
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 210

AGRICULTURE

**Bovines and Bovine Products (Trade) (Amendment) Regulations
(Northern Ireland) 2001**

Made *17th May 2001*

Coming into operation *21st June 2001*

The Department of Agriculture and Rural Development, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 21st June 2001.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

*Amendments to the Bovines and Bovine Products (Trade) Regulations
(Northern Ireland) 1999*

3.—(1) The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999(d) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(2)—

(a) for the definitions of “export dedicated establishment” and “export eligible goods” there shall be substituted the following definitions—

“export dedicated establishment” means any establishment approved under regulation 12(2)(a) and includes any such establishment used for the preparation of DBES goods or ECHS goods destined for placing on the market in the United Kingdom;

“export eligible goods” means—

(a) DBES goods (other than any such goods destined for placing on the market in the United Kingdom);

(a) S.I. 1972/1811
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)
(d) S.R. 1999 No. 308

- (b) ECHS goods (other than any such goods destined for placing on the market in the United Kingdom);
- (c) foreign origin export eligible goods; or
- (d) any goods containing a mixture of one or more of those types of goods and which contain no other ingredient derived from a bovine animal;”; and

(b) after the definition of “official seal” there shall be substituted the following definition—

“ “official supervision” means supervision carried out by an inspector or a veterinary inspector;”.

(3) For regulation 12 (Approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES goods and ECHS goods and foreign origin bovine by-products) there shall be substituted the following regulation—

“Approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES goods and ECHS goods and foreign origin bovine by-products

12.—(1) A person shall not use any premises—

- (a) for any steps in the preparation of DBES goods or ECHS goods or any foreign origin export eligible goods which are intended for despatch from Northern Ireland to a member State or third country;
- (b) for the production of foreign origin bovine by-products (whether or not those goods are intended for despatch to a member state or third country),

unless those premises are approved under paragraph (2) for the production of, as the case may be, DBES goods, ECHS goods, foreign origin export eligible goods or foreign origin export eligible by-products of that type.

(2) The Department shall for the purposes of paragraph (1) approve an establishment—

- (a) as an export dedicated establishment; or
- (b) as an establishment which is not an export dedicated establishment,

if, and only if, following an inspection of that establishment by a veterinary inspector, it is satisfied that in relation to the establishment, the relevant requirements of paragraph (3) are satisfied.

(3) The requirements referred to in paragraph (2) in relation to any establishment are that—

- (a) the establishment is licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;
- (b) in the case of an export dedicated establishment that it is not used for the preparation of any goods derived from bovine animals other than export eligible goods or DBES goods or ECHS goods destined for placing on the market in the United Kingdom;

- (c) in the case of an establishment which is not an export dedicated establishment, that is not used for the preparation (other than cold storage) of any DBES goods or ECHS goods destined for despatch from Northern Ireland to another member State or third country;
 - (d) in respect of an export dedicated establishment—
 - (i) that any bovine product not eligible for despatch abroad other than DBES goods or ECHS goods destined for placing on the market in the United Kingdom must have been removed from the establishment; and
 - (ii) all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleaned after the last such use and procedures must have been put in place to prevent entry onto the premises of bovine products which are not eligible for despatch abroad other than DBES goods or ECHS goods destined for placing on the market in the United Kingdom;
 - (e) in respect of an export dedicated establishment that the methods of operation for the preparation of export eligible goods comply with the requirements set out in column (1) in Schedule 2 and the Department has determined how those requirements are to apply to the establishment as set out opposite thereto in columns (2) and (3);
 - (f) in respect of an establishment which is not an export dedicated establishment, the methods of operation for the preparation of foreign origin export eligible goods comply with the requirements of column (1) in Schedule 3 and the Department has determined how those requirements are to apply to the establishment as set out opposite thereto in columns (2) and (3); and
 - (g) there is in operation a system which ensures that it is possible—
 - (i) to identify the origin of the raw material contained in export eligible goods or foreign origin bovine by-products dispatched from that establishment and to trace the raw material through each stage of preparation of goods at the establishment;
 - (ii) to record all amounts of incoming and outgoing materials and to cross-check consignments entering the establishment against those leaving it;
- (4) An application for the approval of any establishment under paragraph (2) shall be made in such form and shall contain such particulars as the Department may require.
- (5) Where, in relation to any establishment approved under paragraph (2)—
- (a) any requirement of paragraph (3) in relation to the establishment has not been complied with;

- (b) the operator has failed to give any notice that he was required to give or obtained any agreement he was required to have under regulation 13(14) or (15); or
- (c) ECHS goods, DBES goods or foreign origin export eligible goods are no longer prepared there,

the Department may withdraw the approval and, where it does so, it shall give notice to the operator of the establishment of that withdrawal and the reason for it.”

(4) For regulation 13 (Requirements imposed on the operator of an establishment approved under regulation 12(2)) there shall be substituted the following regulation—

“Requirements imposed on the operator of an establishment approved under regulation 12(2)

13.—(1) The operator of an establishment approved under regulation 12(2) shall ensure that—

- (a) any person employed by him, or any person invited to the establishment, complies with the requirements of these Regulations relating to the approval of the establishment; and
 - (b) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the establishment and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.
- (2) The operator of any establishment approved under regulation 12(2) shall ensure that, in respect of the preparation at the establishment of any export eligible goods,—
- (a) each stage of their preparation takes place under official supervision;
 - (b) where the establishment is approved as an export dedicated establishment, the methods of operation for the preparation of export eligible goods comply with the requirements set out in column (1) of Schedule 2 in accordance with the determination made by the Department under regulation 12(3)(e) as to the application of those requirements to the establishment; and
 - (c) where the establishment is approved as an establishment other than an export dedicated establishment, the methods of operation for the preparation of foreign origin export eligible goods comply with the requirements of column (1) of Schedule 3 in accordance with the determination made by the Department under regulation 12(3)(f) as to the application of those requirements to the establishment.
- (3) The operator of an establishment approved under regulation 12(2) shall ensure that all export eligible goods prepared there, other than—

- (a) foreign origin export eligible goods destined for placing on the market in the United Kingdom; or
- (b) food for domestic carnivores (whether or not destined for placing on the market in the United Kingdom),

are marked or labelled with an additional mark before a relevant despatch of the goods from the establishment.

- (4) In paragraph (3) a “relevant despatch” of goods is—
 - (a) a despatch of the goods from the establishment in question for the purpose of a despatch of the goods from Northern Ireland to a member State or a third country;
 - (b) a despatch of the goods from the establishment in question to any establishment approved under these Regulations for the purpose of a despatch of the goods from that establishment, or subsequently from any other such establishment, from Northern Ireland to a member State or a third country; or
 - (c) a despatch of the goods from the establishment in question to any export dedicated establishment, whether or not for the purpose of despatch from that establishment, or subsequently from any other such establishment, from Northern Ireland to a member State or a third country.

(5) The operator of an establishment approved under regulation 12(2) shall not mark any goods with an additional mark other than those required to be so marked under paragraph (3).

(6) The operator of an establishment approved under regulation 12(2) shall ensure that no products of animal origin derived from DBES eligible animals or ECHS animals, other than export eligible goods or DBES goods or ECHS goods destined for placing on the market in the United Kingdom, are produced at the establishment.

(7) The operator of an establishment approved under regulation 12(2) shall ensure that all export eligible goods—

- (a) are stored in cold stores in chambers which are not used at the same time for storing any bovine products, by-products or materials which do not comply with the conditions set out in Articles 6 and 7 and 9 to 13 of the Council Decision and are kept locked, under the seal of a veterinary inspector or a person acting under his authority, when any veterinary inspector or any person acting under the authority of a veterinary inspector is not present; and
- (b) are dispatched from the establishment in means of transport, or in a lockable chamber or lockable container, for the purpose of being carried on any means of transport, sealed by a veterinary inspector or a person acting under his responsibility.

(8) The operator of an establishment approved under regulation 12(2) shall ensure that all foreign origin export eligible goods or foreign origin bovine by-products are unloaded, processed or treated, stored, handled, loaded and transported separately, or at different times, from bovine

products which do not comply with the conditions set out in Articles 6 and 7 and 9 to 13 of the Council Decision.

(9) The operator of an establishment at which any foreign origin bovine by-products are produced shall ensure that the establishment, and the suitability of the by-products for use in human food, animal feed, cosmetics or medical or pharmaceutical products, is clearly indicated, either by means of a label affixed to the by-product, or on its packaging or in a document accompanying the by-product.

(10) A person, other than a veterinary inspector or a person acting under his responsibility, shall not—

- (a) apply any additional mark on any ECHS goods, DBES goods or relevant goods; or
- (b) possess or use the instruments or labels intended to be used in connection with any additional mark.

(11) A person shall not produce, modify, store, sell or otherwise offer, expose or advertise for sale or supply, or deposit with or consign to, any other person for the purpose of sale or supply—

- (a) an instrument intended for the application of any additional mark;
- (b) any label or packaging bearing any additional mark; or
- (c) an official seal,

except in accordance with the instructions of a veterinary inspector.

(12) The operator of an establishment approved under regulation 12(2) shall ensure that at any time an instrument, label, packaging or official seal referred to in paragraph (11) is delivered to him or to the establishment, or otherwise to his order, he notifies a veterinary inspector of the fact with a view to enabling that inspector, or a person acting under his responsibility—

- (a) to put the instrument, label, packaging or seal into a store at the establishment maintained under the responsibility of the inspector; or
- (b) in the case of the instrument, label or packaging to give instructions for the use thereof at the establishment in connection with any additional mark.

(13) The operator of an establishment approved under regulation 12(2) shall ensure that, any export eligible goods prepared at that establishment which become destined for placing on the market in the United Kingdom, bear any additional mark, that mark is removed or cancelled at whichever of the following times first occurred, that is to say—

- (a) at the time when, for any reason other than the removal of any additional mark, the goods can no longer be dispatched from Northern Ireland to a place outside the United Kingdom in accordance with these Regulations; or
- (b) at the time when the goods leave the establishment.

(14) The operator of an establishment approved under regulation 12(2) shall give the Department written notice of, and shall obtain its agreement to, any material change he intends to make to any of the facilities or processes used at that establishment in the preparation of foreign origin export eligible goods, DBES goods or ECHS goods before making any such change.

(15) The operator of an establishment approved under regulation 12(2) shall give the Department written notice of any material change he intends to make—

(a) to the suppliers of the materials used by him at the establishment in the manufacture of foreign origin bovine by-products; or

(b) to any facilities, processes or methods of operation used at that establishment in the production of any foreign origin bovine by-products,

before making any such change.”.

(5) For requirement 5 in the first column of Schedule 2 (Required methods of operation for the preparation of export eligible goods in export dedicated establishments) there shall be substituted the following requirement—

“5. Arrangements must be in place to ensure that products of animal origin, derived from DBES and ECHS goods, a DBES eligible animal or an animal slaughtered for the purposes of the ECHS, are not prepared in the approved establishment if they are not export eligible goods or DBES goods or ECHS goods destined for placing on the market in the United Kingdom.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th May 2001.

(L.S.)

Liam McKibben
Senior Officer of the Department
of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999 which implemented in respect of Northern Ireland the requirements of Commission Decision 98/692/EC (O.J. No. L328, 4.12.98, p. 28) amending Council Decision 98/256/EC (O.J. No. L113, 15.4.98, p. 32).
2. The effect of the amendments is to permit the despatch of bone-in beef from premises approved under the Date Based Export Scheme and the Export Certified Herds Scheme to the domestic market.

Published and printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly
Dd. N10190. C5. 6/01. Gp. 130. 14567.
£2.00