

**S.I. No. 55 of 2001**

**European Communities (Import Restrictions (Foot-and-Mouth Disease)) Regulations, 2001**

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 purpose of giving effect to the Commission Decisions of 21 and 27 February, 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and without prejudice to provisions in other legislation, hereby make the following Regulations:-

**Title**

**1.-(1)** These Regulations may be cited as the European Communities (Import Restrictions (Foot-and-Mouth Disease)) Regulations, 2001.

**Interpretation**

**2.(1)** In these Regulations, unless the context otherwise requires –

“authorised person” means –

- (i) a person appointed for the time being under Regulation 12, or
- (ii) an authorised person or inspector within the meaning of the Diseases of Animals Act, 1966 (No. 6 of 1966);

“the Decision” means the Commission Decision of 21 and 27 February 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom;

“meat products” means meat products as defined in Article 2 of Council Directive 77/99/EEC on health problems affecting the production and marketing of meat products and certain other products of animal origin;

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

“milk” and “milk products” have the meaning given in Article 1 of Council Regulation (EC) No. 1255/1999 on the common organisation of the market in milk and milk products;

- (2) A word or expression that is used in these Regulations and is also used in the Commission Decisions has, unless the contrary intention appears, the meaning in these Regulations that it has in the Commission Decisions.
- (3) In these Regulations-
  - (a) a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to some other enactment is intended.
  - (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.

### **Imports of live animals**

- 3(1)** No person shall import any live animal of the bovine, ovine, caprine or porcine species or any other biungulates from the United Kingdom.
- (2)** By way of derogation from the preceding paragraph the importation of biungulate animals originating outside the United Kingdom may be permitted if the animals travelled through the United Kingdom in direct and uninterrupted transit on main roads or by rail.
- (3)** Porcine, ovine and caprine animal being imported from the United Kingdom shall be accompanied by a certificate issued by a veterinary Inspector of the United Kingdom which bears the following words:-

“ Animals conforming to Commission decisions on certain protective measures with regard to foot-and-mouth disease in the United Kingdom”.

- (4) Biungulate animals, other than porcine, ovine, caprine animals, being imported from the United Kingdom shall be accompanied by a certificate issued by a veterinary inspector of the United Kingdom which bears the following words:-  
“Live biungulates conforming to Commission Decision on certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- (5) The importation of animals as provided for shall not be permitted unless 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.

**Import of fresh meat**

- 4(1)** No person shall import from the United Kingdom any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulates coming from the United Kingdom or obtained from animals originating in the United Kingdom.
- (2)** The prohibition in paragraph (1) shall not apply in relation to-
- (a)** fresh meat obtained before 1<sup>st</sup> February 2001 provided that the meat is clearly identified and since that date has been transported and stored separately from meat which is not being exported from the United Kingdom;
  - (b)** fresh meat obtained from cutting plants situated in the United Kingdom under the following conditions;
    - (i)** the only meat processed in the establishment is fresh meat described in subparagraph (a) or fresh meat from animals reared outside the United Kingdom, transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter;
    - (ii)** all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on animal health problems affecting intra-Community trade in fresh meat);

- (iii) the plant is operated under strict veterinary control;
  - (iv) the meat is clearly identified and transported and stored separately from meat which is not destined for other member states.
- (3) Any meat being imported from the United Kingdom shall be accompanied by a certificate issued by a veterinary inspector in the United Kingdom which bears the following words

–

“Meat conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

#### **Import of meat products**

- 5(1) No person shall import from the United Kingdom meat products of animals of the bovine, ovine, caprine or porcine species or any other biungulate coming from the United Kingdom or prepared using meat obtained from animals originating in the United Kingdom.
- (2) The prohibition in paragraph (1) shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC as amended (on animal health problems affecting intra-Community trade in meat products), or to meat products as defined in Council Directive 77/99/EEC as amended which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.
- (3) The prohibition in paragraph (1) shall not apply to-
- (a) meat products prepared from meat derived from biungulate animals slaughtered before 1<sup>st</sup> February 2001 provided that the meat products are clearly identified and since that date have been transported and stored separately from meat products which are not destined for other member states;
  - (b) meat products prepared in establishments under the following conditions:-

- (i) all fresh meat used in the establishment must be from animals reared outside the United Kingdom, transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter;
  - (ii) all meat products used in the final product must conform to the conditions in paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the United Kingdom;
  - (iii) all meat products must bear the health mark in accordance with Chapter VII of Annex A to Directive 77/99/EEC;
  - (iv) the establishment must be operated under strict veterinary control;
  - (v) the meat products must be clearly identified and transported and stored separately from meat and other meat products which are not destined for other member States.
- (4) Any meat products being imported from the United Kingdom shall be accompanied by a certificate issued by a veterinary inspector in the United Kingdom which bears the following words-

“meat products conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”,

#### **Import of milk**

- 6(1)** No person shall import milk from the United Kingdom.
- (2)** The prohibition in paragraph (1) shall not apply in relation to milk which has been subjected to:-
- (a)** an initial pasteurisation in accordance with the norms defined in Council Directive 92/46/EEC as amended (laying down health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products), followed by a second heat treatment by high temperature

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

- (b) an initial pasteurisation in accordance with the norms defined in Directive 92/46/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.
- (3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in establishments situated in the United Kingdom under the following conditions-
- (a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals from outside the United Kingdom;
  - (b) the establishment must be operated under strict veterinary control;
  - (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for other member States;
  - (d) transport of raw milk from outside the United Kingdom to the establishment must be carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the United Kingdom keeping animals of species susceptible to foot-and-mouth disease.
- (4) Any milk being imported from the United Kingdom shall be accompanied by a certificate issued by a veterinary inspector in the United Kingdom which bears the following words-

“Milk conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

#### **Import of milk products**

- 7(1) No person shall import milk products from the United Kingdom.
- (2) The prohibition in paragraph (1) shall not apply in relation to-

- (a) milk products produced before 1<sup>st</sup> February 2001;
  - (b) milk products subjected to heat treatment at a temperature of at least 71.7°C for 15 seconds or an equivalent treatment;
  - (c) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 6.
- (3) The prohibition described in paragraph (1) shall not apply to milk products prepared in establishments under the following conditions:-
- (a) all milk used in the establishment will either conform to the conditions of regulation 6(2) or be obtained from animals outside the United Kingdom;
  - (b) all milk products used in the final product will either conform to the conditions of paragraph (2) or be made from milk obtained from animals from outside the United Kingdom;
  - (c) the establishment shall be under strict veterinary control;
  - (d) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for other member States;
- (4) Any milk products being imported from the United Kingdom shall be accompanied by a certificate issued by a veterinary inspector in the United Kingdom which bears the following words-

“Milk conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

**Import of semen, etc.**

- 8(1)** No person shall import semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates from the United Kingdom.
- (2)** The prohibition in paragraph (1) shall not apply in relation to frozen bovine semen and embryos produced before 1<sup>st</sup> February 2001.
- (3)** The health certificate provided for in Council Directive 88/407/EEC as amended (laying down the animal health requirements applicable to intra-Community trade in imports of deep-frozen semen of domestic animals of the bovine species) accompanying frozen bovine semen being imported shall bear the following words-  
“Frozen bovine semen conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- (4)** The health certificate provided for in Council Directive 89/556/EEC as amended (on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species) accompanying bovine embryos being imported shall bear the following words-  
“Bovine embryos conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

**Import of hides and skins**

- 9(1)** No person shall import hides and skins of animals of the bovine, ovine, caprine and porcine species and biungulates from the United Kingdom.
- (2)** The prohibition in paragraph (1) shall not apply in relation to hides and skins which were produced before 1<sup>st</sup> February 2001 or which conform to the requirements of paragraph 1 (A) indents 2 to 5 or paragraph 1 (B), indents 3 and 4 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 1989/662/EEC and, as regards pathogens, to Directive 1990/425/EEC).

- (3) The hides and skins must be accompanied by a certificate stating-  
“Hides and skins conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

**Import of animal products**

10(1) No person shall import animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations from the United Kingdom.

(2) The prohibition in paragraph (1) shall not apply in relation to-

(a) animal products which have been subjected to-

(i) heat treatment in a hermetically sealed container with a Fo value of 3,00 or more; or

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

(b) processed sheep wool and ruminant hair which is securely enclosed in packaging and dry.

(3) The animal products must be accompanied by a certificate stating-

“Animal products conforming to Commission Decision (or the number of the Decision) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

11. No person shall send any live animal of the bovine, ovine, caprine or porcine species or any other biungulates to the United Kingdom.

**Authorised Officers**

12(A) (1) The Minister may appoint authorised officers for the purposes of these Regulations.

- (2)** An authorised person who is an officer of the Minister may, where he has reason to believe that animals or products whose importation is prohibited by these Regulations have been or are being imported, seize and detain the animals or products concerned, or cause them to be seized and detained, at such premises or place as he considers appropriate in the circumstances of the case. Such animals or products may be disposed of in accordance with the relevant provisions of existing legislation.
- (B)** **(1)** An authorised person or a member of the Garda Síochána or a member of Customs and Excise may, for the purposes of these Regulations,
- (a)** at all reasonable times, enter any premises or place (excluding any premises or place consisting of a dwelling or other than so much thereof as consists of a dwelling) and any vehicle, wagon, vessel, aircraft or other means of transport, where he reasonably suspects that there are or have been any animals or animal products whose import is prohibited by these Regulations,
  - (b)** there examine and inspect any animals, passports, application forms, books, documents, registers or records found there, and carry out such other examinations or inspections as he reasonably considers necessary or expedient for the purposes of such functions.
  - (c)** require any person at the premises or place or on or in the means of transport and the owner or person in charge thereof and any person employed in connection therewith to give him such information and to produce to him such passports, application forms, book, documents, registers or records, including any registers or records within the power or procurement of the person as he may reasonably require for the purposes of such functions, and
  - (d)** take up and retain, where required for the purposes of his functions, any such passports, application forms, books, documents, registers and records.

- (2) An authorised person shall not, other than with the consent of the occupier, enter a private dwelling unless he has obtained a warrant under paragraph (3) authorising entry.
- (3) If a judge of the District Court is satisfied on the sworn information of an authorised person or a member of the Garda Síochána that there are reasonable grounds for suspecting that evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found in, on or under any holding or premises or in or on any vehicle or vessel or container or any part thereof as consists of a dwelling, the judge may issue a search warrant.
- (4) A search warrant issued under paragraph (3) shall be expressed and operate to authorise a named authorised person or member of the Garda Síochána, accompanied if appropriate by other authorised persons or members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter the dwelling, by force if necessary, and exercise all or any of the powers conferred on an authorised person or member of the Garda Síochána under the Regulations.
- (5) A person shall not obstruct or otherwise interfere with an authorised person or a member of the Garda Síochána or member of Customs and Excise in the performance of his functions under these Regulations or, in purported compliance with a requirement under paragraph (1) (c), give information to an authorised person or a member of the Garda Síochána or member of Customs and Excise that he knows to be false or misleading in a material respect.

### **Penalties**

- 13(1) A person who contravenes a provision of these Regulations shall be guilty of an offence.
- (2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1000 or to imprisonment for a term not exceeding twelve months or to both.

- (3) Where an offence under these Regulations has been 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 a 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 as if he were guilty of the first-mentioned offence.
14. An offence under these Regulations may be prosecuted by the Minister.

Given under my Official Seal, this \_\_\_\_\_ day of March, 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.)**

These Regulations implement restrictions on imports from the United Kingdom of certain animals and animal products in accordance with Commission Decisions of 21 and 27 February 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom.

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