

## EXPLANATORY MEMORANDUM

- 1.i) **The Products of Animal Origin (Third Country Imports)(England)(No 2) Regulations 2004 No. 1740**
- 1.ii) **This Statutory Instrument is laid before Parliament by Command of Her Majesty**
- 1.iii) Department for Environment, Food and Rural Affairs
2. The regulations revoke and remake, with changes, The Products of Animal Origin (Third Country Imports)(England) Regulations 2004. The changes update Schedule 1, which lists Community legislation setting out import requirements for products, to reflect changes since the previous regulations were made; amend the definition of destination establishment to be in line with the wording of the Common Veterinary Entry Document and deletes the reference in Part II of Schedule 3 to the Czech Republic as it is now a Member State.

The regulations are revoked and remade, rather than amended, so that the import requirements applicable at any given time are contained in a single instrument in an easily accessible form.

### Legislative Background

3. The regulations implement Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries. Regulations implementing this Directive were first introduced in 2002 and have been updated regularly since, primarily to include Commission Decisions amending Community import requirements.

The regulations require that products of animal origin to which the Directive applies (listed in Commission Decision 2002/349) for import from third countries must be presented to an approved Border Inspection Post for veterinary examination to ensure that the product complies with the relevant import requirements. The regulations require importers to comply with the import requirements which are listed in Schedule 1. Enforcement at Border Inspection Posts is the responsibility of the local authority or, in the case of a Border Inspection Post that handles only consignments not intended for human consumption, the State Veterinary Service. HM Customs are responsible for enforcement at points of entry other than Border Inspection Posts.

A transposition note is attached.

### Extent

4. The regulations apply to England. Scotland, Wales and Northern

Ireland will introduce similar legislation.

## **European Convention on Human Rights**

5. The regulations are compatible with the European Convention on Human Rights.

## **Policy Background**

6. The objective of Directive 97/78 is to protect Community human and animal health by ensuring that imports of products of animal origin from third countries are produced to animal health and hygiene standards at least equivalent to those required for Community production. The current changes are minor technical ones reflecting the constantly changing disease situation in third countries.

The changes are routine and of very little public interest nor are they politically or legally important.

## **Impact**

7. No RIA has been prepared for these amendments as no impact on the private sector, voluntary sector or the public sector is foreseen.

## **Contact**

8. Nigel Widden  
International Animal Health Division  
Telephone: 020 7904 6406  
e-mail: [nigel.e.widen@defra.gsi.gov.uk](mailto:nigel.e.widen@defra.gsi.gov.uk)

**TRANSPOSITION NOTE: COUNCIL DIRECTIVE 97/78/EC**

Articles	Objectives	Implementation	Responsibility
<p><i>Article 1</i>            Veterinary checks on products from third countries introduced into one of the territories listed in Annex I shall be carried out by the Member States in accordance with this Directive.</p>	<p>To implement a veterinary checks regime.</p>		
<p><i>Article 2</i>            For the purposes of this Directive, the definitions contained in Article 2 of Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market and Article 2 of 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 (2) shall apply as necessary.</p> <p>2. In addition:</p> <p>(a) 'products' means the products of animal origin referred to in Directives 89/662/EEC and 90/425/EEC, including by-products of animal origin not covered by Annex II to the Treaty, and the plant products referred to in Article 19;</p> <p>(b) 'documentary check' means the examination of</p>	<p>Defines various terms used in the Directive.</p>	<p>Regulation 2 defines these and other terms used in the regulation.</p>	

<p>the veterinary certificate(s) or veterinary document(s), or other document(s) accompanying a consignment;</p> <p>(c) 'identity check' means a check by visual inspection to ensure that the veterinary certificate(s) or veterinary document(s) or other document(s) provided for by veterinary legislation tally with the product itself;</p> <p>(d) 'physical check' means a check on the product itself, which may include checks on packaging and temperature and also sampling and laboratory testing;</p> <p>(e) 'person responsible for the load' means any natural or legal person who, in accordance with the provisions of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (3) has responsibility for the development of the various situations covered by the said Regulation in which the consignment may be, and also the representative referred to in Article 5 of the said Regulation who assumes such responsibility for following up the checks laid down in this Directive;</p> <p>(f) 'consignment' means a quantity, of products of the same type, covered by the same veterinary certificates or veterinary document(s),</p>			
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<p>or other document(s) provided for by veterinary legislation, conveyed by the same means of transport and coming from the same third country or part of such country;</p> <p>(g) 'border inspection post' means any, inspection post, designated and approved in accordance with Article 6, for the carrying out of veterinary checks on products arriving from third countries at the border of one of the territories listed in Annex 1;</p> <p>(h) 'import' means the free circulation of products and the intention to release products for free circulation within the meaning of Article 79 of Regulation (EEC) No 2913/1992;</p> <p>(i) 'customs-approved treatment for use' means the customs-approved treatment or use referred to in point 15 of Article 4 of Regulation (EEC) No 2913/1992;</p> <p>(j) 'import conditions' means veterinary requirements for products to be imported, as laid down in Community legislation;</p> <p>(k) 'competent authority' means the central authority of a Member State empowered to carry out veterinary checks, or any authority to which it has delegated such powers.</p>			
<p>Article 3</p>			

<p>Member States shall ensure that no consignment from a third country is introduced into one of the territories listed in Annex I without having been subjected to the veterinary checks required by this Directive.</p>	<p>All products from third countries will be subject to veterinary checks at a border inspection post on entry to the community.</p>	<p>Regulation 16 No person shall introduce a product into England and Wales from a third country except at a border inspection post.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post  HM Customs at other points of entry</p>
<p>2. Member States shall ensure that consignments are introduced into one of the territories listed in Annex I via a border inspection post.</p>	<p>All proposed imports are to be notified in advance.</p>	<p>Regulation 17 no person shall introduce a product into England and Wales unless notice of its introduction has been given pursuant to this regulation.</p>	<p>The importer</p>
<p>3. Member States shall ensure that persons responsible for the load are obliged to forward information in advance by duly completing where applicable the certificate referred to in Article 5(1), or provide a detailed description in writing or in computerised form of the consignment referred to in paragraph 1, including the products referred to in Article 9 and Article 19(1), to the veterinary staff of the border inspection post to which the products are to be submitted.</p>	<p>Provision for inspecting ships manifests.</p>	<p>Regulation 9 confers powers in relation to documents.</p>	
<p>Member States may inspect the manifests of vessels and aircraft and check that they tally with the above mentioned statements and documents.</p>	<p>Customs authorities will only allow the goods to be used in accordance with the customs use indicated on the certificate of veterinary clearance.</p>	<p>Regulation 35 deals with the conditions for release of the consignment.</p>	
<p>4. The customs authorities on whom the border inspection post is geographically dependent shall allow the intended customs-approved treatment or use of the consignments only in accordance with the conditions set out in the certificate referred to in Article 5 (1).</p>			

<p><i>Article 4</i></p> <p>1. Each consignment shall be subject to veterinary checks in the border inspection post referred to in Article 3(2) by the competent authority under the responsibility of the official veterinarian in accordance with Article 6(1)(b).</p>	<p>All third country products to be subject to veterinary checks at a border inspection post.</p>	<p>Regulation 19 any person required to present a product shall permit the official veterinary surgeon (OVS) to carry out checks on the products.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post</p>
<p>3. Each consignment shall be subject to a documentary check irrespective of the customs-approved treatment or use in order to establish:</p> <p>(a) that the information in the certificates or documents referred to in Article 7(1) corresponds to the information forwarded in advance in accordance with Article 3(3);</p> <p>(b) in the case of imports, that the particulars contained in the certificates or documents referred to in Article 1 or other documents afford the guarantees required.</p>	<p>All consignments will be subject to a documentary check to ensure that:</p> <p>the information given on the prior notification form corresponds to the information on the health or other veterinary documents.</p> <p>That the health certificates contain the required information.</p>	<p>Regulation 19 documentary check defined in regulation 2.</p> <p>Prior notification is required under regulation 17</p> <p>Regulation 15 no person shall introduce a non-conforming product Regulation 19 requires an identity check.</p>	
<p>4. Apart from the specific cases stipulated in Articles 9 to 15, the official veterinarian shall carry out the following checks:</p>	<p>Apart from where the consignments are intended for another member state, transhipped to another third country or destined for entry into a ships store or free zone or warehouse they will be subject to veterinary checks at the BIP of</p>	<p>Regulations 38 to 43 lay down the rules on transhipment and transit products.</p>	

<p>(a) an identity check on each consignment to ascertain that the products correspond to the information given in the accompanying certificates or documents. Apart from bulk consignments as provided for in Council Directive 92/118/EEC of 17 December 1992 laying down animal 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(2), this procedure shall comprise:</p> <p>(i) where products of animal origin arrive in containers, verification that the seals fixed by the official veterinary (or the competent authority), where required by Community legislation, are intact and that the information appearing thereon corresponds to that given in the accompanying document or certificate;</p> <p>(ii) in other cases</p> <p>- for all types of product, a check that the stamps, official marks and health marks identifying the country and establishment of origin</p>	<p>introduction.</p> <p>All consignments will be subject to an identity check to ensure that the products are as described on the documents provided.</p> <p>Identity check can be a seal check where a seal is required by Community law.</p> <p>All consignments must be checked for the correct health marks.</p>	<p>Regulation 19 and definition of identity check under regulation 2.</p> <p>Regulation 2 contains the definition of an identity check which is to be carried out in accordance with Article 4 (4)(a).</p> <p>See above.</p>	
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<p>are present and conform to those on the certificate or document,</p> <p>- in addition, for wrapped or packaged products, a check on the specific labelling provided for in veterinary legislation,</p> <p>(b) a physical check on each consignment:</p> <p>(i) in order to ascertain that the products satisfy the requirements of Community legislation and are in a fit state to be used for the purpose specified in the accompanying certificate or document.</p> <p>- any laboratory tests on the spot,</p> <p>- any official sampling required for earliest possible analysis.</p>	<p>All consignments must be checked for the correct labelling,</p> <p>All consignments will be subject to a physical check to ensure that they are fit for the intended purpose. (Provision for a reduced level of physical checks are contained in Commission Decision 94/360.)</p> <p>Consignments can be subject to laboratory checks on the spot and samples can be taken for further analysis.</p>	<p>See above.</p> <p>Regulation 2 contains the definition of a physical check which is to be carried out in accordance with Article 4 (4)(b). Regulation 19(1)c lays down when a physical check will be undertaken.</p> <p>Regulation 15 requires the product to comply with import conditions.</p> <p>Regulation 2 contains the definition of a physical check which is to be carried out in accordance with Article 4 (4)(b).</p>	
<p>Article 5</p> <p>After completion of the required veterinary checks the official veterinarian shall issue a certificate for the consignment of products concerned certifying the results of the checks in accordance with the model provided in Annex B to</p>	<p>After completion of the checks the official veterinarian will issue a common veterinary entry document (CVED).</p>	<p>Regulations 20 and 35 cover the issue of the CVED.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post</p>

<p>Commission Decision 93/13/EEC laying down the procedures for veterinary checks at Community border inspection posts on products from third countries, adapted where appropriate in accordance with paragraph 4.</p> <p>2. The certificate referred to in paragraph 1 shall accompany the consignment:</p> <ul style="list-style-type: none"> <li>- as long as the consignment remains under customs supervision, in which case the said document shall refer to the customs document,</li> <li>- in the case of importation, as far as the first establishment as referred to in Directive 89/662/EEC, I or as far as the first centre or organisation of destination as referred to in Directive 90/425/EEC.</li> </ul> <p>3. If the consignment is split, the provisions of paragraphs 1 and 2 shall apply to each part.</p>	<p>The CVED will accompany the consignment to its first destination.</p> <p>If the consignment is split at the BIP a CVC will be issued for each part.</p>	<p>Regulation 20 requires the CVED to travel with the load to the first premises of storage or processed.</p> <p>Regulation 20 includes provision for issue of a CVED for part of a consignment.</p>	<p>The importer</p>
<p>Article 6 Border inspection posts must:</p> <p>(a) be located in the immediate vicinity of the point of entry into one of the territories listed in Annex 1, and in an area which is designated by the customs authorities in accordance with the first subparagraph, points (a) and (b) of Article 38(1) of Regulation (EEC) No 2913/92.</p> <p>(b) be placed under the authority of an official</p>	<p>Lays down that the BIP must be in the immediate vicinity of the point of import.</p> <p>The BIP will be under the control</p>	<p>Regulation 2 defines a BIP designated and approved in accordance with Article 6.</p> <p>Regulation 4 lays down who will</p>	<p>Designation by local Customs and Excise.</p>

<p>veterinarian, who shall be effectively responsible for the checks. The official veterinarian may be assisted by specially trained auxiliary staff.</p> <p>3. A Member State must, in serious cases, particularly on public or animal health grounds, suspend approval of a border inspection post situated in its territory. It shall inform the Commission and the other Member States of such suspension and of its reasons. The border inspection post may be restored to the list only in accordance with paragraph 2(a).</p>	<p>of an official veterinarian (OVS) who may be helped by trained assistants.</p> <p>Member states can suspend operation of a BIP if serious non-compliance is found.</p>	<p>enforce the Regulations.</p> <p>Regulation 13 provides for the suspension of the BIP if a serious health risk is identified.</p>	<p>The Secretary of State .</p>
<p><i>Article 7</i></p> <p>1. Each consignment intended for import into one of the territories listed in Annex I shall be accompanied by the original veterinary certificates or original veterinary documents or other original documents as required by veterinary legislation. The original certificates or documents shall remain at the border inspection post.</p> <p>2. Without prejudice to Article 10, each consignment of products from a third country intended for import into one of the territories referred to in Annex I shall be subject to an identity check and a physical check as provided for in Article 4(4).</p> <p>3. The customs authorities shall not allow the importation of consignments of products unless without prejudice to the customs regulations and to the special</p>	<p>Each consignment will be accompanied by the original health certificate or other required documents which will be retained at the BIP.</p> <p>Unless subject to a specific derogation all products will undergo an identity and physical check.</p> <p>Customs will not allow release of the consignment until they have proof that it has</p>	<p>Regulation 34 requires that the relevant documents defined in article 2 remain at the BIP. Regulation 18 requires the importer to present the required documents.</p> <p>Regulation 19 provides for documentary identity and physical checks.</p> <p>Regulation 35 provides that the person responsible for the consignment will</p>	<p>The Official Veterinary Surgeon employed by the local authority responsible for the border inspection post in its area</p>

<p>provisions to be adopted in accordance with Article 10(2) and (3) and Article 18 - proof has been supplied that the relevant veterinary checks have been carried out with satisfactory results, that the relevant certificate has been issued in accordance with Article 5(1) and that the competent authority has a guarantee that the inspection fees referred to in Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC (amended and consolidated) have been or will be paid, in accordance with the provisions of that Directive.</p> <p>Trade in the products referred to in Directives 89/662/EEC and 90/425/EEC and allowed into one of the territories listed in Annex I to this Directive under paragraph 3 of this Article shall be conducted in accordance with the rules laid down in the said Directives, in particular in Chapter II thereof.</p>	<p>passed the veterinary checks, the CVED has been issued and payment guaranteed.</p> <p>Once a consignment has been released for free circulation into the Community it is subject to the rules governing intra-community trade.</p>	<p>provide customs with evidence that veterinary checks have been carried out.</p>	
<p><i>Article 8</i> Where products are intended for a Member State or an area having obtained specific requirements in the framework of Community legislation,</p> <p>samples have been taken but the results are not known when the means of transport leaves the border inspection post,</p> <p>imports authorised for specific purposes are involved, in the cases provided for by</p>	<p>Provides for import into one member state of products destined for another member state of products with specific requirements or for a specific purpose covered in community legislation.</p>	<p>Regulation 36 provides for specific requirements or purposes in other EEA states.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post</p>

<p>Community legislation,</p> <p>additional information must be communicated to the competent authority of the place of destination by means of the ANIMO network referred to in Directive 901425/EEC.</p>		<p>An administrative process covered in instructions to the OVS.</p>	
<p><i>Article 9</i></p> <p>1. Consignments intended for import into one of the territories listed in Annex I which arrive at one border inspection post but are intended for import via another border inspection post situated in the same territory, or situated in the territory of another Member State, shall be subject to an identity check and a physical check at the border inspection post of destination, provided that the transport takes place by sea or air. The following procedures shall be carried out in the border inspection post of introduction:</p> <p>(a) if the consignment is transhipped from one aircraft to another or from one vessel to another within the customs area of the same port or airport either directly or after being unloaded on the quayside or the tarmac for a period shorter than the minimum period referred to in (b), the competent authority shall be informed by the person responsible for the load. It may, exceptionally if there is a risk to animal or public health, carry out a documentary check of the products on the basis of the certificate or veterinary document of origin or any</p>	<p>Deferral of identity and physical checks to the BIP of destination if transport takes place by air or sea.</p> <p>Sets out the conditions under which veterinary checks need not be carried out at the BIP of introduction which are that it is transhipped from ship to ship or plane to plane directly or immediately after being unloaded.</p> <p>The BIP of introduction may carry out documentary checks if there is a perceived risk to</p>	<p>Regulation 38 implements the general provisions of this directive and sets out the minimum and maximum times set out in Commission Decision 2000/25.</p> <p>Regulation 38.</p> <p>Regulation 38.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post</p>

<p>other original document accompanying the consignment concerned or an authenticated copy thereof;</p> <p>(b) if the consignment is otherwise unloaded, it must:</p> <p>(i) be stored for a maximum and minimum period and under conditions to be determined according to the procedure laid down in paragraph 2, under the supervision of the competent authority, in the customs area of the port or airport pending forwarding to another border inspection post by sea or air;</p> <p>(ii) be subjected to a documentary check of the products in relation to the documents referred to in (a);</p> <p>(iii) without prejudice to Article 20, be subjected exceptionally to an identity check and a</p>	<p>public or animal health.</p> <p>Provides that if the consignment is not directly transhipped it may be stored for a specified time period before veterinary checks must be undertaken.</p> <p>The maximum and minimum times are laid down in Commission Decision 2000/25 and are for airports minimum 12 hours maximum 48 hours for seaports minimum 7 days and maximum 20 days. If transhipped in under the minimum time no checks at BIP of introduction between minimum and maximum subject to a documentary check. If in excess of the maximum time full veterinary checks.</p> <p>Full checks can be made if there is a perceived health risk.</p>	<p>Regulation 38.</p> <p>Regulation 38.</p> <p>Regulation 38.</p>	
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<p>physical check if there is any possibility of danger to public or animal health.</p>			
<p><i>Article 10</i></p>	<p>Provides for the Commission to determine a reduced level of physical checks on a country by country basis depending on the veterinary structures in place and risk analysis.</p>	<p>Competency of the Commission.</p>	
<p><i>Article 11</i>  1. A Member State shall, on behalf of all Member States through which transit is due to take place, only authorise the transit of consignments from one third country to another third country if:</p> <p>(a) such consignments come from a third country whose products are not prohibited entry on to the territories listed in Annex I and are intended for another third country. The competent authority may waive this requirement for transshipments carried out in accordance with Article 9(1)(a) of consignments from one aircraft to another or from one vessel to another within the customs area of the same port or airport for the purpose of redispach without further stop on the territories listed in Annex I following general criteria to be fixed in accordance with paragraph 4;</p>	<p>Provides for consignments from one-third country to another third country via a member state.</p> <p>Such consignments must not come from countries whose goods are prohibited from entry into the community.</p> <p>Derogation from the above if the goods are directly transhipped from one craft to another or if unloaded transhipped under the minimum time laid down in Commission decision 2000/25 (see Article 9).</p>	<p>Regulation 39 defines the BIP of entry and the BIP of exit.</p> <p>Regulation 42 covers the detailed rules for transiting consignments.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post</p>

<p>(b) such transit has been previously authorised by the official veterinarian of the border inspection post of the Member State where the consignment first arrives in one of the territories listed in Annex I;</p>	<p>Transits must have been authorised by the OVS in the member state of introduction.</p>	<p>Regulation 40.</p>	
<p>(c) the person responsible for the load undertakes beforehand to repossess the consignment if the products concerned are rejected and to dispose of it in accordance with Article 17.</p>	<p>Assurances have to be given that if the third country refuses the consignment the person who sent it will take it back and destroy it.</p>	<p>Regulation 42 and 43 requires the assurance for the person responsible to repossess the product. regulation 43 deals with the disposal of any transiting product refused entry by the third country of destination.</p>	
<p>2. The authorisation referred to in paragraph 1 shall be subject to compliance with the following conditions:</p>	<p>Lays down the conditions for transit.</p>		
<p>(a) consignments presented for transit at the border inspection post shall be accompanied by the documents referred to in Article 7(1) together, if necessary, with authenticated translations of such documents;</p>	<p>Requires the consignment to be accompanied by a health certificate and if necessary authenticated translated copies.</p>	<p>Regulation 42.</p>	
<p>(b) the consignment of products must be presented at the said border inspection post in order to undergo the documentary check and identity check.</p>	<p>The consignment will be subject to a documentary and identity check.</p>	<p>Regulation 19.</p>	
<p>Derogation from the documentary and identity checks may be granted by the</p>	<p>Provides for derogation from the above checks</p>		

<p>competent veterinary authority for sea and air transport where the consignment:</p> <ul style="list-style-type: none"> <li>- is not unloaded. In this case, and without prejudice to Article 20, documentary checks will be confined to examination of the on-board manifest,</li> <li>- is transhipped as described in Article 9(1)(a) from one aircraft to another or from one vessel to another within the customs area of the same port or airport.</li> </ul> <p>In exceptional cases which may present a public health or animal health risk or when irregularities are suspected, additional physical checks must be carried out;</p> <p>(c) in the case of passage by road, rail or by waterway through the territories listed in Annex I, such a consignment shall:</p> <ul style="list-style-type: none"> <li>- be sent under customs supervision, in accordance with the TI procedure laid down in Regulation (EEC) No 2913/192 to the point of exit from the Community, together with the document required under 2(a) and the certificate referred to in Article 5(1) certifying the border inspection post where the consignment will leave the Community,</li> <li>- be transported, without the products being unloaded or split after leaving the border inspection post of arrival, in vehicles or containers sealed by</li> </ul>	<p>if:</p> <ul style="list-style-type: none"> <li>the consignment is not unloaded and a check is made on the manifest;</li> <li>the consignment is transhipped for transit in under the minimum time set 12 hours for aircraft and seven days for ships.</li> </ul> <p>The OVS may carry out a physical check if it is suspected that the consignment presents a health risk.</p> <p>Sets out the condition(s) for transit by road or rail:</p> <ul style="list-style-type: none"> <li>requires the consignment to remain under customs control, have a health certificate and a CVC giving the BIP of exit from the Community.</li> </ul> <p>The consignment must travel in sealed containers and not be unloaded, handled</p>	<p>Regulation 41</p> <p>Regulation 42.</p> <p>Regulation 41.</p> <p>Regulation 42</p> <p>Regulation 42.</p>	
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<p>the authorities. No handling shall be authorised during transport,</p> <p>- leave the Community via a border inspection post within a maximum of 30 days following.</p>	<p>or split whilst in the Community.</p> <p>The consignment must leave the Community via a BIP within 30 days.</p>		
<p><i>Article 12</i></p> <p>1. Consignments coming from a third country and intended for a free zone, a free warehouse or a customs warehouse may, in accordance with Regulation (EEC) No 2913/92, be admitted by the competent authority only if the person responsible for the load has declared beforehand that the products concerned are destined ultimately for release into free circulation on one of the territories listed in Annex I or if there is some other end-use to be specified, and whether or not the products comply with the import conditions.</p> <p>In the absence of a clear indication of their end-use, products must be considered as intended for release into free circulation on one of the territories listed in Annex I. -</p> <p>2. Such consignments shall undergo, at the border inspection post of introduction, a documentary, identity and physical check in order to determine whether or not the products comply with the said import conditions.</p> <p>A physical check shall however not be required - except on suspicion of an animal health or public health risk should it appear from the documentary</p>	<p>This article deals with non-conforming goods stored for re-export to a third country or for use as ships stores. As it is permissive i.e. not mandatory these provisions will not be transposed into UK law.</p>	<p>Regulation 45 provides for pre-notification of consignments destined for warehouses or ships stores.</p> <p>Regulation 47 excludes the introduction of non-conforming goods into warehouses in free zones free warehouses or customs warehouses in England</p> <p>Regulation 46 provides for physical checks to see if the products is a non-</p>	

<p>check that the products do not meet Community requirements.</p> <p>Such consignments shall be accompanied by the documents referred to in Article 7(1). If necessary, authenticated translations of such documents shall be attached.</p> <p>3. If, following the checks referred to in paragraph 2, it is found that Community requirements have been met, the official veterinarian of the border inspection post shall issue the certificate referred to in Article 5(1) in conjunction with the customs documents. The competent veterinary and customs authorities of the border inspection post shall authorise entry to a warehouse in a free zone, to a free warehouse or to a customs warehouse. Such products shall from a veterinary point of view be declared fit for subsequent release into free circulation.</p> <p>4. If, following the checks referred to in paragraph 2, it is found that the products concerned do not meet Community requirements the official veterinarian of the border inspection post shall issue the certificate referred to in Article 5(1) in conjunction with the official customs documents. The customs and veterinary authorities of the border inspection post may in such cases only authorise entry to a warehouse in a free zone, to a free warehouse or to a customs warehouse if, without prejudice to Article 16, the following requirements are met:</p>		<p>conforming product.</p>	
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<p>(a) products must not come from a third country subject to a prohibition as laid down in Article 11(1)(a), first sentence;</p> <p>(b) warehouses in free zones and free warehouses or customs warehouses must be approved by the competent authority for the storage of the products. In order to be approved, they must meet the following requirements:</p> <ul style="list-style-type: none"><li>- they must consist of a closed space with entry and exit points subject to permanent control by the management of the warehouse. If a warehouse is located in a free zone, the entire zone must be closed and placed under permanent customs control,</li><li>- they must meet the conditions of approval laid down in Community legislation as regards warehouses storing the product(s) concerned, or, should there be no such Community legislation, in national legislation,</li><li>- they must have arrangements for the daily logging of all consignments entering or leaving the warehouse, with details of the nature and quantity of the products per consignment and the name ' and address of the recipient. Such records must be kept for at least three years,</li><li>- they must possess storage and/or refrigeration rooms allowing for separate storage of products which do not comply</li></ul>			
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<p>with veterinary legislation.</p> <p>The competent authority may, however, in the case of existing warehouses, authorise separate storage of such products on the same premises when' products not complying with Community standards are stored in lockable enclosures,</p> <ul style="list-style-type: none"><li>- they must have available premises reserved for the staff carrying out the veterinary checks.</li></ul> <p>If the checks referred to in paragraph 2 show that the person responsible for the load has made a false declaration pursuant to paragraph 1, he shall be obliged to dispose of the goods in accordance with Article 17.</p> <p>5. The competent authorities shall take all necessary steps:</p> <ul style="list-style-type: none"><li>- to ensure that the conditions for approval of warehouses are maintained,</li><li>- to prevent products which do not comply with Community veterinary requirements from being stored in the same rooms or enclosures as those which do so comply,</li><li>- to ensure an effective check on entries and exits from the warehouse and, during the hours of access, to ensure supervision by the veterinary authority. They</li></ul>			
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must in particular ensure that products not meeting Community requirements cannot leave the rooms or units where they are stored without the agreement of the competent authority,

- to carry out all checks necessary to avoid any alteration, substitution of products stored in the warehouse or any change of packaging, market preparation or processing.

6. A Member State may, on grounds of animal or public health, refuse entry to a customs warehouse, free warehouse or free zone to products if they do not meet the conditions laid down in Community legislation.

7. Consignments must not enter a free zone, free warehouse or customs warehouse unless protected by customs seals.

8. The consignments referred to in paragraph 4 may only leave a free zone, a free warehouse or a customs warehouse, in order to be dispatched to a third country or to a warehouse as referred to in Article 13, or to be destroyed, provided that:

despatch to a third country is in accordance with the requirements of Articles 11(1)(c) and 11(2)(a), (c), (d) and (e),

transfer to a warehouse as referred to in Article 13 is carried out under cover of a T1 customs control form, with the name and location of the warehouse

<p>mentioned in the accompanying certificate provided for in that Article,</p> <p>- transport to a place of destruction takes place after the products concerned have been denatured.</p> <p>The consignments in question shall subsequently be forwarded under such conditions as to ensure that transport is carried out, without the goods being unloaded, under the supervision of the competent authorities in leak-proof vehicles or containers sealed by the competent authorities.</p> <p>Such consignments may not be transferred between the warehouses referred to in this Article.</p> <p>9. All expenditure incurred pursuant to this Article, including the costs of inspection and checks required thereby, shall be chargeable to the person responsible for the load or his representative, without indemnification by the Member State, in accordance with the principles deriving from Article 1 of Directive 85173/EEC.</p> <p>10. Member States shall submit to the Commission the list of:</p> <p>(a) free zones, free warehouses and customs warehouses as referred to in paragraph 4;</p> <p>(b) operators as referred to in Article 13.</p>			
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<p>The Commission shall arrange for the publication of the list in (a) in the <i>Official Journal of the European Communities</i> and forward the list of operators in (b) to the other Member States.</p> <p>11. In the event of failure to comply with the conditions set out in paragraphs 1 to 10 and insofar as those conditions apply to the warehouse, the competent authority shall suspend or withdraw its approval as referred to in paragraph 4(b). It shall inform the Commission and the other Member States of any such withdrawal.</p> <p>Where irregularities, either deliberate or due to serious negligence, are found, the penalties laid down by the national law of the Member State concerned shall be applied to the person responsible for the transport of the consignment after it has left the warehouse.</p>			
<p>1. Operators who directly supply cross-border means of sea transport with products referred to Article 12(4) for the purposes of consumption by staff and passengers must, in addition to meeting the requirements of Article 12(1), (2), (4)(a) and the second, third and fourth indents of (4)(b), (5), (6), (7) and (9):</p> <p>(a) be authorised beforehand by the competent authority as operators;</p> <p>(b) acquire supplies of products which cannot be processed unless the raw</p>	<p>This article provides for ships stores to store non-conforming goods and will not be transposed into UK law.</p>	<p>see above</p>	

<p>material complies with Community requirements;</p> <p>(c) possess closed premises whose entry and exit points are under permanent control of the person responsible. Where a warehouse is located in a free zone, the requirements of Article 12(4)(b), first indent, second sentence, shall apply;</p> <p>(d) undertake not to release the products referred to in Article 12(4) for consumption on one of the territories listed in Annex I;</p> <p>(c) notify the competent authority as soon as possible of the arrival of the products at a warehouse as referred to in (c).</p> <p>2. The operators referred to in paragraph 1 must:</p> <p>(a) carry out deliveries directly on board the means of sea transport or to a specially approved warehouse in the port of destination, provided that measures are taken to ensure that the products concerned under no circumstances leave the port zone for another destination. The transport of products from the warehouse of origin to the port of destination must be carried out under customs supervision in accordance with procedure T1 as laid down in Regulation (EEC) No 2913/92 and be accompanied by a veterinary certificate</p>			
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<p>formulated in accordance with the procedure in paragraph 6;</p> <p>(b) notify in advance the competent authority of the port zone of the Member State from which the products are delivered and the competent authorities of the port of the Member State of destination of the date of dispatch of the products together with details of their place of destination;</p> <p>(c) provide official proof that the products have reached their final destination;</p> <p>(d) keep a register of entries and dispatches for at least three years. The register must enable a check to be made on portions of consignments remaining in the warehouse.</p> <p>3. Operators should ensure that they do not supply vessels with products not complying with Community requirements except to supply passengers and crew outside the coastal areas of the territories listed in Annex 1, as defined by national regulations.</p> <p>4. The competent authority of the port zone of the Member State from which the products are supplied shall notify the competent authority of the port zone of the Member State of destination not later than the time of</p> <p>dispatch of the products and</p>			
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<p>shall inform it of the place of destination of the products via the ANIMO network.</p> <p>5. In the event of failure to comply with the conditions of this Article, the competent authority must withdraw the authorisation referred to in I(a). It shall inform the Commission and the other Member States of any such withdrawal.</p> <p>6. Detailed rules for the application of this Article, in particular the checking procedures to be carried out on the departure and during the transport and delivery of the products due to be delivered directly on board means of sea transport, including proof that such products have reached their legal destination, shall be adopted in accordance with the procedure laid down in Article 29.</p>			
<p><i>Article 14</i></p> <p>1. Products for which the customs-approved treatment or use within the meaning of Regulation (EEC) No 2913/192 is other than as provided for in Articles 7 and 12(3) of this Directive, shall, unless they are destroyed or returned, undergo an identity check and a physical check in order to determine whether or not they comply with the import conditions.</p>	<p>Provides for identity and physical checks on goods which have been introduced for a customs approved use i.e. inward processing if the goods have not been imported or are conforming goods in a free warehouse.</p>	<p>Goods must be imported under normal procedures.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post</p>
<p><i>Article 15</i></p> <p>1. A Member State shall authorise the re-importation of a consignment of products of Community origin which was refused by a third country, if:</p>	<p>Provides for the re-import of Community goods refused entry to a third country and</p>	<p>Regulation 49.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection</p>

<p>(a) the products are accompanied:</p> <p>(i) either by the original certificate or a copy authenticated by the competent authority which issued the certificate accompanying the products, together with details of the reasons for refusal and a guarantee that the conditions governing the storage and transport of products have been observed, stating that the products concerned have not undergone any handling;</p> <p>(ii) in the case of sealed containers, by a certificate from the carrier stating that the content has not been handled or unloaded;</p> <p>(b) the products in question undergo a documentary and identity check and, in the cases provided for in Article 20, a physical check;</p> <p>(c) the consignment is directly returned, under the conditions provided for in Article 8(4) to the establishment of origin in the Member State where the certificate was issued</p>	<p>lays down the conditions that have to be met:</p> <p>must be accompanied by the original health certificate or an authenticated copy,</p> <p>must have details of reason for refusal,</p> <p>Must have a guarantee that the goods have been properly transported and have not undergone handling.</p> <p>If in sealed containers requires a certificate from the carrier that the goods have not been unloaded or handled.</p> <p>Subject to a documentary and identity check and a physical check if a health risk is perceived.</p> <p>The consignment must be returned directly to the establishment of origin.</p>	<p>Regulation 49.</p> <p>Regulation 49.</p> <p>Regulation 49.</p> <p>Regulation 49.</p> <p>Regulation 50.</p> <p>Regulation 51.</p>	<p>post</p>
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<p>and that, if transit across another Member State is involved, it has been previously authorised by the official veterinarian of the border inspection point of the Member State where the consignment first arrives in one of the territories of the Community listed in Annex 1, on behalf of all Member States through which the consignment will transit.</p> <p>2. A Member State cannot oppose the reintroduction of a consignment of products of Community origin refused by a third country if the competent authority which issued the original certificate has agreed to take back the consignment and the conditions laid down in paragraph 2 have been met.</p> <p>3. In the circumstances envisaged in paragraphs 1 and 2, the products in question shall be forwarded under such conditions as to ensure that transport is carried out as far as the establishment of origin in accordance with the procedure laid down in Article 8(4) in leak-proof means of transport, identified and sealed by the competent authority so that the seals will be broken whenever the container is opened.</p> <p>4. The official veterinarian who authorises the transport shall inform the competent authority of the place of destination via the ANIMO network.</p> <p>5. All expenditure incurred pursuant to this Article, including</p>	<p>If the consignment has to transit another member state prior authorisation has to be obtained.</p> <p>If the original exporting member state has agreed to take the consignment back any transited state cannot refuse re-introduction.</p> <p>The goods will be subject to channelling and transported in a sealed leak proof container.</p>	<p>Administrative provisions</p> <p>Regulation 51.</p>	
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<p>the costs of inspection and checks required thereby, shall be chargeable to the person responsible for the load or his representative, without indemnification by the Member State, in accordance with the principles deriving from Article 1 of Directive 85/73/EEC.</p>			
<p><i>Article 16</i> 1. This Chapter shall not apply to products which:</p> <p>(a) form part of travellers' personal luggage and are intended for their personal consumption, insofar as the quantity does not exceed a quantity to be defined in accordance with paragraph 3 and provided that the products come from a Member State or a third country or part of a third country appearing on the list adopted in accordance with Community rules, and from which imports are not prohibited;</p> <p>(b) are sent as small consignments to private persons, provided that the products are not being imported by way of trade, insofar as the quantity sent does not exceed a quantity to be defined in accordance with paragraph 3 and provided that the products come from a third country or part of a third country appearing on a list drawn up in accordance with Community rules, and from which imports are not prohibited;</p>	<p>Provides for exemption from veterinary checks for small quantities in personal luggage for personal consumption.</p> <p>Provides for exemption from veterinary checks for small quantities sent as parcels for personal consumption.</p> <p>But must come from a third country on the relevant third country list.</p>	<p>Regulation 3 lays down the exemption for personal imports.</p> <p>Regulation 3</p> <p>Regulation 3</p>	<p>HM Customs</p>

<p>(c) are on board means of transport operating internationally and are intended for consumption by the crew and passengers, provided that they are not introduced into one of the territories referred to in Annex I.</p>	<p>Provides for the exemption of provisions on ships to be exempted from veterinary checks.</p>	<p>Regulations 29</p>	
<p>Where such products or their kitchen waste are unloaded, they must be destroyed. It is not, however, necessary to destroy products when they are transferred directly from one means of transport operating internationally to another at the same port and under customs supervision;</p>	<p>Where such provisions or kitchen waste is unloaded it must be destroyed unless directly transhipped to another vessel.</p>	<p><i>Regulations 29</i></p>	
<p>(e) are sent as trade samples or are intended for exhibitions provided that they are not intended to be marketed and have been authorised in advance for that purpose by the competent authority;</p>	<p>Exempts trade samples from veterinary checks</p>	<p>Regulation 3.</p>	
<p>(f) are intended for particular studies or analyses insofar as it is possible to determine from the official inspection that such products are not supplied for human consumption and that, when the exhibition is finished or when the particular studies or analyses have been carried out, these products, with the exception of the quantities used for the analyses, are destroyed or redispached under certain conditions to be laid down by the competent authority.</p>	<p>Exempts material destined for study or analysis as long as not for human consumption and any residue must be destroyed.</p>	<p>Regulation 3.</p>	

<p>In the case referred to under (e) and in this case the Member State of destination shall ensure that the products concerned cannot be used for purposes other than those for which they were imported into its territory.</p> <p>2. Paragraph 1 shall not affect the rules applicable to fresh meat and meat products in accordance with Article 1(2) of Council Directive 721462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of animals of the bovine, ovine, caprine and porcine species, fresh meat and meat-based products from third countries.</p>			
<p><i>Article 17</i></p> <p>1. Consignments which have been introduced into one of the territories of the Community without being presented for veterinary checks in accordance with the requirements of Articles 3 and 4 shall be seized and the competent authority shall decide either to destroy them in accordance with paragraph 2(b) or to re-dispatch them in accordance with paragraph 2(a).</p> <p>2. Where the checks referred to in this Directive show the competent authority that the product does not satisfy the import conditions, or where such checks reveal an irregularity, the competent authority, in consultation with the person responsible for the load or his</p>	<p>Provides for consignments not presented for veterinary checks to be re-dispatched or destroyed.</p> <p>Lays down that where the consignment does not meet the import conditions.</p>	<p>Regulation 24.</p> <p>Regulation 21.</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post or HM Customs at other points of entry</p>

<p>representative, shall decide:</p> <p>(a) either to redispach the product outside the territories listed in Annex I from the same border inspection post to a destination agreed with the person responsible for the load, using the same means of transport, within a maximum time limit of 60 days, where this is not precluded by the results of</p> <ul style="list-style-type: none"> <li>- the veterinary inspection and health requirements.</li> </ul> <p>- under arrangements to be defined by the Commission in accordance with the procedure referred to in paragraph 7, invalidate the veterinary certificates or documents accompanying the rejected products so that it is not possible to reintroduce the rejected products via another border inspection post;</p> <p>(b) or, if redispach is impossible or the 60-day time limit referred to in (a) has elapsed or the person responsible for the load gives his immediate agreement, destroy the products in the facilities provided for that purpose nearest to the border inspection post in accordance with Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal</p>	<p>As long as the goods do not present a health risk redispach from the BIP of entry by the same means of transport within 60 days.</p> <p>The OVS should invalidate any health certificates so that the consignment cannot be presented at any other BIP.</p> <p>If redispach is not possible within 60 days or with the agreement of the importer the consignment may be destroyed or treated as animal waste and dealt with accordingly.</p>	<p>Regulation 21 2(a), (b), 3(a) and (b).</p> <p>Regulation 27.</p> <p>Regulation 21.</p>	
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<p>waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin.</p> <p>Pending redispach of the products referred to in this point or confirmation of the reasons for rejection, the competent authorities shall store the products in question under the supervision of the competent authority at the expense of the person responsible for the load.</p> <p>3. The provisions of Articles 23 and 24 shall apply where the checks referred to in paragraphs 1 and 2 reveal that a serious infringement or repeated infringements of Community veterinary legislation has or have been committed.</p> <p>4. Paragraph 2 shall not apply where an authorisation has been given by the competent authority in order to permit the use of products in accordance with Directive 90/667/EEC, provided that there is no risk to public or animal health.</p> <p>5. The person responsible for the load or his representative shall be liable for the costs incurred in the process of redispaching or destroying the consignment or using the product for other purposes.</p>	<p>Pending redispach the consignment will be stored under the supervision of the OVS.</p> <p>If there are repeated or serious infringements the Commission in being informed will inform all BIPs and instigate an increased checking regime.</p> <p>Redispatch or destruction will not apply if the OVS permits the product to be treated under the animal waste directive. Now replaced by the Animal By-products Regulation</p> <p>The importer will be responsible for any costs involved.</p>	<p>Regulation 21.</p> <p>Regulation 26.</p> <p><i>Regulation (EC) 1774/2002</i></p> <p>Regulation 28.</p>	
<p><i>Article 19</i></p>			

<p>1. The Commission, in accordance with the procedure laid down in Article 29, shall draw up a list of plant products which, in particular on account of their subsequent destination, may give rise to the risk of spreading infectious or contagious animal diseases and on that account are to be subjected to the veterinary checks laid down by this Directive, and in particular those provided for in Article 4, in order to verify the origin and planned destination of such plant products.</p> <p>The following shall be adopted in accordance with the same procedure:</p> <ul style="list-style-type: none"> <li>- the animal health conditions which third countries must comply with and the guarantees which must be offered, in particular the nature of any processing to be required in the light of their animal health situation,</li> <li>- a list of the third countries which, in the light of the guarantees, may be authorised to export to the Community the plant products referred to in the first paragraph,</li> <li>- any specific inspection procedures, in particular with reference to sampling, which may be applied to these products, especially in the case of imports in bulk.</li> </ul> <p>2. Fresh fishery products</p>	<p>Provision for Commission to draw up a list of plant products that require checking which may risk spreading infectious or contagious diseases.</p> <p>Provides for the Standing Committee on the Food Chain and Animal Health (SCOFCAH) to lay down the animal health conditions third countries must comply with.</p> <p>SCOFCAH will also list third countries eligible to export to the Community.</p> <p>The SVC can specify inspection procedures and sampling requirements.</p> <p>Checks on fish</p>	<p>Specific Commission Decisions will be added to schedule 1.</p>	<p>Competency of the Commission</p>
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<p>immediately landed from a fishing vessel flying a third-country flag shall, in accordance with Council Regulation (EEC) No 1093/94 of 6 May 1994 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports, and before they can be imported into any of the territories listed in Annex I, undergo the veterinary checks laid down in respect of fish immediately landed by fishing vessels flying the flag of a Member State.</p> <p>However, by way of derogation from Article 3(2) a Member State may, under the procedure provided for in Article 29, be authorised to carry out the checks laid down by this Directive in the case of frozen and deep-frozen tuna that has been landed directly without having been beheaded or gutted from a vessel belonging to joint enterprises registered in accordance with the relevant Community provisions, provided that:</p> <ul style="list-style-type: none"> <li>- such checks are carried out by the competent authority of the nearest border inspection post in the industry of destination approved for the processing of those products,</li> <li>- the processing industry is located not more than 75 km from a border inspection post,</li> <li>- the products are transferred under customs control, in accordance with the procedure laid down in the first indent of Article 8(4), from the point of</li> </ul>	<p>directly landed from vessels of third countries will be subject to the same checks as fish from Community vessels.</p> <p>Provides for special rules for frozen and deep frozen tuna.</p> <p>Checks can be carried out at the establishment of destination by the OVS of the nearest BIP as long as it is not more than 75 km away and the products are subject to channelling arrangements.</p>		
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<p>landing to the industry of destination.</p> <p>3. In accordance with the procedure laid down in Article 29, derogations may be granted from the provisions of Article 6(1)(b) and, as regards the staff responsible for carrying out the checks and for issuing certificates, from those of Article 4(1) and Article 5(1) for border inspection posts where fish are presented in accordance with 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.</p>	<p>Fish BIPs need not be under the supervision of an OVS.</p>	<p>Regulation 6 provides for the local authority to appoint a official fish inspector at fisheries only BIPs</p>	
<p><i>Article 20</i></p> <p>1. Without prejudice to the provisions of this Chapter, the official veterinarian or the competent authority shall, where it is suspected that veterinary legislation has not been complied with or there is doubt as to:</p> <p>(a) the identity or actual destination of a product;</p> <p>(b) whether the product corresponds to the guarantees laid down in the legislation for that kind of product;</p> <p>(c) compliance with the animal or public health guarantees laid down in Community legislation;</p> <p>carry out any veterinary checks the veterinarian or authority deems appropriate in order to confirm or rule out suspicion.</p>	<p>Provides that if the OVS suspects that the veterinary legislation has not been complied with he may undertake such checks as he deems fit to confirm or allay his suspicions.</p>	<p>Regulation 7 provides for enforcement powers of regulation 8 and 9 to be exercised if the OVS or central authority suspect that veterinary legislation has not been complied with</p>	<p>The Official Veterinary Surgeon responsible for the border inspection post or the Secretary of State .</p>

<p>The products checked must remain under the supervision of the competent authority until the results of the checks are obtained.</p> <p>If the suspicions are confirmed, checks on products of the same origin must be intensified in accordance with Article 17(3).</p>	<p>If the OVS's suspicions are correct increased checks on products of the same origin must be made.</p>		
<p><i>Article 21</i></p>	<p>Provisions relating to Austria and Finland.</p>		
<p><i>Article 22</i></p> <p>1. If, in the territory of a third country, a disease referred to in Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community (2 ), a zoonosis or other disease or any other phenomenon or circumstance liable to present a serious threat to animal or public health manifests itself or spreads, or if any other serious animal health or public health reason so warrants, in particular in the light of the findings of its veterinary experts or in the checks carried out in a border inspection post, the Commission shall, acting on its own initiative or at the request of a Member State, adopt one of the following measures without delay, depending on the gravity of the situation:</p> <p>- suspend imports from all or part of the third country concerned, and where appropriate from the third country of transit,</p>	<p>Provides that if there is a serious disease outbreak in a third country that presents a serious threat to human or animal health the Commission may suspend imports.</p>	<p>Regulation 59 provides for suspension of imports or the imposition of conditions on products from third countries.</p>	<p>The Secretary of State.</p>

<p>- set special conditions in respect of products coming from all or part of the third country concerned,</p>	<p>Set specific conditions for products from that country.</p>	<p>Regulation 59.</p>	
<p>- draw up, on the basis of actual findings, requirements for appropriate checks, which may include specifically looking for risks to public or animal health and, depending on the result of those checks, increase the frequency of the physical checks.</p>	<p>Draw up requirements for appropriate checks,</p>	<p>Regulation 59.</p>	
<p>2. If any one of the checks provided for in this Directive indicates that a consignment of products is likely to constitute a danger to animal or human health, the competent veterinary authority shall immediately take the following measures:</p>	<p>Increase the frequency of physical checks.</p> <p>If the checks indicate a health threat the OVS will:</p>	<p>Regulation 25.</p>	
<p>- it shall seize and destroy the consignment in question,</p>	<p>seize and destroy the consignment,</p>	<p>Regulation 25.</p>	
<p>- it shall immediately inform the other border inspection posts and the Commission of the findings and of the origin of the products, in accordance with Decision 92/438/EEC.</p>	<p>inform all other BIPs and the Commission.</p>	<p>Regulation 25.</p>	
<p>3. In the case provided for in paragraph 1, the Commission may take provisional safeguard measures in respect of products covered by Articles 11, 12 and 13.</p>	<p>The Commission may take provisional safeguard measures in respect of non-conforming goods in free zones, free warehouses and ships stores.</p>	<p>Regulation 25.</p>	
<p>4. Representatives of the Commission may make an immediate visit to the third country concerned.</p>	<p>Member states may take interim safeguard measures.</p>	<p>Regulation 25.</p>	
<p>5. Where a Member State officially informs the Commission of the need to take safeguard measures and the latter has not</p>	<p>Member states may take interim safeguard measures.</p>	<p>Regulation 25.</p>	

<p>applied the provisions of paragraphs 1 to 3 or has not informed the Standing Veterinary Committee in accordance with paragraph 6, the Member State may take interim safeguard measures in respect of the products in question.</p> <p>When a Member State takes interim safeguard measures in respect of a third country or an establishment in a third country under this paragraph, it shall inform the other Member States and the Commission thereof in the Standing Veterinary Committee.</p> <p>Within 10 working days the Standing Veterinary Committee shall have the matter referred to it, pursuant to the terms of Article 28, with a view to the extension, amendment or repeal of the measures provided for in paragraphs 1 and 3. The procedure provided for in Article 28 may also be used for adopting the necessary decisions, including those relating to intra-Community movement of products and to transit.</p> <p>6. Decisions to amend, repeal or extend measures decided on under paragraphs 1, 2, 3 and 5 shall be taken in accordance with the procedure laid down in Article 28.</p>	<p>SCOFCAH has the power to extend amend or repeal measures taken by the Commission.</p>		
<p><i>Article 23</i></p>	<p>Provides for Commission missions to inspect</p>	<p>Regulation 8(3)</p>	

	compliance with the veterinary checks regime.		
<p><i>Article 24</i></p> <p>1. Where the checks provided by this Directive give grounds for believing that Community veterinary legislation has been seriously or repeatedly infringed the competent authority shall take the following measures in respect of products involved in such use or in the origin of such products:</p> <ul style="list-style-type: none"> <li>- it shall inform the Commission of the nature of the products used and the consignment concerned; the Commission shall forthwith inform all border inspection posts,</li> <li>- Member States shall carry out more stringent checks on all consignments of products from the same origin.</li> </ul> <p>In particular, the next 10 consignments from the same origin must be impounded, and a deposit lodged against inspection costs, at the border inspection post for a physical check, including the taking of samples and the laboratory tests provided for in Annex III.</p> <p>Where such additional checks confirm non-compliance with Community legislation, the offending consignment or part thereof must be disposed of in accordance with Article 17(2)(a) and (b),</p> <ul style="list-style-type: none"> <li>- the Commission shall be informed of the outcome of the more stringent checks and on the basis of this information shall make all necessary</li> </ul>	<p>Provides that in the case of serious or repeated infringements the OVS will:</p> <ul style="list-style-type: none"> <li>inform the Commission who will inform all BIPs,</li> <li>carry out more stringent checks on products of the same origin,</li> <li>impound the next 10 consignments of the same origin and get money up-front to cover the cost of more stringent checks,</li> <li>where goods are found not to conform they will be redispached or destroyed,</li> <li>the Commission will investigate further.</li> </ul>	<p>Regulation 26 provides for measures to be taken in the event of serious or repeated infringements</p> <p>Regulation 26.</p> <p>Regulation 26.</p> <p>Regulation 23.</p>	<p>The Secretary of State.</p>

investigations, to identify the reasons for and origins of the infringements found.

2. Where the checks reveal that the maximum residue limits have been exceeded, use shall be made of the checks referred to in the second indent of paragraph 1.

3. If, in cases involving third countries which have concluded equivalence agreements with the Community or third countries whose consignments are checked less frequently, the Commission, after making enquiries of the competent authorities of the third country concerned, concludes that it has failed to fulfil its obligations and the guarantees given by the plans referred to in Article 29(1) of Directive 96/123/EC, it shall cease to allow that country, under the procedure laid down in Article 29 of this Directive, to benefit from less frequent checks for the products in question until the third country in question has made good its shortcomings. The same procedure shall be used for withdrawing the suspension.

If necessary, in order to re-establish the benefit afforded by the said agreements, a Community deputation including experts from the Member States shall visit the country concerned, at that country's expense, in order to verify that such

Where checks reveal residues in excess of permitted levels.

measures have been taken.			
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