
ALDERNEY STATUTORY INSTRUMENT

No. 4 — 2004

Open General Import Licence

Made 11th November, 2004
Coming into force 11th November, 2004

The Policy & Finance Committee in exercise of its powers under Sections 2 and 3 of the Import and Export of Goods (Control) (Alderney) Order 2001(a) hereby:-

- (a) revokes the Open General Import Licence dated 23 January 2004(b) as variously amended, and
- (b) grants the following Open General Import Licence:-

Interpretation

1 (a) For the purposes of this Licence:

Areas

“ACP Area” means Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Dominica, the Dominican Republic, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, the Gambia, Ghana, Grenada, Guinea, Guinea Bissau, Guyana, Haiti, Ivory Coast, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Papua New Guinea, Rwanda, St Christopher and Nevis, St Lucia, St Vincent, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, Sudan, Surinam, Swaziland, Tanzania, Togo, Tonga, Trinidad and Tobago, Tuvalu, Uganda, Vanuatu, Zambia and Zimbabwe;

“CEFTA Area” means Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland and the United Kingdom;

“Community Area” means Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom;

“Dollar Area” means Bolivia, Canada, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Liberia, Mexico, Nicaragua, Panama, Philippines, United States of America and Venezuela;

“Far Eastern and Western Area” means Australia, Canada, Japan, New Zealand and United States of America;

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- (a) S.I. No 37 of 2001
 - (b) S.I. No 1 of 2004

“Mediterranean Area” means Bosnia-Herzegovina, Croatia, Cyprus, Egypt, Israel, Lebanon, Malta, the former Yugoslav Republic of Macedonia, Montenegro, Morocco, Serbia, Slovenia, Tunisia and Turkey;

“OCT Area” means Anguilla, Aruba, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, French Polynesia, French Southern and Antarctic Territories, Greenland, Mayotte, Montserrat, Netherlands Antilles (Bonaire, Curacao, Saba, St Eustatius, St Maarten (South)), New Caledonia and Dependencies, Pitcairn, St Helena and Dependencies, St Pierre and Miquelon, South Georgia and South Sandwich Islands, Turks and Caicos Islands and Wallis and Futuna Islands;

“Residual Textile Area” means all countries and territories other than Algeria, Argentina, Bangladesh, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Colombia, Costa Rica, the Czech Republic and the Slovak Republic, El Salvador, Guatemala, Hong Kong, Hungary, India, Indonesia, Iran, Jordan, the Republic of Korea, Macao, Malaysia, Maldives, Mexico, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Singapore, Sri Lanka, Syria, Taiwan, Thailand, Uruguay and those comprising the ACP Area, the CEFTA Area, the Far Eastern and Western Area, the Mediterranean Area, the OCT Area and the State Trading Area;

“State Trading Area” means Albania, Armenia, Azerbaijan, Belarus, China, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Korea (North), Latvia, Lithuania, Moldova, Mongolia, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Vietnam;

“World Area” means all countries and territories, including the United Kingdom;

- (b) In Schedule 1 to this Licence the letters “ACP”, “CEFTA”, “C”, “D”, “FEW”, “M”, “OCT”, “RT”, “ST” and “W” indicate respectively the ACP Area, the CEFTA Area, the Community Area, the Dollar Area, the Far Eastern and Western Area, the Mediterranean Area, the OCT Area, the Residual Textile Area the State Trading Area and the World Area.
- (c) References in this Licence to headings are references to headings in the Combined Nomenclature of the European Community and, accordingly:
- (i) where any such reference is preceded by the word “ex”, the relevant entry comprises only the goods classified under that heading which are of the description given in column 2 of Schedule 1; and
 - (ii) where any such reference is not preceded by the word “ex”, the relevant entry comprises all goods classified under the heading.
- (d) References in this Licence to goods in free circulation in the European Community are references to goods which, prior to their importation into Alderney, have satisfied the conditions in Article 10(1) of the Treaty establishing the European Economic Community, signed at Rome on the 25th March 1957.
- (e) In Schedule 1 to this Licence “MFA Category” means a category in the categorisation of textile products of the European Community in Annex 1 to Council Regulation (EEC) 3030/93, and, accordingly:

- (i) where a reference to such a category is preceded by the word “ex” the relevant entry comprises only the goods classified within that category which are of the description given in column 2 of Schedule 1; and
 - (ii) where a reference to such a category is not preceded by the word “ex” the relevant entry comprises all goods classified within that category.
- (f) In Schedule 1 to this Licence the symbol “*” indicates that goods in free circulation in the European Community may not be imported into Alderney under the authority of this Licence; the symbol “(S)” indicates that goods originating in third countries but not in free circulation in the European Community are subject to surveillance and the symbol “§” indicates that goods may be imported under the authority of this Licence in accordance with European Community outward processing trade (OPT) arrangements.

Permitted Imports

2 Except as provided in Articles 3 to 9 below, all goods may be imported into Alderney under the authority of this Licence.

3 Dogs and Cats comprised in entry 5 in Schedule 1 to the Import and Export of Goods (Control) (Alderney) Order 2001(c) may, under the authority of this Licence, be imported into the Island from the United Kingdom, Jersey, Guernsey and the Isle of Man, except that dogs of the type commonly known as the Pit Bull Terrier, the type of dog known as the Japanese Tose (or Tosa) or any other type of dog which appears to have been bred for fighting are excluded from this licence.

4 Goods comprised in any entry in column 2 of Schedule 1 hereto which originate in a country, territory or area which appears in column 4 of Schedule 1 in relation to that entry may not be imported into Alderney under the authority of this Licence.

5 Goods to which Article 4 above applies may nevertheless be imported into Alderney under the authority of this Licence if they are either:

- (i) goods originating in a country, territory or area mentioned in column 5 of Schedule 1 in relation to that entry; or

- (ii) goods in free circulation in the European Community originating in a country, territory or area mentioned in column 4 of Schedule 1 in relation to that entry which is not marked by an asterisk (*); or
- (iii) goods the entry relating to which in column 4 of Schedule 1 is marked “§” and which are covered by a prior authorisation issued by a Member State of the European Communities pursuant to Council Regulation (EC) No 3036/94 and Commission Regulation (EC) No 3017/95; or
- (iv) goods other than goods listed in Entry Nos 11, 12 and 365 which are intended to be re-exported outside the European Community and are subject to Inward Processing Relief (suspension of duty) arrangements pursuant to Council Regulation (EEC) No 2913/92 and Commission Regulation (EEC) No 2454/93; or
- (v) iron and steel products listed in Entry Nos 285-331 inclusive and are:
 - (a) covered by an import licence issued pursuant to Council Decision No (2002/1001/EC), Commission Decision (2002/602/ECSC), or Commission Decision (1469/2002/ECSC); or
 - (b) covered by a surveillance document issued pursuant to Council Regulation (EC) No 152/2002, Council Regulation (EC) No 1499/02 as amended by Council Regulation (EC) No 1445/03, Council Regulation (EC) No 87/98 as amended by Council Regulation (EC) No 542/03, Council Regulation No 1093/99, as amended by Council Regulation (EC) No 952/03, Council Regulation (EC) No 1500/03 or Council Regulation (EC) No. 85/98 as amended by Council Regulation (EC) No. 1129/03; or
 - (c) imports whose net weight does not exceed 500 kilogrammes and are subject to prior surveillance pursuant to Commission Regulation (EC) No 76/2002 as amended by Commission Regulations (EC) Nos 1337/02 and 2385/02 or are covered by a surveillance document issued pursuant to these Regulations; or
- (vi) goods listed in Entry Numbers 269, 271, 273, 274, 276, 282 and 283 which are covered by an import licence issued by a Member State of the European Community pursuant to Council Regulation (EC) 520/94 and Commission Regulation (EC) No 738/94, as amended by Commission Regulation No 1150/95 and Commission Regulation (EC) No 938/96; or
- (vii) goods which are imported under a valid import document issued by a Member State of the European Community pursuant to Council Regulation (EC) 517/94 as amended by Council Regulation (EC) No 538/96; or

- (viii) textile products which are imported under a valid import authorisation issued by a Member State of the European Community pursuant to Council Regulation (EEC) 3030/93; or
- (ix) goods which are subject to prior Community surveillance and imported under a valid import document issued by a Member State of the European Community pursuant to Council Regulation (EC) No 3285/94 as amended by Council Regulation (EC) No 139/96; or
- (x) textile goods, of Chapters 50 to 63 and Tariff Heading 30 05 of "HM Customs and Excise Integrated Tariff of the United Kingdom", not originating in Turkey but cleared into free circulation in Turkey;
- (xi) Footwear originating in Vietnam subject to surveillance which is covered by a surveillance document issued by a Member State of the European Community pursuant to Council Regulation (EC) No. 1296/2003.

Exceptions

- 6 (a) Goods comprised in any entry in Schedule 2 may not be imported into Alderney under the authority of this Licence
- (b) Goods comprised in any entry in Schedule 3 may not be imported into Alderney under the authority of this Licence unless they are in free circulation within the Customs territory of the European Community.
- (c) Goods comprised in Schedule 4 may not be imported into Alderney unless they conform with the specific conditions set out in that Schedule.
- 7 (a) Nothing in this Licence shall authorise the importation of any toxic chemical or precursor (including mixtures thereof) listed in Schedule 1 to the annex on chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed at Paris on 13th January 1993
- (b) Nothing in this Licence shall authorise the importation of any toxic chemical or precursor listed in Schedule 2 to the annex on chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed at Paris on 13th January 1993, or any chemical mixture containing any such toxic chemical or precursor, or any goods containing, or containing a chemical mixture itself containing, any such toxic chemical or precursor originating in or consigned from any

non-State Party to the Convention, except-

- (i) goods or chemical mixtures which contain ten per cent or less by weight of a chemical listed in Category A of Schedule 2;
 - (ii) goods or chemical mixtures which contain ten per cent or less by weight of a chemical listed in Category B of Schedule 2; or
 - (iii) consumer goods that are either packaged for retail sale for personal use or packaged for individual use.
- 8 Nothing in this Licence shall authorise the importation of any anti-personnel mine or component of and anti-personnel mine as defined in Section 1 of the Landmines Act 1998.
- 9 Nothing in this Licence shall authorise the importation from any place outside the Common Customs Territory of any wood and wood products of Entry Nos 13A, 13B, 13C, 13D, 13E 13F, 366, 367, 368, 369 and 370 of the Schedule and unsorted, unworked or simply sawn, cleaved, bruted diamonds and dust and powder of diamonds classified to headings 7102 10 00, 7102 21 00, 7102 31 00 or 7105 10 00 of the Combined Nomenclature of the European Community originating in or exported from Liberia.
- 10 Nothing in this Licence shall authorise the doing of any act prohibited by any Law, Ordinance, Regulation or Order (other than Orders made under the Import and Export (Control) (Alderney) Law 1946).

THIS Licence shall come into force on the 11th day of November, 2004.

DATED this 11th day of November, 2004.

**J P Postlethwaite
Deputy Chairman, Alderney Policy & Finance Committee
for and on behalf of the Committee**

EXPLANATORY NOTE

(This note is not part of the Licence)

This Licence which revokes the Open General Import Licence dated 23 January 2004, has effect from 11 November 2004.

As a result of, and in line with EC policy, this replacement Open General Import Licence reflects changes due to the enlargement of the European Community on 1st May 2004 as well as some minor amendments to the EC Regulations relating to the control on importation of iron and steel products.

The control on the importation of precursors for narcotic drugs and psychotropic substances in Schedule 2 has also been revised.

SCHEDULE 1

The Schedule to the United Kingdom Open General Import Licence dated 4th December 1987, which came into force on 1st January 1988, as amended from time to time, shall have effect as Schedule 1 to this Open General Import Licence, but with the exception of Entry No 365 which is replaced by the following Entry No 365.

Entry No:	Tariff	heading and description of goods	MFA Category (where applicable)	Geographical coverage of restriction
(1)	(2)	(3)	(4)	(5) Other than
365	ex Chapter 93	Firearms and ammunition, the following		W*
		<p>(i) firearms, lethal, including any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and other weapons of whatever description designed or adapted for the discharge of any noxious liquid, gas, or other thing;</p> <p>(ii) component parts falling under Chapter 93 (<i>other than wooden gun stocks</i>) of any such firearms or other weapon as aforesaid and any accessory to any such firearm or other weapon designed or adapted to diminish the noise or flash caused by firing the weapon;</p> <p>(iii) ammunition, including grenades, bombs, and other like missiles, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;</p> <p>other than the following:—</p> <p>a) blank cartridges not exceeding 1 inch (25mm) in diameter for use in smooth-bore weapons;</p> <p>b) articles more than one hundred years old;</p> <p>c) air weapons (that is to say, air guns, air rifles or air pistols), but excluding any air weapon which is disguised as another object, incapable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol, of 6 ft lb (8.14 joules) or, in the case of an air weapon other than an air pistol, of 12 ft lb (16.27 joules) and air weapons designed for use only when submerged in water;</p> <p>d) ammunition for air guns, air rifles or air pistols;</p> <p>e) firearms and ammunition specified in sub-paragraphs (i), (ii) and (iii) above when imported by a person who is resident in Alderney who has a firearm or shot gun certificate issued by the appropriate Alderney authority in respect of the firearms or ammunition being imported and the firearm or ammunition is not being imported into Alderney for the first time</p>		

SCHEDULE 2

Entry No (1)	Tariff (2)	Description of Goods (3)
2001	Chapter 01	Animals and other mammals
2002	ex 03.06	Lobsters, live, of the species <i>Homarus americanus</i>
2003	ex 05.11	Animal and poultry excrement
2004	ex 29.37	Bovine somatotrophin (BST)
2005	ex 95.08	Animals and other mammals
2006	Various	Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles
2007	Various	<p>Offensive Weapons the following:</p> <ul style="list-style-type: none"> (a) a knuckleduster, that is, a band of metal or other hard material worn on one or more fingers, and designed to cause injury, and any weapon incorporating a knuckle duster ; (b) a swordstick, that is, a hollow walking-stick or cane containing a blade which may be used as a sword; (c) the weapon sometimes known as a "handclaw", being a band of metal or other hard material from which a number of sharp spikes protrude, and worn around the hand; (d) the weapon sometimes known as a "belt buckle knife", being a buckle which incorporates or conceals a knife; (e) the weapon sometimes known as a "push dagger", being a knife the handle of which fits within a clenched fist and the blade of which protrudes from between two fingers; (f) the weapon sometimes known as a "hollow kubotan", being a cylindrical container containing a number of sharp spikes; (g) the weapon sometimes known as a "footclaw", being a bar of metal or other hard material from which a number of sharp spikes protrude, and worn strapped to the foot; (h) the weapon sometimes known as a "shuriken", "shaken" or "death star", being a hard non-flexible plate having three or more sharp radiating points and designed to be thrown; (i) the weapon sometimes known as a "balisong" or "butterfly knife", being a blade enclosed by its handle, which is designed to split down the middle, without the operation of a spring or other mechanical means, to reveal the blade; (j) the weapon sometimes known as a "telescopic truncheon" being a truncheon which extends automatically by hand pressure applied to a button, spring or other device in or attached to its handle;

		<p>(k) the weapon sometimes known as a “blowpipe” or “blow gun”, being a hollow tube out of which hard pellets or darts are shot by the use of breath;</p> <p>(l) the weapon sometimes known as a “kusari gama” being a length of rope, cord, wire or chain fastened at one end to a sickle;</p> <p>(m) the weapon sometimes known as a “kyoketsu shoge”, being a length of rope, cord, wire or chain fastened at one end to a hooked knife;</p> <p>(n) the weapon sometimes known as a “manrikigusari” or “kusari” being a length of rope, cord, wire or chain fastened at each end to a hard weight or hand grip;</p> <p>(o) the weapon sometimes known as a “flick knife” or “flick gun” being any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, or any knife which has a blade which is released from the handle or a sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device, sometimes known as a “gravity knife”.</p> <p>Other than articles more than one hundred years old.</p>
2008	Various	Any cosmetic product containing a substance set out in Schedule 1 to the Cosmetic Products (Safety) Regulations, 1989 (UK S.I. 1989/2233) as amended from time to time or in any re-enactment thereof
2009	Various	Any decoding equipment which is designed or adapted to be used primarily for the purpose of enabling the reception of programmes transmitted in the provision of a proscribed service within the meaning of Section 178 of the Broadcasting Act 1990
2010	Various	Feedstuffs intended to be fed to ruminants and which contain protein material (except milk, milk products and dicalcium bone phosphate) derived from ruminants
2011	03.06	The tail of any lobster or the claw of any lobster, edible crab or spinous spider crab, the tail or claw of which, as the case may be, is separated from such lobster, edible crab or spinous spider crab
2012		A fishing parlour pot, being a parlour pot within the meaning set down in the States of Alderney Fishing (Parlour Pots) Ordinance, 1992* *No: IV of 1992
2013	Various	Any prescription medicines, for human use, listed in the Medicines (Products other than Veterinary Drugs) (Prescription Only) Order 1983 (U.K. S.I.1983/1212) as amended from time to time, or in any re-enactment thereof
2014	Various	Any prescription medicines, for animal use, listed in the Medicines (Veterinary Drugs) (Prescription Only) Order 1991, (U.K.S.I. 1991/1392) as amended from time to time or in any re-enactment thereof

2015	Various	Any counterfeit of a currency note or of a protected coin
2016	Various	Any precursor for narcotic drugs and psychotropic substances as listed in Category 1 or 2 of the Annex to Council Regulation (EEC) No. 3677/90, as amended from time to time, or in any re-enactment thereof.
2017	Various	Any herbal preparation from the plant species Aristolochia, Clematis and Akebia and any preparation containing Aristolochic Acid.
2018	Various	Any fauna or flora controlled by Council Regulation (EC) 338/97 as amended from time to time, or in any re-enactment thereof.

SCHEDULE 3

Entry No:	Description of Goods
3001	Any Counterfeit Goods and any Pirated Goods controlled by Council Regulation (EC) 3295/94 as amended from time to time, or in any re-enactment thereof
3002	Any controlled substance that depletes the Ozone Layer within the meaning of Article 2 of Council Regulation (EC) 2037/2000, as amended from time to time, or in any re-enactment thereof, the release into free circulation in the Community of which is controlled by that Regulation and in respect of which a Commission Import Licence has not been issued.
3003	Any rough diamonds controlled by Council Regulation (EC) 2368/2002, as amended from time to time, or in any re-enactment thereof, unless all the conditions regarding the Import Regime as detailed in that Regulation are fulfilled.

SCHEDULE 4

Entry Number	Description of goods	Conditions
4001	Animal Feed (including pet food) and excluding hay.	Feed may be imported only from the United Kingdom, Republic of Ireland, Isle of Man, Jersey, Guernsey and Member States of the European Union provided the feed does not contain mammalian meat* bovine offal or bone meal.
4002	Fertiliser.	The fertiliser must emanate from the United Kingdom, Republic of Ireland, Isle of Man, Jersey, Guernsey and Member States of the European Union provided it does not contain mammalian meat or bovine offal.
4003	**Fresh and Frozen Meat and Meat Products	<p>A. <u>Imports from the United Kingdom and other countries of the European Union</u></p> <p>(i) Meat from animals slaughtered in the United Kingdom must emanate from slaughterhouses or meat plants approved by the Department of the Environment, Food and Rural Affairs (DEFRA, formerly MAFF) to supply the United Kingdom market; and</p> <p>(ii) must bear circular United Kingdom health mark;</p> <p>B. <u>Imports from other countries in the European Union</u></p> <p>(i) Meat from animals slaughtered in any other countries in the European Union must emanate from slaughterhouses or meat plants approved to supply the European Union market; and</p> <p>(ii) must bear the oval European Union health mark.</p> <p>and must be accompanied by the following Health Certificates:</p> <p style="padding-left: 40px;">5559EHC-in respect of meat, minced meat and meat preparations</p> <p style="padding-left: 40px;">5560EHC-or, in respect of meat products</p> <p style="padding-left: 40px;">5567EHC</p> <p>Game meat must also be accompanied by the appropriate Health Certificate.</p>

		<p>C. <u>Imports from Australia, Botswana, Canada, Leichtenstein, Namibia, New Zealand, Iceland, Norway, Switzerland and the United States of America</u></p> <p>(i) Each consignment must be certified as having emanated from slaughterhouses and meat plants approved for export to the European Union and must be accompanied by a Health Certificate that conforms with the European legislation, (animal bedding is not included).</p> <p>D. <u>Meat and Meat products from Jersey and the other Islands of the Bailiwick of Guernsey</u></p> <p>No conditions.</p>
4004	Meat from Game	<p>(i) <u>Imported from the United Kingdom</u> No conditions.</p> <p>(ii) <u>Imported from the European Union</u> Must be accompanied by the appropriate Health Certificate.</p>
4005	Poultry and Poultry products (fresh and frozen)	No conditions.
4006	Milk and Dairy products	<p>If imported from the United Kingdom milk and dairy products must emanate from plants approved to supply the United Kingdom market and be stamped with a circular health mark;</p> <p>If imported from other European Union countries milk and dairy products must emanate from plants approved to supply European Union markets and marked with the European Union oval health mark.</p>

For the purposes of this Schedule the following meanings shall apply:-

***Mammalian meat and bovine offal** includes meat and offal, cattle brain, spinal cord, spleen, tonsils, thymus and intestines; and

****Fresh and Frozen Meat and Meat Products** is meat from cattle, sheep, pigs, goats and poultry.

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Clerk of the States

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