1993 No. 304

EUROPEAN COMMUNITIES

ANIMALS

Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993

Made	*5th July 1993*
Coming into operation . .	*23rd August 1993*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 and shall come into operation on 23rd August 1993.

Interpretation

2.—(1) In these Regulations—

"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(**c**);

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

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

"customs warehouse" has the same meaning as in Council Regulation 2503/88/EEC on customs warehouses(**d**);

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) O.J. No. L46, 12.2.91, p. 1
(**d**) O.J. No. L225, 15.8.88, p. 1

"the Department" means the Department of Agriculture for Northern Ireland;

"Divisional Veterinary Officer" means a Divisional Veterinary Officer of the Department;

"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(**a**);

"free zone" and "free warehouse" have the same meaning as in Article 1(4)(a) and 1(4)(b) of Council Regulation 2504/88/EEC on free zones and free warehouses(**b**);

"import" means brought into Northern Ireland by any means whatsoever but does not include any transhipment of products to which regulation 18 applies;

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

"live bivalve molluscs" has the same meaning as in Council Directive 91/492/EEC laying down the health conditions for the production and the placing on the market of live bivalve molluscs(**c**);

"Member State" means any Member State of the European Communities other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;

"official veterinary surgeon", except in regulation 8, means a veterinary surgeon appointed by the Department for the purposes of these Regulations;

"product of animal origin" means—

(*a*) in relation to intra-Community trade—

(i) a product subject to one or more of the Directives listed in Annex A to Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market(**d**) (except for aquaculture products not intended for human consumption); and

(ii) a product in Annex B to Council Directive 89/662/EEC; and

(*b*) in relation to third country trade—

(i) the products referred to in sub-paragraph (*a*) of this definition;

(ii) aquaculture products;

(iii) semen, embryos, ova and hatching eggs referred to in 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(**e**);

(**a**) O.J. No. L268, 24.9.91, p. 15
(**b**) O.J. No. L225, 15.8.88, p. 8
(**c**) O.J. No. L268, 24.9.91, p. 1
(**d**) O.J. No. L395, 30.12.89, p. 13
(**e**) O.J. No. L224, 18.8.90, p. 29

(iv) hay and straw; and

(v) any product controlled by 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(**a**).

(2) Any other expressions used in these Regulations have the meaning they bear in Council Directive 89/662/EEC and Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(**b**).

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

(4) For the purposes of these Regulations, goods are in customs temporary storage arrangements if they have been presented to Customs under Article 14 of Council Regulation 4151/88/EEC laying down the provisions applicable to goods brought into the customs territory of the Community(**d**) and not assigned a customs-approved treatment or use in accordance with Article 14 of that Regulation.

(5) Any reference in these Regulations to a Directive listed in Schedule 1 or 2 is a reference to that Directive as amended by the instruments listed in those Schedules as amending it.

(6) All notices served on any person under these Regulations:

(*a*) shall be in writing;

(*b*) may be made 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.

(7) These Regulations (other than regulation 22) shall not apply in the circumstances described in Article 14 of Council Directive 90/675/EEC.

Enforcement

3.—(1) Except where otherwise provided, the Department shall execute and enforce the provisions of these Regulations.

(2) The Department may recover from any district council any expenses reasonably incurred by it in making good any default by that district council under these Regulations.

(3) Each district council shall, whenever the Department so directs, make to the Department a report on the exercise of its functions under these Regulations in such form and containing such particulars as the Department may direct.

(**a**) O.J. No. L363, 27.12.90, p. 51
(**b**) O.J. No. L373, 31.12.90, p. 1
(**c**) 1954 c. 33 (N.I.)
(**d**) O.J. No. L367, 31.12.88, p. 1

Powers to give directions

4.—(1) The Department shall have power to give directions in writing to a district council concerning the execution and enforcement by it of any provisions of these Regulations for which that Council is responsible.

(2) In the exercise of the functions conferred on it by these Regulations, a district council shall comply with all relevant provisions of a direction given to it under paragraph (1).

(3) Any directions given under paragraph (1) shall, on the application of the Department, be enforceable by mandamus.

PART II

INTRA-COMMUNITY TRADE

Application of Part II

5. This Part shall apply in relation to trade between Northern Ireland and any Member State in products of animal origin originating within the European Communities and in such products originating outside the European Communities which are in free circulation therein.

Exports

6.—(1) A person shall not export or consign for export to a Member State any product of animal origin unless—

(*a*) if it is subject to one or more of the Directives listed in Schedule 2, it complies with the relevant provisions of those Directives (including any option permitted by those Directives which has been exercised by the Member State of destination) and any additional animal or public health requirements of legislation regulating imports into the Member State of destination (including provisions of the Directives or legislation relating to documentation);

(*b*) in any other case, it fulfils all the animal and public health requirements of legislation regulating imports into the Member State of destination (including requirements relating to documentation).

(2) Each person who has control of an establishment shall ensure that all products of animal origin produced, stored or processed in that establishment and intended for export to a Member State comply with the requirements in paragraph (1).

(3) Where a person exports, or consigns for export, products of animal origin to more than one destination, he shall ensure that they are grouped together in as many batches as there are places of destination, and that all documents required by paragraph (1) accompany each batch.

(4) A person shall not export or consign for export to a Member State any product of animal origin specified in Annex B to Council Directive 89/662/EEC if it cannot legally be marketed in Northern Ireland (unless it cannot be so marketed only by reason of a failure to comply with requirements as to labelling).

Repeated irregularities in exports

7. Where in accordance with Article 8(1) of Council Directive 89/662/EEC the Department or any Minister of the Crown has been notified of repeated irregularities concerning any products of animal origin from an establishment in Northern Ireland, the Department and the district council in whose area that establishment is situated shall—

(*a*) intensify the point of origin checks required by the Directives listed in Schedule 2 to be carried out in relation to products coming from that establishment; and

(*b*) if there are serious animal or public health grounds for doing so, suspend any official approval (howsoever described) granted by the Department or that district council to that establishment under any statutory provision relating to animal or human health.

Inspection and checking of imports

8.—(1) At a border inspection post, unless the products are transported by regular, direct means linking two geographical points of the European Communities, an authorised officer shall carry out documentary checks of all imported products of animal origin if he considers it necessary to establish their place of origin.

(2) Where any products of animal origin have been imported, an authorised officer may, at the place of destination to which they have been consigned, carry out such inspections or take such samples as are necessary to ensure that any animal and public health requirements relating to the import of those products (including requirements as to documentation) have been complied with.

(3) In addition to the powers conferred by paragraph (1), an authorised officer may inspect any imported products of animal origin at any time and at any place if he has information leading him to suspect an infringement of these Regulations or any animal or public health requirements relating to the import of those products, including requirements relating to the means of transport.

(4) Any powers conferred by regulation 22 shall only be exercised in accordance with this regulation in relation to imports until they reach their place of destination and at that place.

(5) Where any product of animal origin has been imported and is consigned to an establishment which is under the supervision of an official veterinary surgeon, he shall ensure that the product complies with all animal and public health requirements relating to its marking and accompanying documentation, and shall forthwith notify the appropriate Divisional Veterinary Officer of any irregularity or anomaly therein.

(6) Where any product of animal origin has been imported and is consigned to an establishment which is not under the supervision of an official veterinary surgeon, any person who markets any such product, or divides up batches of any such product for distribution or marketing, shall check, before the batch is marketed or divided up, that the product complies with all animal and public health import requirements relating to its marking and accompanying documentation, and shall forthwith notify the Department of any irregularity or anomaly therein.