



STATUTORY INSTRUMENTS.

S.I. No. 245 of 2008

EUROPEAN COMMUNITIES (MARKETING OF MEAT OF BOVINE
ANIMALS AGED 12 MONTHS OR LESS) REGULATIONS 2008

(Prn. A8/0979)

EUROPEAN COMMUNITIES (MARKETING OF MEAT OF BOVINE ANIMALS AGED 12 MONTHS OR LESS) REGULATIONS 2008

I, BRENDAN SMITH, 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 full effect to Council Regulation (EC) No. 700/2007 of 11 June 2007¹, hereby make the following regulations—

1. These Regulations may be cited as the European Communities (Marketing of meat of bovine animals aged 12 months or less) Regulations 2008 and come into effect on 1 July 2008.

2. A person who slaughters a bovine animal aged 12 months or less must classify the animal—

(a) if aged 8 months or less, as “veal” or

(b) if aged more than 8 months, as “rosé veal”.

3. (1) Without prejudice to the generality of Regulation 6(1), if an authorised officer is of the opinion that—

(a) Council Regulation (EC) No. 700/2007 of 11 June 2007 or these Regulations are not being or have not been complied with or there are reasons to believe that they will not be complied with, or

(b) there is a danger to public or animal health, he or she may, by a notice in writing (“compliance notice”) stating that opinion and served on the person who appears to be the owner or person in charge of meat of bovine animals aged 12 months or less or labelling or advertising relating to meat of bovine animals aged 12 months or less—

(i) seize and detain the meat of bovine animals aged 12 months or less, labelling or advertising, or

(ii) require him or her to take such action as the authorised officer considers necessary.

(2) A compliance notice may—

(a) require that meat of bovine animals aged 12 months or less or labelling or advertising relating to it be disposed of or destroyed in a manner specified in the notice,

¹O.J. No. L 161 of 22.6.2007, p.1.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 8th July, 2008.

- (b) prohibit or regulate any operation or processing relating to meat of bovine animals aged 12 months or less or labelling or advertising relating to it,
- (c) prohibit the transport or the further transport of meat of bovine animals aged 12 months or less or labelling or advertising relating to it, either absolutely or unless such conditions as may be specified in the notice are complied with,
- (d) require a person to return meat of bovine animals aged 12 months or less or labelling or advertising relating to it to the place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,
- (e) require that such alterations be made to labelling or advertising relating to meat of bovine animals aged 12 months or less as may be specified in the notice, or
- (f) require a person to secure in a manner specified by the authorised officer (if any) meat of bovine animals aged 12 months or less or labelling or advertising relating to it.

(3) A person shall comply with a compliance notice or a requirement of a compliance notice unless and until the notice is annulled under Regulation 4.

(4) A requirement contained in a compliance notice may specify a time limit within which it is to be complied with.

(5) A requirement specified in a compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.

(6) A compliance notice may require the person in control of meat of bovine animals aged 12 months or less or labelling or advertising relating to it to choose between two or more of the requirements specified in the notice.

4. (1) A person affected by a compliance notice may, within 7 days of the service of the notice, apply to the Judge of the District Court having jurisdiction in the District Court District where a meat of bovine animals aged 12 months or less is situated or to the Judge of the District Court having jurisdiction in the District Court District where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any of the terms thereof are not justified having regard to the European Regulation or these Regulations (in this Regulation referred to as “an appeal”).

(2) An appeal may be heard at any sitting of the District Court within the appropriate District Court District.

(3) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms thereof are not justified and shall be served on the Minister at least 48 hours prior to the hearing of the appeal.

- (4) A copy of the notice of appeal shall be lodged with the District Court Clerk at least 48 hours prior to the hearing of the appeal.
- (5) On the hearing of an appeal a Judge of the District Court may confirm, modify, or annul a notice.
- (6) A person, including a person on whom a compliance notice has been served, shall not—
- (a) pending the determination of an appeal, market the product as veal or rosé veal or other thing to which the notice relates, other than in accordance with the terms of the notice, or
 - (b) after the appeal, market the product as veal or rosé veal other than in accordance with the compliance notice or compliance notice as modified.
- (7) (a) Without prejudice to Regulation 6, if-
- (i) the person in control of marketing meat of bovine animals aged 12 months or less fails to comply with the terms of a compliance notice within the time specified therein,
 - (ii) an authorised officer has reasonable grounds for believing that the terms of a compliance notice will not be complied with,
 - (iii) a compliance notice has been confirmed with or without modification under paragraph (5) and the notice has not been complied with,
 - (iv) an authorised officer has reasonable grounds for believing that the terms of a compliance notice which has been confirmed with or without modification under paragraph (5) will not be complied with, or
 - (v) pending the determination of an appeal, an authorised officer has reasonable grounds for believing that directions given pursuant to paragraph (6) have not been or shall not be complied with,
- an authorised officer may at any time seize meat of bovine animals aged 12 months or less, labelling or advertisement.
- (b) If meat of bovine animals aged 12 months or less, labelling or an advertisement is seized in accordance with subparagraph (a), an authorised officer may-
- (i) sell, destroy or dispose of the meat of bovine animals aged 12 months or less, labelling or advertisement or cause it to be sold, destroyed or be disposed of, or

(ii) take such other measures in relation to the meat of bovine animals aged 12 months or less, labelling or advertisement as the authorised officer considers appropriate in the circumstances of the case.

(c) Any profits arising out of the sale, destruction or disposal of meat of bovine animals aged 12 months or less, labelling or advertisement in accordance with subparagraph (b) shall be paid to the owner of the meat of bovine animals aged 12 months or less, labelling or advertisement less any expenses incurred in connection with the seizure, sale, destruction or disposal.

(8) The costs (including ancillary costs) of a measure taken under this Regulation is recoverable by the Minister—

(a) as a simple contract debt in a court of competent jurisdiction from the person who was the owner of the meat of bovine animals aged 12 months or less labelling or advertisement at the time the measure was carried out, or

(b) by deducting the costs from any sum due or becoming due by the Minister to a person on whom a notice has been served.

5. (1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.

(2) The manager of a local authority may by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of Part 5 of these Regulations.

(3) The Minister or manager of a local authority may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.

(4) An appointment as an authorised officer ceases—

(a) if it is terminated pursuant to paragraph (3),

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister or a local authority, upon the person ceasing to be such an officer.

(5) Nothing in paragraph (4) is to be construed so as to prevent the Minister or manager of a local authority from reappointing as an authorised officer a person to whom that paragraph relates.

(6) An officer of the Minister or of a local authority shall furnish an authorised officer appointed under this Regulation with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, an officer of Customs and Excise or a member of the

Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

6. (1) If an authorised officer has reasonable cause to suspect that—
- (a) meat of bovine animals aged 12 months or less has been present or may be present on a premises,
 - (b) a document relating to meat of bovine animals aged 12 months or less is present, was present or may be present on a premises, the authorised 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 a vehicle, vessel, container or other thing that may be used in connection with meat of bovine animals aged 12 months or less,
 - (v) take, without payment, samples from meat of bovine animals aged 12 months or less 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 or thing relating to meat of bovine animals aged 12 months or less vehicle, vessel, container or other thing,
 - (vii) retain a document or thing (for so long as is necessary),
 - (viii) give a direction to, or request information of, a person regarding meat of bovine animals aged 12 months or less, vessel, vehicle, container, premises or other thing as he or she considers necessary,
 - (ix) require the name and address of a person and the name and address of any other relevant person including the person to whom meat of bovine animals aged 12 months or less is being delivered or who is causing it to be delivered,
 - (x) require of a person the ownership, identity and origin of the meat of bovine animals aged 12 months or less,
 - (xi) make a record whether in writing, by photography or otherwise, or
 - (xii) mark or otherwise identify meat of bovine animals aged 12 months or less

- (2) If an authorised officer has reasonable cause to suspect that—
- (a) an offence is being or has been committed under these Regulations,
 - (b) a contravention of an act of the institutions of the European Communities relating to animal welfare is being or has been committed, or
 - (c) evidence of an offence or contravention may be, is or has been on a premises, the authorised officer may, in addition to the powers exercisable by him or her under subsection (1)—
 - (i) search a person, where the authorised officer considers it necessary,
 - (ii) seize and detain meat of bovine animals aged 12 months or less 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 meat of bovine animals aged 12 months or less 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 meat of bovine animals aged 12 months or less in a manner that the authorised officer sees fit.
- (3) An authorised 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 28.
- (4) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.
- (5) An authorised 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 authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations 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 of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise controlling the use, processing or movement of an animal as may be specified by the authorised officer.
- (8) Nothing in this Regulation operates to prejudice any power to search, or to seize or detain property, which may, apart from these Regulations, be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

(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.

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

- (a) that 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 is or was meat of bovine animals aged 12 months or less equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with meat of bovine animals aged 12 months or less 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 authorised officer, accompanied by such authorised officers or other persons as the named authorised 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, vehicle, vessel or aircraft named in the warrant.

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

8. (1) A person who—

- (a) contravenes Article 3, 4, 5, 7 or 9(2) of the European Regulation,
- (b) obstructs or impedes an authorised officer in the exercise of his or her functions under these Regulations, or
- (c) contravenes Regulation 2 or 3(3) of these Regulations,

commits an offence and is liable, on summary conviction, to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 6 months or to both.

(2) If an offence is committed under these Regulations by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributed to 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 purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she was guilty of the first-mentioned offence.

(3) An offence under these Regulations may be prosecuted by the Minister.



GIVEN under my Official Seal,
30 June 2008

BRENDAN SMITH,
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).

The effect of these Regulations is to provide standards for the marketing of the meat of bovine animals aged 12 months or less.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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