

S.I. No. 178 of 2001

Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Restriction on Imports from the United Kingdom) Order, 2001

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by sections 3 and 30 of the Diseases of Animals Act, 1966 (No. 6 of 1966) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order, 1999 (S.I No. 307 of 1999), and for the purpose of giving effect to the Commission Decision 2001/172/EC of 1 March, 2001¹ as amended by Commission Decision 2001/190/EC of 8 March 2001², Commission Decision 2001/209/EC of 15 March 2001³, Commission Decision 2001/239/EC of 26 March 2001⁴, Commission Decision 2001/263/EC of 2 April, 2001⁵, Commission Decision 2001/268/EC of 3 April, 2001⁶, Commission Decision 2001/316/EC of 17 April 2001⁷ and Commission Decision 2001/318/EC of 18 April 2001⁸, to prevent the spread of foot-and-mouth disease, hereby as follows:-

Citation

1. This Order may be cited as the Diseases of Animals Act, 1966 (Foot-and-Mouth Disease)(Restriction on Imports from the United Kingdom) Order, 2001.

Interpretation

2. (1) In this order-

“authorised officer” means a person authorised under section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act, 2001 (No. 3 of

¹ O.J.L62 of 2.3.2001, p.22.

² O.J.L67 of 9.3.2001, p.88

³ O.J.L76 of 16.3.2001, p.35

⁴ O.J.L86 of 27.3.2001, p.33

⁵ O.J.L93 of 3.4.2001, p.59

⁶ O.J.L94 of 4.4.2001, p.27

⁷ O.J.L109 of 19.4.2001, p.72

⁸ O.J.L109 of 19.4.2001, p.75

2001)), of the Diseases of Animals Act, 1966 (No. 6 of 1966);

“animal” means an animal of the bovine, ovine, caprine or porcine species or other biungulate;

“Commission Decision” means Commission Decision 2001/172/EC of 1 March 2001 as amended by Commission Decision 2001/190/EEC of 8 March, 2001, Commission Decision 2001/209/EC of 15 March, 2001, Commission Decision 2001/239/EC of 26 March 2001, Commission Decision 2001/263/EC of 2 April 2001, Commission Decision 2001/268/EC of 3 April, 2001, Council Decision 2001/316/EC of 17 April 2001 and Commission Decision 2001/318/EC of 18 April, 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom;

“meat products” has the meaning given in Article 2 of Council Directive 77/99/EC⁹ on health problems affecting the production and marketing of meat products and certain other products of animal origin.

“milk” and “milk products” have the meaning given in Article 1 of Council Regulation (EC) No. 1255/1999¹⁰ on the common organisation of the market in milk and milk products;

“restricted areas” means all areas in the United Kingdom;

“United Kingdom” means the United Kingdom other than the restricted areas.

(2) A word or expression that is used in this Order and is also used in the Commission Decision has, unless the contrary intention appears, the meaning in this Order that it has in the Commission Decision.

(3) In this Order-

(a) a reference to an Article is to an Article of this Order, unless it appears that reference to some other enactment is intended, and

⁹ O.J.L26 of 31.1.1977, p.85

¹⁰ O.J.L160 of 26.6.1999, p.48

- (b) a reference to a paragraph is to the paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.
- (4) This Order is in addition to and not in substitution for 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).

Imports of live animals

- 3.(1) Subject to paragraph (2), a person shall not import a live animal from or through any place in the United Kingdom.
- (2) Subject to paragraphs (3) and (4), a person may import an animal to which paragraph (1) refers that has originated outside the United Kingdom if the animal travelled through the United Kingdom in direct and uninterrupted transit on main roads or by rail.
- (3) An animal being imported through the United Kingdom in accordance with paragraph (2) must be accompanied by-
- (a) in the case of an animal of the ovine or caprine species, a certificate, in the form prescribed by Council Directive 91/68/EC¹¹ (as last amended by Commission Decision 94/953/EC¹²) issued by an official veterinarian in the United Kingdom, that bears the words “Animals conforming to Commission Decision 2001/172/EC of 1 March, 2001 concerning certain protective measures with regard to foot-and-mouth disease in the United Kingdom”.
- (b) in the case of an animal of the bovine or porcine species, a certificate, in the form prescribed by Council Directive 64/432/EEC¹³ (as last amended by Commission Decision

¹¹ O.J.L46 of 19.2.1991, p.19

¹² O.J.L371 of 31.12.1994, p.14

¹³ O.J.L121 of 29.7.1964, p.1977/64

2000/20/EC¹⁴) issued by an official veterinarian in the United Kingdom, that bears the words specified in sub-paragraph (a), or

- (c) in the case of an animal, other than a member of the bovine caprine, ovine or porcine species, a certificate, issued by an official veterinarian in the United Kingdom, that bears the words - “
Live biungulates conforming to Commission Decision
2001/172/EC of 1 March, 2001 concerning certain protection
measures with regard to foot-and-mouth disease in the United
Kingdom”.
- (4) A person shall not import an animal to which paragraph (2) refers unless and until three days advance notification has been received by the Department of Agriculture, Food and Rural Development from the dispatching competent authority in the United Kingdom.
- (5) It shall be the responsibility of the person purporting to import an animal under this Article to ensure that paragraph (4) has been complied with.

Import of fresh meat

4.(1)(a) Subject to paragraph (2), a person shall not import the fresh or frozen meat of animals from or through any place in the restricted areas.

(b) Subject to paragraph (4), a person shall not import the fresh or frozen meat of animals from or through any place in the United Kingdom.

(2) Subject to paragraphs (3) and (4), a person may import fresh or frozen meat-

(a) obtained from animals slaughtered before 1 February, 2001 if that meat is clearly identified and since that date has been transported and stored separately from meat which is not being exported from the restricted areas,

(b) obtained from animals that conform to paragraphs (2) and (3) of Article 3, or

(c) obtained from a cutting plant situated in the United Kingdom (that does not process meat derived from an

¹⁴ O.J.L163 of 4.7.2000, p.35

animal to which Article 3((1) refers) that is operated under strict veterinary control and such meat is not derived from an animal to which Article 3(1) applies.

- (a) Meat to which paragraph (2)(c) applies must be clearly identified and bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC¹⁵ on animal health problems affecting intra-Community trade in fresh meat.
- (b) A person may not import meat under this Article unless it is accompanied by a certificate issued by an official veterinarian in the United Kingdom,

that bears the words - “Meat conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Import of meat products

5.(1)(a) Subject to paragraph (2), a person shall not import meat products derived from animals to which Article 3(1) applies.

(c) Subject to paragraph (3), a person shall not import meat products from or through any place in the United Kingdom.

(2) Subject to paragraph (3), a person may import meat products -

- (a) that have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC¹⁶ as last amended by 91/687/EEC¹⁷ on animal health problems affecting intra-Community trade in meat products,
- (b) as defined in Council Directive 77/99/EEC (as last amended by Council Directive 97/76/EC¹⁸ on health problems affecting the production and marketing of meat products and certain other products of animal

¹⁵ O.J.L. 121 of 29.7.1964, p.2012/64

¹⁶ O.J.L47 of 21.2.1980, p.4

¹⁷ O.J.L377 of 31.12.1977, p.16

¹⁸ O.J.L10 of 16.1.1998, p.25

- origin) that have been subject during preparation uniformly throughout the substance to a PH value of less than 6,
- (c) that conform to Article 4(2)(a),
 - (d) that conform to sub-paragraphs (a) or (b) where compliance with the aforementioned sub-paragraphs is stated in the commercial document accompanying the consignment, or
 - (e) that otherwise conform with either Article 3 or Article 11 of the Commission Decision.
- (3) A person may not import a meat product under this Article unless the product is accompanied -
- (a) by a certificate issued by an official veterinarian in the United Kingdom that bears the words - “Meat products conforming to Commission Decision 2001/172/EC of 1 March, 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom, or
 - (b) subject to Article 11, in the case of a meat product to which either sub-paragraph (a) or (b) of paragraph (2) refers or a meat product heat treated in a hermetically sealed container so as to ensure that the product is shelf stable, by a commercial document that states that the product complies with the conditions laid down in Article 3.2 of the Commission Decision.

Import of milk

- 6.(1)(a) Subject to paragraph (2), a person shall not import milk from or through any place in the restricted areas.
- (b) Subject to paragraph (3), a person shall not import milk from or through any place in the United Kingdom.
- (2) Subject to paragraph (3), a person may import milk -
- (a) that has been subjected to an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex 1 to Council Directive 92/118/EEC¹⁹ followed by a second heat treatment by high temperature pasteurisation, UHT,

¹⁹ O.J.L62 of 15.3.1993, p.49

sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above,

- (b) that has been subjected to an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex 1 to Directive 92/118/EEC, combined with the treatment by which the PH is lowered below 6 and held there for at least one hour.
- (c) that conforms to sub-paragraphs (a) or (b) and is consigned in a hermetically sealed container where compliance with the aforementioned sub-paragraphs is stated in the commercial document accompanying the consignment, or
- (d) that otherwise conforms with Article 4 of the Commission Decision.

(3) A person may not import milk under this Article unless the milk is accompanied-

- (a) by an official certificate issued by the United Kingdom authorities which bears the words - "Milk conforming to Commission Decision 2001/172/EC of 1 March, 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom", or
- (b) subject to Article 11, in the case of milk that conforms to paragraph (2)(c), by a commercial document that states that the milk complies with the conditions laid down in Article 4.2 of the Commission Decision.

Import of milk products

7.(1)(a) Subject to paragraph (2), a person shall not import a milk product from or through any place in the restricted areas.

(b) Subject to paragraph (3), a person shall not import a milk product from or through any place in the United Kingdom.

- (2) Subject to paragraph (3), a person may import a milk product -
- (a) produced before 1 February 2001,
 - (b) that has been subjected to heat treatment at a temperature of at least 71.7°C for 15 seconds or an equivalent treatment,
 - (c) that has been prepared from milk which complies with Article 6, or
 - (d) that otherwise conforms with Article 5 of the Commission Decision.
- (3) A person may not import a milk product under this Article unless the milk product is accompanied -
- (a) by an official certificate issued by the United Kingdom authorities which bears the words - “Milk products conforming to Commission Decision 2001/172/EC of 1 March, 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”, or
 - (b) subject to Article 11, in the case of a milk product that conforms to paragraph (2) and is contained in hermetically sealed containers, by a commercial document that states that the product complies with the conditions laid down in Article 5.2 of the Commission Decision.

Import of semen, etc.

- 8.(1)(a) Subject to paragraph (2), a person shall not import semen, ova or embryos of animals from or through any place in the restricted areas.
- (b) Subject to paragraphs (3) and (4), a person shall not import semen, ova or embryos of animals from the United Kingdom or through any place in the United Kingdom.
- (2) Subject to paragraphs (3) and (4), a person may import frozen bovine semen and embryos produced before 1 February 2001.

- (3) A person shall not import bovine semen unless it is accompanied by a health certificate provided for in Council Directive 88/407/EEC²⁰, as last amended by the Act of Accession of Austria, Finland and Sweden that bears the words - “Frozen bovine semen conforming to Commission Decision 2001/172/EC of 1 March, 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- (4) A person shall not import bovine embryos unless accompanied by a health certificate provided for in Council Directive 88/556/EEC²¹, as last amended by the Act of Accession of Austria, Finland and Sweden, that bears the words - “Bovine embryos conforming to Commission Decision 2001/172/EC of 1 March, 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Import of hides and skins

- 9.(1)(a) Subject to paragraph (2), a person shall not import hides or the skins of animals from or through any place in the restricted areas.
- (b) Subject to paragraphs (3) and (4), a person shall not import hides or the skins of animals from the United Kingdom or through any place in the United Kingdom.
- (2) Subject to paragraphs (3) and (4), a person may import hides and skins that -
- (a) were produced before 1 February 2001,
 - (b) that conform to the requirements of paragraph 1 (A) indents 2 to 5 of Chapter 3 of Annex I to Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC²² and, as regards pathogens, to pathogens 90/425/EEC²³,
or
 - (c) that conform to the requirements of paragraph 1 (B), indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC laying down animal health and public

²⁰ O.J.L194 of 22.7.1988, p.10

²¹ O.J.L302 of 19.10.1989, p.1

²² O.J.L395 of 30.12.1989, p.13

²³ O.J.L224 of 18.8.1990, p.18

health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.

- (2) A person may not import hides and skins unless effectively treated hides and skins are separated from untreated hides and skins.
- (3) A person shall not import hides or skins of animals unless accompanied -
- (a) by a certificate issued by the United Kingdom authorities that bears the words - “Hides and skins conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”, or
 - (b) subject to Article 11, in the case of hides or skins to which either sub-paragraph (b) or (c) of paragraph (2) refers, by a commercial document that states treatment of the hides and skins concerned complies with the conditions required for the treatment laid down in paragraph 1 (B) indents 3 and 4 of Chapter 3 of Annex 1 to Council Directive 92/118/EEC.

Import of animal products

10.(1)(a) Subject to paragraph (2), a person shall not import animal products not otherwise mentioned in this Order from or through any place in the restricted areas.

(b) Subject to paragraph (3), a person shall not import animal products not otherwise mentioned in this Order from or through any place in the United Kingdom.

(2) Subject to paragraph (3), a person may import -

- (a) animal products that have been subjected to -
 - (i) heat treatment in a hermetically sealed container with an Fo value of 3.00 or more; or

(ii) heat treatment in which the centre temperature is raised to at least 70 degrees Celsius;

(b) blood and blood products as defined in Chapter 7 to Annex 1 to Directive 92/118/EEC that have been subject to -

- (i) heat treatment at a temperature of 65 degrees Celsius for at least three hours followed by an effectiveness check,
- (ii) irradiation at 2.5 megarads or gamma rays followed by an effectiveness check,
- (iii) change of pH to pH 5 or lower for at least two hours followed by an effectiveness check, or
- (iv) a treatment as provided for in Chapter 4 of Annex 1 to Council Directive 92/118/EEC;

(c) lard and rendered fats which have been subject to the heat treatment prescribed in paragraph 2(A) of Chapter 9 of Annex 1 to Council Directive 92/118/EEC,

(d) animal casings that conform with paragraph B of Chapter 2 of Annex 1 to Council Directive 92/118/EEC,

(e) unprocessed sheep wool and ruminant hair which is securely enclosed in packaging and dry,

(f) semi-moist and dried pet food conforming to paragraphs 2 and 3 respectively of Chapter 4 of Annex 1 to Directive 92/118/EEC,

(g) composite products that contain material of animal origin not subject to further treatment provided the ingredients of such products conform with the conditions laid down in the Commission Decision,

(h) game trophies in accordance with paragraph 2(b) of part of B in Chapter 13 of Annex 1 to Council Directive 92/118/EEC, or

(i) packed products intended for use as in-vitro diagnostic or laboratory reagents.

- (3) A person shall not import a product to which this Article refers unless it is accompanied -
- (a) by a certificate issued by the United Kingdom authorities that bears the words - “Animal Products conforming to Commission Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
 - (b) subject to Article 11, in the case of a product referred to in sub-paragraphs (b), (c), (d) or (e) of paragraph (2), by a commercial document that states the products are in compliance with relevant community legislation, or
 - (c) subject to Article 11, in the case of a product referred to in paragraph (2) (i) that is clearly labelled “for in-vitro diagnostic use only” or “for laboratory use only”, by a commercial document that states the product is for use for one of the purposes aforesaid.

11. A commercial document referred to in Articles 5(3)(b), (6)(3)(b), 7(3)(b), 9(4)(b), 10(3)(b) or, as the case may be, 10(3)(c) shall be accompanied by a certificate from the United Kingdom authorities, issued within a specified period no greater than 30 days prior to the date of import, stating that -

- (a) the production process relating to the product being accompanied has been audited,
- (b) the process has been found to be in compliance with the appropriate requirements in Community legislation suitable to destroy the foot and mouth virus, and
- (c) measures are in place to avoid possible re-contamination with the foot and mouth virus after treatment.

12. A person shall not import animal dung or manure from the United Kingdom or through any place in the United Kingdom.

13. A person shall not export a live animal to the United Kingdom.
14. A person shall not have in his or her possession or under his or her control, sell or supply -
- (a) an animal to which Article 3 relates save under and in accordance with paragraphs (2) and (3) of that Article,
 - (b) fresh or frozen meat to which Article 4 relates save under and in accordance with paragraphs (2) and (3) of that Article,
 - (c) an animal product to which Article 5 relates save under and in accordance with paragraphs (2) and (3) of that Article,
 - (d) milk to which Article 6 relates save under and in accordance with paragraphs (2) and (3) of that Article,
 - (e) a milk product to which Article 7 relates save under and in accordance with paragraphs (2) and (3) of that Article,
 - (f) semen, ova or embryos to which Article 8 relates save frozen bovine semen and ova under and in accordance with paragraphs (2), (3) and (4) of that Article,
 - (g) hides or skins of animals to which Article 9 relates save under and in accordance with paragraphs (2), (3) and (4) of that Article,
 - (h) an animal product to which Article 10 relates save under and in accordance with paragraph (3) of that Article, or
 - (i) dung or manure to which Article 12 relates.
15. The Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Import Restrictions) (No. 4) Order, 2001 (S.I. No. 118 of 2001) and the Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Import Restrictions) (No. 4) (Amendment) Order, 2001 (S.I. No. 163 of 2001) are revoked.
16. The reference, in paragraph (b) or Article 2 of the Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Import) Order, 2001 (S.I. 162 of 2001), to the Diseases of Animals Act, 1966 (Foot-and-Mouth Disease) (Import reference Restrictions) (No. 4) Order, 2001 (S.I. No. 118 of 2001) shall be constructed as a reference to this Order.

GIVEN under my Official Seal,

27 April, 2001.

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.)

This Order implements the provisions of Commission Decision 2001/172/EC (as amended) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom.

Pn. 9913

Published by the Stationery Office, Dublin 2.