

S.I. No. 36 of 2003

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

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

“pig” means an animal of the porcine species;

“Luxembourg” means the Grand Duchy of Luxembourg other than the restricted area;

“restricted area” means the Grand Duchy of Luxembourg.

- (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.

¹ O.J. L. 351 of 28.12.2002, p. 112

- (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 Luxembourg.
- (2) Subject to paragraph (3), a person may import a pig from Luxembourg 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 Luxembourg 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 Luxembourg 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 Luxembourg.
- (2) A person may import porcine semen from Luxembourg if the semen is-
- (a) derived from boars kept at a collection centre in Luxembourg and
 - (b) accompanied by a health certificate in the form prescribed by Council Directive 90/429/EEC³ issued by an official veterinarian in Luxembourg 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 Luxembourg.
- (2) A person may import the ova and embryos of swine from Luxembourg 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 Luxembourg that bears the words – “Embryos/ova in accordance with

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

³ O.J. L. 224 of 18.8.1990, p. 62.

⁴ O.J. L. 275 of 18.11.1995, p.30.

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 Luxembourg) Order 2002 (S.I. No. 285 of 2002 and the Diseases of Animals Act, 1966 (Classical Swine Fever) (Restriction on Imports from Luxembourg) (Amendment) Order 2002 (S.I. No. 347 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 Luxembourg due to the presence of Classical Swine Fever in that country.

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