
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 45

Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

Part I

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998.

(2) Except as provided by paragraph (3) these Regulations shall come into operation on 23rd March 1998.

(3) Regulations 10 and 11 shall come into operation on 23rd June 1998.

Interpretation

2.—(1) In these Regulations any expressions used have the meaning they bear in Directive 89/662(1) and Directive 90/675(2), and

“aquaculture product” means any product subject to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(3);

“authorised officer” means a person appointed by the Department, or by a district council, to act as such for the purposes of these Regulations;

“bivalve molluscs” means filter-feeding lamellibranch molluscs;

“border inspection post” means the Port of Belfast or Belfast International Airport;

“customs warehouse” has the same meaning as in Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code(4);

“Decision 97/778” means Commission Decision 97/778/EC drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries, laying down detailed rules concerning the checks to be carried out by the veterinary experts of the Commission and repealing Decision 96/742/EC(5), as read in accordance with Schedule 1;

“Directive 71/118” means Council Directive 71/118/EEC on health problems affecting trade in fresh poultry meat(6), as read in accordance with Schedule 1;

(1) O.J. No. L395, 30.12.89, p. 13
(2) O.J. No. L373, 31.12.90, p. 1
(3) O.J. No. L46, 12.2.91, p. 1
(4) O.J. No. L302, 19.10.92, p. 1
(5) O.J. No. L315, 19.11.97, p. 15
(6) O.J. No. L55, 8.3.71, p. 23

“Directive 72/462” means Council Directive [72/462/EEC](#) on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries(7), as read in accordance with Schedule 1;

“Directive 82/894” means Council Directive [82/894/EEC](#) on the notification of animal diseases within the Community(8), as read in accordance with Schedule 1;

“Directive 89/662” means Council Directive [89/662/EEC](#) concerning veterinary checks in intra-Community trade with a view to the completion of the internal market(9), as read in accordance with Schedule 1;

“Directive 90/425” means Council Directive [90/425/EEC](#) concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market(10), as read in accordance with Schedule 1;

“Directive 90/667” means Council Directive [90/667/EEC](#) laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive [90/425/EEC](#)(11), as amended by Directive [92/118](#)(12);

“Directive 90/675” means Council Directive [90/675/EEC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(13), as read in accordance with Schedule 1;

“Directive 91/493” means Council Directive [91/493/EEC](#) laying down the health conditions for the production and placing on the market of fishery products(14), as read in accordance with Schedule 1;

“Directive 92/45” means Council Directive [92/45/EEC](#) on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat(15), as read in accordance with Schedule 1;

“Directive 92/118” means Council Directive [92/118/EEC](#) laying down animal and public health requirements governing the trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#), as read in accordance with Schedule 3;

“the Department” means the Department of Agriculture for Northern Ireland;

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

“establishment” means any undertaking which produces, stores or processes products of animal origin;

“fishery products” has the same meaning as in Council Directive [91/493/EEC](#) laying down the health conditions for the production and the placing on the market of fishery products;

“free zone and free warehouse” have the same meaning as in Article 166 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code;

“import” means brought into Northern Ireland by any means whatsoever but does not include any transshipment of products to which regulation 23 applies;

(7) O.J. No. L302, 31.12.72, p. 28
(8) O.J. No. L378, 31.12.82, p. 58
(9) O.J. No. L395, 30.12.89, p. 13
(10) O.J. No. L224, 18.8.90, p. 29
(11) O.J. No. L363, 27.12.90, p. 51
(12) O.J. No. L62, 15.3.93, p. 49
(13) O.J. No. L373, 31.12.90, p. 1
(14) O.J. No. L268, 24.9.91, p. 15
(15) O.J. No. L268, 14.9.92, p. 35

“importer” means any person who, whether as owner, consignee, agent or broker or otherwise, is in possession of or in any way entitled to the custody or control of any imported product of animal origin;

“Member State” means any Member State of the European Communities other than the United Kingdom;

“New Zealand Equivalence Agreement” means the Agreement and Annexes to the Council Decision [97/132/EC\(16\)](#) on the conclusion of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products;

“official veterinary surgeon”, except in regulation 12, means a veterinary surgeon appointed by the Department for the purposes of these Regulations;

“other shell fish” means echinoderms, tunicates or marine gastropods;

“product of animal origin”, means—

- (a) in relation to trade to which Part III applies—
 - (i) a product subject to one or more of the Directives listed in Annex A to Directive 89/662 (except for aquaculture products not intended for human consumption); and
 - (ii) a product in Annex B to Directive 89/662; and
- (b) in relation to trade to which Parts IV or V apply—
 - (i) the products referred to in sub-paragraph (a);
 - (ii) aquaculture products;
 - (iii) semen, embryos, ova and hatching eggs referred to in Directive 90/425;
 - (iv) hay and straw; and
 - (v) any product controlled by Directive 90/667.

“Regulation 1274/91” means Commission Regulation [\(EEC\) No. 1274/91](#) introducing detailed rules for implementing Council Regulation [\(EEC\) No. 1907/90](#) on certain marketing standards for eggs(17) as amended(18);

“third country” means a country or territory outside the European Community.

(2) The Interpretation Act (Northern Ireland) 1954(19) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(3) For the purposes of these Regulations, goods are in customs temporary storage arrangements if they have been presented to Customs under Articles 50 to 53 of Council Regulation [\(EEC\) No. 2913/92](#).

(4) Any reference in these Regulations to a European Community instrument listed in Schedule 1 or 3 is a reference to that Community instrument as amended by the instruments listed in those Schedules as amending it.

(5) Any notice served on a person under these Regulations:

- (a) shall be in writing;
- (b) shall be subject to such conditions as may be specified therein; and
- (c) may at any time be amended, suspended or revoked by a further notice in writing served on the same person.

(16) O.J. No. L57, 26.2.97, p. 4, articles 10 and 11 of which are applied on a provisional basis by the exchange of letters set out in Council Decision [97/131/EC](#) (O.J. No. L57, 26.2.97, p. 1)

(17) O.J. No. L121, 16.5.91, p. 11 as amended

(18) Commission Regulation [\(EC\) No. 3300/93](#) (O.J. No. L296, 1.12.93, p. 52)

(19) [1954 c. 33 \(N.I.\)](#)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Any person on whom a notice is served under these Regulations shall comply with the requirements thereof.

(7) These Regulations (other than regulation 5) shall not apply in the circumstances described in Article 14 of Directive 90/675.