
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 1

**The Products of Animal Origin (Third
Country Imports) (Scotland) Regulations 2007**

PART 2

Enforcement

Suspension of border inspection posts and inspection centres

13.—(1) This regulation applies if the Scottish Ministers are satisfied that—

- (a) the continued operation of a border inspection post presents a serious risk to public or animal health; or
- (b) at a border inspection post, there has been a serious breach of the requirements for the approval of border inspection posts laid down in Annex II to Directive [97/78/EC](#) or in Commission Decision [2001/812/EC](#) (laying down requirements for the approval of border inspection posts responsible for veterinary checks on products brought into the Community from third countries)(**1**).

(2) For the purposes of this regulation and any notice served under it, “approval”, in relation to a border inspection post or an inspection centre, means the approval of the border inspection post or inspection centre, as the case may be, in accordance with Article 6(2) or 6(4) of Directive [97/78/EC](#).

(3) Where this regulation applies, the Scottish Ministers must suspend the border inspection post’s approval either in full or in part in accordance with paragraph (4), (5) or (6).

(4) The Scottish Ministers may suspend the border inspection post’s approval in full by service—

- (a) on the operator of the border inspection post; or
- (b) where the border inspection post consists of more than one inspection centre, on the operator of each inspection centre (if they are different),

of a written notice stating that the approval of the premises as a border inspection post is suspended.

(5) If the Scottish Ministers are satisfied that the serious risk to public or animal health referred to in paragraph (1)(a) or the serious breach of the requirements referred to in paragraph (1)(b) arises only in connection with one or more (but not all) of the categories of products for which the border inspection post is approved (as specified in the Annex to Decision [2001/881/EC](#)), they may suspend the border inspection post’s approval in relation to that category or those categories of products by service of a written notice—

- (a) on the operator of the border inspection post; or
- (b) where the category of products concerned is, or the categories of products are, handled by different inspection centres within the border inspection post, on the operator of each of those inspection centres (if they are different),

(1) O.J. No. L 306, 23.11.2001, p.28.

stating that the approval of the premises as a border inspection post is suspended for that category, or those categories, of products.

(6) If the Scottish Ministers are satisfied that the serious risk to public or animal health referred to in paragraph (1)(a) or the serious breach of the requirements referred to in paragraph (1)(b) arises only in connection with one inspection centre within the border inspection post, they may suspend the approval of the inspection centre by service of a written notice on the operator of the inspection centre stating that the approval of the premises as an inspection centre is suspended.

(7) Upon service of a notice under—

- (a) paragraph (4), the premises shall cease to be a border inspection post or an inspection centre within a border inspection post (as the case may be) until they are again so approved in accordance with Article 6(2)(a) of Directive [97/78/EC](#);
- (b) paragraph (5), the premises shall cease to be a border inspection post or an inspection centre within a border inspection post (as the case may be) approved for that category, or those categories, of products until they are again so approved in accordance with Article 6(2)(a) of Directive [97/78/EC](#); and
- (c) paragraph (6), the premises shall cease to be approved as an inspection centre within a border inspection post, until they are again so approved in accordance with Article 6(2)(a) of Directive [97/78/EC](#).

(8) The provisions of paragraph (7) apply in the case of a suspension effected under this regulation notwithstanding that the Annex to Decision [2001/881/EC](#) may not have been updated to reflect that suspension.

(9) In this regulation, “inspection centre” means a facility forming part of a border inspection post that is listed along with the name of the border inspection post itself in the Annex to Decision [2001/881/EC](#).