

STATUTORY INSTRUMENTS.

S.I. No. 290 of 1999.

EUROPEAN COMMUNITIES (ANIMALS AND ANIMAL PRODUCTS FROM BELGIUM) REGULATIONS, 1999.

I, JOE WALSH, Minister for Agriculture and Food, 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 Commission Decisions 99/449/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption and 99/551/EC amending Decision 99/449/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption:—

1. These Regulations may be cited as the European Communities (Animals and Animal Products from Belgium) Regulations, 1999.

2. In these Regulations-

"authorised officer" has the meaning assigned to it by the European Communities (Trade in Animals and Animal Products) Regulations, 1994 (S.I. No. 289 of 1994);

"the Commission" means the Commission of the European Communities;

"import" means importation into the State;

3. For the purposes of the European Communities (Trade in Animals and Animal Products) Regulations, 1994 the agricultural products listed in Article 1 (1) of Commission Decision 99/449/EC, as amended, on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption shall be deemed to be agricultural products in which there is present a phenomenon likely to present a serious threat to animal or human health.

4. In any proceedings in respect of anything purported to have been done under the European Communities (Trade in Animals and Animal Products) Regulations, 1994, in relation to any agricultural product referred to in Article 1(1) of Commission Decision 99/449/EC as amended it shall be presumed until the contrary is proved that the product was contaminated with dioxins or that the product was derived from animals reared in holdings placed under restriction by the competent authority in Belgium or, in the case of animals, it shall be presumed until the contrary is proved that the animals were reared in holdings placed under restriction by the competent authority in Belgium.

5. A person shall not import or attempt to import from Belgium any agricultural product referred to in Article 1 (1) of Commission Decision 99/449/EC as amended.

6. (1) A person who contravenes a provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Where an offence under these Regulations is 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 any person, being a director, 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 and punished as if he were guilty of the first-mentioned offence.

7. An authorised officer, member of the Garda Síochána or officer of Customs and Excise may, for the purposes of these Regulations and the Commission Decisions, exercise all or any of the powers conferred on him by the European Communities (Trade in Animals and Animal Products) Regulations, 1994.

8. Nothing in any legislation in force for the time being in this State shall be construed as permitting any person to import or attempt to import from Belgium any agricultural product referred to in Regulation 4 of these Regulations.

9. The European Communities (Animals and Animal Products from Belgium) Regulations, 1999 (S.I. No. 175 of 1999) are hereby revoked.

L.S.

GIVEN under my Official Seal, this 23rd day of August, 1999.

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.)

These Regulations set down controls on imports of animals and animal products from Belgium on foot of EU Decision 99/449/EC.

