
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 45

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

Part IV

Imports from Third Countries

Application of Part IV

18.—(1) Subject to paragraph (2) this Part shall apply in relation to imports of products of animal origin (except for aquaculture products which are not for human consumption) from third countries including imports—

- (a) through a Member State or Great Britain in the circumstances set out in Articles 8(4) and 11(2)(b) of Directive 90/675; and
- (b) of products which are intended to be placed in a customs warehouse or free zone or free warehouse.

(2) This Part shall not apply to imports to which regulation 8(c) applies.

Places of import

19.—(1) A person shall not import any product of animal origin from a third country unless it has been consigned through a border inspection post.

(2) If a consignment of products of animal origin is imported in contravention of paragraph (1) an authorised officer may, 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 and store it in a border inspection post, in each case under the control and direction of the authorised officer.

(3) In the event of a notice under paragraph (2) not being complied with, an authorised officer may destroy the products to which it relates.

(4) The costs incurred in destroying, re-exporting, moving or storing any products in pursuance of paragraphs (2) and (3) shall be borne by the importer or his agent.

(5) The operator of any place of import, other than a border inspection post, who becomes aware of the importation at that place of a consignment of any products of animal origin in contravention of paragraph (1) shall immediately detain the consignment, notify the appropriate Divisional Veterinary Officer and shall not release the consignment until authorised to do so by an authorised officer.

(6) Any notice served under paragraph (2) shall give details of any right to challenge the decision to do so, including the relevant time limits.

Import procedure

20.—(1) A person shall not import at a border inspection post any product of animal origin (except fishery products or live bivalve molluscs or other shellfish) unless he has given the official veterinary surgeon in charge of the border inspection post—

- (a) for consignments arriving by air, notice of arrival given during the working day of the border inspection post and given at least 6 hours notice of arrival;
- (b) in any other case, notice of arrival of at least one working day of the border inspection post.

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

(3) A person shall not remove any product of animal origin to which this regulation applies from customs temporary storage arrangements (except as provided for in regulation 21(2), 23 or 24) unless there has been provided to 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 to his satisfaction on the products in question in accordance with Articles 4 and 8 of that Directive; 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 Department.

(4) An 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, in relation to any imported product of animal origin before he signs the certificate required under paragraph (3) for its removal from customs temporary storage.

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

21.—(1) Subject to paragraph (2), regulation 20 shall have effect in relation to the importation of fishery products or live bivalve molluscs or other shellfish as it has effect in relation to any other product of animal origin except that all powers and duties of an official veterinary surgeon under that regulation shall be carried out by an authorised officer.

(2) Notwithstanding paragraph (3) of regulation 20 (as applied by paragraph (1)) an authorised officer may authorise the removal, under customs control, of fishery products or live bivalve molluscs or other shellfish from customs temporary storage arrangements at any border inspection post to different customs temporary storage arrangements at the same post for the checks required under that regulation (as so applied) to be carried out in relation thereto where he is satisfied that to do so would not give rise to any risk to public or animal health.

Free zones and free warehouses

22. A person moving 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 an official veterinary surgeon or a person under his supervision or, in the case of fishery products or live bivalve molluscs or other shellfish, by an authorised officer;

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

Transshipment under customs control

23.—(1) This regulation applies to the transshipment of products of animal origin between one aircraft or vessel and another connecting two countries, both of which are third countries and where the products do not leave customs control and do not leave the border inspection post of arrival except for re-exportation.

(2) A person shall not carry out a transshipment of products to which this regulation applies unless the notice provided under regulation 20 (including that regulation as applied by regulation 21) in relation to those products also specified the means by which the products will be transhipped and the vessel or aircraft to which they are to be transhipped.

(3) When a transshipment of products to which this regulation applies 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 or live bivalve molluscs and other shellfish) an authorised officer shall—

- (a) carry out a documentary and identity 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 Northern Ireland.

(4) If a notice served under paragraph (3) is not complied with, the products to which it relates shall be dealt with in accordance with regulation 20 or 21, as appropriate.

Consignments posing a risk to health and illegal consignments

24.—(1) Subject to paragraphs (2) and (3), where checks at the border inspection post reveal that a consignment of products of animal origin does not comply with any animal or public health requirements of legislation relating to the import of those products or, in the opinion of an official veterinary surgeon, otherwise constitutes a risk to animal or public health, an authorised officer, after consulting the importer, shall have power to serve on the importer or his representative a notice—

- (a) permitting the use of the products for purposes other than human consumption if this is authorised under provisions made pursuant to Article 16(2) of Directive 90/675;
- (b) ordering the re-despatch of the consignment to a third country; or
- (c) ordering the destruction of the consignment.

(2) Subject to paragraph (3), where products of animal origin do not comply with any animal or public health requirements of legislation relating to the import of those products but are intended for re-export, the importer may, with the authorisation in writing of the official veterinary surgeon, move the products for storage in a free zone or free warehouse and store them there provided that—

- (a) they correspond with their accompanying documents;
- (b) they are stored in rooms separate from rooms in which are stored products which are or are intended to be in free circulation in the European Communities;
- (c) they are not released except for re-export to a third country in accordance with Article 12 of Directive 90/675;
- (d) the importer has produced to the person operating the free zone or free warehouse evidence that the Department or district council does not oppose the introduction thereto of these products;

- (e) the official veterinary surgeon for the border inspection post of importation has specified the fact of the movement or storage of the products on the accompanying veterinary certificates or documents;
 - (f) any means used for the movement on land of the products is cleansed and disinfected to the satisfaction of the Department or district council in which the zone or warehouse is situated before being used for further movement of products of animal origin;
 - (g) while they are there, they do not undergo any transformation other than dividing up the consignment.
- (3) In the case of fishery products and live bivalve molluscs or other shellfish, the powers of the official veterinary surgeon under paragraph (1) shall be exercised by an authorised officer of the district council who shall consult as he considers appropriate.
- (4) In the event of a notice under paragraph (1) not being complied with, an authorised officer may destroy the consignment to which it relates.
- (5) Where a person serves any notice under paragraph (1) he shall state therein the reasons for doing so.
- (6) Any notice served under paragraph (1) shall give details of any right to challenge the decision to do so, including the relevant time limits.
- (7) The importer of any consignment of products of animal origin shall be liable for any costs incurred under this regulation in relation thereto.