



## STATUTORY INSTRUMENTS

**S.I. No. 756 of 2007**

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EUROPEAN COMMUNITIES (FOOT AND MOUTH DISEASE)  
(RESTRICTION ON IMPORTS FROM CYPRUS) REGULATIONS 2007

**(Prn. A7/2055)**

EUROPEAN COMMUNITIES (FOOT AND MOUTH DISEASE)  
(RESTRICTION ON IMPORTS FROM CYPRUS) REGULATIONS 2007

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EUROPEAN COMMUNITIES (FOOT AND MOUTH DISEASE)  
(RESTRICTION ON IMPORTS FROM CYPRUS) REGULATIONS 2007

I, MARY COUGHLAN, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Commission Decision No. 2007/718/EC of 6 November 2007<sup>1</sup>, hereby make the following Regulations—

*Citation*

1. These Regulations may be cited as the European Communities (Foot and Mouth Disease) (Restriction on imports from Cyprus) Regulations 2007.

*Interpretation*

2. (1) In these Regulations—

“animal” means an animal of the bovine, ovine, porcine or caprine species or other biungulate;

“authorized officer” means an authorized officer within the meaning of section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966);

“Commission Decision” means Commission Decision No. 2007/718/EC of 6 November 2007;

“meat product” includes the treated bladder, stomach or intestine of an animal;

“Minister” means Minister for Agriculture, Fisheries and Food.

(2) A word or expression that is used in these Regulations and that is also used in the Commission Decision has, in these Regulations, the same meaning as in the Commission Decision.

*Live animals*

3. (1) A person shall not bring into the State a live animal, either directly or through another place from a part of Cyprus mentioned in Annex I to the Commission Decision.

(2) A person shall not bring a live animal into the State from a part of Cyprus (if any) not mentioned in Annex I or II of the Commission Decision unless advance notice of at least three days has been given to the Minister and unless the animal is accompanied by a certificate—

<sup>1</sup>O.J. No. L 289 of 7.11.2007, p. 45.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 20th November, 2007.*

- (a) in the case of a bovine or porcine animal, in the form mentioned in Article 1(5) of the Commission Decision bearing the declaration set out in that provision that relates to the animal,
- (b) in the case of an ovine or caprine animal, in the form mentioned in Article 1(5) of the Commission Decision bearing the declaration set out in that provision that relates to the animal, or
- (c) in the case of a biungulate to which subparagraphs (a) and (b) do not refer, in the form mentioned in Article 1(6) of the Commission Decision bearing the declaration set out in that provision that relates to the biungulate.

(3) A person shall not consign a live animal to a part of Cyprus mentioned in Annex I to the Commission Decision.

*Meat*

4. A person shall not bring a carcass or meat (including fresh meat, minced meat, mechanically separated meat or a meat preparation) of an animal into the State, either directly or through another place, from a part of Cyprus mentioned in Annex I or II to the Commission Decision—

- (a) unless the carcass or meat complies with Article 2(4), (6) or (7) of the Commission Decision, and
- (b) the carcass or meat is accompanied by a certificate that complies with Article 2(8) of the Commission Decision that relates to the carcass or meat.

*Meat products*

5. A person shall not bring a meat product derived from an animal into the State either directly or through another place from a part of Cyprus mentioned in Annex I to the Commission Decision unless the meat product complies with Article 3(2) of the Commission Decision and—

- (a) is accompanied by an official certificate that conforms with Article 3(3) of the Commission Decision,
- (b) in the case of a meat product that complies with Article 3(2)(b)(ii) of the Commission Decision, is accompanied by a commercial document endorsed in accordance with Article 9(1) of the Commission Decision, or
- (c) in the case of a meat product that has been heat treated in accordance with Article 3(2)(b)(ii) in a hermetically sealed container that is shelf stable, is accompanied by a commercial document stating the heat treatment applied.

*Milk*

6. A person shall not bring milk into the State from a part of Cyprus mentioned in Annex I to the Commission Decision either directly or through another place unless the milk complies with Article 4(2)(a) or (b) and—

- (a) is accompanied by a certificate that complies with Article 4(4) of the Commission Decision that relates to the milk,
- (b) in the case of milk that complies with Article 4(2)(a) or (b) of the Commission Decision and has been processed in an establishment referred to in Article 4(5) of the Commission Decision, is accompanied by a commercial document endorsed in accordance with Article 9(1) of the Commission Decision, or
- (c) in the case of milk that has been heat treated in accordance with Article 4(2)(a) or (b) in a hermetically sealed container that is shelf stable, is accompanied by a commercial document stating the heat treatment applied.

*Dairy products*

7. A person shall not bring a dairy product into the State from a part of Cyprus mentioned in Annex I to the Commission Decision either directly or through another place, unless the dairy product complies with Article 5(2), (3), (4) or (5) of the Commission Decision, and—

- (a) is accompanied by a certificate that complies with Article 5(6) of the Commission Decision that relates to the dairy product,
- (b) in the case of a dairy product that complies with Article 5(2)(a) or (b), (3) or (4) of the Commission Decision and has been processed in an establishment referred to in Article 5(7) of the Commission Decision, it is accompanied by a commercial document endorsed in accordance with Article 9(1) of the Commission Decision, or
- (c) in the case of a dairy product that complies with Article 5(2)(a) or (b), (3) or (4) of the Commission Decision in a hermetically sealed container that is shelf stable, is accompanied by a commercial document stating the heat treatment applied.

*Semen, ova and embryos*

8. A person shall not bring the semen, ova or embryos of an animal into the State either directly or through another place from a part of Cyprus mentioned in Annex I or II to the Commission Decision, unless—

- (a) in the case of bovine and porcine semen, it complies with Article 6(2) and is accompanied by a certificate that complies with Article 6(3) or (4) of the Commission Decision that relates to the semen,
- (b) in the case of bovine embryos, it complies with Article 6(2)(b) or (c) and is accompanied by a certificate that complies with Article 6(5) of the Commission Decision that relates to the embryos,

- (c) in the case of semen, it complies with Article 6(2)(b) or (c) and is accompanied by a certificate that complies with Article 6(6) or 6(7) of the Commission Decision that relates to the semen, and
- (d) the semen or embryos come from a centre listed in accordance with Article 6(2) of the Commission Decision.

#### *Hides and Skins*

9. A person shall not bring the hide or skin of an animal into the State either directly or through another place from a part of Cyprus mentioned in Annex I to the Commission Decision, unless the hide or skin complies with Article 7(2) of the Commission Decision, and—

- (a) is accompanied by a certificate that complies with Article 7(3) of the Commission Decision that relates to the hide or skin,
- (b) in the case of a hide or skin that complies with points (b) to (e) of paragraph 1 of Part A of Chapter VI of Annex VIII to Regulation (EC) 1774/2002, compliance with those provisions is stated in a commercial document endorsed in accordance with Article 9(1) of the Commission Decision that accompanies the hide or skin, or
- (c) in the case of a hide or skin that complies with points (c) to (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation (EC) 1774/2002, compliance with those provisions is stated in a commercial document endorsed in accordance with Article 9(1) of the Commission Decision that accompanies the hide or skin.

#### *Specific Animal products*

10. A person shall not bring an animal product to which Article 8 of the Commission Decision refers into the State either directly or through another place from a part of Cyprus mentioned in Annex I to the Commission Decision unless—

- (a) the animal product complies with Article 8(2)(a),
- (b) in the case of blood and blood products, the blood or blood product complies with Article 8(2)(b),
- (c) in the case of lard and rendered fats, the lard or fat complies with Article 8(2)(c),
- (d) in the case of animal casings, the casing complies with Article 8(2)(d),
- (e) in the case of sheep wool, ruminant hair or pigs' bristles, the wool, hair or bristle complies with Article 8(2)(e),
- (f) in the case of pet food, the pet food complies with Article 8(2)(f),
- (g) in the case of composite products, the composite product complies with Article 8(2)(g),

- (h) in the case of game trophies, the game trophy complies with Article 8(2)(h),
- (i) in the case of packed products for use as in vitro or laboratory reagents, the packed product complies with Article 8(2)(i), or
- (j) in the case of medicinal products, the medicinal product complies with Article 8(2)(j),

of the Commission Decision and—

- (i) is accompanied by a certificate that complies with Article 8(3) of the Commission Decision that relates to the product,
- (ii) in the case of blood or a blood product, lard, rendered fat or an animal casing, is accompanied by a commercial document that complies with Article 8(4) of the Commission Decision that relates to the product,
- (iii) in the case of sheep wool, ruminant hair or pigs' bristles, it is accompanied by a commercial document that complies with Article 8(5) of the Commission Decision,
- (iv) in the case of a composite product produced in an establishment referred to in Article 8(6) of the Commission Decision, is accompanied by a commercial document that complies with that provision,
- (v) in the case of a packed product for use as in vitro or laboratory reagent, is accompanied by a commercial document that complies with Article 8(7) of the Commission Decision, or
- (vi) in the case of a product referred to in Article 8(8) of the Commission Decision, is accompanied by a commercial document that complies with that provision.

(3) A person shall not bring dung or manure or any thing contaminated with dung or manure into the State, either directly or through another place, from a part of Cyprus mentioned in Annex I to the Commission Decision.

*Possession of certain animals etc.*

11. A person shall not have in his or her possession or under his or her control an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins equidae or an animal product referred to in Regulation 10 that has been brought into the State in contravention of these Regulations.

*Forgery*

12. (1) A person shall not forge or utter knowing it to be forged a certificate, commercial document, a direction or requirement of an authorized officer under Regulation 14 (if in writing) or other thing required by these Regulations, (hereafter in this Regulation referred to as “a forged document”).

(2) A person shall not alter with intent to defraud or deceive, or to utter knowing it to be so altered a certificate, commercial document, a direction or requirement of an authorized officer under Regulation 14 (if in writing) or other thing required by these Regulations, (hereafter in this Regulation referred to as “an altered document”).

(3) A person shall not have a forged document or an altered document in his or her possession or under his or her control.

*Obstruction etc.*

13. A person shall not—

- (a) obstruct or impede an authorized officer (or person who accompanies an authorized officer) in the exercise of his or her powers under Regulation 14,
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorized officer under Regulation 14,
- (c) fail, without reasonable cause, to give assistance to an authorized officer in accordance with Regulation 16, or
- (d) in making an application for a licence, registration, approval, authorization, certificate or other thing required by these Regulations or in purporting to give information to an authorized officer for the performance of the officer’s powers under Regulation 14—
  - (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
  - (ii) fail to disclose a material particular.

*Authorized officers*

14. (1) If an authorized officer has reasonable cause to suspect that—

- (a) an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins, an animal product referred to in Regulation 10, animal by-product or other thing to which the Commission Decision relates is present, has been present or may be present on a premises,
- (b) an animal, carcase meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product or other thing to which the Commission Decision relates is or has been kept, processed, stored or otherwise dealt with on a premises,
- (c) equipment, plant or machinery used in connection with an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation



10, animal by-product or other thing to which the Commission Decision relates is or may be on a premises,

- (d) a document relating to a thing referred to in paragraph (a), (b) or (c) is present, was present or may be present on a premises,

the authorized officer may enter the premises and he or she may—

- (i) search the premises,
- (ii) stop a person, vehicle, vessel or container,
- (iii) board and search a vehicle, vessel or container,
- (iv) examine an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, vehicle, vessel, container, equipment, machinery or other thing,
- (v) take, without payment, samples of an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product or other thing or an article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
- (vi) require the production of a document (including a document in non-legible form in a legible form) or thing relating to an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, vehicle, vessel, container, equipment, machinery or other thing
- (vii) retain a document or thing (for so long as is necessary),
- (viii) make a record using any means including writing, photography or video,
- (ix) give a direction to, or request information of, a person regarding an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, vessel, vehicle, container, machinery, equipment, premises or other thing as he or she considers necessary,
- (x) require the name and address of a person and the name and address of any other person including the owner of, or person to whom an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in

Regulation 10, animal by-product or other thing is being delivered or who is causing it to be delivered,

- (xi) require of a person the ownership, identity and origin of the animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, vessel, vehicle, container, equipment, machinery or other thing,
- (xii) require a person in charge or control of a vessel, vehicle or container to refrain from moving it, or
- (xiii) mark or otherwise identify an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, vessel, vehicle, machinery, equipment or other thing or a sample taken under subparagraph (v).

(2) If an authorized officer has reasonable cause to suspect that—

- (a) an offence is being or has been committed under these Regulations, or
- (b) evidence of an offence under these Regulations may be, is or has been on a premises—

the authorized officer may, in addition to the powers exercisable by him or her under paragraph (1)—

- (i) search a person, where the authorized officer considers it necessary,
- (ii) seize and detain, an animal, carcass, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, vessel, vehicle, container, equipment, machinery or other thing, or
- (iii) dispose of, or require the owner or person in charge of or in possession of an animal, carcass, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product or other thing to deal with or dispose of it (or any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with, the animal, carcass, animal product or animal by-product) in a manner that the authorized officer sees fit.

(3) An authorized officer shall not enter, except with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under Regulation 15 other than if he or she has reasonable cause to suspect that before a search warrant could be sought in relation to the dwelling anything to which paragraph (1) or (2) relates is being or is likely to be destroyed or disposed of.

- (4) An authorized officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.
- (5) An authorized officer, when exercising a power under this Regulation may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.
- (6) An authorized officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under this Regulation if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (7) Without prejudice to the generality paragraph (1), a direction or requirement of an authorized officer may include conditions—
- (a) prohibiting, restricting or otherwise controlling the use, processing or movement of an animal, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, a vessel, vehicle, container, equipment, machinery or other thing as may be specified by the authorized officer,
  - (b) requiring that the person to whom the direction is addressed to take the bio-security measures (including measures requiring the repair or erection of fences, boundaries or buildings) specified by the authorized officer, or
  - (c) requiring that an animal, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product, a vessel, vehicle, container, equipment, machinery or other thing be returned to the person who consigned it or to the place from which it came.
- (8) An authorized officer may require the owner or the person in charge of an animal, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product or other thing to furnish to him or her the name and address of a person to whom an animal, animal product, animal by-product or other thing has been sold and who is for the time being receiving or has, on any day specified by the authorized officer, received an animal, animal product, animal by-product or other thing.
- (9) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.
- (10) If in the course of exercising any powers under these Regulations an authorized officer or a member of the Garda Síochána finds or comes into possession of any thing that the officer or member believes to be evidence of an

offence or suspected offence under these Regulations, it may be seized and retained for use in evidence.

(11) Nothing in these Regulations operates to prejudice a power conferred by another enactment to search, or to seize or detain property, which may be exercised by a member of an Garda Síochána or an officer of Customs and Excise.

#### *Search warrant*

15. (1) If a judge of the District Court is satisfied by information on oath of an authorized officer that there are reasonable grounds for suspecting—

- (a) evidence of or relating to the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (b) there may be, is or was an animal, carcase, meat, a meat product, milk, a dairy product, semen, ova, an embryo, hides, skins and an animal product referred to in Regulation 10, animal by-product or equipment or other thing made used or adapted for use (including manufacture and transport) in connection with an animal, carcase, animal product, animal by-product, animal feed or food, on a premises,
- (c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorized officer, accompanied by such authorized officers or other persons as the named authorized officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises named in the warrant.

(3) If a premises is entered pursuant to a warrant issued under this Regulation, an authorized officer so entering may exercise all or any of the powers conferred on an authorized officer under these Regulations.

#### *Assistance to an authorized officer*

16. A person who has an animal, carcass, animal product, animal by-product, a vehicle, farm machinery, equipment or document relating to any thing to which these Regulations refer in his or her possession or under his or her control, the servant, agent or employee of the person shall give any assistance requested to an authorized officer or person who accompanies an authorized officer.

#### *Offences*

17. (1) A person who contravenes, causes or permits a contravention or aids or abets a contravention of—

- (a) Regulation 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 or 16, or

- (b) a requirement or direction of an authorized officer under Regulation 14,

commits an offence.

(2) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits offence and is liable to be proceeded against and punished as if he or she is guilty of the offence.

(3) If the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

*Prosecution of summary offences*

18. (1) A summary offence under these Regulations may be prosecuted by—

- (a) the Minister,
- (b) the local authority in whose functional area the offence occurs, or
- (c) in accordance with section 8 of the Garda Síochána Act 2005, a member of the Garda Síochána.

*Penalties*

19. (1) A person who commits an offence under Regulation 17 is liable—

- (a) on summary conviction, to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 6 months, or to both, or
- (b) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 2 years, or to both.

*Evidence on certificate etc.*

20. (1) In proceedings for an offence under these Regulations, a certificate purported to be signed by a person employed at a laboratory where a sample taken under Regulation 15 is analysed stating the capacity in which the person is employed and stating—

- (a) that the person received a sample,
- (b) that, for the period specified in the certificate, the person had the sample in his or her possession,
- (c) that the person gave the sample to another person named in the certificate, or

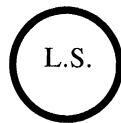
- (d) the person carried out a procedure for the purpose of detecting in the sample, evidence of disease, a substance or contamination or that the sample contained evidence of disease, a substance or is, or, was contaminated in a manner, specified in the certificate,

is (without proof of the signature of the person or that he or she is employed at the laboratory), unless the contrary is proved, evidence of the matters stated in the certificate.

(2) In proceedings for an offence under these Regulations the court may, if it considers that it is in the interests of justice direct that oral evidence of the matters stated in a certificate under paragraph (1) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

(3) In proceedings under these Regulations, evidence of an act of the institutions of the European Communities may be given by production of a copy of the act certified by an officer of the Minister to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(4) Paragraph (3) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).



GIVEN under my Official Seal,  
14 November 2007

MARY COUGHLAN,  
Minister for Agriculture, Fisheries and Food.

# EXPLANATORY NOTE

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

These Regulations give effect to import restrictions imposed by the European Communities due to the existence of foot and mouth disease in a part of Cyprus mentioned in Annex I to the Commission Decision.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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