

**EUROPEAN COMMUNITIES (TRADE IN CERTAIN ANIMAL PRODUCTS)
REGULATIONS
1996**

I, Ivan Yates, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 92/118/EEC(1) of 17 December 1992, as last amended by Commission Decision No. 96/103/EC(2) of 25 January 1996, hereby make the following Regulations:

- (1) O.J. No. L62 of 14.3.93, p. 49.
- (2) O.J. No. L24 of 31.1.96, p. 24.

REG 1

1 Citation and Commencement.

- 1. (1) These Regulations may be cited as the European Communities (Trade in Certain Animal Products) Regulations, 1996.
- (2) These Regulations shall come into operation on the 15th day of April, 1996.

REG 2

Scope.

2. These Regulations apply to —

(a) the import into the State from another Member State of products to which the Council Directive applies, other than those which originated in a third country and in relation to which all the checks provided for in Council Directive No. 90/675/EEC(3) of 10 December 1990, as amended, have been carried out immediately prior to importation, and

(3) O.J. No. L373 of 31.12.90, p.1.

(b) the export from the State to another Member State of products to which the Council Directive applies, and "import" and "export" and cognate words, unless the context otherwise requires, shall be construed accordingly.

REG 3

Definitions.

3. (1) In these Regulations—

"authorised officer" means a person who, for the time being, stands appointed under Regulation 25, or an inspector;

"commercial document" means a document which complies with the requirements of Article 4(2)(a), last indent, of the Council Directive;

"the Council Directive" means Council Directive No. 92/118/EEC of 17 December 1992, as last amended by Commission Decision No. 96/103/EC of 25 January 1996;

"health certificate" means a certificate, relating to the product concerned, which has been signed—

(a) in the case of export, by an inspector, or

(b) in the case of import, by an official veterinarian approved for that purpose in the Member State of export;

"inspector" means an inspector within the meaning of the Diseases of Animals Act, 1966 (No. 6 of 1966);

"Member State" means a Member State of the European Community;

"the Minister" means the Minister for Agriculture, Food and Forestry;

"product" means a product to which the Council Directive applies;

"third country" means a country which is not a Member State.

(2) In these Regulations —

(a) a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to some other provision is intended;

(b) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it appears that reference to some other provision is intended.

(3) A word or expression that is used in these Regulations and is also used in the Council Directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directive.

REG 4

General Conditions for Trade.

4. (1) A person shall not export or import, or attempt to export or import—

(a) liquid milk, dried milk and dried milk products not intended for human consumption,

(b) animal casings,

(c) hides and skins of ungulates not covered by Council Directive No. 64/433/EEC(4) of 26 June 1964, as amended, or Council Directive No. 72/462/EEC(5) of 12 December 1972, as amended, and which have not undergone certain tanning processes,

(4) O.J. No. 121 of 29.7.64 p.2012/64.

(5) O.J. No. L302 of 31.12.72 p.28

(d) bones and bone products (excluding bone meal), horns and horn products (excluding horn meal) and hooves and hoof products (excluding hoof meal),

(e) processed animal protein,

(f) blood and blood products of animal origin (with the exception of equidae),

(g) serum from equidae,

(h) lard and rendered fats,

(i) apiculture products,

(j) game trophies,

(k) processed manure and processed manure products,

(l) unprocessed wool,

(m) unprocessed hair and bristles,

(n) unprocessed feathers and parts of feathers,

(o) eggs and egg products,

(p) gelatins,

(q) honey,

(r) frogs' legs,

(s) snails,

unless they have, in addition to the relevant requirements set out in Regulations 6 to 24 inclusive—

(i) in the case of exports, come from an establishment which stands

registered by the Minister in accordance with Regulation 5; or
(ii) in the case of imports, come from an establishment which stands registered by the competent authority of the Member State of export in accordance with Article 4 of the Council Directive.

(2) A person shall not export or import, or attempt to export or import, a product unless it meets the specific requirements laid down in—

(i) Annex I to the Council Directive as regards animal health aspects and,

(ii) Annex II to the Council Directive as regards public health aspects.

(3) Subject to paragraph (4), a person shall not export or import, or attempt to export or import, a product from any holding which is situated in a zone subject to restrictions because of the occurrence of a disease to which the species from which the product is derived is susceptible or from any establishment or zone from which movements or trade would constitute a risk to the animal health status, in the case of exports, of another Member State or, in the case of imports, of the State.

(4) Paragraph (3) shall not apply in cases where a product is heat-treated in accordance with Community legislation or where a special procedure for the movement of a certain product has been adopted in accordance with the procedure laid down in Article 18 of the Council Directive.

REG 5

Registration of Establishments.

5. (1) The Minister may, on application to him in that behalf by the owner or person in charge (in this Regulation referred to as "the owner") of an establishment, if he is satisfied that—

(a) the establishment complies with the provisions of the Council Directive,

(b) the application is a bona fide application and the establishment has not been previously registered by him, and

(c) the owner has given, in writing, the undertaking provided for in Article 4 of the Council Directive, register the establishment for the purposes of Article 4 of the Council Directive.

(2) Where the Minister registers an establishment in accordance with paragraph (1), he shall allocate an approval number to it and shall notify the owner of—

(a) the registration and the approval number;

(b) any terms or conditions attached to the registration and, if he amends any terms or conditions of the registration, of the amendments;

(c) the type of product and processing, if appropriate, to which registration refers.

(3) The Minister may specify the format of the application and the undertaking referred to in paragraph (1) and, where he does so, it shall be a requirement of this Regulation to furnish the application and the undertaking in the format so specified.

(4) A person who applies for registration shall furnish the Minister with such information as he may reasonably require for the purposes of his functions under these Regulations and the Council Directive.

(5) The Minister may, if he is not satisfied that—

- (a) the provisions of these Regulations or of the Council Directive, or
 - (b) a term or condition referred to in paragraph (2),
- are being or have been complied with by the owner as respects the establishment concerned, revoke the registration and, if he does so, he shall notify the owner in writing of the revocation.
- (6) Where the Minister proposes to—
- (a) refuse to grant, or revoke, a registration,
 - (b) attach a term or condition to a registration or amend such a term or condition,
- he shall—
- (i) notify the owner concerned in writing—
 - (I) of the proposal and of the reasons therefor, and
 - (II) that he, or a person acting on his behalf, may make representations to the Minister in relation to the proposal within 14 days of the receipt by him of the notification, and
 - (ii) consider any such representations duly made before deciding whether to proceed with the proposal or not.
- (7) A person shall not export or attempt to export a product from an establishment registered under this Regulation other than those referred to in the registration and notified to the owner in accordance with paragraph (2).

REG 6

Trade in Milk, Milk Products and Colostrum not intended for human consumption.

6. (1) A person shall not export or import, or attempt to export or import, milk, milk products and colostrum not intended for human consumption unless they comply with the relevant provisions of Chapter 1 of Annex I to the Council Directive.

(2) A person shall not export or import, or attempt to export or import, milk, milk products and colostrum not intended for human consumption unless they are accompanied by a commercial document or health certificate indicating the nature of the product, the name and the approval number of the processing or treatment plant, and which states—

(a) in the case of raw milk or colostrum, that it has been produced under conditions offering adequate guarantees as regards animal health which have been established in accordance with the procedure laid down in Article 18 of the Council Directive:

(b) in the case of milk or treated or processed milk products, that the milk or the milk product has been subjected to a heat treatment of at least 72 degrees centigrade for at least 15 seconds or any combination of temperature and time having at least an equivalent heat effect and producing a negative reaction to the phosphatase test, followed by—

(i) in the case of dried milk or dried milk products, a drying process,

(ii) in the case of an acidified milk product, a process by which the pH is reduced and kept for at least one hour at a level below 6.0:

(c) in the case of dried milk or dried milk products, that the following requirements have been met

- (i) after completion of the drying process, every precaution has been taken to prevent contamination of the product, and
- (ii) the final product has been packed in new containers;
- (d) in the case of bulk containers, before the milk, milk product or colostrum was loaded into any vehicle or container for conveyance to its destination, that the said vehicle or container was disinfected using a product approved,
 - (i) in the case of exports, by the Minister, and
 - (ii) in the case of imports, by the competent authority of the exporting Member State.

REG 7

Trade in Animal Casings.

7. (1) A person shall not export or import, or attempt to export or import, animal casings unless they comply with the relevant provisions of Chapter 2 of Annex I to the Council Directive.
- (2) A person shall not export or import, or attempt to export or import, animal casings which have been salted or dried at the point of origin unless they are accompanied by a commercial document or health certificate indicating the nature of the product, the name and the approval number of the plant of origin or the plant where the casings are subsequently handled for other purposes.
- (3) A person shall not export or import, or attempt to export or import, animal casings other than those referred to in paragraph (2) unless they come from an establishment which has been approved in accordance with Council Directive No. 64/433/EEC, as amended, and are accompanied by a commercial document or health certificate indicating the nature of the product, the name and the approval number of the establishment of origin.

REG 8

Trade in Hides and Skins of Ungulates.

8. (1) A person shall not export or import, or attempt to export or import, fresh or chilled hides and skins of ungulates other than those referred to in paragraph (3) unless they comply with the animal health conditions which apply to fresh meat as laid down in Council Directive No. 72/461/EEC(6) of 12 December 1972, as amended.
- (6) O. J. No. L302 of 31.12.1972, p.24.
- (2) A person shall not export or import, or attempt to export or import, fresh or chilled hides and skins of ungulates other than those referred to in paragraph (3) unless they are accompanied by a commercial document or health certificate indicating the nature of the product, the name and the approval number of the processing establishment.
- (3) The provisions of this Regulation do not apply to
- (a) hides and skins of ungulates covered by Council Directive No. 64/433/EEC, as amended, or Council Directive No. 72/462/EEC, as amended,
 - (b) hides and skins which have undergone the complete process of tanning,
 - (c) hides or skins which have received "wet-blue" treatment,
 - (d) pickled pelts, or
 - (e) "limed hides" meaning hides which have been treated with lime

and in brine at a pH of 12 to 13 for at least eight hours.

(4) A person shall not export or import, or attempt to export or import, treated hides and skins of ungulates unless they are accompanied by a commercial document or health certificate indicating the nature of the product, the name and the approval number of the establishment of production, and which certifies that the hides and skins have been treated in accordance with the provisions of paragraph 1.B. of Chapter 3 of Annex I to the Council Directive and that the consignment has not been in contact with any other animal product or live animals presenting a risk of spreading a serious transmissible disease.

(5) For the purpose of this Regulation—

(a) "hides and skins of ungulates" means the integuments of ungulates;

(b) "treated hides and skins" means hides and skins which have been treated in accordance with the provisions of paragraph 1. B. of Chapter 3 of Annex 1 to the Council Directive.

REG 9

Trade in Bones and Bone Products, Horns and Horn Products, Hooves and Hoof Products.

9. (1) A person shall not export or import, or attempt to export or import, bones and bone products, horns and horn products, hooves and hoof products unless they comply with—

(a) the relevant provisions of Chapter 5 of Annex I to the Council Directive,

(b) in the case of—

(i) bones, horns and hooves, the animal health requirements laid down in Council Directive No. 72/461/EEC, as amended;

(ii) bone products, horn products and hoof products, the animal health requirements laid down in Council Directive No. 80/215/EEC(7) of 22 January 1980, as amended.

(7) O.J. No. L 47 of 21.2.1980, p.4.

(2) A person shall not export or import, or attempt to export or import, bones and bone products, horns and horn products, hooves and hoof products unless they are accompanied by a health certificate indicating—

(a) the nature of the product,

(b) its country of origin,

(c) the name and the approval number of the establishment of production,

and declaring that the bones, bone products, horns, horn products, hooves or hoof products were derived from healthy animals slaughtered in a slaughterhouse.

(3) The provisions of this Regulation do not apply to bone meal, horn meal or hoof meal.

REG 10

Trade in Processed Animal Protein.

10. (1) A person shall not export or import, or attempt to export or import, processed animal protein unless it complies with the relevant provisions of Chapter 6 of Annex I to the Council Directive, and—

- (a) in the case of processed animal protein intended for human foodstuffs, the provisions of Council Directive No. 77/99/EEC (8) of 21 December 1976, as amended, and
- (8) O.J. No. L026 of 31.1.1977 p.85.
- (b) in the case of processed animal protein intended for animal feedingstuffs, the provisions of Council Directive No. 90/667/EEC (9) of 27 November 1990, as amended.
- (9) O.J. No. L363 of 27.12.90 p. 51.
- (2) A person shall not export or import, or attempt to export or import, processed animal protein intended for human foodstuffs unless it is accompanied by a commercial document or health certificate which corresponds to the specimen determined in accordance with the procedure provided for in Council Directive No. 77/99/EEC, as amended.
- (3) The commercial document or health certificate referred to in paragraph (2) shall state that the requirements of Council Directive No. 77/99/EEC, as amended, and Chapter 6 of Annex I to the Council Directive have been complied with.
- (4) A person shall not export or import, or attempt to export or import, processed animal protein intended for animal feedingstuffs unless it is accompanied by a commercial document or health certificate which corresponds to the specimen determined in accordance with the procedure provided for in Article 13 of Council Directive No. 90/667/EEC, as amended.
- (5) The commercial document or health certificate referred to in paragraph (4) shall—
- (a) state that the requirements of Council Directive No. 90/667/EEC, as amended, and Chapter 6 of Annex I to the Council Directive have been complied with,
- (b) specify, if appropriate, the nature of the treatment, and
- (c) state whether the product contains ruminant proteins or not.

REG 11

Trade in Blood and Blood Products of Animal Origin.

11. (1) A person shall not export or import, or attempt to export or import, blood and blood products of animal origin unless they comply with the requirements of Chapter 7 of Annex 1 to the Council Directive.
- (2) A person shall not export or import, or attempt to export or import, blood and blood products of animal origin unless they are accompanied by a commercial document or health certificate indicating the nature of the product, the name and the approval number of the establishment of production and which states—
- (a) the name of the species from which the blood was derived, and
- (b) where appropriate, the nature of the treatment.
- (3) The provisions of this Regulation do not apply to blood and blood products from equidae.

REG 12

12 Trade in Serum from Equidae.

12. (1) A person shall not export or import, or attempt to export or import, serum from equidae unless the serum was obtained from equidae which do not show any evidence of the serious transmissible diseases referred to in Council Directive No. 90/426/EEC (10) of 26 June 1990, as amended, or of the serious transmissible diseases to which equidae are susceptible and have been obtained from bodies or centres not subject to health restrictions pursuant to the aforesaid Council Directive.

(10) O.J. No. L224 of 18.8.1990 p.42.

(2) A person shall not export or import, or attempt to export or import, serum from equidae unless it is accompanied by a commercial document or a health certificate indicating the nature of the product, the name and the approval number of the establishment of production.

REG 13

Trade in Lard and Rendered Fats.

13. (1) A person shall not export or import, or attempt to export or import, lard and rendered fats unless they comply with the requirements of Council Directive No. 77/99/EEC, as amended.

(2) A person shall not export or import, or attempt to export or import, lard and rendered fats unless they are accompanied by a commercial document or a health certificate indicating the nature of the product, the name and the approval number of the establishment of production and which states that they were manufactured from meat and meat products that comply with the standards laid down in Council Directive No. 77/99/EEC, as amended.

REG 14

Trade in Apiculture Products.

14. A person shall not export or import, or attempt to export or import, apiculture products unless they are accompanied by a commercial document indicating the nature of the product, the name and the approval number of the establishment of production.

REG 15

Trade in Game Trophies.

15. (1) A person shall not export or import, or attempt to export or import, game trophies, other than those referred to in paragraph (3), unless they comply with the provisions of Chapter 13 of Annex 1 to the Council Directive.

(2) A person shall not export or import, or attempt to export or import, game trophies, other than those referred to in paragraph (3), unless they are accompanied by a commercial document indicating the nature of the product, its place of origin, and which states—
(a) the name of the species from which the trophy was derived, and

(b) the nature of the treatment.

(3) The provisions of this Regulation do not apply to game trophies of—

(a) ungulates and birds which have undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures, and

(b) species other than ungulates and birds.

REG 16

Trade in Processed Manure and Processed Manure Products.

16. (1) A person shall not export or import, or attempt to export or import, processed manure and processed manure products unless they comply with the requirements of Chapter 14 of Annex I to the Council Directive.

(2) A person shall not export or import, or attempt to export or import, processed manure and processed manure products unless they are accompanied by a commercial document or health certificate indicating the nature of the product, the name and the approval number of the establishment of production.

(3) For the purposes of this Regulation processed manure products means excrement and urine of cloven-hoofed animals, equidae and poultry, or any mixture of excrement and urine of the aforesaid species, with or without litter, which has been treated to ensure that the product is free from pathogenic agents.

REG 17

Trade in Unprocessed Wool.

17. (1) A person shall not export or import, or attempt to export or import, unprocessed sheep's wool unless it complies with the provisions of Chapter 15 of Annex I to the Council Directive.

(2) A person shall not import, or attempt to import, unprocessed sheep's wool from a region subject to restrictions because of the occurrence of disease to which sheep are susceptible or which would constitute a risk to the animal health status of the State.

(3) Subject to the provisions of paragraph (2), a person shall not export or import, or attempt to export or import, unprocessed sheep's wool unless it is accompanied by a health certificate indicating—

(a) the nature of the product,

(b) its country of origin,

(c) the name and the approval number of the establishment of production,

and declaring that the wool was derived from animals originating in an area which is not subject to restrictions because of the occurrence of a disease to which the animals are susceptible.

(4) For the purpose of this Regulation, sheep's wool shall be considered "unprocessed" if it has not undergone factory washing or been obtained from tanning.

REG 18

Trade in Unprocessed Hair and Bristles.

18. (1) A person shall not export or import, or attempt to export or import, unprocessed ruminant hair and pig bristles, unless they comply with the provisions of Chapter 15 of Annex I to the Council Directive.

(2) A person shall not import, or attempt to import, unprocessed ruminant hair or pig bristles, from a region subject to restrictions because of the occurrence of a disease to which the species from which the hair or bristles are derived are susceptible or which would constitute a risk to the animal health status of the State.

(3) Subject to the provisions of paragraph (2), a person shall not export or import, or attempt to export or import, unprocessed ruminant hair or pig bristles unless they are accompanied by a health certificate indicating—

- (a) the nature of the product,
- (b) its country of origin,
- (c) the name and the approval number of the establishment of production,

and declaring that the hair or bristles were derived from animals originating in an area which is not subject to restrictions because of the occurrence of a disease to which the animals are susceptible.

(4) For the purpose of this Regulation, ruminant hair and pig bristles shall be considered "unprocessed" if they have not undergone factory washing or been obtained from tanning.

REG 19

Trade in Unprocessed Feathers and Parts of Feathers.

19. (1) A person shall not export or import, or attempt to export or import, unprocessed feathers and parts of feathers unless they comply with the provisions of Chapter 15 of Annex I to the Council Directive.

(2) A person shall not import, or attempt to import, unprocessed feathers and parts of feathers—

- (a) from a region which is subject to restrictions by virtue of Newcastle disease or avian influenza, or
- (b) from poultry flocks which have been vaccinated against Newcastle disease, in accordance with Article 12 (2) of Council Directive 90/539/EEC (11) of 15 October 1990, as amended.

(11) O.J. No. L303 of 31.10.1990 p.6.

(3) Subject to the provisions of paragraph (2), a person shall not export or import, or attempt to export or import, unprocessed feathers and parts of feathers unless they are accompanied by a health certificate indicating—

- (a) the nature of the product,
- (b) its country of origin,
- (c) the name and the approval number of the establishment of production,

and declaring that the feathers and parts of feathers were derived from birds originating in an area which is not subject to

restrictions because of the occurrence of a disease to which the birds are susceptible.

(4) For the purpose of this Regulation, feathers and parts of feathers shall be considered "unprocessed" if they have not been treated with a steam current or by some other method ensuring that no pathogens are transmitted.

(5) The provisions of this Regulation shall not apply to the export or import of decorative feathers or feathers—

(a) carried by travellers for their private use; or

(b) in the form of consignments sent to private individuals for non-industrial purposes.

REG 20

Trade in Eggs and Egg Products.

20. (1) A person shall not export or import, or attempt to export or import, eggs and egg products intended for human consumption unless they comply with the relevant provisions of Chapter 2 of Annex II to the Council Directive.

(2) A person shall not export or import, or attempt to export or import, eggs and egg products intended for human consumption unless they are accompanied by a commercial document indicating the nature of the product, the name and the approval number of the establishment of production.

REG 21

Trade in Gelatins.

21. A person shall not export or import, or attempt to export or import, gelatines intended for human consumption unless they are accompanied by a commercial document indicating the nature of the product, the name and the approval number of the establishment of production.

REG 22

Trade in Honey.

22. A person shall not export or import, or attempt to export or import, honey intended for human consumption unless it is accompanied by a commercial document indicating the nature of the product, the name and the approval number of the establishment of production.

REG 23

Trade in Frogs' Legs.

23. A person shall not export or import, or attempt to export or import, frogs' legs intended for human consumption unless they are accompanied by a commercial document indicating the nature of the product, the name and the approval number of the establishment of production.

REG 24

Trade in Snails.

24. A person shall not export or import, or attempt to export or import, snails intended for human consumption unless they are accompanied by a commercial document indicating the nature of the product, the name and the approval number of the establishment of production.

REG 25

Appointment of Authorised Officers.

25. (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of these Regulations.

(2) An authorised officer, when exercising any power conferred on him by these Regulations, shall, if so requested by any person affected, produce evidence in writing of his appointment as an authorised officer or inspector.

REG 26

Powers of Authorised Officers.

26. (1) An authorised officer may, for the purposes of these Regulations and the Council Directive—

(a) at all reasonable times, enter any premises or place, and any other vehicle, wagon, vessel, aircraft or other means of transport (other than a premises, place, or means of transport, consisting of a dwelling or other than so much thereof as consists of a dwelling) where he reasonably suspects that there are or have been products intended for export or which are being or have been imported,

(b) there or at any other place examine and inspect any such product,

(c) take, without payment of compensation, such samples of any product or of any article, substance or liquid at the premises or place or on or in the means of transport as he may reasonably require for the purposes of his functions under these Regulations or the Council Directive and carry out or have carried out on the samples such analyses, examinations, checks and inspections as he considers necessary or expedient for the purposes of such functions,

(d) there or at any other place, carry out or have carried out such examinations, checks and inspections of the premises, place or means of transport and any equipment, machinery or plant and any other article, substance or liquid found there as he reasonably considers necessary or expedient for the purposes of such functions,

(e) require any person at the premises or place or on or in the means of transport and the owner or person in charge thereof and any person employed in connection therewith to give to him such

information and to produce to him such books, veterinary certificates, documents and other records within the powers or procurement of the person as he may reasonably require for the purposes of such functions,

(f) examine and take copies of, or of extracts from, any such records as aforesaid,

(g) require the production of, take up and retain, where required for the purposes of such functions, any health certificates, commercial documents or other documents which have accompanied or are accompanying products and which are within the power or procurement of a person referred to in subparagraph (e),

(h) seize and detain any product found there which he reasonably believes to be intended for export or is being or has been imported and which he reasonably believes does not comply with the requirements of these Regulations or the Council Directive,

(i) seize and detain any product found there which he reasonably believes to be evidence of an offence under these Regulations.

(2) A person shall not, in purported compliance with a requirement under paragraph (1)(e), give information to an authorised officer that he knows to be false or misleading in a material respect.

(3) The cost of the detention of any product pursuant to paragraph (1)(h) may be recovered by the Minister from the person who was the owner thereof as a simple contract debt in any court of competent jurisdiction.

REG 27

Application for Search Warrant.

27. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer or member of the Garda Síochána that there is reasonable cause for suspecting that—

(a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found in, on or under any land or premises or in or on any vehicle,

(b) there is or was or is intended to be in, on or under any land or premises or in or on any vehicle a product in relation to which a contravention of these Regulations is being or has been or is intended to be committed, or

(c) a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under these Regulations, is in the possession or under the control of a person in, on or under any land or premises or in or on any vehicle, and that such land, premises or vehicle or any part thereof consists of a dwelling, such judge may issue a search warrant under this Regulation.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer or member of the Garda Síochána, accompanied by such authorised officers or members of the Garda Síochána as the named officer or member thinks fit, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if necessary by force, the land, premises or vehicle named in the warrant.

(3) Where any premises, land or vehicle is entered pursuant to a

warrant issued under this Regulation, an authorised officer or member of the Garda Síochána so entering may—

- (a) stop and detain any person found in, on or under such land or premises, or in or on such vehicle, for the purpose of searching that person and may search the person or cause him to be searched, and
- (b) exercise all or any of the powers specified in Regulation 27.

REG 28

Period during which Products may be detained.

28. Products may be detained by or at the direction of an authorised officer pursuant to paragraph (1)(h) of Regulation 27 pending the outcome of any criminal proceedings which may be instituted in relation to the products concerned, or—

- (a) in the case of products intended for export, until such time as the authorised officer is satisfied either that they will not be exported or that they will be exported in accordance with these Regulations and the Council Directive,
- (b) in the case of products which are being or have been imported, until such time as the authorised officer is satisfied that they are being or have been imported in accordance with these Regulations and the Council Directive or until they are exported from the State.

REG 29

Offences.

29. (1) A person who contravenes a provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) A person who obstructs or impedes an authorised officer or member of the Garda Síochána in the execution of these Regulations shall be guilty of an offence.

(3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

REG 30

Prosecution of Offences.

30. An offence under these Regulations may be prosecuted by the Minister.

REG 31

Application of other Provisions.

31. These Regulations are in addition to and not in substitution for—

- (a) the European Communities (Disposal, Processing and Placing on the Market of Animal By-Products) Regulations, 1994, (S.I. No. 257 of 1994),
- (b) the European Communities (Trade in Animals and Animal Products) Regulations, 1994, (S.I. No. 289 of 1994),
- (c) the European Communities (Meat Products and other Products of Animal Origin) Regulations, 1995, (S.I. No. 126 of 1995),
- (d) the European Communities (Rabbit Meat and Farmed Game Meat) Regulations, 1995 (S.I. No. 278 of 1995),
- (e) the European Communities (Wild Game) Regulations, 1995, (S.I. No. 298 of 1995),
- (f) the European Communities (Fresh Poultry meat) Regulations, 1996, (S.I. No. 3 of 1996),
- (g) the European Communities (Importation of Bovine Animals and Products obtained from Bovine Animals from the United Kingdom) Regulations, 1996, (S.I. No. 87 of 1996). and
- (h) such further provisions in relation to the import or export of products in force for the time being in the State.

REG 32

Amendment of the European Communities (Trade in Animals and Animal Products) Regulations, 1994.

32. The European Communities (Trade in Animals and Animal Products) Regulations, 1994, (S.I. No. 289 of 1994) are hereby amended by the substitution in the Schedule to the Regulations for entry no. 22 of the following:

"22. Council Directive No. 92/118/EEC (30) of 17 December 1992, as last amended by Commission Decision No. 96/103/EC (38) of 25 January 1996."

(30) O.J. No. L62 of 14.3.93, p. 49.

(38) O.J. No. L24 of 31.1.96, p. 24.

GIVEN under my Official Seal this 11th day of April 1996.

IVAN YATES

Minister for Agriculture, Food and Forestry.

EXPLANATORY NOTE

These Regulations implement Council Directive No. 92/118/EEC of 17 December, 1992 laying down animal health and public health requirements for products not subject to the said requirements laid down in other specific Community rules. They also (a) provide for the appointment of authorised officers by the Minister, (b) lay down the powers which may be exercised by such authorised officers, and (c) establish offences in the case of contravention of the Regulations.

