
STATUTORY INSTRUMENTS

1996 No. 3124

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

PART IV

IMPORTS FROM THIRD COUNTRIES

Application of Part IV

19. This Part of these Regulations shall have effect in relation to imports of products of animal origin (except for aquaculture products which are not for human consumption) from countries which are not member States, including—

- (a) an import through another member State in the circumstances set out in Articles 8(4) and 11(2)(b) of Directive 90/675; and
- (b) goods which are intended to be placed in a customs warehouse or free zone or free warehouse,

with the exception that this Part of these Regulations shall not apply to imports to which regulation 9(c) applies.

Border inspection posts

20.—(1) No person shall import any product of animal origin except at a border inspection post.

(2) The only products of animal origin which may be imported through a border inspection post are those indicated in relation to that border inspection post in Decision 95/357.

(3) If products are imported at any place other than a border inspection post, or at a border inspection post not authorised to accept those products, an authorised officer of the Minister or a local authority shall, by notice in writing, require the person appearing to him to be in charge of the consignment to destroy it, re-export it, or move it to a border inspection post, in each case under the control and direction of the authorised officer.

(4) Any notice served under paragraph (3) above shall give details of a right of appeal against the decision taken, including the relevant time limits.

(5) In the event of a notice not being complied with, an authorised officer of the Minister or a local authority may destroy the products.

(6) The costs incurred in destroying, storing or transporting the products shall be borne by the importer or his agent.

(7) The operator of any place of import other than a border inspection post who becomes aware of the importation of any product of animal origin which should have been imported through a border inspection post shall immediately detain the consignment, notify the local authority for the point of import and shall not release the consignment until authorised in writing to do so by an authorised officer of the Minister or of the local authority.

Import procedure

21.—(1) No person shall import any product of animal origin (except fishery products or live bivalve molluscs or other shellfish) unless he has given to either the official veterinary surgeon at the border inspection post or the Minister the following periods of advance notice of arrival—

- (a) for consignments arriving by air, at least six hours, given during the working day of the border inspection post;
- (b) in any other case, at least one working day of the border inspection post.

(2) The notice referred to in paragraph (1) above shall be in accordance with Article 4(4) of Directive 90/675.

(3) No person shall remove any product of animal origin to which this regulation applies from customs temporary storage arrangements except as provided for in regulation 22(2), 24 or 25 unless there has been provided to the Customs and Excise—

- (a) the certificate signed by the official veterinary surgeon and issued under Article 10(1), second indent, of Directive 90/675 that the veterinary checks (or, in the case of Articles 8(4) and 11(2)(b) of that directive dealing with deferred checks, or Article 12 of that directive dealing with the transit of products from one third country to another, the checks specified in those articles) have been carried out on the products in question in accordance with Articles 4 and 8 of that directive to his satisfaction; and
- (b) proof that those checks have been paid for, and that, where relevant, a deposit covering any costs provided for in Article 16(3) of that directive has been lodged with the local authority.

(4) The official veterinary surgeon shall ensure that all checks required by Directive 90/675 are carried out to his satisfaction, either by him or under his supervision, before he signs the certificate required under paragraph (3) above.

(5) Before authorising the release of any products, the official veterinary surgeon shall, in cases where there is a doubt whether such product should be released, consult the appropriate Divisional Veterinary Manager, and following such consultation, shall take no further action without first informing him.

Import procedure for fishery products or live bivalve molluscs and other shellfish

22.—(1) In the case of the importation of fishery products or live bivalve molluscs or other shellfish, the prohibitions and procedures, including time limits, in regulation 21 shall apply except that all powers and duties of an official veterinary surgeon may be carried out by an authorised officer of the local authority.

(2) Where an authorised officer of a local authority is satisfied that the movement of these products would not give rise to a public or animal health risk, he may authorise their removal from customs temporary storage arrangements under customs control to different customs temporary storage arrangements at the same border inspection post for the checks to be carried out.

Free zones and free warehouses

23. A person transporting products of animal origin between customs temporary storage arrangements and a free zone or free warehouse, or from one free zone or free warehouse to another, shall only do so—

- (a) under customs control;
- (b) by means of transport sealed by the official veterinary surgeon or a person under his supervision (or, in the case of fishery products or live bivalve molluscs or other shellfish, an authorised officer of the local authority); and

- (c) if the products are accompanied by a document signed by the official veterinary surgeon (or, in the case of fishery products or live bivalve molluscs or other shellfish, an authorised officer of the local authority) specifying which checks have been carried out.

Transshipment under customs control

24.—(1) This regulation applies to the transshipment of products of animal origin between one aircraft or vessel and another connecting two countries, neither of which is a member State and where the products do not leave customs control and do not leave the border inspection post of arrival except for re-exportation.

(2) No person shall carry out a transshipment to which this regulation applies unless the notice provided under regulation 21 or 22 also specifies the means by which the products will be transhipped, and the vessel or aircraft to which they are to be transhipped.

(3) When the transshipment entails the products being temporarily stored with a view to being forwarded to a predetermined third country, the official veterinary surgeon (or, in the case of fishery products and live bivalve molluscs or other shellfish, an authorised officer of the local authority) shall—

- (a) carry out a documentary check of the products; and
- (b) serve a notice on the person having control of the products specifying the time by which the products must leave Great Britain.

(4) If a notice served under the preceding paragraph is not complied with, the products shall be dealt with in accordance with regulation 21 or 22.

Consignments posing a risk to health and illegal consignments

25.—(1) Subject to paragraphs (2) and (3) below, where checks at the border inspection post reveal that a consignment of products of animal origin does not comply with animal or public health conditions relating to import or, in the opinion of the official veterinary surgeon, constitutes a risk to animal or human health, an official veterinary surgeon or person acting under his supervision, after consulting the importer or his representative, may serve on the importer or his agent a notice—

- (a) permitting the use of the products for purposes other than human consumption if that is authorised under rules made under Article 16(2) of Directive 90/675;
- (b) ordering the re-dispatch of the consignment outside the European Community; or
- (c) ordering the destruction of the consignment.

(2) Subject to paragraph (3) below, where products of animal origin do not comply with animal or public health conditions but are intended for re-export, the official veterinary surgeon, after consultation with the Divisional Veterinary Manager, may authorise in writing the importer to transport the products for storage in a free zone or free warehouse and store them there provided that—

- (a) they correspond to their accompanying documents;
- (b) they are stored in separate rooms from the products destined to be put into free circulation in the territory of the European Community;
- (c) they are not released except to a country outside the European Community in accordance with Article 12 of Directive 90/675;
- (d) the importer has produced to the person operating the free zone or warehouse evidence that the local authority for the free zone or warehouse does not oppose the introduction of the products;

- (e) the official veterinary surgeon for the border inspection post of importation has specified the fact of the passage or storage of the products on the veterinary certificates or documents;
 - (f) the means of land transport is cleansed and disinfected to the satisfaction of the local authority of the free warehouse or free zone before being used for further transport; and
 - (g) while they are there, they do not undergo any transformation other than division of the consignment.
- (3) In the case of fishery products and live bivalve molluscs or other shellfish, the powers of the official veterinary surgeon shall be exercised by an authorised officer of the local authority who shall consult as he considers appropriate.
- (4) In the event of a notice not being complied with, the person serving the notice may destroy the consignment.
- (5) Any notice served under this regulation shall state the reasons for the decision and shall give details of a right of appeal against the decision, including the relevant time limits.
- (6) The importer shall be liable for any costs incurred under this regulation.