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STATUTORY INSTRUMENTS

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**2005 No. 3386**

**AGRICULTURE, ENGLAND**

**The Products of Animal Origin (Third Country Imports)  
(England) (No. 4) (Amendment) Regulations 2005**

*Made* - - - - *7th December 2005*  
*Laid before Parliament* *9th December 2005*  
*Coming into force* - - *10th December 2005*

The Secretary of State is designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community.

Exercising the powers conferred upon her by that section, she makes the following Regulations—

**Title, application and commencement**

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (England) (No. 4) (Amendment) Regulations 2005; they apply in England and come into force on 10th December 2005.

**Amendments to the Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004**

2.—(1) Amend Part VIII of Schedule 1 to the Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004<sup>(3)</sup> in accordance with this regulation.

(2) After paragraph 3 insert—

“4. Commission Decision [2005/760/EC](#) concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds (OJ No. L285, 28.10.2005, p. 60) (in so far as it relates to products derived from those birds), as amended by Commission Decision [2005/862/EC](#) (OJ No. L317, 3.12.2005, p. 19).”

(3) For paragraph 18 substitute—

“18. Regulation [\(EC\) No. 1774/2002](#) of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human

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(1) [S.I. 1972/1811](#).  
(2) [1972 c. 68](#).  
(3) [S.I. 2004/3388](#).

consumption (OJ No. L273, 10.10.2002, p. 1) as last amended by Commission Regulation (EC) No. 416/2005 (OJ No. L66, 12.3.2005, p. 10), and as read with Commission Decision 2005/760/EC, as amended by Commission Decision 2005/862EC (OJ No. L317, 3.12.2005, p. 19).”.

7th December 2005

*Bach*  
Parliamentary Under Secretary of State  
Department for Environment Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Part VIII of Schedule 1 to the Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004 ([SI 2004/3388](#)) (“the 2004 Regulations”). The 2004 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 (OJ No. L24, 30.1.98, p. 9).

Part VIII of Schedule 1 is amended in order to give effect to the restrictions on the importation of products derived from birds contained in Commission Decision [2005/760/EC](#) concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds (OJ No. L285, 28.10.2005, p. 60) as amended by Commission Decision [2005/862/EC](#) (OJ No. L317, 3.12.2005, p. 19). References to Commission Decision [2005/760/EC](#) (as amended) are inserted at paragraphs 4 and 18 of Part VIII of Schedule 1.

Schedule 1 to the 2004 Regulations lists the Community instruments that lay down conditions for the importation of products of animal origin into the Community. Regulation 15 of the 2004 Regulations prohibits the introduction into England of products of animal origin that do not comply with these import conditions.

A full regulatory impact assessment has not been prepared for these Regulations.