
WELSH STATUTORY INSTRUMENTS

2005 No. 666

**The Products of Animal Origin (Third
Country Imports) (Wales) Regulations 2005**

PART 3

Provisions Applicable to Products in General

Products which fail veterinary checks

21.—(1) This regulation applies, subject to regulation 22—

- (a) where, following a veterinary check at a border inspection post, the official veterinary surgeon there decides that a product (other than a transit product which fulfils the requirements of Part 7 or a product whose destination establishment is referred to in regulation 15(b)) is a non-conforming product, or that there is some other irregularity in relation to the product; and
- (b) where, following a veterinary check on a product located away from a border inspection post (other than a transit product which fulfils the requirements of Part 7 or a product whose destination establishment is referred to in regulation 15(b)), an authorised officer decides that the product is a non-conforming product.

(2) If sub-paragraph (1)(a) applies, the official veterinary surgeon shall serve a notice in writing on the person responsible for the product, and if sub-paragraph (1)(b) applies, the authorised officer shall serve a notice in writing on the person appearing to him or her to have charge of the product, requiring him or her either—

- (a) to redispach the product from the border inspection post, or, if sub-paragraph (1)(b) applies, from a border inspection post indicated in the notice, by the mode of transport by which it was introduced into Wales, to a destination, agreed with the official veterinary surgeon or the authorised officer, located in a third country within a period of sixty days commencing with the day following the service of the notice; or
- (b) to dispose of the product in accordance with Regulation (EC) No. 1774/2002 in the facilities provided for that purpose nearest to the border inspection post or, if sub-paragraph (1)(b) applies, nearest to the location of the product.

(3) The product must be disposed of in accordance with sub-paragraph (2)(b) where—

- (a) its redispach is precluded on animal or public health grounds by the results of a veterinary check, or by any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or is otherwise impossible; or
- (b) the sixty-day period referred to in sub-paragraph (2)(a) has elapsed; or
- (c) the person responsible for the product or, if sub-paragraph (1)(b) applies, the owner of the product, agrees immediately to its disposal.

(4) The person responsible for, or, if sub-paragraph (1)(b) applies, the owner of, a product in respect of which a notice has been served pursuant to paragraph (2) shall ensure that it is stored

until redispach or disposal under the supervision of the official veterinary surgeon or the authorised officer at such place and under such conditions as he or she may in the notice direct.

- (5) In paragraph (1)(a) “other irregularity” in relation to a product means—
- (a) its introduction into Wales from a third country, or its presentation to a border inspection post of destination in Wales, without notice given pursuant to regulation 17;
 - (b) any false or misleading information contained in a notice given pursuant to regulation 17;
 - (c) any false or misleading information given pursuant to regulation 45 or 49;
 - (d) any error, omission or false or misleading information in a required document, and any discrepancy between a required document and—
 - (i) the notice of the product’s introduction or presentation given pursuant to regulation 17, or
 - (ii) the product itself, or
 - (iii) the seals, stamps, marks or labels on the product, on the consignment which includes the product or on the container holding the product or the consignment;
 - (e) any defect in the product rendering it unfit for the purpose for which, according to the required documents, it is intended;
 - (f) any defect in the seals, stamps, marks or labels referred to in sub-paragraph (5)(d) (iii), including, in the case of a packaged product, any contravention of the labelling requirements laid down for that product in any directive, decision or regulation listed in Schedule 1;
 - (g) in the case of a product intended for import, any indication in the required documents that the product does not comply with the import conditions; and
 - (h) in the case of a non-conforming product which is a transit product, or a product whose destination establishment is referred to in regulation 15(b), any contravention of the requirements laid down for that non-conforming product in any directive, decision or regulation listed in Schedule 1.
- (6) Any person who is aggrieved by a decision referred to in sub-paragraph (1)(a) or (1)(b) may appeal within one month of the decision to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980(1) shall apply to the proceedings.
- (7) Pending the determination of an appeal pursuant to paragraph (6), paragraph (4) shall apply to the storage of the product concerned.