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ANIMALS

ANIMAL HEALTH

**The Export Restrictions (Foot-and-Mouth Disease) Regulations
(Northern Ireland) 2007**

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Coming into operation - *14th August 2007*

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The Department of Agriculture and Rural Development, being 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.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred upon it by section 2(2) of the European Communities Act 1972.

(a) S.I. 2000/2812
(b) 1972 c. 68

Citation and commencement

1. These Regulations may be cited as The Export Restrictions (Foot-and-Mouth Disease) Regulations (Northern Ireland) 2007 and come into operation on 14th August 2007.

Interpretation

2.—(1) In these Regulations—

“the Decision” means Commission Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom(a) and repealing Commission Decision 2007/552/EC(b);

“the Department” means the Department of Agriculture and Rural Development;

“dispatch” means sent out of Northern Ireland to another member State by any means whatsoever;

“inspector” means a person appointed by the Department to be an inspector for the purposes of these Regulations, the Diseases of Animals (Northern Ireland) Order 1981(c), the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(d) or the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(e) and includes a veterinary inspector;

“HACCP” means Hazard Analysis at Critical Control Points, which is a system in which the critical points of the manufacturing process have been identified, assessments have been made of the potential risks at those points, and necessary steps have been taken to minimise those risks;

“member State” means any member State of the European Union other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;

“the Order” means the Diseases of Animals (Northern Ireland) Order 1981.

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

Dispatch of live animals

3. A person shall not dispatch any live animal of the bovine, ovine, caprine or porcine species or any other biungulate animal unless—

(a) three days before dispatch the Department has notified the member State of destination in accordance with Article 1 of Commission Decision 2007/554EC;

(b) in the case of live bovine and porcine animals, the health certificates accompanying the animals provided for in Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(g), and in the case of live ovine and caprine animals, the health certificates accompanying the animals provided for in Council Directive 91/68/EC on animal health conditions governing intra-Community trade in ovine and caprine animals(h), shall bear the following words—

“Animals conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”; and

(a) O.J. No. L210, 10.8.2007, p. 36

(b) O.J. No. L206, 7.8.2007, p 10

(c) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and S.I. 1994/1891 (N.I.) 6 Arts. 19, 22, 23(1) and (2), 24(1) and Schedule

(d) S.R. 2006 No.401 as amended by S.R. 2007 No. 327

(e) S.R. 1998 No. 45 as amended by S.R. 1998 No. 207, S.R. 1999 No. 308, S.R. 2000 No. 78, S.R. 2000 No. 191, S.R. 2000 No. 287, S.R. 2001 No. 226, S.R. 2001 No. 242, S.R. 2001 No. 429, S.R. 2004 No. 7, S.R. 2004 No. 464, S.R. 2005 No. 35, S.R. 2006 No. 3 and S.R. 2006 No. 202

(f) 1954 c. 33 (N.I.)

(g) O.J. No. 121, 29.7.1964, p. 1977/64 as last amended by Directive 2006/104/EC

(h) O.J. No. L46, 19.2.1991, p. 19 as last amended by Directive 2006/104/EC

- (c) in the case of any other biungulates, the health certificates accompanying the animals shall bear the following words:

“Live biungulates conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

Dispatch of fresh meat, minced meat, mechanically separated meat and meat preparations

4.—(1) In this regulation, “meat” includes fresh meat, minced meat, mechanically separated meat and meat preparations as defined in points 1.10, 1.13, 1.14 and 1.15 of Annex 1 to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin^(a).

(2) A person shall not dispatch meat derived from animals of the bovine, ovine, caprine and porcine species or other biungulates unless it is accompanied by an official certificate which shall bear the following words—

“Meat conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

Dispatch of meat products

5.—(1) A person shall not dispatch meat products including treated stomachs, bladders and intestines of animals of the bovine, ovine, caprine and porcine species and other biungulates (“meat products”) unless they are accompanied by an official certificate which shall bear the following words—

“Meat products (including treated stomachs, bladders and intestines) conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(2) Paragraph (1) shall not apply to meat products which bear the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption^(b), provided that they—

- (a) are clearly identified and have been transported and stored since the date of production, separately from other meat products not eligible for dispatch outside Great Britain; and
- (b) are either—
 - (i) made from meats described in Article 2. 4(b) of the decision; or
 - (ii) have undergone at least one of the relevant treatments laid down for foot-and-mouth disease in Part 1 of Annex III to Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption^(c),

and have been processed in an establishment operating HACCP and an auditable standard operating procedure that ensures that standards for treatment are met and recorded, provided such compliance with paragraph (2)(b)(ii) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12.

(3) Paragraph (1) shall not apply to meat products heat treated in accordance with paragraph (2)(b)(ii) in hermetically sealed containers so as to ensure that they are shelf stable, provided that the commercial document accompanying the consignment states the heat treatment applied.

(a) O.J. No. L139, 30.4.2004, p. 55. The revised text of Regulation (EC) No 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p. 22) and that Regulation was last amended by Council Regulation (EC) No 1791/2006
(b) O.J. No. L139, 30.4.2004, p. 206. The revised text of Regulation (EC) No 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p. 83) and that Regulation was last amended by Council Regulation (EC) No 1791/2006
(c) O.J. L18, 23.1.2003, p. 11

Dispatch of milk

6.—(1) A person shall not dispatch milk unless it is accompanied by an official certificate which shall bear the following words—

“Milk conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(2) Paragraph (1) shall not apply to milk which has been subjected to a treatment in accordance with—

- (a) Part A of Annex IX to Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease^(a), if the milk is intended for human consumption; or
- (b) Part B of Annex IX to Directive 2003/85/EC, if the milk is not intended for human consumption or is intended for feeding to animals of species susceptible to foot-and-mouth disease,

and has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded and providing such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12.

(3) Paragraph (1) shall not apply to milk which conforms with the requirements of paragraph (2)(a) or (b) and which has been heat treated in hermetically sealed containers so as to ensure that it is shelf stable, provided that the commercial document accompanying the consignment states the heat treatment applied.

Dispatch of dairy products

7.—(1) A person shall not dispatch dairy products unless they are accompanied by an official certificate which shall bear the following words—

“Dairy products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(2) Paragraph (1) shall not apply to dairy products which are—

- (a) produced before 15 July 2007;
- (b) prepared from milk complying with regulation 6(2)(a) or (b);
- (c) produced from milk of a controlled pH less than 7.0 and subject to a heat treatment at a temperature of at least 72°C for at least 15 seconds, on the understanding that such treatment is not necessary for finished products, the ingredients of which comply with the respective animal health conditions laid down in Articles 2, 3 and 4 of the Decision; or
- (d) produced from raw milk of bovine, ovine or caprine animals which have been resident for at least 30 days on a holding situated, within Great Britain, in the centre of a circle of at least 10 km radius where no outbreak of foot-and-mouth disease has occurred during the 30 days prior to producing the raw milk, and which are subject to a maturation or ripening process of at least 90 days during with the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging,

and have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded and providing such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12.

(3) Paragraph (1) shall not apply to dairy products which conform to the requirements of paragraph (2) and have been heat treated in hermetically sealed containers so as to ensure that they

(a) O.J. No. L306, 22.11.2003, p. 1 as last amended by Directive 2006/104/EC (O.J. No. L363, 20.12.2006, p.352)

are shelf stable provided that the commercial document accompanying the consignment states the heat treatment applied.

Dispatch of semen, ova and embryos

8. A person shall not dispatch semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates unless—

(a) the health certificate accompanying frozen bovine semen shall bear the following words—

“Frozen bovine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”;

(b) the health certificate accompanying bovine embryos shall bear the following words—

“Bovine embryos conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”;

(c) the health certificate accompanying porcine semen shall bear the following words—

“Frozen porcine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

Dispatch of hides and skins

9.—(1) A person shall not dispatch hides and skins of the bovine, ovine, caprine and porcine species and other biungulates unless accompanied by an official certificate which shall bear the following words—

“Hides and skins conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(2) Paragraph (1) shall not apply to hides and skins which conform to the requirements of either—

(a) points (b) to (e) of paragraph 1 of Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002 laying down health rules concerning animal by-products not intended for human consumption^(a); or

(b) point (c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002,

provided compliance with those conditions is stated in the commercial document accompanying the consignment, endorsed (in the case of sub-paragraph (b)) in accordance with regulation 12.

Dispatch of animal products

10.—(1) A person shall not dispatch animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations unless they are accompanied by an official certificate which shall bear the following words—

“Animal products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(2) Paragraph (1) shall not apply to animal products which have been subjected to—

(a) heat treatment in a hermetically sealed container with a Fo value of 3,00 or more; or

(a) O.J. L 273, 10.10.2002, p. 1

(b) heat treatment in which the centre temperature is raised to at least 70°C;

(3) Paragraph (1) shall not apply to—

- (a) blood and blood products as defined in paragraphs 4 and 5 of Annex I to Regulation (EC) No 1774/2002 which have been subjected to at least one of the treatments provided for in paragraph 3(a)(ii) of Part A of Chapter IV of Annex VIII to Regulation (EC) No 1774/2002, followed by an effectiveness check, or have been imported in accordance with Part A of Chapter IV of Annex VIII to Regulation (EC) No. 1774/2002;
- (b) lard and rendered fats which have been subjected to the heat treatment prescribed in paragraph 2(d)(iv) of Part B of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002;
- (c) animal casings that comply with the conditions in Part A of Chapter 2 of Annex I to Directive 92/118/EC laying down animal health and public health requirements governing trade in and imports into the Community of certain products^(a) which have been cleaned, scraped and then either salted, bleached or dried, and where subsequently effective steps were taken to prevent the recontamination of the casings,

provided they are accompanied by a commercial document endorsed in accordance with regulation 12 of these Regulations.

(4) Paragraph (1) shall not apply to sheep wool, ruminant hair and pigs' bristles which have undergone factory washing or have been obtained from tanning and unprocessed sheep wool, ruminant hair and pigs' bristles which are securely enclosed in packaging and dry, provided they are accompanied by a commercial document stating either—

- (a) that the products have undergone factory washing or have been obtained from tanning; or
- (b) that the products comply with the conditions laid down in points 1 and 4 of Chapter VIII of Annex VIII to Regulation (EC) No 1774/2002.

(5) Paragraph (1) shall not apply to petfood—

- (a) conforming to the requirements of points 2 to 4 of Part B of Chapter II of Annex VIII to Regulation (EC) No 1774/2002; and
- (b) which have been produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the requirements of these Regulations,

provided they are accompanied by a commercial document endorsed in accordance with regulation 12

(6) Paragraph (1) shall not apply to composite products—

- (a) which are not subjected to further treatment containing products of animal origin on the understanding that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations; and
- (b) which have been produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the requirements of these Regulations,

provided they are accompanied by a commercial document endorsed in accordance with regulation 12.

(7) Paragraph (1) shall not apply to—

- (a) packed animal products intended for use as in-vitro diagnostic or laboratory reagents;
- (b) medicinal products as defined in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to medicinal products for human use^(b), veterinary medicinal products as defined in Directive 2001/82/EC of

(a) O.J. No. L62,15.3.1993, p. 49

(b) O.J. No. L311, 28.11.2001, p67

the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products^(a) and investigational medicinal products as defined in Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the member States relating to the conduct of clinical trials on medicinal products for human use^(b),

provided they are accompanied by a commercial document stating that the products are for use as in-vitro diagnostic or laboratory reagents and the products are clearly labelled “for in-vitro diagnostic use only” or “for laboratory use only” or as “medicinal products”.

(8) Paragraph (1) shall not apply to composite products that fulfil the conditions set out in Article 6(1) of Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts^(c), provided they are accompanied by a commercial document which shall bear the following words—

“These composite products are shelf stable at ambient temperature or have clearly undergone in their manufacture a complete cooking or heat treatment process throughout their substance, so that any raw material is de-natured”.

Exemptions

11. The prohibitions in regulations 5, 6, 7 and 10 shall not apply in relation to products not produced in the United Kingdom and which remain in their original packaging indicating the country of origin of the products.

Endorsement of commercial documents

12.—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document shall have attached to it an official certificate stating that—

- (a) the products concerned have been produced—
 - (i) in a production process that has been audited and found to be in compliance with the appropriate requirements in Community animal health legislation and suitable to destroy the foot-and-mouth disease virus; or
 - (ii) from pre-processed materials which have been certified accordingly; and
- (b) that provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

(2) The official certificate in paragraph (1) shall bear a reference to the Decision, be valid for 30 days, state the expiry date and be renewable after inspection of the establishment.

Powers of inspectors

13.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation “premises” includes any place, shed, land, building, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

(a) O.J. No. L311, 28.11.2001, p1
(b) O.J. No. L121, 1.5.2001, p34
(c) O.J. No. L116, 4.05.2007, p. 9

- (a) carry out inspections of any processes used for the marking and identification of animals or products of animal origin, any premises and any installation;
- (b) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (c) take with him a representative of the European Commission acting for the purposes of the Decision.

(3) The following provisions of the Order shall apply as if these Regulations were an order made under the Order—

- (a) Article 46 (general powers of inspectors);
- (b) Article 46A (powers of inspectors relating to Community obligations); and
- (c) Article 48 (power to detain vessels and aircraft).

Illegal consignments of products

14.—(1) This regulation shall have effect when an inspector, on reasonable grounds, suspects that any consignment, other than live animals, is intended to be dispatched in contravention of these Regulations.

(2) The inspector may seize the consignment and remove it in order to have it dealt with by a Lay Magistrate.

(3) If an inspector seizes a consignment, he shall inform the person appearing to him to be in charge of the consignment of his intention to have it dealt with by a Lay Magistrate, and—

- (a) any person who might be liable for prosecution under these Regulations in relation to the dispatch shall, if he attends before the Lay Magistrate by whom the consignment falls to be dealt with, be entitled to be heard and to call witnesses; and
- (b) the Lay Magistrate may, but need not, be a member of the court before which any person is charged with an offence under these Regulations in relation to that consignment.

(4) If it appears to a Lay Magistrate that there was an intention to dispatch the consignment in contravention of these Regulations he shall, unless he is satisfied that the consignment can be returned to the owner without risk of a further attempt to dispatch it in contravention of these Regulations, order that the consignment shall be destroyed or otherwise disposed of so as to prevent it from being despatched.

(5) When under the preceding paragraph a Lay Magistrate is satisfied that there was an intention to dispatch a consignment in breach of these Regulations, the owner, the consignor and the consignee shall be jointly and severally liable for the costs reasonably incurred in its removal to storage, its storage and its destruction or disposal.

Obstruction

15. A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his functions under these Regulations.

Furnishing false information

16. A person shall not furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

Penalties

17. A person contravening any provision of these Regulations shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 14th August 2007.



Elizabeth Redmond
A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, for Northern Ireland, Commission Decision 2007/554/EC concerning protection measures against foot-and-mouth disease in the United Kingdom.

They regulate—

- (a) the dispatch of live animals (regulation 3);
- (b) the dispatch of meat from bovine, ovine caprine and porcine animals (regulation 4);
- (c) the dispatch of meat products, milk and dairy products (regulations 5, 6 and 7);
- (d) the dispatch of semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates (regulation 8);
- (e) the dispatch of hides and skins (regulation 9); and
- (f) the dispatch of various other animal products (regulation 10).

They provide powers for enforcement (regulations 13 and 14) and create offences of obstruction and provision of false or misleading information (regulations 15 and 16).

Breach of the Regulations is an offence, punishable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.