

S.I. No. 35 of 2003

Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from France) 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 France), hereby order as follows -

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

“pig” means an animal of the porcine species;

“France” means France other than the restricted area;

“restricted area” means –

(a) of an imaginary line drawn along the road known as the D 855 from the border with Germany to its junction with the river Moselle at Koenigsmacker and continued along that river to Thionville and along the motorway known as the A 30 from Thionville to the border with the department of Meurthe-et-Moselle, and

(b) that part of the department of Meurthe-et-Moselle that lies north of an imaginary line drawn along the motorway known as the A 30 and national road N

¹ O.J. No. L 351 of 28.12.2002, p.112.

52 from the border with Moselle to the frontier with Belgium at Longwy.”

- (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 France.
 - (2) Subject to paragraph (3), a person may import a pig from France 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 France 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 France 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 in Belgium, France, Germany and Luxembourg”.
- 5.(1) Subject to paragraph (2), a person shall not import porcine semen from France.
 - (2) A person may import porcine semen from France if the semen is-
 - (a) derived from boars kept at a collection centre in France and
 - (b) accompanied by a health certificate in the form prescribed by Council Directive 90/429/EEC³ issued by an official veterinarian in France 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”.

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

³ O.J. L. 224 of 18.8.1990, p. 62.

- 6.(1) Subject to paragraph (2), a person shall not import the ova or embryos of swine from France.
- (2) A person may import the ova and embryos of swine from France 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 France 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 France) Order 2002 (S.I. No. 286 of 2002), the Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from France) (Amendment) Order 2002 (S.I. No. 348 of 2002) and the Diseases of Animals Act 1966 (Classical Swine Fever) (Restriction on Imports from France) (Second Amendment) Order 2002 (S.I. No. 516 of 2002) are revoked.

GIVEN under my Official Seal,

22nd January 2003

Joe Walsh

Minister for Agriculture and
Food

⁴ O.J. L. 275 of 18.11.1995, p.30.

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

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