

# S.I. No. 270/1997 — European Communities (Trade in Bovine Animals and Swine) Regulations, 1997

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EUROPEAN COMMUNITIES (TRADE IN BOVINE ANIMALS AND SWINE)  
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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. 64/432/EEC<sup>1</sup> of 26 June 1964, as last amended by Council Directive No. 94/42/EC<sup>2</sup> of 27 July 1994 and Council Directive No. 95/25/EC<sup>3</sup> of 22 June 1995, hereby make the following Regulations:

<sup>1</sup>O.J. No. 121 of 29.7.1964, p. 1977.

<sup>2</sup>O.J. No. L 201 of 4.8.1994, p. 26.

<sup>3</sup>O.J. No. L 243 of 11.10.1995, p. 16.

## Citation and commencement

1. (1) These Regulations may be cited as the European Communities (Trade in Bovine Animals and Swine) Regulations, 1997.

(2) These Regulations shall come into operation on the first day of July, 1997.

## Scope

2. These Regulations apply to -

( a ) the import into the State from another Member State of bovine animals or swine 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. 9<sup>1</sup>/<sub>4</sub>96/EEC<sup>4</sup> of 15 July 1991, as last amended by Council Directive No. 96/43/EC<sup>5</sup> of 26 June 1996 have been carried out, and

<sup>4</sup>O.J. No. L 268 of 24.9.1991, p. 56.

<sup>5</sup>O.J. No. L 162 of 1.7.1996, p. 1.

( b ) the export from the State to another Member State of bovine animals or swine to which the Council Directive applies,

and "import" and "export" and cognate words, unless the context otherwise requires, shall be construed accordingly.

Definitions

3. (1) In these Regulations—

"authorised officer" means -

( a ) a person who, for the time being, stands appointed under Regulation 12 of the European Communities (Trade in Animals and Animal Products) Regulations, 1994 ( S.I. No. 289 of 1994 ),

( b ) a person who, for the time being, stands appointed under Regulation 16, or

( c ) an inspector;

"the Council Directive" means Council Directive No. 64/43 2/EEC of 26 June 1964 as last amended by Council Directive No. 94/42/EC of 27 July 1994 and Council Directive No. 95/25/EC of 22 June 1995;

"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 Communities;

" the Minister" means the Minister for Agriculture, Food and Forestry; "third country" means a country which is not a Member State;

"veterinary surgeon" means a person registered for the time being in the register established under the Veterinary Surgeons Act, 1931 (No. 36 of 1931).

(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.

#### Trade in bovine animals and swine

4. A person shall not export or import, or attempt to export or import, bovine animals or swine unless they -

( *a* ) show no clinical sign of disease on the day of loading;

( *b* ) have not been obtained from a holding which for animal health reasons is subject to prohibition as a result of an outbreak of any of the following diseases to which the animals in question are susceptible:

—foot and mouth disease,

—swine vesicular disease,

—contagious swine paralysis,

—bovine brucellosis,

—swine brucellosis,

—anthrax;

( *c* ) have not been obtained from an area in which the measures referred to in paragraph ( *b* ) above are applied;

( *d* ) are not animals which are to be slaughtered under a contagious or infectious disease eradication programme of a Member State;

( *e* ) in the case of bovine animals or swine for breeding or production, have been obtained from a holding which

(i) is situated in the centre of an epizootic free area,

(ii) has been, for at least three months prior to consignment, free from—

(A) in the case of bovine animals, foot and mouth disease and bovine brucellosis,

(B) in the case of swine, foot and mouth disease, swine vesicular disease, bovine and porcine brucellosis, and contagious porcine paralysis (Teschen disease), and

(iii) has, for at least 30 days prior to consignment, been free from all other

compulsorily noticeable diseases which are contagious or infectious for the animal species in question;

(*f*) in the case of bovine animals or swine for breeding or production -

(i) have remained on the holding referred to in paragraph (*e*) above during the 30 days preceding loading or since birth, or

(ii) have been identified in accordance with Council Directive No. 92/102/EEC <sup>6</sup> of 27 November 1992 prior to leaving the holding and placed under official veterinary supervision since leaving the holding;

<sup>6</sup>O.J. No. L 355 of 5.12.1992, p. 32.

(*g*) are sent directly from the holding of origin to the actual place of loading

(i) without coming into contact with cloven-hoofed animals other than bovine animals and swine which fulfil the conditions laid down for intra-Community trade,

(ii) segregated into animals for breeding or production and animals for slaughter,

(iii) in transport vehicles or containers which have first been cleansed and disinfected in accordance with the requirements of Article 3(2)(f) of the Council Directive;

(*h*) are identified in accordance with the provisions of Council Directive No. 92/102/EEC of 27 November 1992;

(*i*) are loaded for transportation to the Member State of destination in accordance with the provisions laid down in paragraph (*g*) above at a specific place at the centre of an epizootic free area in transport vehicles which meet the requirements of Article 3(2)(g) of the Council Directive;

(*j*) after loading are sent directly and as quickly as possible to the Member State of destination;

(*k*) are accompanied during transportation to the Member State of destination by a health certificate relating to the animals concerned which conforms to one of the models in Annex F to the Council Directive and which has been signed

(i) in the case of exports, by an inspector,

(ii) in the case of imports, by an official veterinarian approved for that purpose in the Member State of export.

Trade in animals where several destinations are involved

**5.** A person shall not export or import, or attempt to export or import, bovine animals or swine unless, in the case of animals destined for several destinations

(*a*) the animals are grouped in as many consignments as there are destinations,

( *b* ) each such consignment is accompanied during transportation by a health certificate which complies with the provisions of paragraph (*k*) of Regulation 4,

( *c* ) the recipient of the animals has been registered by the competent authority in the Member State of destination in accordance with Article 3(2) (i), second subparagraph, of the Council Directive, and

( *d* ) the transport operator has been approved in accordance with Article 3(2) (i), second subparagraph, of the Council Directive.

#### Trade in bovine animals for breeding or production

**6.** A person shall not export or import, or attempt to export or import, bovine animals for breeding or production unless, in addition to the requirements of Regulation 4, they—

( *a* ) come from an officially tuberculosis free bovine herd and, in particular, in the case of animals more than six weeks old, have reacted negatively to an intradermal tuberculin test carried out during the 30 days preceding loading in accordance with the provisions of Annex B to the Council Directive,

( *b* ) come from an officially brucellosis free bovine herd and, in particular, in the case of animals more than 12 months old, have shown a brucella count lower than 30 international units of agglutination per millilitre when given a sero-agglutination test carried out during the 30 days preceding loading in accordance with the provisions of paragraph A of Annex C to the Council Directive,

( *c* ) (i) in the case of dairy cows, show no clinical evidence of mastitis, and

(ii) upon analysis in accordance with Annex D to the Council Directive, their milk has not shown any sign of a characteristic inflammatory condition or of a specifically pathogenic micro-organism,

( *d* ) come from an enzootic bovine leukosis free herd in accordance with Article 2(s) of the Council Directive, and

( *e* ) in the case of animals over 12 months of age which come from a region or Member State which does not have enzootic bovine leukosis free status, have reacted negatively to an individual test carried out within 30 days preceding loading in accordance with Annex G, Chapter II, to the Council Directive.

#### Trade in bovine animals less than 30 months of age for meat production

**7. (1)** Notwithstanding the requirements of paragraphs (*d*) and (*e*) of Regulation 6, the Minister may, where he is satisfied that -

( *a* ) in the case of exports, the competent authority in the Member State of destination has taken all the measures necessary to prevent contamination of indigenous herds,

( *b* ) in the case of imports, such measures as he may deem necessary are in place to prevent contamination of herds in the State,

authorise the import or export, as the case may be, of bovine animals of less than 30 months of age intended for meat production, where the animals—

(i) come from a herd in which no case of enzootic bovine leukosis has been notified and confirmed within a period of two years prior to the date of import or export, as the case may be, and

(ii) are identified by a special mark approved for the purposes of the Council Directive at the time of loading and remain, in the case of imports, under the supervision of the Minister until they are slaughtered.

(2) Notwithstanding the requirements of paragraphs (a) and (b) of Regulation 6, the Minister may, where he is satisfied that

( a ) in the case of exports, the competent authority in the Member State of destination is satisfied that it has taken all the measures necessary to prevent contamination of indigenous herds,

( b ) in the case of imports, such measures as he may deem necessary are in place to prevent contamination of herds in the State,

authorise the import or export of bovine animals of less than 30 months of age intended for meat production, where the animals—

(i) come from a herd which is officially brucellosis free and officially tuberculosis free,

(ii) are identified by a special mark approved for the purposes of the Council Directive at the time of loading and remain, in the case of imports, under the supervision of the Minister until they are slaughtered, and

(iii) have not and shall not come into contact during transport with bovine animals other than those from herds which are officially brucellosis free and officially tuberculosis free.

(3) The Minister shall only authorise the import and export of animals in accordance with paragraph (2) where he is satisfied that the Member State of origin or destination, as the case may be, has the same health status as the State as far as tuberculosis and brucellosis are concerned.

#### Trade in swine for breeding and production

**8.** A person shall not export or import, or attempt to export or import, swine for breeding or production unless they -

( a ) come from brucellosis free stock, and

( b ) in the case of swine for breeding aged more than four months, they have during the 30 days preceding loading

(i) shown, a brucella count lower than 30 international units (IU) of agglutination per millilitre when given a sero-agglutination test in accordance with the provisions of Annex C to the Council Directive, and

(ii) given a negative complement fixation reaction when given a serological examination in accordance with the provisions of Annex C to the Council Directive.

#### Trade in bovine animals for slaughter

**9.** A person shall not export or import, or attempt to export or import, bovine animals for slaughter aged more than four months unless they -

( a ) in the case of animals which do not come from an officially tuberculosis free bovine herd, have reacted negatively to an intradermal tuberculin test carried out during the 30 days preceding loading in accordance with the provisions of Annex B to the Council Directive, and

( b ) in the case of animals which do not come from an officially brucellosis free bovine herd nor from a brucellosis free bovine herd, have shown a brucella count lower than 30 international units (IU) of agglutination per millilitre when given a sero-agglutination test carried out during the 30 days preceding loading in accordance with the provisions of paragraph A of Annex C to the Council Directive.

#### Prohibition on animals vaccinated against foot-and-mouth disease

**10.** A person shall not export or import, or attempt to export or import, bovine animals or swine which have been vaccinated against foot and mouth disease.

#### Prohibition on swine from areas restricted for classical swine fever

**11.** A person shall not export or import, or attempt to export or import, swine which come from a holding or area which is subject to restrictions for classical swine fever in conformity with Council Directive 80/217/EEC <sup>7</sup> of 22 January 1980 introducing Community measures for the control of classical swine fever, as last amended by the Treaty of Accession of Austria, Finland and Sweden.

<sup>7</sup>O.J. No. L 47 of 21.2.1980, p. 11.

#### Export of animals from or through a collection centre or assembly point

**12. (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 a collection centre or assembly point, if he is satisfied that

( a ) the collection centre or assembly point complies with the provisions of the Council Directive,

( b ) the application is a bona fide application and the collection centre or assembly point has not been previously registered by him, and

( c ) the collection centre or assembly point is under the supervision of an inspector,

register the collection centre or assembly point for the purposes of the Council Directive which may be limited to such class, species or type of animal as he considers appropriate.

(2) When the Minister registers a collection centre or assembly point in accordance with paragraph (1), he shall allocate a registration number to it and shall notify the owner of

( a ) the registration and the registration 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 class, species or type of animal to which the registration refers.

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

(4) A person who applies for registration under this Regulation 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 collection centre or assembly point concerned, revoke the registration or refuse to register the collection centre or assembly point in the register.

(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 bovine animals or swine from or through a collection centre or assembly point other than a collection centre or assembly point which stands approved for the time being under this Regulation to export animals of the class, species or type concerned.

## Registration of dealers engaged in intra-Community trade

**13.** (1) The Minister may, on application to him in that behalf by a dealer intending to engage in the import or export of bovine animals or swine, register such dealer for the purposes of the Council Directive in accordance with this Regulation.

(2) When the Minister registers a dealer in accordance with paragraph (1), he shall allocate a registration number to him and shall notify the dealer of—

( a ) the registration and the registration 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 class, species or type of animal to which the registration refers.

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

(4) A person who applies for registration under this Regulation 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 dealer, revoke the registration or refuse to register the dealer in the register.

(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 person 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) Any person who deals in animals shall not export or import, or attempt to export or import, bovine animals or swine unless he stands registered for the time being in the register established by the Minister under this Regulation.

#### Isolation of animals following importation

**14.** (1) Any person who imports bovine animals or swine shall ensure that they are isolated from any other animals at the holding of destination until the veterinary surgeon responsible for that holding has ascertained that the imported animals are not likely to jeopardise the health status of the holding.

(2) The provisions of paragraph (1) above shall not be applicable in the case of imported animals which have been born on a given holding and which have remained within the State for a period of thirty days following importation.

(3) This Regulation is applicable without prejudice to any checks carried out on the imported animals by virtue of the European Communities (Trade in Animals and Animal Products) Regulations, 1994.

#### Application of additional guarantees

**15.** (1) Where a Member State applies additional guarantees in accordance with Article 9 or 10 of the Council Directive, a person shall not export, or attempt to export, bovine animals or swine to that Member State unless they comply with the relevant requirements of those additional guarantees.

(2) A person shall not import, or attempt to import, bovine animals or swine unless they comply with the additional guarantees in force in the State in accordance with Article 9 or 10 of the Council Directive.

#### Appointment of authorised officers

**16.** (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.

#### Powers of authorised officers

**17.** (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 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 bovine animals or swine intended for export or which are being or have been imported,

( b ) there or at any other place, examine and inspect any bovine animals or swine,

( c ) take, without payment of compensation, such samples of any animals (including blood, urine, faeces, milk, saliva, semen, tissue or other thing) 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, certificates, documents and other records 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 or other documents which have accompanied or are accompanying bovine animals or swine and which are within the power or procurement of a person referred to in paragraph ( *e* ),

( *h* ) seize and detain any bovine animals or swine found there which he reasonably believes to be intended for export or which are being or have been imported and which he reasonably believes do not comply with the requirements of these Regulations or the Council Directive,

( *i* ) seize and detain anything 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 bovine animals or swine 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.

#### Period during which bovine animals or swine may be detained

**18.** (1) Bovine animals or swine may be detained by or at the direction of an authorised officer pursuant to paragraph (1)(*h*) of Regulation 17 pending the outcome of any criminal proceedings which may be instituted in relation to the bovine animals or swine concerned, or

( *a* ) in the case of bovine animals or swine 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 bovine animals or swine 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.

(2) The provisions of paragraph (1) are applicable without prejudice to the provisions of the European Communities (Trade in Animals and Animal Products) Regulations, 1994.

#### Offences

**19.** (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 £1,500 or to imprisonment for a term not exceeding 6 months or to both.

(2) A person shall not obstruct or impede an authorised officer in the due exercise of any of the functions of the officer under these Regulations.

(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.

#### Prosecution of offences

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

Application of the European Communities (Importation of Bovine Animals and Products obtained from Bovine Animals from the United Kingdom) Regulations 1996 and other provisions

**21.** These Regulations are in addition to and not in substitution for -

( *a* ) 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 ), as amended, and

( *b* ) such further provisions in relation to the import or export of bovine animals or swine in force for the time being in the State.

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

**22.** 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. I of the following:

"Council Directive No. 64/432/EEC<sup>9</sup> of 26 June 1964, as last amended by Council Directive No. 95/25/EC<sup>39</sup> of 22 June 1995."

<sup>9</sup>O.J. No. 121 of 29.7.1964, p. 1977.

<sup>39</sup>O.J. No. L 243 of 11.10.1995, p. 16.

GIVEN under my Official Seal, this 12th day of June, 1997.

Ivan Yates,

Minister for Agriculture, Food and Forestry.

#### EXPLANATORY NOTE

These Regulations implement Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine, as last amended by Council Directives 94/42/EC of 27 July 1994 and 95/25/EC of 22 June 1995. They also provide for (*a*) the approval of authorised officers to enforce the Regulations, and (*b*) the prosecution of offences.

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