



## **FALKLAND ISLANDS**

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### **Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015**

**(S.R. & O. No. 27 OF 2015)**



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*[DATE OF COMMENCEMENT: 24 DECEMBER 2015]*

#### **PART 1 INTRODUCTION**

##### **1 Title**

These regulations are the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015.

##### **2 Commencement**

These regulations come into force on publication in the Gazette.

##### **3 Interpretation and application**

(1) In these regulations-

**"abattoir operator"** means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

**"analysis"** includes any technique for establishing the composition of an official sample;

**"approved laboratory"** means a laboratory approved by the competent authority for the purpose of examining official samples;

**"competent authority"** means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

**"contaminants"** in relation to maximum levels in meat and meat products means any of the substances referred to in the relevant EU legislation specified under Schedule 5;

**"Commission"** means the European Commission;

**"farm"** means an area of land devoted to the keeping, rearing or raising of livestock;

**"feed"** or "feedingstuff" means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;

**"fresh meat"** means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;

**"holding"** means a section of land leased or otherwise tenanted for agricultural purposes;

**"illegal treatment"** means the use of unauthorised substances or products and includes the use of authorised products or substances for purposes other than those lawfully permitted;

**"inspector"** means a person who is designated in writing under regulation 13 by the competent authority, either generally or specifically, to carry out inspections under these regulations;

**"maximum residue limits"** means, in relation to a substance or product specified under these regulations or the relevant EU legislation, its concentration in the tissues or body fluids of an animal, its meat or meat products, the limit of which is specified in the relevant EU legislation appearing under Schedule 5 and 6;

**"meat preparations"** means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and eliminate the characteristics of fresh meat;

**"meat products"** means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

**"mechanically separated meat (MSM)"** means the product obtained by removing meat from flesh-bearing bones after boning using mechanical means which result in the loss or modification of the muscle fibre structure;

**"official controls"** in relation to these regulations means checks, inspections, audits and corrective procedures made by the competent authority to verify and ensure compliance with feed and food requirements so that the maximum residue limits set for the different substances and products are not exceeded for the protection of public and animal health;

**"official sample"** means a sample taken by the competent authority under Part 4;

**"official veterinarian"** means an official of the Department of Agriculture appointed under section 7 of the Ordinance;

**"pesticide residues"** means residues including active substances, their metabolites, and the breakdown or reaction products of the active substances specified in the relevant EU legislation under Part B of Schedule 5 (in so far as they are present in meat and meat products);

**"relevant EU legislation"** means (to the extent that it relates to residue limits in meat and meat products) the legislation specified in Schedule 6;

**"residue"** means the residue of a substance that has a pharmacological action, of its metabolites and of any other substances transmitted to animal products which is likely to be harmful to human health;

**"the Ordinance"** means the Livestock and Meat Products Ordinance;

**"therapeutic purposes"** means the administering of an authorised substance or product to an animal-

- (a) to treat a fertility problem; or
- (b) in the case of beta-agonists-
  - (i) to induce tocolysis in cows when calving;
  - (ii) to treat respiratory problems; or
  - (iii) to treat navicular diseases and laminitis;

**"traceability"** means the ability to trace and follow a feed, or substance intended to be, or expected to be incorporated into a feed, through all stages of production, processing and distribution;

**"unauthorised substances or products"** means the substances or products specified under Schedule 2 which are prohibited under these regulations and relevant EU legislation and

**"prohibited substances or products"** must be construed accordingly;

**"veterinary medicinal product"** means any substance or combination of substances-

- (a) presented as having properties for treating or preventing disease in animals; or
- (b) that may be used in, or administered to, animals with a view to-
  - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
  - (ii) making a medical diagnosis;

**"withdrawal period"** in relation to an authorised veterinary medicinal product administered to an animal or batch of animals, means the period specified for that product (either in the marketing authorisation relating to that product or as prescribed by the official veterinarian) which is required to be observed from the time the product is administered to the animal and the time the animal can be placed on the market for slaughter for human consumption; and

**"zootechnical treatment"** means the administering of any substance authorised by regulation 7 for use in artificial insemination or embryo transfer programmes.

(2) In these regulations any reference to the 'licence or licenced use' of a substance or product means any use of a substance or product that the manufacturer has permitted or approved.

(3) The relevant EU legislation specified under Schedule 5 and 6 setting out the maximum residue limits apply to meat and meat products intended for human consumption.

(4) For purposes of ascertaining whether the maximum residue limits have been exceeded the competent authority must test for the presence of the substance (the drug, drug metabolite or a combination of both) as specified in Schedule 5 (in relation to contaminants) or as specified in the relevant EU legislation listed under Schedule 6 (in particular Regulation 37/2010 of 22 December 2009 in relation to pharmacologically active substances) and measure the levels of that substance.

## **PART 2**

### **PROHIBITIONS ON IMPORT, SALE AND USE OF CERTAIN PRODUCTS AND SUBSTANCES ON ANIMALS**

#### **4 General prohibition on import, sale and use of unauthorised substances**

- (1) Subject to the provisions of these regulations, a person commits an offence who-
- (a) imports into the Falkland Islands any of the unauthorised substances or products specified under Schedule 2;
  - (b) places on the market for sale any of the unauthorised substances or products specified under Schedule 2;
  - (c) administers to any animal any of the unauthorised substances or products specified under Schedule 2;
  - (d) places on the market for slaughter any animal to which any of the substances specified under Schedule 2 has been administered; or
  - (e) processes or places on the market for sale any meat or meat products (intended for human consumption) from an animal to which any of the substances specified under Schedule 2 has been administered.

(2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

(3) The competent authority may import any of the unauthorised substances or products for zootechnical purposes or for any other purposes as may be necessary.

#### **5 Prohibitions on the import, sale or administration of certain substances**

(1) A person commits an offence who imports into the Falkland Islands or places on the market for sale for administration to animals any of the following substances-

- (a) thyrostatic substances;
- (b) beta-agonists;

- (c) stilbenes, stilbene derivatives including their salts and esters; or
- (d) oestradiol 17P and its ester-like derivatives.

(2) Subject to regulation 7, a person commits an offence who administers to an animal intended for human consumption any of the following substances-

- (a) thyrostatic substances;
- (b) beta-agonists;
- (c) stilbenes, stilbene derivatives including their salts and esters; or
- (d) oestradiol 17P and its ester-like derivatives.

(3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

## **6 Prohibition of possession of unauthorised substances and substances under regulation 5**

(1) A person commits an offence who is in possession of any unauthorised substances or any of the substances specified under regulation 5.

(2) It is a defence for a person charged with an offence under subregulation (1) in relation to the substances specified under regulation 5 that the person had an authorisation from the competent authority to use the substance for its licenced use.

(3) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

## **7 Exceptions**

(1) Nothing under regulation 5 prohibits the administering of any of the following specified substances or products for the following purposes-

- (a) administering for therapeutic purposes testosterone and progesterone and derivatives which, when administered, yield the parent compound on hydrolysis after absorption in the area where the injection is administered;
- (b) administering progesterone for the treatment of ovarian dysfunctions through the use of vaginal spirals;
- (c) administering for therapeutic purposes authorised veterinary products or substances which contain-
  - (i) allyl trenbolone, if administered orally;
  - (ii) beta-agonists where it is injected to induce tocolysis in cows when calving;
- (d) administering for zootechnical treatment authorised veterinary substances or products which have-
  - (i) an oestrogenic action (other than oestradiol 17P and its ester-like derivatives); and

- (ii) androgenic or gestagenic action which are authorised in accordance with the relevant EU legislation.
- (2) The substances and products referred to under subregulation (1) must-
- (a) be administered by an official veterinarian to clearly identified animals;
  - (b) not be kept by farmers.
- (3) The official veterinarian must record the details of any products or substances administered under this section.
- (4) Therapeutic treatment of animals other than for breeding purposes is prohibited (including breeding animals which are at the end of their reproductive life).
- (5) The substances or products referred to under this regulation-
- (a) must only be used in accordance with this regulation,
  - (b) must be authorised by the competent authority or licensed to be so used for the therapeutic purpose for which they are used and the waiting periods specified in the manufacturer's information for those substances or products must be observed before the animals can be placed on the market for slaughter.

## **8 Meat and meat products with levels in excess of the maximum residue limits**

- (1) A person commits an offence who places on the market for sale any meat or meat products intended for human consumption which contains-
- (a) residue levels that exceed the maximum residue limits specified under Part A of Schedule 5 in relation to pharmacologically active substances;
  - (b) pesticides residue levels that exceed the maximum residue limits specified under Part B of Schedule 5;
  - (c) levels that exceed the maximum levels for certain contaminants as specified under Part C of Schedule 5;
  - (d) levels that exceed the maximum limits specified under Part D of Schedule 5 in relation to microbiological contaminants; or
  - (e) levels that exceed the maximum limits in relation to relevant EU legislation specified under Schedule 6.
- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 4 on the standard scale, or to both.

**PART 3**  
**GENERAL CONTROL AND MONITORING ON PRODUCTION AND PLACING ON**  
**THE MARKET**

**9 Controls by animal owners - monitoring of animals going for slaughter**

(1) A person in control of animals going for slaughter must take all reasonable steps to ensure that the animals which are to be taken for slaughter-

- (a) are constantly monitored for the purpose of detecting the level of residues from substances or products specified under Schedule 1; and
- (b) are not treated with any of the unauthorised substances or products specified under Schedule 2.

(2) The reasonable steps may include the following-

- (a) the correct and appropriate use of veterinary medicinal products (to avoid illegal treatment);
- (b) the keeping of records of all the veterinary medicinal products administered to animals;
- (c) the correct and appropriate use of feed (and additives) and ensuring their traceability; and
- (d) the correct storage of feed (to avoid contamination); and
- (e) ensuring as far as possible that animals which had been administered with authorised substances or products are sent for slaughter only after the applicable withdrawal periods which have been prescribed for those substances or products have elapsed.

**10 Official controls - competent authority**

(1) The competent authority must put in place measures aimed at ensuring compliance with these regulations and these measures may include-

- (a) the control of contaminants such as mycotoxins, heavy metals and radioactive material;
- (b) the use of water, organic waste and fertilisers on animal feeds;
- (c) the correct and appropriate use of plant protection products and biocides and their traceability;
- (d) the correct and appropriate use of veterinary medicinal products;
- (e) the keeping of records of all the veterinary medicinal products administered to animals;
- (f) the correct and appropriate use of feed additives and their traceability;
- (g) frequent monitoring to ensure that animals do not contain-
  - (i) residue levels which exceed maximum residue limits specified under these regulations; or

- (ii) any trace of prohibited substances or products.
- (2) The competent authority must put in place a monitoring plan and must ensure that inspections are carried out as often as possible for the proper monitoring of the use of substances or products in animals and to check the residues listed under the Schedules to these regulations.
- (3) The competent authority must ensure that-
  - (a) the residue monitoring plan complies with the requirements under Part 4; and
  - (b) the data collected and all the results are sent to the Commission not later than 31 March in each year.

## **11 Controls at slaughter - placing on the market for human consumption**

- (1) In this Part-
  - (a) to "process meat" means to bone, mince, chill, freeze or otherwise prepare meat for sale; and
  - (b) to "produce meat" means to kill, bleed, skin, and cut up an animal.
- (2) An abattoir operator must take the necessary steps to ensure that animals that are processed for slaughter do not contain residues in excess of the maximum limits and that they do not contain any trace of prohibited substances or products as set out under these regulations and the relevant EU legislation.
- (3) Any meat or meat product which is produced and processed to be placed on the market for human consumption must-
  - (a) be examined by the competent authority to ensure that it does not contain residues in excess of the levels set out under these regulations and the relevant EU legislation;
  - (b) in the case of meat from animals which were used for breeding purposes or from animals which have undergone treatment using authorised products or substances, come from animals which were only slaughtered after the lapse of the specified withdrawal periods prescribed for those substances or products;
  - (c) in the case of animals administered with substances which have oestrogenic, androgenic or gestagenic action or beta-agonists, come from those animals which have undergone treatment following the administration of those substances; and
  - (d) be thoroughly checked by the competent authority to ensure compliance with the applicable measures relating to animal health and welfare that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.

## **12 Checks and approval by competent authority before meat is placed on the market**

- (1) An abattoir operator must ensure that all fresh meat to be placed on the market is produced and processed in compliance with the Livestock and Meat Products (Hygiene) Regulations 2015.

*[Revision w.e.f. 31/07/2017]*

(2) An official veterinarian must carry out the official controls referred to in Part 4 to ensure that meat and meat products placed on the market comply with the residue and contaminant levels set out in these regulations and the relevant EU legislation.

(3) The competent authority must also carry out the official checks aimed at detecting the presence of unauthorised substances or products (which may be used for fattening or for other illegal treatment).

## **PART 4**

### **OFFICIAL CONTROLS (SAMPLING, TESTING, EXAMINATIONS, INSPECTIONS AND AUDITS)**

#### **13 Designation of Inspectors**

(1) The competent authority must designate inspectors for purposes of carrying out all the checks, sampling, monitoring and other official control measures required under these regulations.

(2) An inspector designated under these regulations is responsible for-

- (a) carrying out inspections for detecting the presence of unauthorised substances or products intended to be administered to animals for purposes of fattening or for any illegal treatment;
- (b) checking the records or registers kept at farms in relation to treatment administered to animals;
- (c) taking of samples, registering, preparing and organising the transportation of official control samples; and
- (d) any other duties as may be specified in the designation.

#### **14 Inspections at farms or holdings**

(1) The owner or any person in charge of animals must cooperate with the inspectors and facilitate inspection operations and in particular assist the inspector, the official veterinarian or any other authorised staff to carry out any official controls required under these regulations.

(2) The inspector must check all the records and registers kept in terms of regulation 33.

(3) Where there is any suspicion that animals have been treated with illegal or unauthorised substances or products the competent authority must ensure that inspections or checks are carried out as soon as possible.

(4) An inspection carried out under this regulation may include-

- (a) official sampling of the animals' feeding stuff or drinking water;
- (b) a search within the farm for the presence of the unauthorised substances or products or, where there are unauthorised substances or products found, checks to establish the origin of those substances or products;

- (c) a request for the owner of the animals to detain a certain number of animals to enable the animals to be inspected for the purposes of checking for unauthorised substances or the residue levels of authorised substances; or
- (d) any other action as may be appropriate in the circumstances.

(5) Where samples or checks are to be carried out in compliance with subregulation (3) or if the sampling is carried out on a specific batch of animals the competent authority must give the owner of the animals or the person in control of the animals 7 days' notice in writing as to when the sampling and checks are to take place.

(6) The owner or person in control of the animals must allow sampling and checks to take place within 7 days of the notification.

(7) Where an inspection under this section reveals any positive results the competent authority must take any action as specified under Part 5.

## **15 Inspections at abattoir**

(1) An abattoir operator must cooperate with the inspectors by facilitating pre-slaughter inspection operations and offer any assistance as necessary so that official controls to be carried out by the inspectors and officers of the competent authority can be performed effectively.

(2) The abattoir operators must in particular-

- (a) give access to all buildings, premises, installations or other infrastructures related to the abattoir and meat production; and
- (b) make available any documentation and records required or considered necessary by an inspector or an officer of the competent authority.

(3) Where an inspection under this section reveals any positive results the competent authority must take action as specified under Part 5.

## **Residue Monitoring Plans - Meat and Meat Products for Export Purposes**

### **16 Residue monitoring plans**

(1) The competent authority must prepare and transmit to the Commission a residue monitoring plan for all meat and meat products produced and processed for export to the Commission annually as required under regulation 10.

(2) The residue monitoring plan must comply with the requirements of the relevant EU legislation and must take into account the following-

- (a) the legal requirements on the use of substances or products specified under these regulations and the relevant EU legislation;
- (b) the capacity of all the relevant parties involved in implementing the plan;
- (c) the laboratories approved for processing samples;

- (d) the number of official samples to be taken (in relation to the number of animals of the species slaughtered in preceding years) in accordance with the sampling levels and frequencies laid down under Schedule 4;
- (e) the legal requirements for collection of samples and the information provided with samples; and
- (f) measures to be taken with regard to animals, meat or meat products which are found to contain residues in excess of the prescribed maximum limits.

## **17 Monitoring**

- (1) The competent authority must monitor animal production and the overall processing and production of meat and meat products for detecting the presence of any residues and substances listed under these regulations and the relevant EU legislation.
- (2) The competent authority must ensure that all samples are collected in accordance with these regulations and the relevant EU legislation in particular by-
  - (a) drawing up a monitoring plan to enable inspections to be carried out as and when necessary;
  - (b) collecting all the data needed to evaluate the methods used to collect samples and the results obtained from carrying out any measures taken; and
  - (c) sending to the Commission, not later than 31 March in each year the data and the results (including the results of any surveys taken during the course of that year).

## **18 Contents of the monitoring plan**

The monitoring plan must-

- (a) provide, according to the type of animal, for detection of groups of residues or substances specified under Schedule 3;
- (b) specify the measures for detection of the presence of-
  - (i) the substances referred to under paragraph (a) (and where necessary in the drinking water, feeding stuffs and in all the places where the animals are kept);
  - (ii) residues of the substances specified under Schedule 3 (by checking the animal's excrement and body fluids, and in animal products such as meat and milk); and
- (c) comply with the sampling rules and levels laid down under Schedule 4.

## **Sampling and Sampling Reports**

### **19 Requirements for taking samples**

- (1) The competent authority must ensure that samples are taken frequently or as routinely as possible throughout the course of the year to detect the possession or presence of prohibited substances or products or to determine the levels of residues or contaminants from products or substances.

(2) The taking of samples may be unscheduled and must be done as often as necessary to detect the possession or presence of unauthorised substances or products.

(3) The taking of official samples must be done in accordance with the requirements of Schedule 4 and the competent authority must ensure the establishments take samples at a frequency appropriate to production.

## **20 Transport and storage of samples**

(1) Residue control plans must specify suitable storage and transport conditions for each analyte or matrix combination to ensure analyte stability and sample integrity.

(2) The competent authority may impose additional conditions under which official control samples are transported in relation to the temperature and the storage of the samples.

## **21 Sampling report**

(1) The sampling report must contain the following-

- (a) name of the inspector carrying out the sampling;
- (b) official code of the sample;
- (c) sampling date;
- (d) if the sampling is done on farm, the name and address of the owner or the person who has control of the animals;
- (e) in the case of meat and meat products, the name and address of the abattoir operator;
- (f) registration number of the abattoir;
- (g) animal, meat or meat product number;
- (h) animal species;
- (i) sample matrix indicating the type of tissue sampled;
- (j) veterinary medicinal products given to the animals within the last four weeks before the sampling is undertaken;
- (k) substances or groups of substances which the sampling is to cover; and
- (l) any other necessary information relevant to the sampling.

(2) The sampling report must be signed by an inspector and the original copy filed with the competent authority.

## **Official control measures and checks**

### **22 Official control measures**

- (1) The competent authority must ensure that official control measures are put in place to detect the possession or presence of unauthorised substances or products intended to be administered to animals for any illegal treatment (including fattening).
- (2) The official control measures referred to in subregulation (1) may include the following-
  - (a) unscheduled checks carried out as often as necessary;
  - (b) training of owners of animals or people in charge of animals on the keeping of records and the proper use of veterinary medicinal substances or products.

### **23 Official control checks**

- (1) The competent authority must perform periodic unscheduled checks at farms to check any of the following-
  - (a) the treatment given to animals;
  - (b) the records of treatments administered on animals;
  - (c) any traces of implants on the animals and these checks may include official sampling;
  - (d) the presence of prohibited or unauthorised substances or products; or
  - (e) the animal's feeding stuffs and drinking water to detect any prohibited or unauthorised substances or products.
- (2) The competent authority may perform unscheduled checks on a particular farm where there is suspicion that illegal treatment has taken place.
- (3) Where the competent authority finds any unauthorised substances or products as a result of a check under subregulation (2), it must carry out further checks to clarify the origins of the unauthorised substances or products.
- (4) Where the checks under subregulation (2) reveal that the maximum limits or levels laid down under Schedule 5 have been exceeded the competent authority must take such action or measures it may deem appropriate in the circumstances.

## **Approved laboratories**

### **24 Designated laboratories**

- (1) The competent authority must designate a number of laboratories for purposes of these regulations and the relevant EU legislation.
- (2) The designated laboratories must be capable of carrying out the tests required under these regulations.

## **25 Examination of samples**

Where the examination of a sample reveals that there has been illegal treatment, the competent authority must take such measures and any of the actions laid down under Part 5.

### **PART 5 ACTION TO BE TAKEN FOR POSITIVE RESULTS**

## **26 Further investigations - competent authority**

(1) Where the results or outcome of the official checks and examinations carried out under Part 4 reveal positive results of the presence of any residues that exceed the maximum limits specified under Schedule 1, the competent authority must carry out a further investigation.

(2) The competent authority must obtain all the necessary information without delay in order to—

- (a) establish whether the residues are of authorised or unauthorised substances or products;
- (b) identify the animals and the farm from where the affected animals come; and
- (c) establish the source of the unauthorised substances or products.

(3) Depending on the outcome of the investigation and based on its findings, the competent authority may take the appropriate action as set out under regulations 27 and 28.

## **27 Actions by competent authority - maximum levels exceeded**

(1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 26 reveal that the residue levels of authorised substances or products exceed the maximum levels specified under Schedule 5, the competent authority must carry out a further investigation to determine the reasons of the excess in residue levels.

(2) Based on the outcome of the further investigation under subregulation (1), the competent authority must put in place necessary measures to safeguard public health.

(3) The measures referred to under subregulation (2) may include-

- (a) the prohibition of affected animals from leaving the farm where they are kept for a specified period;
- (b) where the residues which exceed the maximum limits are found in carcasses, the confiscation and destruction of those carcasses;
- (c) the prevention of the placing on the market for slaughter, of animals from that farm for a specified period.

(4) The competent authority-

- (a) must ensure that animals that come from a farm which has had repeated incidents of exceeding the maximum residue limits go through intensified checks and examinations

for a specified period not less than 6 months before animals from that farm can be placed on the market for slaughter; and

(b) may impose administrative penalties on the owner of those animals.

(5) The imposition of administrative penalties under subregulation (3) does not prevent the prosecution of any person whose animals have been found with residues that exceed the maximum limits.

## **28 Actions by competent authority - illegal treatment**

(1) Where the results or outcome of the official checks and examinations carried out under Part 4 or a further investigation conducted under regulation 26 reveal that there has been illegal treatment the competent authority must-

- (a) ensure that all the animals on that farm are checked and the affected animals are immediately placed under official control;
- (b) cause all the affected animals to be marked to ensure that they are easily identifiable; and
- (c) cause all the affected animals to be slaughtered separately.

(2) Based on the outcome of the further investigation under subregulation (1) and depending on the nature of the unauthorised substances or products identified, the competent authority may put in place necessary precautionary measures to safeguard public health.

(3) The measures referred to under subregulation (2) may include-

- (a) where any unauthorised substances or products are found in the farm or on any unauthorised persons, the confiscation of those substances or products;
- (b) the prevention of the placing on the market for slaughter, of animals from that farm for a period as may be specified by the competent authority; or
- (c) the imposition of administrative penalties on the owner of the farm or any unauthorised person found in possession of the unauthorised substances or products.

(4) The imposition of administrative penalties under subregulation (3) does not prevent the prosecution of any person found in possession of unauthorised substances or products.

(5) The owner of the animals must bear the following costs-

- (a) costs of the checks done on all the animals under this regulation;
- (b) costs of slaughter of the affected animals including the costs of transporting the animals to a slaughterhouse.

## **29 Action by official veterinarian - slaughterhouses**

(1) If the official veterinarian at a slaughterhouse has evidence that animals have been treated with unauthorised substances or products or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed, the official veterinarian must-

- (a) in the case of live animals, arrange for the animals to be slaughtered separately from other animals;
  - (b) if the animals have already been slaughtered, impound all the carcasses and offal from those animals until all the sampling procedures necessary to detect the level of residues for the substances or products in question have been conducted.
- (2) The official veterinarian may, where there is suspicion that animals have been illegally treated or that, after being treated or administered with authorised substances or products, the withdrawal periods were not observed-
- (a) impound all the carcasses and offal from animals slaughtered until all the sampling procedures necessary to detect the residues have been complied with; or
  - (b) subject to subregulation (3), delay the slaughter of the animals until satisfied that the quantity of the residues does not exceed the permitted levels by observing the withdrawal periods to be observed with respect to those substances or products.
- (3) If there is an emergency or due to animal welfare reasons it is required that slaughter cannot be delayed the animals must be slaughtered immediately and the carcass and offal from those animals must be checked before it can be placed on the market for human consumption.
- (4) If the sampling procedures undertaken in relation to meat or offal from animals under this regulation show that the residue levels exceed the maximum limits, the carcass and offal must be declared unfit for human consumption and be destroyed.
- (5) The competent authority may impose any of the measures specified under these regulations based on the results of the sampling procedures undertaken under this regulation (whether the sampling reveals illegal treatment or an excess of maximum limits).

## **PART 6 MISCELLANEOUS PROVISIONS**

### **30 Notices**

Except in so far as it relates to unscheduled checks and unscheduled sampling, any decision or action to be taken by the competent authority under these regulations must be given by notice which-

- (a) must be in writing;
- (b) may be subject to conditions; and
- (c) may, depending on the decision or action be amended, suspended or revoked.

### **31 Administrative penalties**

- (1) Where the competent authority imposes administrative penalties under Part 5 it must cause a notice in writing to be served on the owner of the animals.
- (2) A notice under subregulation (1) must specify-

- (a) the date and nature of the offence;
- (b) a summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against the person); and
- (c) any other matters that the competent authority considers relevant to the imposition of a penalty.

(3) A notice under subregulation (1) must be endorsed with a statement setting out the provisions of these regulations.

(4) Any person on whom a notice under subregulation (1) is served may, within 28 days after the service, by notice in writing served on the competent authority, require that proceedings in respect of the alleged offence be dealt with by a court having jurisdiction to try and determine that offence, in which case the following applies-

- (a) no further proceedings are to be taken under this regulation by the competent authority; and
- (b) nothing in this regulation is to be construed to prevent the subsequent laying of any information charge in respect of the alleged offence, or the conviction of the person of the offence by that court, or the imposition of any penalty or fine under these regulations upon such conviction.

(5) Any person on whom a notice under subregulation (1) is served who does not require that proceedings in respect of the alleged offence be dealt with by a court may by notice in writing served on the competent authority-

- (a) admit the offence; and
- (b) bring to the attention of the competent authority any matters the person wishes the competent authority to take into account in imposing any administrative penalty.

(6) Where a person on whom a notice under subregulation (1) is served does not, within 28 days after the notice is served-

- (a) require that proceedings in respect of the alleged offence be dealt with by a court; or
- (b) admit the offence,

the person is, on the expiration of that period, deemed to have admitted the offence.

(7) Where a person admits or is deemed to have admitted an offence the competent authority may, after taking into account any submissions made by that person under subregulation (5), impose a monetary penalty on that person in respect of the offence not exceeding in amount one third of the maximum fine to which the person would be liable if the person were convicted of the offence by a court.

(8) An admission or deemed admission of an offence and the imposition of a penalty under this regulation is not to be regarded as a conviction for an offence.

(9) Where the competent authority imposes a penalty on a person under this regulation in respect of an offence, the competent authority must cause a notice in writing with the particulars of the penalty to be served on the person.

(10) A person on whom a penalty is imposed under this regulation must pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on the person.

(11) A penalty imposed under this regulation is recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction for an offence and, without prejudice to the foregoing, may be recovered in any manner in which a civil debt to the Crown from that person may be recovered.

## **32 Appeals**

(1) Any person aggrieved by the decision of the competent authority under these regulations may lodge an appeal in writing to the Governor within 14 days from the date of the decision by the competent authority.

(2) An appeal under subregulation (1) must be commenced by submitting a notice of appeal to the Governor.

(3) The notice of appeal must be accompanied by supporting documents including a copy of the decision of the competent authority.

(4) Where an appeal is made under this regulation, the Governor may-

- (a) allow the appeal in full;
- (b) dismiss it entirely; or
- (c) reverse or vary one or more parts of the decision made by the competent authority.

## **33 Record keeping**

(1) There must be kept on the farm or holding a register on which the following is recorded-

- (a) information relating to any treatment prescribed or administered to animals;
- (b) the date when the treatment was administered to the animals;
- (c) the identification of the animals treated;
- (d) the withdrawal periods to be observed for the treatments administered (including information indicating when those periods elapsed); and
- (e) any other relevant information.

(2) A person who owns or is in control of animals or is engaged in the placing on the market of animals for slaughter must keep records of the following-

- (a) all veterinary medicinal products or other treatments administered to animals, the dates of administration and withdrawal periods;
- (b) the occurrence of diseases that may affect the safety of the meat and products of animal origin;

- (c) the results of any analysis carried out on samples taken from animals or other samples taken for diagnostic purposes which must include results of tests for diseases or contamination in meat which may have an adverse effect on human health; and
  - (d) any relevant reports on checks carried out on animals or products of animal origin.
- (3) The official veterinarian, the owner of the animal or the person in charge of the animal must enter the details specified under this regulation in the register.
- (4) An abattoir operator must keep all the records relating to animals brought into the abattoir including any records relating to meat and meat products produced or processed in the abattoir.
- (5) A copy of the register or records to be kept under this regulation must be made available to inspectors when requested.

### **34 Guidance by competent authority**

The competent authority may publish guidance on good record keeping practices, the taking of samples, sampling frequency and strategy as well as on the storage and administration of veterinary medicinal products.

### **35 Obstruction of inspectors, official veterinarian and competent authority officials**

- (1) It is an offence to do one or more of the following-
- (a) intentionally to obstruct any person acting in the execution of these regulations;
  - (b) knowingly to give any information that is false or misleading to any person acting in the execution of these regulations;
  - (c) intentionally to fail to disclose any material particular to any person acting in the execution of these regulations; or
  - (d) to fail, without reasonable excuse-
    - (i) to give any assistance that any person acting in the execution of these regulations may require, or
    - (ii) to produce any record that any person acting in the execution of these regulations may require to be produced,

for the performance of that person's functions under these regulations.

- (2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 12 months, or to a fine not exceeding level 8 on the standard scale, or to both.

### **36 Offences and penalties**

- (1) It is an offence for a person to contravene a provision of these regulations.
- (2) A person convicted of an offence under these regulations for which no penalty is provided is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding level 6 on the standard scale, or to both.

**37** . . .

*[Revision w.e.f. 31/07/2017]*

**38 Revocation**

(1) . . .

*[Revision w.e.f. 31/07/2017]*

(2) The Foodstuffs (Maximum Levels of Certain Metals) Order 2002 is revoked.

*[Revision w.e.f. 31/07/2017]*

**SCHEDULE 1  
SUBSTANCES OR PRODUCTS TO BE MONITORED**

(regulation 9(1)(a))

**Group A**

- (i) Substances which have anabolic effect and unauthorised substances
  - (a) Stilbenes, stilbene derivatives, and their salts and esthers
  - (b) Antithyroid agents
  - (c) Steroids
  - (d) Resorcyclic acid lactones including zeranol
  - (e) Beta-agonists

**Group B**

**Veterinary drugs and contaminants:**

- (1) Antibacterial substances including sulphonamides, quinolones
- (2) Other veterinary drugs-
  - (a) Anthelmintics
  - (b) Anticoccidials, including nitroimidazoles
  - (c) Carbamates and pyrethroids
  - (d) Sedatives
  - (e) Non-steroidal anti-inflammatory drugs (NSAIDs)
  - (f) Other pharmacologically active substances

- (3) Other substances and environmental contaminants-
- (a) Organochlorine compounds including PCBs
  - (b) Organophosphorus compounds
  - (c) Chemical elements
  - (d) Mycotoxins
  - (e) Dyes
  - (f) Others

**SCHEDULE 2  
UNAUTHORISED/PROHIBITED SUBSTANCES**

(regulation 4(l)9(l)(b))

**List A  
Prohibited Substances**

Thyrostatic substances

Stilbenes, stilbene derivatives, their salts and esters

Oestradiol 17P and its ester-like derivatives

**List B  
Prohibited substances with exceptions**

Beta-agonists (permitted use as per regulation 7)

**List C  
Provisionally prohibited substances**

Substances which have oestrogenic (other than oestradiol 17P and its ester-like derivatives) androgenic or gestagenic action

**List D  
Substances for which a maximum safe level in food cannot be established**

The following substances for which no Maximum Residue Limits can be established:

Aristolochia
Chloramphenicol
Chloroform
Chlorpromazine
Colchicine
Dapsone

Dimetridazole
Metronidazole
Nitrofurans (including furazolidone)
Ronidazole

**SCHEDULE 3**  
**SUBSTANCES SUBJECT TO MONITORING OR CHECKING**

(Regulation 18(a))

The following substances are to be checked in the animals specified (checked in live animals, their excrement and body fluids as well as in the animal's feeding stuffs and drinking water)-

<b>Substances to be checked</b>	<b>Types of animals</b>
All the substances under Group A (Schedule 1)	bovine, ovine, caprine
Antibacterial substances including sulphonamides, quinolones	bovine, ovine, caprine
Anthelmintics	bovine, ovine, caprine
Anticoccidials, including nitroimidazoles	bovine, ovine, caprine
Carbamates and pyrethroids	bovine, ovine, caprine
Sedatives	bovine, ovine, caprine
Non-steroidal anti-inflammatory drugs (NSAIDs)	bovine, ovine, caprine
Organochlorine compounds including PCBs	bovine, ovine, caprine
Organophosphorus compounds	bovine, ovine, caprine
Chemical elements	bovine, ovine, caprine
Mycotoxins <sup>1*</sup>	bovine, ovine, caprine

## **SCHEDULE 4**

(regulation 16(2)(d))

### **PART A SAMPLING STRATEGY - RESIDUES**

1. The residue monitoring plan must be aimed at surveying and revealing the reasons for residue hazards in meat and meat products.
2. The taking of samples must comply with the requirements of Part B of this Schedule.
3. Sampling may be unscheduled and must be carried out as often as is necessary.
4. For Group A substances (Schedule 1) the sampling must be conducted to check for-
  - (a) illegal treatment of animals using the unauthorised substances; and
  - (b) unlawful use of authorised substances.
5. The samples must be targeted and must check the sex and age of the animal, the animal species, any fattening system in place and any other information relevant to the detection of residue levels or any illegal treatment.
6. For Group B substances (Schedule 1) the sampling must be aimed at controlling and ensuring that there is compliance with maximum residue limits for the following-
  - (a) residues of veterinary medicinal products specified under EU Regulation 37/2010;
  - (b) levels of pesticides specified under EU Regulation 396/2005; and
  - (c) concentration levels of environmental contaminants.

### **PART B SAMPLING LEVELS AND FREQUENCY - RESIDUES**

1. Sampling must be done only on a specified number of animals in compliance with paragraph 3.
2. A sample must be analysed for detecting the presence of one or more substances.
3. Samples must be taken from the following minimum number of animals-
  - (a) for bovine animals - the minimum number of animals in any year to be checked for residues and substances must be at least 0.4% of the bovine animals slaughtered in the previous year with the following numbers represented-
    - (i) for Group A substances (Schedule 1) or products, 0.25% divided as follows-

<b>Samples to be taken at the farm/holding</b>	<b>Samples to be taken at slaughterhouse</b>	<b>Frequency of samples</b>	<b>Balance</b>
½ of the samples taken from live animals with 25% of the samples analysed for the research of Group A (5 betaagonists) substances taken from the appropriate material	½ of the samples	Each of the relevant substances to be checked for bovine animals must be checked yearly using 5% of the total number of the samples collected	Allocated as may be necessary looking at the specific information of the farm or history of the animals

(ii) For Group B substances or products (Schedule 1), 0.15% divided as follows-

<b>Group B1</b>	<b>Group B2</b>	<b>Group B3</b>	<b>Balance</b>
30% of the samples.	30% of the samples	10% of the samples	Allocated as may be necessary looking at the specific information of the farm or history of the animals

(b) for sheep and goats - the minimum number of animals to be checked for all kind of residues and substances must at least equal 0.05% of sheep and goats over three months of age slaughtered in the previous year with the following breakdown --

<b>Substance/ Product Group</b>	<b>Sampling Level</b>	<b>Balance</b>
Group A	0.01% of the samples.  Each sub-group of Group A must be checked each year using a minimum of 5% of the total number of samples to be collected for Group A	Allocated as may be necessary looking at the specific information of the farm or history of the animals
Group B	0.04%  The same breakdown per sub-group must be maintained	Allocated as may be necessary looking at the specific information of the farm or history of the animals

**PART C**  
**SAMPLING STRATEGY - MICROBIOLOGICAL CONTAMINATION**

**Sampling rules for carcasses of cattle, pigs and sheep**

Bacteriological sampling in abattoirs and at premises producing minced meat, meat preparations, mechanically separated meat and fresh meat must be done as follows-

1. using a non-destructive sampling method;
2. the selection of the sampling sites and the rules for storage and transport of samples to be used are set out in standard ISO 17604;
3. five carcasses must be sampled at random during each sampling session;
4. sample sites must be selected taking into account the slaughter technology used in each abattoir;
5. when sampling for analysis of *Enterobacteriaceae* and aerobic colony counts, four sites of each carcass must be sampled;
6. four tissue samples representing a total of 20 cm<sup>2</sup> must be obtained (destructive method);
7. when sampling for salmonella analysis, an abrasive sponge sampling method must be used and areas most likely to be contaminated must be selected;
8. the total sampling area must cover a minimum of 400 cm<sup>2</sup> ; and
9. when samples are taken from the different sampling sites on the carcass, the samples must be pooled before examination.

**PART D**  
**SAMPLING LEVELS AND FREQUENCY - CONTAMINANTS**

**Sampling frequencies for carcasses, minced meat, meat preparations and mechanically separated meat**

1. An abattoir operator who produces minced meat, meat preparations or mechanically separated meat must take samples for microbiological analysis at least once a week.
2. The day of sampling must be changed each week to ensure that each day of the week is covered.
3. As regards the sampling of minced meat and meat preparations for *E. coli* and aerobic colony count analysis and the sampling of carcasses for *Enterobacteriaceae* and aerobic colony count analysis, the frequency may be reduced to fortnightly testing if satisfactory results are obtained for six consecutive weeks.
4. In the case of sampling for *salmonella* analysis of minced meat, meat preparations and carcasses, the frequency may be reduced to fortnightly if satisfactory results have been obtained for 30 consecutive weeks.

Small slaughterhouses and other establishments producing minced meat or meat preparations in small quantities may be exempted from these sampling frequencies if it can be justified on the basis of a risk analysis and consequently authorised by the competent authority.

## **SCHEDULE 5 MAXIMUM LEVELS FOR CERTAIN CONTAMINANTS IN MEAT**

(regulation 8(1), 23(4), 27)

### **Part A Pharmacologically active substances**

Council Regulation (EU) 37/2010 sets out the pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin. The pharmacologically active substances listed are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

### **Part B Pesticide Residues**

Council Regulation (EC) 396/2005 sets the maximum residue levels of pesticides in or on food and feed of plant and animal origin. The maximum residue levels are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

### **Part C**

Council Regulation (EC) 1881/2006 sets out the maximum levels for certain contaminants in foodstuffs. The maximum levels for the contaminants are applicable in so far as they relate to meat and meat products from bovine, ovine or caprine.

**Part D**  
**Microbiological criteria for meat and meat products**

Food category	Micro-organisms	Sampling plan <sup>i</sup>		Limits		Analytical reference method <sup>ii</sup>	Stage where the criterion applies	Action in case of unsatisfactory results
		n	c	m	M			
Carcasses of cattle and sheep, with samples taken by the destructive method	Aerobic colony count			3,5 log cfu/cm <sup>2</sup> daily mean log	5,0 log cfu/cm <sup>2</sup> daily mean log	ISO 4833-2:2013	Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
	<i>Enterobacteriaceae</i>			1,5 log cfu/cm <sup>2</sup> daily mean log	2,5 log cfu/cm <sup>2</sup> daily mean log	ISO 21528-2:2017	Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
Carcasses of cattle and sheep with samples taken by the sponge or swab method	Aerobic colony count			2,8 log cfu/cm <sup>2</sup> daily mean log	4,3 log cfu/cm <sup>2</sup> daily mean log	ISO 4833-2:2013	Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
	<i>Enterobacteriaceae</i>			0,8 log cfu/cm <sup>2</sup> daily mean log	1,8 log cfu/cm <sup>2</sup> daily mean log	ISO 21528-2:2017	Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
Carcasses of cattle and sheep	<i>Salmonella</i>	50 <sup>iii</sup>	2 <sup>iv</sup>	Absence in the area tested per carcass		ISO 6579-1:2017	Carcasses after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
Minced meat	Aerobic colony count <sup>v</sup>	5	2	5 x 10 <sup>5</sup> cfu/g	5 x 10 <sup>6</sup> cfu/g	ISO 4833-2:2013	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
Minced meat	<i>E. coli</i> <sup>vi</sup>	5	2	50 cfu/g	500 cfu/g	ISO 16649-2:2001	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
Mechanically separated meat (MSM) <sup>vii</sup>	Aerobic colony count	5	2	5 x 10 <sup>5</sup> cfu/g	5 x 10 <sup>6</sup> cfu/g	ISO 4833-2:2013	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
Mechanically separated meat (MSM) <sup>vii</sup>	<i>E. coli</i> <sup>viii</sup>	5	2	50 cfu/g	500 cfu/g	ISO 16649-2:2001	End of the manufacturing process	Improvements in production hygiene and improvements in selection

								and/or origin of raw materials
Meat preparations	<i>E. coli</i> <sup>ix</sup>	5	2	500 cfu/g or cm <sup>2</sup>	5000 cfu/g or cm <sup>2</sup>	ISO 16649-2:2001	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
Minced meat and meat preparations made from species other than poultry intended to be eaten cooked	<i>Salmonella</i>	5	0	Not detected in 10g		ISO 6579-1:2017	Products to be placed on the market and during their shelf life	Prevention of being placed on the market or product recall. Investigation into contamination incident

<sup>i</sup>n = number of units comprising the sample; c = number of sample units giving values between m and M.

<sup>ii</sup> The most recent edition of the standard shall be used.

<sup>iii</sup> The 50 samples shall be derived from 10 consecutive sampling sessions in accordance with the sampling rules and frequencies laid down in this Regulation.

<sup>iv</sup> The number of samples where the presence of salmonella is detected. The c value is subject to review in order to take into account the progress made in reducing the salmonella prevalence. Member States or regions having low salmonella prevalence may use lower c values even before the review.

<sup>v</sup> This criterion shall not apply to minced meat produced at retail level when the shelf-life of the product is less than 24 hours.

<sup>vi</sup> *E. coli* is used here as an indicator of faecal contamination.

<sup>vii</sup> These criteria apply to mechanically separated meat (MSM) produced with the techniques referred to in paragraph 3 of Chapter III of Section V of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council.

<sup>viii</sup> *E. coli* is used here as an indicator of faecal contamination.

<sup>ix</sup> *E. coli* is used here as an indicator of faecal contamination.

[S.R.&O. 31/2019/w.e.f 20/12/2019]

## Interpretation of the test results

The limits given refer to each sample unit tested, excluding testing of carcasses where the limits refer to pooled samples.

The test results demonstrate the microbiological quality of the process tested. Enterobacteriaceae and aerobic colony count in carcasses of cattle, sheep, goats, horses and pigs:

- satisfactory, if the daily mean log is  $\leq m$ ,
- acceptable, if the daily mean log is between m and M,
- unsatisfactory, if the daily mean log is  $> M$ .

*Salmonella* in carcasses:

- satisfactory, if the presence of *Salmonella* is detected in a maximum of c/n samples,
- unsatisfactory, if the presence of *Salmonella* is detected in more than c/n samples.

After each sampling session, the results of the last ten sampling sessions shall be assessed in order to obtain the n number of samples.

*E. coli* and aerobic colony count in minced meat, meat preparations and mechanically separated meat (MSM):

- satisfactory, if all the values observed are  $\leq m$ ,
- acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are  $\leq m$ ,
- unsatisfactory, if one or more of the values observed are  $> M$  or more than c/n values are between m and M.

## **SCHEDULE 6**

### **RELEVANT EU LEGISLATION**

(regulation 3(1))

Decision 2011/163 on the approval of plans submitted by third countries in accordance with article 29 of Directive 96/23/EC

*[S.R. & O. 13/2021/w.e.f. 03/08/2021]*

Council Regulation (EC) 1881/2006 setting the maximum levels for certain contaminants in foodstuffs

Council Regulation (EC) 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin

Council Regulation (EU) 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin

Decision 98/179/EC laying down detailed rules on official sampling for the monitoring of certain substances and residues in live animals and animal products

Directive 96/22/EC concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of beta-agonists and repealing Directives 81/602, 88/146 and 88/299

Council Regulation (EC) 2073/2005 on microbiological criteria for foodstuffs

Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products

*[S.R. & O. 13/2021/w.e.f. 03/08/2021]*

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<sup>i</sup> Mycotoxins may only be investigated if there are any results over 0