
STATUTORY INSTRUMENTS

2004 No. 1740

The Products of Animal Origin (Third Country Imports) (England) (No. 2) Regulations 2004

PART 9

Products Returned from Third Countries

Meaning of “export certificate”

48. In this Part “export certificate” means a certificate attesting that a returned product complies with animal or public health standards, issued to facilitate its original export from the customs territory of the Community by the authority responsible for monitoring such standards at the returned product’s Community establishment of origin.

Additional documentation for returned products

49. Any person who presents pursuant to regulation 18 a returned product and its required documents to an official veterinary surgeon shall present with the required documents—

- (a) the export certificate relating to the returned product or a copy authenticated as true by the authority which issued it;
- (b) a statement of the reasons why the returned product was refused by the third country;
- (c) a declaration by the person responsible for the returned product that, since the returned product was originally exported from the customs territory of the Community, the import conditions relating to storage and transport have been complied with in relation to the returned product; and either
- (d) in the case of a returned product not originally exported in a sealed container, a declaration by the person responsible for the returned product that it has not undergone any handling other than, in the case only of packaged products, loading and unloading of unopened packages; or
- (e) in the case of a returned product originally exported in a sealed container, a declaration by the carrier who introduces it into England that it has not been unloaded from the container in which it was exported, or otherwise handled.

Physical check of returned products

50. Any person required by regulation 18 to present a returned product, or ensure that it is presented, to the official veterinary surgeon at a border inspection post need permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)(c), to carry out a physical check on the returned product only if the official veterinary surgeon has reasonable grounds for believing—

- (a) that these Regulations have not been, or are not being, complied with in relation to the returned product;

- (b) that the returned product does not comply with the import conditions; or
- (c) that the identity or destination of the returned product does not correspond with the information given on any relevant document.

Movement of returned products

51.—(1) No person shall remove, or cause to be removed, a returned product from a border inspection post without the written authorisation of the official veterinary surgeon there.

(2) No person shall remove a returned product from a border inspection post unless it is contained in a leak-proof container or means of transport which has been sealed by an officer of the Commissioners or by the official veterinary surgeon at that border inspection post.

(3) The person responsible for a returned product removed in accordance with paragraphs (1) and (2), and any carrier who has charge of it for the time being shall ensure that—

- (a) it is conveyed directly to its Community establishment of origin in the sealed leak-proof container or means of transport referred to in paragraph (2); and
- (b) its common veterinary entry document accompanies it until the returned product reaches its Community establishment of origin.

(4) No person shall break the seals on the container or means of transport in which the returned product is conveyed, or unload the returned product, or split the consignment or part consignment which includes the returned product, or subject the returned product to any form of handling, until it reaches its Community establishment of origin.

(5) The operator of the Community establishment of origin shall give immediate written notification of the arrival there of the returned product to the veterinary officer who is responsible on behalf of the Secretary of State or the Agency for that establishment.