC](#) (OJ No. L332, 30.12.95, p.10);

Act of Accession (Austria, Finland and Sweden).

Relevant provisions: Articles 1 to 11 and 13.

10. Council Directive [80/215/EEC](#) of 22 January 1980 on animal health problems affecting intra-Community trade in meat products (OJ No. L47, 21.2.80, p.4) as amended by—

Council Directive [80/1100/EEC](#) (OJ No. L325, 1.12.80, p.16);

Council Directive [81/476/EEC](#) (OJ No. L186, 8.7.81, p.20);

Council Directive [85/321/EEC](#) (OJ No. L168, 28.6.85, p.39);

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

Council Directive [87/491/EEC](#) (OJ No. L279, 2.10.87, p.27):

Council Directive [88/660/EEC](#) (OJ No. L382, 31.12.88, p.35);

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

Council Directive [91/687/EEC](#) (OJ No. L377, 31.12.91, p.16):

Act of Accession (Austria, Finland and Sweden).

Relevant provisions: Articles 1 to 4 and 7a.

Minced meat and meat preparations

11. Council Directive [94/65/EC](#) laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ No. L368, 31.12.94, p.10).

Relevant provisions: Articles 1, 2, 3, 5, 7, 8, 11, 13 and 14.

Products not subject to the animal health and public health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662.

12. Directive [92/118](#), as amended by—

Act of Accession (Austria, Finland and Sweden);

Commission Decision [94/466/EC](#) (OJ No. L190, 26.7.94, p.26);

Commission Decision [94/723/EC](#) (OJ No. L288, 9.11.94, p.48):

Commission Decision [95/338/EC](#) (OJ No. L200, 24.8.95, p.35);

Commission Decision [95/339/EC](#) (OJ No. L200, 24.8.95, p.36);

Commission Decision [96/103/EC](#) (OJ No. L24, 31.1.96, p.28);

Commission Decision [96/340/EC](#) (OJ No. L129, 30.5.96, p.35);

Commission Decision [96/405/EC](#) (OJ No. L165, 4.7.96, p.40).

Relevant provisions: Articles 4, 5, 6 and 7.

Rabbit meat and farmed game meat

13. Council Directive [91/495/EEC](#) of 27 November 1990 concerning public health problems affecting the production and placing on the market of rabbit meat and farmed game meat (OJ No. L268, 24.9.91, p.41) as amended by—

Council Directive [92/65/EEC](#) (OJ No. L268, 14.9.92, p.54);

Council Directive [92/116/EEC](#) (OJ No. L62, 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).

Relevant provisions: Articles 3 and 5.

Raw milk, heat treated milk and milk based products

14. Council Directive [92/46/EEC](#) of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat treated milk and milk based products (OJ No. L268, 14.9.92, p.1) as amended by—

Council Directive [92/118](#);

Commission Decision [94/330/EC](#) (OJ No. L146, 11.6.94, p.23);

Council Directive [94/71/EC](#) (OJ No. L368, 31.12.94, p.33);

Act of Accession (Austria, Finland and Sweden).

Relevant provisions: Chapter II.

Wild game

13. Council Directive [92/45/EEC](#) of 16 June 1992 on public and animal health problems relating to the killing of wild game and the placing on the market of wild game meat (OJ No. L268, 14.9.92, p.35) as amended by:

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

Act of Accession (Austria, Finland and Sweden).

Relevant provisions: Articles 3, 4, 5 and 6.

SCHEDULE 4

Regulation 30

COST FACTORS FOR THE CALCULATION OF CHARGES

1. The salaries and fees, together with overtime payments and employers' national insurance and superannuating 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.

2. The costs of recruiting the persons listed in the preceding paragraph and training them to enforce these Regulations.

3. 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.

4. 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.
5. The cost of protective clothing and equipment used in carrying out the checks.
6. The costs of laundering protective clothing.
7. Sampling and analysis costs, excluding those relating to testing for the presence of salmonella.
8. The 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.
9. The anticipated frequency of the checks and the charges may differ according to products or their source.
10. Where any of the above relates only partly to the checks carried out, only the appropriate percentage of the costs shall be charged under these Regulations.

SCHEDULE 5

Regulation 40

PART I

DISAPPLICATION OF PROVISIONS

<i>Title</i>	<i>Reference</i>	<i>Extent</i>
The Importation of Birds, Poultry and Hatching Eggs Order 1979	S.I. 1979/1702	Articles 6 to 9
The Importation of Hay and Straw Order 1979	S.I. 1979/1703	Article 5
The Importation of Animal Products and Poultry Products Order 1980	S.I. 1980/14	Articles 5 to 7
The Importation of Embryos, Ova and Semen Order 1984	S.I. 1984/12 as amended by S.I. 1984/1326	Articles 5, 5A and 6
The Importation of Bovine Semen Regulations 1984	S.I. 1984/1325	Regulations 4 and 5
The Imported Food Regulations 1984	S.I. 1984/1918 as amended by the Criminal Justice Act 1988 (c. 33) , S.I. 1990/2371 and S.I. 1990/2486	The whole Regulations except regulations 1, 2, 3, 4, 5, 12, 13, 14 and 20 and Schedules 1 to 11
The Imported Food (Scotland) Regulations 1985	S.I. 1985/913 as amended by the Criminal Justice Act 1988 (c. 33) and S.I. 1990/2625	The whole Regulations except regulations 1, 2, 3, 4, 5, 12, 13, 14 and 20 and Schedules 1 to 11

PART II

DISAPPLICATION OF PROVISIONS FOR INTRA-COMMUNITY TRADE

<i>Title</i>	<i>Reference</i>	<i>Extent</i>
The Diseases of Fish Act 1937	1937 c. 33	Section 1
The Diseases of Fish Regulations 1984	S.I. 1984/455	Regulations 2 and 5
The Importation of Salmonid Viscera Order 1986	S.I. 1986/2265	Articles 4 to 8

SCHEDULE 6

Regulation 41

CONSEQUENTIAL AMENDMENTS

The Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985 (S.I. 1985/1857)

1. In regulations 18(b) and 21(c)(ii) of the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985 (Acceptance of semen for storage and acceptance of semen for supply), for the words “the Products of Animal Origin (Import and Export) Regulations 1992”, there shall be substituted the words “the Products of Animal Origin (Import and Export) Regulations 1996”.

The Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985 (S.I. 1985/1861)

2. In regulations 18(b) and 21(c)(ii) of the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985 (Acceptance of semen for storage and acceptance of semen for supply), for the words “the Products of Animal Origin (Import and Export) Regulations 1992”, there shall be substituted the words “the Products of Animal Origin (Import and Export) Regulations 1996”.

The Fish Health Regulations 1992 (S.I. 1992/3300)

3.—(1) In regulation 14(1) of the Fish Health Regulations 1992 (Powers of veterinary inspector), for the words “regulation 7 of the Products of Animal Origin (Import and Export) Regulations 1992” there shall be substituted the words “regulation 13 of the Products of Animal Origin (Import and Export) Regulations 1996”.

(2) In the title to, and in paragraph (1) of, Regulation 16 of the said Regulations (extension of the Animals and Animal Products (Import and Export) Regulations 1992 and the Products of Animal Origin (Import and Export) Regulations 1992), for the words “the Products of Animal Origin (Import and Export) Regulations 1992” there shall be substituted the words “the Products of Animal Origin (Import and Export) Regulations 1996”.

The Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations 1994 (S.I. 1994/2782)

4. In regulation 2(1) of the Food Safety (Live Bivalve Molluscs and Other Shellfish) (Import Conditions and Miscellaneous Amendments) Regulations 1994 (Interpretation), for the definition of “the Import and Export Regulations” there shall be substituted the following definition—

““the Import and Export Regulations” means the Products of Animal Origin (Import and Export) Regulations 1996;”.

The Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994 (S.I. 1994/2783)

5. In regulation 2(1) of the Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994 (Interpretation), for the definition of “the Import and Export Regulations” there shall be substituted the following definition—

““the Import and Export Regulations” means the Products of Animal Origin (Import and Export) Regulations 1996;”.

The Animal By-Product (Identification) Regulations 1995 (S.I. 1995/614)

6. For regulation 5(e)(ii) of the Animal By-Product (Identification) Regulations 1995 (exemption), there shall be substituted the following paragraph—

“(ii) is transhipped in accordance with regulation 24 of the Products of Animal Origin (Import and Export) Regulations 1996;”.

The Bovine Embryo (Collection, Production and Transfer) Regulations 1995 (S.I. 1995/2478)

7. In regulation 21(5)(c) of the Bovine Embryo (Collection, Production and Transfer) Regulations 1995 (Transfer of bovine embryos), for the words “the Products of Animal Origin (Import and Export) Regulations 1992”, there shall be substituted the words “the Products of Animal Origin (Import and Export) Regulations 1996”.

The Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)

8. In regulation 2(1) of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (Interpretation), in paragraph (b) of the definition of “meat”, for the words “the Products of Animal Origin (Import and Export) Regulations 1992”, there shall be substituted the words “the Products of Animal Origin (Import and Export) Regulations 1996”.

SCHEDULE 7

Regulation 42

REVOCATIONS

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
The Products of Animal Origin (Import and Export) Regulations 1992	S.I. 1992/3298	The whole Regulations

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
The Products of Animal Origin (Third Country Imports) (Charges) Regulations 1992	S.I. 1992/3299	The whole Regulations
The Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994	S.I. 1994/2783	Regulation 14 and Schedule 7
The Products of Animal Origin (Import and Export) (Amendment) Regulations 1995	S.I. 1995/2911	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Great Britain, implement Council Directive [89/662/EEC](#) concerning veterinary checks in intra-Community trade with a view to the completion of the single market (OJ 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 (OJ 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](#) (OJ No. L62, 15.3.93, p.49).

These Regulations revoke and replace in their entirety the Products of Animal Origin (Import and Export) Regulations 1992 (S.I. [1992/3298](#)) (as amended) and the Products of Animal Origin (Third Country Imports) (Charges) Regulations 1992 (S.I. [1992/2911](#)).

The Regulations make provision for the designation of official veterinary surgeons to implement them and provide for enforcement by the local authority and by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales. In addition, those Ministers and the Secretary of State for Health have powers to give directions to local authorities (regulations 2, 3 and 4).

The Regulations also give powers of entry and inspection to enforce the directives (regulation 6), they confer a duty on local authorities to provide returns (regulation 7) and they require the notification of decisions with reasons (regulation 8).

With respect to intra-Community trade, they make it an offence to export products of animal origin except in accordance with specified provisions (regulation 10). They provide for registration by, or notification to, the Minister of certain establishments which produce or process or supply for export products of animal origin covered by Council Directive [92/118/EEC](#) (regulations 11 and 12). They provide for the inspection and checking of imports, make provision on the removal of documents and

place duties on consignees (regulations 13 to 15). They regulate consignments posing a risk to health and provide for repeated irregularities by an exporting establishment in Great Britain (regulations 16 and 17).

For third country trade, they make it an offence to import otherwise than through a border inspection post (regulation 20) and specify import procedure (regulations 21, 22 and 27). They regulate procedures in free zones and free warehouses and transshipment under customs control (regulations 23 and 24) and establish procedures for consignments posing a risk to health and illegal consignments (regulation 25).

In relation to charges, the Regulations—

- (a) require the Minister or local authorities to make a charge for the performance of their functions relating to health inspection and control exercises in respect of products of animal origin (regulation 29);
- (b) provide for the calculation of the charges for the health inspection and control exercises (regulation 30);
- (c) state who is liable to pay the charge (regulation 31);
- (d) provide that goods cannot be released until charges have been paid (regulation 32);
- (e) require the Minister and local authorities, where requested to do so, to provide information relating to charging and to consider any representations made concerning the charge by any person notified and require local authorities to pass information regarding the calculation of the charges, together with any representations, to the Minister if he so requires (regulation 33); and
- (f) set out an appeals procedure (regulation 34).

They provide a procedure whereby products from an area outside Great Britain suffering from disease can be prevented from entering Great Britain (regulation 35).

They make provisions on offences and penalties (regulations 36 to 39) and disapply the provisions listed in Schedule 5 from imports to which these Regulations apply (regulation 40).

A Compliance Cost Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Meat Hygiene Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.