
STATUTORY INSTRUMENTS

2009 No. 842

The Organic Products Regulations 2009

PART 3

Control of third country imports

Advance notification

6.—(1) A person seeking the release for free circulation in the Community of a consignment must, during the normal office hours of the relevant authority at the place of import, give to an authorised officer advance notice in writing of the intended arrival of the consignment at that place of import.

(2) Any such notice must be given at least six hours in advance in relation to a consignment arriving by air and at least twenty four hours in advance in relation to a consignment arriving by any other means.

(3) In paragraph (1), “relevant authority” means—

- (a) in relation to Scotland, the local authority for the place of import; and
- (b) in any other case, the port health authority (or, if there is no such authority, the local authority) for that place.

Control on movement

7.—(1) An authorised officer may prohibit the movement of a consignment from the place of import if the officer has reason to believe that there has been a failure to comply with any relevant provision of the Council Regulation or Commission Regulation 1235/2008.

(2) An officer who has prohibited such movement must, as soon as possible, give written notice to the importer or person who appears to the officer to be in charge of the consignment.

(3) The notice must—

- (a) specify the controlled consignment;
- (b) state that it may not be moved without the written consent of an authorised officer;
- (c) specify the relevant provision of the Council Regulation or Commission Regulation 1235/2008 in respect of which the officer has reason to believe that there has been a failure to comply; and
- (d) specify what steps, if any, might be taken to show that there has been compliance with that provisions, and within what time such steps must be taken.

(4) Where—

- (a) no steps are specified for the purposes of paragraph (3)(d), or
- (b) there has been a failure to take such steps as are specified within the time specified,

an authorised officer may order that, under supervision, the controlled consignment be destroyed or otherwise disposed of.

(5) If the person to whom the authorised officer gives the notice does not appear to the officer to be the importer or an agent, contractor or employee of the importer, the officer must use best endeavours to bring the contents of the notice to the attention of such a person as soon as possible.

(6) An authorised officer may affix to any controlled consignment, or to any container in which the controlled consignment is packed, labels warning of the prohibition on movement.

(7) An authorised officer who is satisfied that the steps specified in the notice under paragraph (3) (d) have been taken must, as soon as possible, remove the prohibition on movement.

Consent to movement

8.—(1) An authorised officer may, at any time, give written consent to the movement of a controlled consignment.

(2) An authorised officer must, on request, give written consent to the movement of a controlled consignment if that officer or another authorised officer has been given a written undertaking by the importer to the effect that the consignment will—

- (a) be moved to a place specified by an authorised officer; and
- (b) not be moved from that place without the written consent of an authorised officer.

(3) Any consent given under this regulation must—

- (a) specify the controlled consignment to which it relates;
- (b) specify the place to which the controlled consignment is to be moved; and
- (c) state that the controlled consignment continues to be controlled.

(4) Where such a consent has been given and the consignment has been moved to the place in question, the prohibition on movement under regulation 7 applies to it at the place in question as it applied at the place of import.