

**S.I. No. 34 of 2003**

**Diseases of Animals Act, 1966 (Classical Swine Fever) (Restriction on Imports from Germany) 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 2002<sup>1</sup> (to the extent that the Commission Decision relates to Germany), hereby order as follows -

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

“pig” means an animal of the porcine species;

“Germany” means Germany other than the restricted area;

“restricted area” means-

- (a) that part of Rhineland-Palatinate that does not lie eastwards of the river Rhine,
- (b) in the Kreise Merzig-Wadern, Mettlach, Merzig, Beckingen, Losheim, Weiskirchen and Wadern, all in Saarland,
- (c) in the Kreise Saarlouis, Dillingen, Bous, Ensdorf, Schwalbach, Saarwellingen, Nalbach, Lebach, Schmelz and Saarlouis, all in Saarland,

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<sup>1</sup> O.J. L. 351 of 28.12.2002, p. 112

- (d) in the Kreise Sankt Wendel, Nonnweiler, Nohfelden and Tholey, all in Saarland,
- (e) Stadt Aachen, Monschau, Stollberg, Simmerath und Roetgen in Kreis Aachen, all in North Rhine-Westfalia,
- (f) in Kreise Dueren, Heimbach, Nideggen, Huertgenwald und Langerwehe, all in North Rhine-Westfalia,
- (g) in the Kreise Euskirchen, Dahlem, Blankenheim, Bad Muenstereifel, Schleiden, Euskirchen, Hellenthal, Kall, Nettersheim, Mechernich and Zeulpich, all in North Rhine-Westfalia, and
- (h) in the Kreis Rhein-Sieg, Rheinbach, Swisttal and Mechenheim, all in North Rhine-Westfalia.

(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 Germany.

(2) Subject to paragraph (3), a person may import a pig from Germany 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 Germany unless the pig is accompanied by a health certificate in the form prescribed by Council Directive 64/432/EEC<sup>2</sup> issued by any official veterinarian in Germany that bears the words – “Animals in accordance with Commission Decision 2002/1009 /EC of

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

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 Germany.

(2) A person may import porcine semen from Germany if the semen is-

(a) derived from boars kept at a collection centre in Germany and

(b) accompanied by a health certificate in the form prescribed by Council Directive 90/429/EEC<sup>3</sup> issued by an official veterinarian in Germany that bears the words – “Semen 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”.

6.(1) Subject to paragraph (2), a person shall not import the ova or embryos of swine from Germany.

(2) A person may import the ova and embryos of swine from Germany if the ova or embryos are accompanied by a health certificate in the form prescribed by Council Directive 95/483/EEC<sup>4</sup> issued by an official veterinarian in Germany 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 –

(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.

8. The Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from Germany) (No. 2) Order 2002 (S.I. No. 287 of 2002), the Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from Germany) (No. 2) (Amendment) Order 2002 (S.I. No. 350 of 2002), the Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from Germany) (No. 2) (Second Amendment) Order 2002 (S.I. No. 421 of

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<sup>3</sup> O.J. L. 224 of 18.8.1990, p. 62.

<sup>4</sup> O.J. L. 275 of 18.11.1995, p.30.

2002) and the Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from Germany) (No. 2) (Third Amendment) Order 2002 (S.I. No. 515 of 2002) are revoked.

**GIVEN** under my Official Seal,

**22nd** January 2003

Joe Walsh

Minister for Agriculture and  
Food

## 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 Germany due to the presence of Classical Swine Fever in that country.

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