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STATUTORY INSTRUMENTS

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**1996 No. 3124**

**The Products of Animal Origin  
(Import and Export) Regulations 1996**

**PART III**

**INTRA-COMMUNITY TRADE**

**Application of Part III**

- 9.** This Part of these Regulations shall apply to—
- (a) trade with other member States in products of animal origin which originate in a member State;
  - (b) trade with other member States in products of animal origin which—
    - (i) originate in a third country; and
    - (ii) are in free circulation in member States; and
  - (c) imported fishery products which—
    - (i) originate in a third country;
    - (ii) were caught in their natural environment; and
    - (iii) have not or had not been on land prior to their importation into the European Community.

**Exports to other member States**

**10.—**(1) No person shall export or consign for export to another member State any product of animal origin which is covered by one or more of the sets of Regulations specified in Schedule 2 or by Directive 92/118 unless—

- (a) it complies with—
  - (i) the relevant provisions of those Regulations or that Directive;
  - (ii) any option permitted by any of the directives specified in Schedule 3 which has been exercised by the member State of destination; and
  - (iii) any additional requirements or health conditions of the member State of destination;
- (b) it is accompanied by any documents required by the Regulations referred to in Schedule 2, by Directive 92/118 or by the member State of destination;
- (c) where Directive 92/118 requires that a computerised system message, fax or telex is transmitted ahead of the export, at least 24 hours' notice of the export has been given to the Minister by the exporter; and
- (d) if the product is produced, processed, stored in, or supplied from, an establishment which, by virtue of regulation 11 or 12 has to be registered or notified, the establishment is so registered or notified.

(2) No person shall export or consign for export to another member State any product of animal origin in any other case unless it fulfils all the health conditions of the member State of destination, including any documentary requirements.

(3) Each person who has control of an establishment shall ensure that all products of animal origin intended for export to another member State comply with the requirements in paragraph (1) or (2) above.

(4) Where products of animal origin are consigned to more than one destination, they shall be grouped together in as many batches as there are places of destination, and the consignor shall ensure that all documents required in paragraph (1) or (2) above are provided with each batch.

(5) No person shall export or consign for export to another member State any product of animal origin covered by Annex B to Directive 89/662 if it cannot (except for labelling reasons) legally be marketed in Great Britain.

(6) This regulation shall apply without prejudice to the requirements of the Bovine Products (Despatch to other Member States) Regulations 1996<sup>(1)</sup>.

#### **Registration of certain establishments which produce, process or store products of animal origin**

**11.—**(1) This regulation shall apply to any establishment which, for the purpose of export or consignment for export to another member State—

- (a) produces or processes any product of animal origin which is referred to in Directive 92/118, being an establishment which is not already registered or approved in accordance with any Community legislation referred to in paragraphs 1 to 11 or 13 to 15 of Schedule 3, under Directive 90/667 or under Regulation 1274/91 and in respect of which there is not a licence issued under section 8 of the Medicines Act 1968<sup>(2)</sup>; or
- (b) stores any product of animal origin referred to in Directive 92/118 for which that Directive lays down specific storage requirements.

(2) Any person who has control of an establishment to which this regulation applies shall register that establishment with the Minister on the basis of a written assurance to the Minister that the establishment complies with the relevant requirements of these Regulations.

(3) The Minister shall keep a register of the establishments in respect of which he has received the assurance referred to in paragraph (2) above and may inspect them from time to time.

(4) If required to do so by a notice served on him by the Minister, a person who has control of an establishment to which this regulation applies shall give to the Minister such assurance as to compliance with these Regulations as shall be specified in the notice.

(5) The Minister may remove an establishment from the register if he is satisfied that the establishment in question has ceased to comply with the relevant requirements of these Regulations.

#### **Notification of certain establishments which supply or store products of animal origin**

**12.—**(1) Subject to paragraph (2) below, this regulation shall apply to any establishment which is not already registered or approved in accordance with any Community legislation referred to in paragraphs 1 to 11 or 13 to 15 of Schedule 3, under Directive 90/667 or under Regulation 1274/91 and in respect of which there is no licence issued under section 8 of the Medicines Act 1968 and which—

- (a) supplies for export or consignment for export to another member State; or

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(1) [S.I. 1996/2265](#), amended by [S.I. 1996/3000](#).

(2) [1968 c. 67](#).

(b) acts as an intermediate storage facility for,  
any product of animal origin covered by Directive 92/118.

(2) This regulation shall not apply if the establishment is registered under regulation 11 in respect of the same products of animal origin.

(3) Any person with control of an establishment to which this regulation applies shall notify the Minister of the name and address of the establishment and details of the product concerned.

(4) If required to do so by a notice served on him by the Minister, an occupier of an establishment to which this regulation applies shall notify the Minister of the name and address of the establishment and shall give to him such undertakings as to compliance with these Regulations as shall be specified in the notice.

(5) The Minister shall keep a register of any notifications received by virtue of paragraph (3) or (4) above.

(6) Any person who has notified the Minister in accordance with paragraph (3) or (4) above shall keep a record of all deliveries of products of animal origin and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the product of animal origin, and shall keep such records for 12 months from the arrival of the consignment.

### **Inspection and checking of imports**

**13.—(1)** At a border inspection post, unless the products are transported by regular, direct means of transport linking two geographical points of the Community, an authorised officer of a local authority shall carry out documentary checks of all imported products of animal origin if he considers it necessary to establish the place of origin, and products of animal origin to which this Part of the Regulations applies shall be dealt with in accordance with this Part of the Regulations.

(2) An authorised officer of the Minister or of a local authority shall have power to inspect at their place of destination all products of animal origin imported into Great Britain to which this Part of these Regulations applies, so as to ensure that all animal and public health conditions relating to imports are complied with, including any documentary requirements.

(3) An authorised officer of the Minister or of a local authority shall have power to inspect such products of animal origin at any time during transport to their place of destination if he has information leading him to suspect an infringement of these Regulations or any animal or public health condition relating to imports, including requirements relating to the means of transport.

(4) Any powers exercised under regulation 6 shall be exercised only in accordance with this regulation in relation to imports to which this Part of these Regulations applies until they reach their place of destination and at the place of destination.

(5) Where an establishment is supervised by an official veterinary surgeon, he shall ensure that all products of animal origin which are products to which this Part of these Regulations applies and which enter the establishment comply with all animal and public health import conditions relating to marking and accompanying documentation, and he shall forthwith notify the appropriate Divisional Veterinary Manager of any irregularity or anomaly.

(6) Where an establishment is not supervised by an official veterinary surgeon, any person who markets any product of animal origin which is a product to which this Part of these Regulations applies, or divides up batches of such product for distribution or marketing, shall check, before the batch is divided up or marketed, that all products of animal origin comply with all animal and public health conditions relating to marking and accompanying documentation, and he shall forthwith notify the appropriate Divisional Veterinary Manager of any irregularity or anomaly.

(7) In this regulation “official veterinary surgeon” means a person designated as such by the Minister (or in Scotland or Wales, the Secretary of State) for the purposes of supervising the establishment in question.

## Removal of documents

14. No person shall remove from any consignment of products of animal origin the documents provided in accordance with the directives listed in Schedule 3 or any relevant national law relating to health conditions, or divide up any batch for which documents are so provided, until the checks required under regulation 13 have been carried out.

## Duties of consignees

15. Any person who has received by way of trade products of animal origin consigned to him from another member State shall—

- (a) keep a register recording the delivery for a period of three years;
- (b) keep all documentation provided with such consignment for a period of three years or such other period as may be specified in the directive dealing with the product; and
- (c) if an authorised officer of the Minister or the local authority has by notice required him to do so, forthwith report to the person specified in the notice the arrival or anticipated arrival of any product specified in the notice by the quickest practicable means (and, if such report is given orally, confirm the report in writing) and, if required to do so by the notice, keep such product at the place to which it was consigned for 24 hours from the time of arrival or until it has been inspected by such officer if sooner.

## Consignments posing a risk to health and illegal consignments

16.—(1) If an authorised officer of the Minister or a local authority establishes in imported products of animal origin the presence of agents responsible for a disease named in Directive 82/894, or a zoonosis, a disease or any cause likely to constitute a serious hazard to animals or humans, he shall, by notice served on the person appearing to him to have charge of the consignment—

- (a) prohibit the movement of the consignment except as specified in the notice; and
- (b) order the batch to be destroyed or used in some other way.

(2) If an authorised officer of the Minister or a local authority establishes that imported products of animal origin come from an area infected by an epizootic disease relevant to the species of origin of the product, he shall, except where the product has been subjected to one of the treatments referred to in Article 4 of Council Directive [80/215/EEC](#) on animal health problems affecting intra-Community trade in meat products<sup>(3)</sup>, by notice in writing, take the action set out in paragraph (1)(a) or (b) above.

(3) Subject to the following paragraph, if an authorised officer of the Minister or a local authority establishes that the products do not meet an animal or public health condition relating to import he may, by means of a notice served on the person appearing to him to have charge of the consignment, prohibit the movement of the consignment except as specified in the notice.

(4) If a notice is served under paragraph (3) above, the officer serving the notice shall serve on the person appearing to him to be the owner of the goods a notice—

- (a) ordering the destruction of the goods; or
- (b) if public and animal health considerations so permit, giving the person appearing to him to be the owner the choice of destroying the goods or using the goods for such other purposes as may be specified in the notice, including returning them (with the authorisation of the competent authority of the country of the establishment of origin) to their country of origin.

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(3) OJ No. L47, 21.2.80, p.4; relevant amending instruments are Council Directive [80/1100/EEC](#) (OJ No. L325, 1.2.80, p.17), Council Directive [87/491/EEC](#) (OJ No. L279, 2.10.87, p.27) and Council Directive [88/660/EEC](#) (OJ No. L382, 31.12.88, p.35).

(5) If the only way in which the consignment fails to comply with legislation is irregularity in documentation, any notice specifying action under paragraph (4) above shall grant the consignor a period of seven days to produce the correct documentation before such action is taken.

(6) In the event of a notice not being complied with, an authorised officer of the Minister or a local authority shall be empowered to destroy the goods.

(7) The costs of returning the consignment, storing the goods, putting them to other uses or destroying them shall be borne by the consignee, unless the goods are destroyed under the provisions of paragraph (1) or (2) above, in which case the costs shall be borne by the consignor or his agent.

(8) An officer of a local authority exercising any powers under this regulation shall forthwith notify the appropriate Divisional Veterinary Manager of any findings arrived at, the decisions taken and the reasons for such decisions.

(9) Any notice served under this regulation shall give details of a right of appeal against the decision taken, including the relevant time limits.

### **Repeated irregularities**

**17.** Where in accordance with Article 8(1) of Directive 89/662 another member State has notified the Minister of repeated irregularities concerning products of animal origin from an establishment in Great Britain, the Minister, the Secretary of State or the local authority (as the case may be) shall intensify checks on products coming from the establishment in question and, if there are serious animal or public health grounds, suspend any approval granted to that establishment.

### **Defence**

**18.** It shall be a defence for any person charged with an offence relating to accompanying documentation under regulation 13 or 14 to prove—

- (a) that the consignment received was part of a larger consignment which was consigned to another address;
- (b) that the batch had, so far as he was aware, the correct documentation at the time of delivery; and
- (c) that he believed that the documentation would be delivered to the point of final destination of the last part of the batch.