

S.I. No. 33 of 2003

Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from Belgium) Order 2003

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, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), for the purpose of giving effect to Commission Decision 2002/1009/EC of 27 December 2002¹ (to the extent that the Commission Decision relates to Belgium), hereby order as follows -

1. This Order may be cited as the Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from Belgium) Order 2003.

2.(1) In this Order –

“authorised officer” means an officer authorised pursuant to section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act 2001 (No. 2 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966);

“Commission Decision” means Commission Decision No. 2002/1009/EC of 27 December 2002 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg (to the extent that the Commission Decision relates to Belgium);

“pig” means an animal of the porcine species;

“Belgium” means Belgium other than the restricted area;

“restricted area” means that part of Belgium encompassed within an imaginary line drawn along the border with Germany from the junction with the motorway known as the E42 (A27) to the junction with the motorway known as the E40 (A 3), continued along the E40 to the junction with the road known as the N68, continued along the Aachanerstrasse to the junction with the Paveestrasse, continued along the Paveestrasse to its junction with the Kirchstrasse, continued along the Kirchstrasse to its junction with the Bergstrasse, continued along the Bergstrasse to its junction with the Neustrasse, continued along the Neustrasse to its junction with the Olengraben, continued along the Olengraben to its junction with the Haasestrasse, continued along the Haasestrasse to its junction with the Malmedystrasse, continued along the Malmedystrasse to its junction with the road known as the N68,

¹ O.J. L. 351 of 28.12.2002, p. 112

continued along the N68 to its junction with the road known as the N62, continued along the N62 to its junction with the motorway known as the E42 (A27) and continued along the E42 (A27) to the border with Germany.

- (2) A reference to an Article is to an Article of this Order unless it is indicated that reference to some other provision is intended and a reference to a paragraph is to a paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.
- 3.(1) A person shall not import a pig, porcine semen or the ova or embryos of swine from the restricted area.
 - (2) A person shall not have in his or her possession or under his or her control, sell or supply a pig, porcine semen or the ova or embryos of swine that have been imported in contravention of paragraph (1).
 - 4.(1) Subject to paragraph (2), a person shall not import a pig from Belgium.
 - (2) Subject to paragraph (3), a person may import a pig from Belgium if -
 - (a) no pig was brought into the holding of dispatch from the restricted area during the preceding 30 days, and
 - (b) in the case of transit through the restricted area, the pig has been moved directly through the restricted area on main roads or railways without stopping.
 - (3) A person shall not import a pig from Belgium unless the pig is accompanied by a health certificate in the form prescribed by Council Directive 64/432/EEC² issued by any official veterinarian in Belgium that bears the words – “Animals in accordance with Commission Decision 2002/1009 /EC of 27 December 2002 concerning certain protection measures relating to classical swine fever Belgium, in France, Germany and Luxembourg”.
 - 5.(1) Subject to paragraph (2), a person shall not import porcine semen from Belgium.
 - (2) A person may import porcine semen from Belgium if the semen is-
 - (a) derived from boars kept at a collection centre in Belgium and
 - (b) accompanied by a health certificate in the form prescribed by Council Directive 90/429/EEC³ issued by an official veterinarian in Belgium that bears the words – “Semen in accordance with Commission Decision

² O.J. L. 121 of 29.7.2964, p 1977/64.

³ O.J. L. 224 of 18.8.1990, p. 62.

2002/1009/EC of 27 December 2002 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg⁷.

- 6.(1) Subject to paragraph (2), a person shall not import the ova or embryos of swine from Belgium.
- (2) A person may import the ova and embryos of swine from Belgium if the ova or embryos are accompanied by a health certificate in the form prescribed by Council Directive 95/483/EEC⁴ issued by an official veterinarian in Belgium

⁴ O.J. L. 275 of 18.11.1995, p.30.

that bears the words – “Embryos/ova in accordance with Commission Decision 2002/1009/EC of 27 December 2002 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg”.

7. A person shall not have in his or her possession or under his or her control sell or supply –
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EXPLANATORY NOTE

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

This Order implements restrictions on certain imports from designated areas of Belgium due to the presence of Classical Swine Fever in that country.

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- (a) a pig that has been imported in contravention of Article 4,
- (b) porcine semen that has been imported in contravention of Article 5, or
- (c) the ova or embryos of swine that have been imported in contravention of Article 6.

GIVEN under my Official Seal,

22nd January 2003

Joe Walsh

Minister for Agriculture, Food
and Rural Development

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