

S.I. 486 of 2000

European Communities (Processed Animal Products) Regulations, 2000

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No 27 of 1972), and for the purposes of giving effect to Council Decision 2000/766/EC of 4 December 2000¹ and the subsequent Commission Decision providing for the implementing control measures, hereby make the following Regulations:

1. (1) These Regulations may be cited as the European Communities (Processed Animal Products) Regulations, 2000.
- (2) These Regulations shall come into operation on 1 January, 2001
2. (1) In these Regulations:
 - “animal” means an animal belonging to a species normally nourished and kept or consumed by man as well as animals living freely in the wild in cases where they are nourished with feedingstuffs;
 - “authorised officer” means a person who, for the time being, stands appointed under Regulation 8 of these Regulations or an inspector;
 - “export” means export from the State;
 - “farmed animal” means an animal which is kept, fattened or bred for the production of food;
 - “import” means import into the State;
 - “inspector” means an inspector within the meaning of the Diseases of Animals Act, 1966 (No. 6 of 1966);
 - “processed animal proteins” means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed proteins, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate obtained from defatted bones, gelatine, and any other similar products including mixtures, feedingstuffs, feed additives and premixtures, containing these products;
 - “put into circulation” means the holding of processed animal proteins for the purposes of sale, including offering for sale, or any other form of transfer, whether free or not, to third parties, and the sale and other forms of transfer themselves

¹ O.J. No. L 306, 7. 12. 2000, p. 32

“ruminant” includes cattle, deer, goats and sheep;

“the Council Decision” means Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

“the Commission Decision” means the Commission Decision providing for control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

“the Minister” means the Minister for Agriculture, Food and Rural Development;

“third country” means a country which is not a Member State of the European Union;

- (2) A word or expression that is used in these Regulations and is also used in the Council Decision or the Commission Decision shall, unless the contrary intention appears, have the same meaning in these Regulations that it has in the Council Decision or the Commission Decision as the case may be.
3. (1) Subject to paragraph (2) of this Regulation, a person shall not feed processed animal proteins to farmed animals.
- (2) The provisions of paragraph 1 shall not apply to the feeding of:-
- (a) fishmeal to animals other than ruminants in accordance with a licence issued by the Minister under Regulation 7 of these Regulations;
 - (b) gelatine of non-ruminant origin for coating additives within the meaning of Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs²;
 - (c) dicalcium phosphate to animals other than ruminants in accordance with a licence issued by the Minister under Regulation 7 of these Regulations;
 - (d) hydrolysed proteins to animals other than ruminants in accordance with a licence issued by the Minister under Regulation 7 of these Regulations;
 - (e) milk and milk products to farmed animals.

² O.J. No. L 270, 14. 12. 1970, p. 1

4. Where processed animal proteins intended for feeding to farmed animals were put into circulation prior to the 1st January 2001, the person responsible for putting the material into circulation shall, unless otherwise authorised, ensure that all remaining stock of such material is withdrawn immediately from the market, from distribution channels and from on-farm storage.

5. (1) A person shall not export processed animal proteins to another Member State unless:
 - (a) the material is exported in accordance with a licence issued by the Minister under Regulation 7 of these Regulations, and
 - (b) the conditions specified in Article 3 (1) of the Commission Decision are fulfilled.

- (2) A person shall not import processed animal proteins from another Member State unless:
 - (a) the material is imported in accordance with a licence issued by the Minister under Regulation 7 of these Regulations, and
 - (b) the conditions specified in Article 3 (1) of the Commission Decision are fulfilled.

- (3) A person shall not export processed animal proteins to a third country unless:
 - (a) the material is exported in accordance with a licence issued by the Minister under Regulation 7 of these Regulations, and
 - (b) the conditions specified in Article 3 (2) of the Commission Decision are fulfilled

- (4) A person shall not import processed animal proteins from a third country unless:
 - (a) the material is imported in accordance with a licence issued by the Minister under Regulation 7 of these Regulations, and
 - (b) the material is dealt with in accordance with the conditions laid down in Article 8 of Directive 97/78/EC³.

- (5) The provisions set out in subparagraphs (1) (b), (2) (b), (3) (b) and (4) (b) of this Regulation shall not apply to:-
 - (a) pet food referred to in Chapter 4 of Annex I to Directive 92/118/EEC, and
 - (b) products exempted under Regulation 3 (2) of these Regulations from the prohibition established under Regulation 3 (1), provided they comply, where applicable, with the conditions set out in Annexes I to III of the Commission Decision.

³ O.J. No. L 24, 30. 1. 1998, p. 9

6. (1) A person shall not:-
- (a) have processed animal proteins, in their possession or under their control on any land or premises -
 - (i) used for or in connection with the manufacture of feedingstuff, or
 - (ii) used for or in connection with the holding, handling, keeping or farming of ruminant animals, or
 - (b) incorporate processed animal proteins into any feedingstuff intended for feeding to animals other than ruminants,
- except in accordance with a licence granted by the Minister under Regulation 7.
- (2) For the purposes of paragraph (1) of this Regulation, land or premises used for or in connection with the manufacture of feedingstuffs, or for or in connection with the holding, handling, keeping or farming of ruminant animals includes any land or premises ancillary to such uses.
7. (1) The Minister may, for the purposes of giving effect to the provisions of the Council Decision and the Commission Decision, grant a licence to import, export, put into circulation, manufacture feedingstuffs containing processed animal proteins, or feed to farmed animals feedingstuffs containing processed animal proteins.
- (2) The Minister may attach such conditions, as he sees fit, to a licence granted under this Regulation and may amend or revoke any such conditions and shall notify the licence holder in writing of the conditions, and any such amendment or revocation.
- (3) An application for a licence under this Regulation shall be made in such form as the Minister may specify.
- (4) A person applying for a licence under this Regulation shall furnish the Minister with such information as he may reasonably require for the purposes of his functions under these Regulations.
- (5) The Minister may, if he is not satisfied that the provisions of these Regulations are being or have been complied with by a person granted a licence under this Regulation or will be complied with by an applicant for such a licence, revoke the licence or refuse to grant the licence.
- (6) Where the Minister proposes to revoke a licence under this Regulation, or refuse to grant such a licence, he shall -

- (a) notify the person concerned in writing of the reasons therefor,
 - (b) notify the person in writing 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
 - (c) consider any such representations duly made before deciding whether to proceed with the proposal or not.
8. (1) The Minister may appoint one or more persons to be an authorised officer or authorised officers for the purposes of these Regulations.
- (2) A person appointed under paragraph (1) shall, on his or her appointment, be furnished by the Minister, with a certificate of his or her appointment, and when exercising a power conferred by these Regulations shall, if requested by any person thereby affected, produce such certificate to that person for inspection.
9. The provisions of the European Communities (Animal Nutrition Inspections) Regulations, 2000 (S.I. 4 of 2000) shall apply to inspections undertaken by an authorised officer for the purposes of these Regulations.
10. (1) Any person who -
- (a) contravenes Regulation 3, 4, 5, or 6 of these Regulations,
 - (b) obstructs or interferes with an authorised officer in the course of exercising a power conferred on him or her by these Regulations or impedes the exercise by the officer of such power or fails or refuses to comply with a request made by, or to answer a question asked by, the officer pursuant to these Regulations, or in purported compliance with such request or in answer to such question gives information to the officer that he knows to be false or misleading in any material respect,
 - (c) fails to comply with a condition of a licence,
- shall be guilty of an offence.
- (2) Any person who has in his or her possession processed animal proteins for the purpose of putting it into circulation in contravention of a provision of these Regulations shall be guilty of an offence.
- (3) Any person who forges, or utters knowing it to be forged, a direction, certificate or other document purporting to be issued, granted or given

under these Regulations (hereafter in this Regulation referred to as “a forged document”), shall be guilty of an offence.

- (4) Any person who alters with intent to defraud or deceive, or who utters knowing it to be so altered, a direction, certificate or other document issued, granted or given under these Regulations (hereafter in this Regulation referred to as “an altered document”), shall be guilty of an offence.
- (5) Any person who, without lawful authority, has in his or her possession a forged document or an altered document shall be guilty of an offence.
- (6) Any person who, with intent to defraud or deceive -
 - (a) tampers with any thing so as to procure that any sample taken pursuant to these Regulations does not correctly represent the substance sampled, or
 - (b) tampers or interferes with any sample taken under these Regulations, shall be guilty of an offence.
- (7) A person guilty of an offence under this Regulation shall be liable on summary conviction to a fine not exceeding £1,500, or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
- (8) Proceedings for an offence under this Regulation may be brought and prosecuted by the Minister.
- (9) Where an offence under this Regulation 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 or she were guilty of the first-mentioned offence.

GIVEN under my Official Seal,
this 29th day of December, 2000

L.S.

Joe Walsh

Minister for Agriculture, Food
and Rural Development

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations implement Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein and Commission Decision 2001/9 /EC concerning control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

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