1993 No. 303

EUROPEAN COMMUNITIES

ANIMALS

Products of Animal Origin (Third Country Imports) (Charges) 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:

Citation and commencement

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

Interpretation

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

(2) In these Regulations—

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

Payment of charges

3.—(1) Any person importing from a country outside the European Communities any products of animal origin to which Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(**d**) applies, shall pay to the Department or the district council carrying out the checks such charges for the checks carried out under that Directive as the Department or, as the case may be, a district council shall calculate in accordance with regulation 5.

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)
(**d**) O.J. No. L373, 31.12.90, p. 1 as amended by Council Directive 91/496/EEC (O.J. No. L268, 24.9.91, p. 56)

(2) For the purposes of these Regulations payment may be by means of bank guarantee or bank deposit.

Release of products

4. Products for which charges are due under these Regulations shall not be released by the person carrying out the checks until such charges have been collected.

Calculation of charges

5. The level of charges shall be such as to reflect the cost of carrying out the checks, shall be based on the factors in the Schedule and shall be reasonable.

Information relating to charging

6.—(1) The Department shall, if requested in writing, supply to any person importing, intending to import or who has imported products which will incur or which have incurred charges under these Regulations or to any organisation representing such persons, details of the calculations used in deciding the amount of the charges, and shall take into account any representations made to it by any such person or organisation in determining the level of charges.

(2) If requested in writing to do so by the Department, a district council shall provide the Department with such information as the Department may require relating to the calculation of charges and with copies of any written representations made by importers or their organisations.

Review

7.—(1) An importer whose charges are collected by a district council and who considers the charges to be unreasonably high may, within 28 days of the charge being levied, ask the Department to review the amount of the charge.

(2) Where a review is sought under paragraph (1) the Department shall consult the district council and if, after such consultation, it is satisfied that the amount charged is unreasonably high, it shall require the district council to recalculate the amount of the charge in accordance with such directions as it shall give.

8.—(1) An importer whose charges are collected by the Department and who considers the charges to be unreasonably high may, within 28 days of the charge being levied, ask the Department for a review of its calculation.

(2) Where a review is sought under paragraph (1) the Department, if it is satisfied that the amount charged is unreasonably high shall recalculate the amount of the charge.

9. Pending the recalculation of a charge by the Department, the charge originally determined shall continue, but after recalculation the new charge shall have effect from the date on which the charge was originally determined and the Department shall reimburse the importer of any excess paid by him.